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Oversight and Governance

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#plymlicensing

LICENSING SUB COMMITTEE

Monday 5 February 2024

10.00 am

Council House

Members:

Councillors Rennie, Tippetts and Salmon.

Fourth Member:

Councillor Moore.

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 – [Get Involved](#)

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. **Premises Licence Grant Report - Stoke Grill: (Pages 1 - 10)**

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) (1,2,3,4,5,6,7) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	05 February 2024
Title of Report:	Grant of Premises Licence Stoke Grill
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Services, Sport, Leisure and Human Resources and Organisational Development)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Senior Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Stoke Grill
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Jalil Ali Amin in respect of Stoke Grill. 62 Devonport Road, Stoke, Plymouth. PL3 4DF for the Grant of a premises licence under Section 17 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 – December 2023](#)

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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1.0 INTRODUCTION

1.1 On 11th December 2023 the licensing department received an application from Jalil Ali Amin for the Grant of a Premises Licence under Section 17 Licensing Act 2003 in respect of Stoke Grill situated at 62 Devonport Road, Stoke, Plymouth. PL3 4DF

1.2 Grant application.

Takeaway food premises offering a range of Pizzas, Burgers and Kebabs.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(i) Late Night Refreshment (Indoors)

Monday to Sunday 23:00hrs to 02:00hrs

(i) Hours Premises are Open to the Public

Monday to Sunday 16:00hrs to 02:00hrs

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

1.5 Premises Site Plan supplied by applicant. (Appendix B).

1.6 Site location of Premises (Appendix C).

1.7 Representations have been received in respect of this application.

1.8 Cumulative Impact Policy

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – no representations.

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

One letter has 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, 1.19, 2.1,2.3, 2.14 – 2.15, 2.20-2.27, 3.12, 8.41,8.43, 9.3,9.11, 9.33 - 9.37, 9.38 – 9.40, 9.42 – 9.44, 10.8 - 10.10 and 10.13 – 10.14.
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Late Night Refreshment (page 13), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22), Cumulative Impact Policy (page 27) 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.

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)

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

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that staff will undertake training in their responsibilities. Records will be kept of training and refresher training

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for

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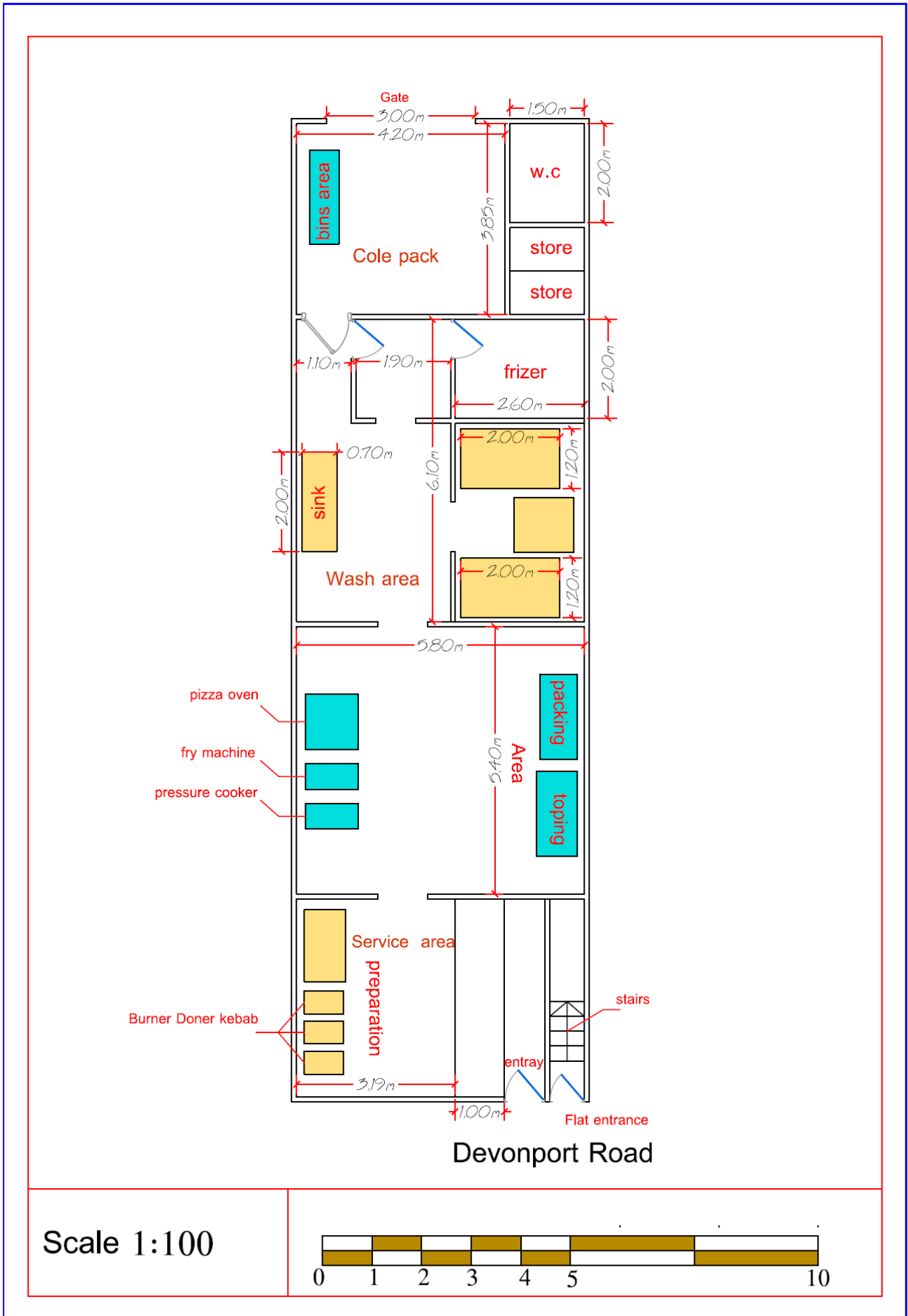
details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

