

**Oversight & Governance**

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Published:

#plymlicensing

LICENSING SUB COMMITTEE

Tuesday 3 January 2023
11.00 am
Council House

Members:

Councillors Partridge, Rennie and Tippetts.

Fourth Member:

Councillor Mrs Pengelly.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

LICENSING SUB COMMITTEE

AGENDA

1. Appointment of Chair and Vice-Chair

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. Apologies

To receive apologies for non-attendance submitted by Committee Members.

3. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. Grant of Premises Licence - One Stop Stores Limited, One Stop, Cargo 2, 41 Milbay Road, Plymouth, PL1 3NG

The Director for Public Health will submit a report on the Grant of Premises Licence - One Stop Stores Limited, One Stop, Cargo 2, 41 Milbay Road, Plymouth, PL1 3NG

6. Exempt Business

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	03 January 2023
Title of Report:	Grant of Premises Licence
Lead Member:	Councillor Patel (Cabinet Member for Customer Services, Leisure and Sport)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Jon Ball (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	One Stop Shop Limited – Cargo 2
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from One Stop Stores Limited in respect of One Stop, Cargo 2, 41 Millbay Road, Plymouth, PL1 3NG for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:**Our Plan – A City to be proud of.**

This report links to the delivery of the City and Council objectives and outcomes within the plan.

Unlocking the City's Potential: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

Caring for People and Communities: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Financial Risks

Not Applicable

Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)[Licensing Act 2003](#)[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title							
B	Equalities Impact Assessment (if applicable)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Application									

Sign off:

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Originating Senior Leadership Team member: [Click here to enter text.](#)

Please confirm the Strategic Director(s) has agreed the report? [Choose](#)

Date agreed: [Date.](#)

Cabinet Member approval: [electronic signature (or typed name and statement of 'approved by email/verbally')]

Date approved: [Date.](#)

1.0 INTRODUCTION

1.1 On the 11/11/2022 the licensing department received an application from One Stop Stores Limited, for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of One Stop, situated at Cargo2, 41 Millbay Road, Plymouth.

1.2 Grant application.

Premises Licence application for a new convenience Store.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Opening Hours

Monday to Sunday 0600 hours to 2300 hours

Supply of Alcohol for consumption OFF the premises.

Monday to Sunday 0600 hours to 2300 hours

1.4 The applicant has submitted an Operating Schedule (Appendix A).

1.5 The applicant has submitted a plan of the Premises (Appendix B)

1.6 Representations have been received in respect of this application.

1.7 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – no representation was received as the Police agreed conditions with the applicant (Appendix C).

2.2 *Environmental Health* – no representations

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

2.8 *Health Authority (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

4 letters of representations have been received that are attached to this report marked appendix D.

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision the Committee is also obliged to have regard to:

- the guidance issued under section 182 of the Licensing Act 2003 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1, 2.3, 2.7, 2.15 – 2.16, 2.21-2.24, 2.26 - 2.29, 9.3, 9.11, 9.33 - 9.40. 9.42 – 9.44 and 10.10.
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Safeguarding (page 7), Dispersal Policy (Page 12); Responsible Retailing for Off Sales (page 16), Off Licence design and layout (page 17), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22)
- the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as applied for subject to:
 - a. The conditions consistent with the operating schedule (modified* as considered appropriate for the promotion of the Licensing Objectives),
 - b. The mandatory conditions under sections 19, 20 and 21 of the Act, and
 - c. Any other conditions considered appropriate for the promotion of the licensing objectives

* modified includes altering, omitting or adding to them

2. Grant the licence as above but exclude any of the licensable activities detailed on the application from the licence
3. Refuse to specify a designated premises supervisor
4. Reject the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

APPENDIX A

Section 18 of 21
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)

<i>Continued from previous page...</i>
List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder
The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping.
A staff member from the premises who is able to operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member will be able to show the police or other authorised officer data or footage within the minimum of delay when requested to do so.
A refusals log will be maintained in accordance with company policy and made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open. The refusals log will record the date and time of challenged and refused sales, the identity of the member of staff refusing the sale and details of the alcohol the customer attempted to purchase.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm
All staff 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) for evidence of age (Challenge 25). This evidence shall be photographic, such as passport or photographic driving licence, or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram, until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced.
Till prompts will be installed to remind staff to check the age of customers for sales of age-restricted products.