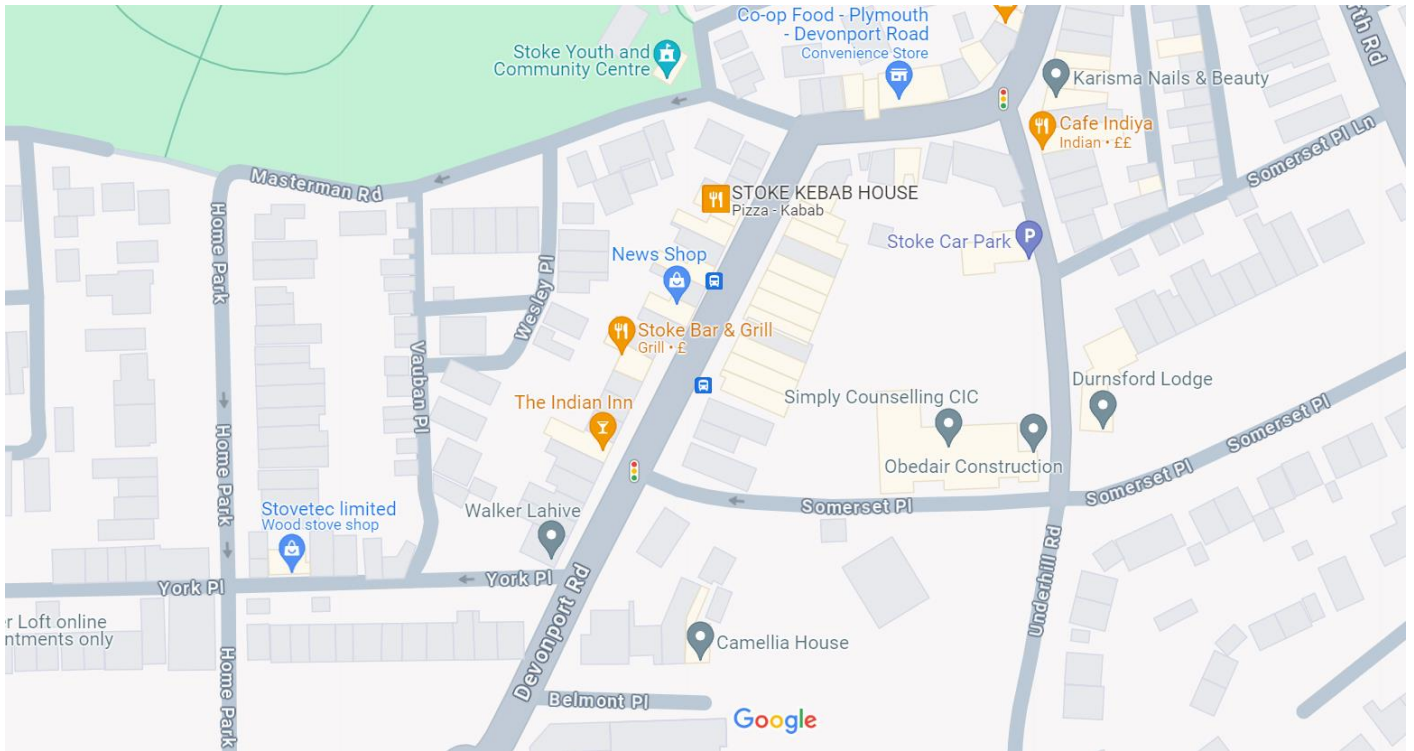
All staff will be trained for UNDERAGE SALES PREVENTION regularly.
A register of refused sales shall be kept and maintained on the premises.



Scale 1:100



Appendix C



From:
To: [Licensing](#)
Subject: Stoke Grill licensing application
Date: 04 January 2024 14:24:17
Importance: High

Dear Sirs,

Ref Stoke Grill 62 Devonport Road, Stoke, Plymouth, Devon, PL3 4DF

Open application 093671 which is a New Application for Premises Licence

I object to this application for the following reasons.

Having placed a previous application regarding this business and its opening hours the objections raised where;

1. The noise of the drivers on their phones in the service lane to the rear
2. The filth on the streets
3. The filth in the back lane
4. The constant door slamming to the rear of the property
5. Constant coming and going without any consideration to the families trying to sleep
6. The drivers are constantly parked in the rear service lane blocking neighbour's garages – difficult enough to park in stoke village without this additional constant hassle
7. The drivers are constantly driving down the wrong way on the one-way system
8. These types of premises attract the drunks falling out of the pubs in the early hours, we as residents are greeted with the noise, vomit and worst because of their customers.
9. There has been more than one occasion where their clients have caused serious violent acts and police have been called.

All these issues are still relevant however, at the previous application the owner **promised** he would sort the problems raised.

Now it seems every week they are adding more and more lights to the premises and the light pollution is really bad – it is a major distraction to drivers and to the neighbours trying to sleep opposite.

Not one of the above issues have changed despite all the promises.

I hope you will take my concerns as seriously as you did in the previous application to extend the hrs of these premises.

Many thanks