APPENDIX C

One Stop Shop
Cargo 2, 41 Millbay Road,
PLYMOUTH.
PL1 3NG

List of suggested licensing conditions:-

1. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
2. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of the cashier / staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises).
3. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
4. The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
5. Images shall be retained for a minimum of 31 days
6. The CCTV system shall be capable of downloading images to a recognizable viewable format.
7. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised office
8. Minimum of two staff to be on duty at times the premises remain open for sale
9. No single cans or bottles of beer or cider will be sold
10. No sale of high strength beers or ciders above 6.5 ABV
11. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those purchasing off sales information of the city Public Space Protection Order.

Protection of Children:-

12. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all staff, supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and then twice annually. Electronic training records shall be made available to an enforcement officer on request. Historical training records extending back to a period of three years, should be made available within 48 hours.
13. The Premises Licence Holder or Designated Premises Supervisor shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorized enforcement officer on request.

Appendix D: Table of Responses

Item	Date rec'd	Representation from:	Licensing Objective(s) detailed in representation	Representation details
1	30/11/2022	Local Resident Millbay Road	The prevention of crime and disorder. Public safety. The prevention of public nuisance. The protection of children from harm	There are already 3 premises selling alcohol within 300m and 2 supermarkets very close by. Issue within the area with street drinkers and antisocial behaviour /crime which this would worsen. Noise issues and lack of parking on a busy junction is a danger premises opposite a school, late night disturbance of residents.
2	09/12/2022	Local Resident North Road West and Parent of child attending local school	The prevention of crime and disorder. Public safety. The prevention of public nuisance. The protection of children from harm	Anti-social behaviour is known in the area already. A store close by has previously lost its licence due to this. There is a support service for disabled people very close by on Phoenix street, vulnerable people attend. This could compromise their safety. All of the above should be considered a public nuisance, being close to a school and disabled establishment. The local school overlooks the premises, which could subject children to antisocial behaviours from the windows. Also an establishment selling alcohol is not ideal close to a school. This is a deprived area with some of Plymouths most deprived children attending Millbay academy.
3	09/12/2022	Parent of child attending local school	The prevention of crime and disorder. Public safety. The prevention of public nuisance. The protection of children from harm	I am aware this is proposed to be turned into a One Stop Shop selling alcohol, alongside other goods. I really feel this should not go ahead, not only is this in a dangerous position very close to a zebra crossing and school building (cars already pull onto the pavement around this area and often do not stop at the crossing-this will only get worse with a shop here too), parking in the area is already dangerous with double parking a daily occurrence. Additionally the area is already well known with individuals struggling with addictions of various sorts-I feel this would invite some of these people to the very grounds of a school that supports some of the

				<p>most vulnerable children from the most deprived areas of the city. The street drinking at the moment is somewhat removed from the school area, however this new shop selling alcohol would bring this to the school doorstep. Please note I am more than happy to speak with whoever is concerned or attend any meetings that may occur on the back of this rejection.</p>
4	09/12/2022	Councillor Chris Penberthy	<p>The prevention of crime and disorder. The prevention of public nuisance. The protection of children from harm</p>	<p>The site is near to existing areas of antisocial behaviour relating to drink and drug use. An additional place to purchase alcohol could create problems for local residents and pupils of the school across the road. It is also very close to a Cumulative Impact Area and has the potential to become a place for displaced bad activity.</p> <p>An extra care housing scheme (directly opposite) and a hotel (1 street away) are both currently being constructed and a new residential development also opposite the site is currently in pre-planning.</p> <p>There is a generous pavement on the three frontages of the premises that could become an assembly point for people to behave in an antisocial fashion.</p> <p>Potential mitigation would be for the licensee to have conditions</p> <ul style="list-style-type: none"> • requiring them to ensure that people did not assemble on the pavement outside any of their frontages • requiring them to provide external CCTV for any areas not covered by the city's provision • matching those in Union Street convenience stores on alcohol strengths, single sales, etc. <p>The issues relating to anti-social behaviour also apply here and should be noted as potential public nuisance.</p> <p>A convenience store often produces litter which can cause a public nuisance.</p> <p>In mitigation I would therefore ask that additionally the licensee provides an external litter bin and ensures that the contents of this are appropriately disposed of.</p>

				<p>The premises are opposite a large school with pupils aged 4-16, with a high proportion of children with vulnerabilities.</p> <p>In mitigation I would ask that conditions are applied:</p> <ul style="list-style-type: none"> • To ban any advertising of alcohol or tobacco on fascia's, protruding signs, awnings, shopfront, window displays and street furniture • That alcohol is not visible through the frontages on Millbay Road or the roundabout
5	09/12/2022	Local School	The prevention of crime and disorder. The prevention of public nuisance. The protection of children from harm	Please see below documents.

Agenda Item 5

Page 12

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation Jason
Trevarthen - Millbay Academy Executive
Headteacher

Address 22 Millbay Rd, Stonehouse, Plymouth

Postcode PL1 3EG

I am

Representative of residents association Representative of trade/business association

Ward Councillor * Other (please specify)

MP Headteacher Millbay Academy

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

As an Academy we already face significant challenges within the immediate area around us including: drug use, a local drug and alcohol shelter, a homeless shelter that helps adults with challenges and health issues, restorative justice, and at times sex workers at the rear of the building. We also are within walking distance of the local pupil referral unit (ACE), with students that, at times can cause challenges by arriving outside of the school perimeter.

The introduction of a shop selling alcohol etc, would likely draw the aforementioned groups to congregate even nearer to the school creating a greater risk to our pupils (with potential increase in crime and disorder around the Academy). There are other stores in the vicinity which sell alcohol etc, so an additional alcohol retailer so close to the school is unnecessary especially given the increased risk to children as a result.

There are numerous examples of anti-social behaviours outside of stores such as these and believe that the risk to many of our vulnerable young children would be significant.

PLEASE SEE ADDITIONAL LETTER AT THE END OF THIS DOCUMENT

Public safety

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering.

Alongside the Academy, we regularly experience anti-social behaviour around the perimeter of the site. This has included members of public and the shelters being intoxicated, shouting, fighting, urinating, exposing themselves and leaving broken bottles alongside needles etc. The introduction of the One Stop shop we believe will be extremely detrimental to our most vulnerable students and could even see some encouraged into unsafe behaviours. There will be increased litter and the disturbance would be a clear distraction to the safe education of our young people.

The protection of children from harm

For example underage sales, exposure to certain performances

The classroom windows look out over the surrounding streets, including where the One Stop is proposed, and this will mean that children will be able to observe the selling of alcohol and the possible associated behaviour issues that often occur outside such shops. Witnessing any such issues is likely to impact on them feeling safe at school as they will need to pass this shop on entering and exiting the school. This may result in our anxious pupils not attending school and impacting negatively on their mental health, education, wellbeing and risk of grooming and child exploitation.

In addition, we are working hard with some of our pupils around healthy living and positive behaviours. Having a shop so close will make it easier for pupils to attempt to purchase alcohol and other prohibited items eg vapes or ask adults to do so on their behalf. This again increases the risk to our most vulnerable pupils.

I hope you will consider carefully the negative impact that this type of shop will have on the wellbeing of our pupils, including those most vulnerable.

Open application 088443 which is a New Application for Premises Licence

Dear Sir/Madam

I am writing to object to the proposal for a One Stop Shop to be opened directly opposite Millbay Academy. The sale of alcohol, smoking paraphernalia etc is of particular concern, by One Stop Stores Limited at One Stop, Cargo 2, Millbay Road, Plymouth, Devon, PL1 3NG.

This store will be directly alongside Millbay Academy. Millbay Academy is a school for children aged 4-16. We have over 25% of our children with additional and special educational needs and disabilities, as well as high levels of safeguarding concerns, and social care involvement, for our children and families.

As an Academy we already face significant challenges within the immediate area around us including: drug use, a local drug and alcohol shelter, a homeless shelter that helps adults with challenges and health issues, restorative justice, and at times sex workers at the rear of the building. We also are within walking distance of the local pupil referral unit (ACE), with students that, at times can cause challenges by arriving outside of the school perimeter.

The introduction of a shop selling alcohol etc, would likely draw the aforementioned groups to congregate even nearer to the school creating a greater risk to our pupils. There are other stores in the vicinity which sell alcohol etc, so an additional alcohol retailer so close to the school is unnecessary especially given the increased risk to children as a result.

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In addition, we are working hard with some of our pupils around healthy living and positive behaviours. Having a shop so close will make it easier for pupils to attempt to purchase alcohol and other prohibited items or ask adults to do so on their behalf. This again increases the risk to our most vulnerable pupils.

I hope you will consider carefully the negative impact that this type of shop will have on the wellbeing of our pupils, including those most vulnerable. I am happy to speak further should you need any further information. Please contact me at Millbay Academy.

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