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#plymlicensing

Democratic Support

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LICENSING SUB COMMITTEE

Monday 11 November 2024

10.00 am

Council House

Members:

Councillors Hendy, Stephens and Ms Watkin.

Fourth Member:

Councillor Allen.

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. GRANT OF PREMISES LICENCE: NO 36 WINE & COCKTAIL BAR: (Pages 1 - 16)

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:	11 November 2024
Title of Report:	Grant of Premises Licence – No 36 Wine & Cocktail Bar
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:	No 36 Wine & Cocktail Bar
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Malcolm Pluckrose in respect of No 36 Wine & Cocktail Bar. 36 Springfield Road, Elburton, Plymouth. PL9 8EN 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	A - Operating Schedule							
C	B – Site Plan							
D	C – Location Plan							
E	D – Conditions agreed with Police							
F	E – Conditions agreed with Environmental Health Department							
G	F – Resident Representation							

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)						
	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.						
	1	2	3	4	5	6	7
Application							

Sign off:

Fin	Click here to enter text.	Leg	IW 23.10.24 4051	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: N/A											
Please confirm the Strategic Director(s) has agreed the report? N/A											
Date agreed: N/A											
Cabinet Member approval: N/A											
Date approved: N/A											

1.0 INTRODUCTION

- 1.1 On 20th September 2024 the licensing department received an application from Malcolm Pluckrose for the Grant of a Premises Licence under Section 17 Licensing Act 2003 in respect of No 36 Wine & Cocktail Bar situated at 36 Springfield Road, Elburton, Plymouth. PL9 8EN.

1.2 Grant application.

The Application states: - “The premises will be a little 20 seat Wine and cocktail bar, selling different wines and cocktails to the public, we are looking for this to be a quiet and comfortable little area for people to come in and relax and enjoy the space with a glass or cocktail of their choice.”

The applicant has advised that he will be the Designated Premises Supervisor however he is yet to complete the personal licence course and apply for a Personal Licence. We have been advised that he is in the process of completing this and it should be done by the time they are due to start trading.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(j) Supply of Alcohol for consumption ON and OFF the premises.</u>
Monday to Sunday 12:00hrs to 23:00hrs
<u>(l) Hours Premises are Open to the Public</u>
Monday to Sunday 12:00hrs to 23:00hrs

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

- 1.5 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 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. The agreed conditions are at Appendix D

- 2.2 *Environmental Health* – No representation was received as Environmental Health have agreed conditions with the applicant. The agreed conditions are at Appendix E

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 valid representation has been received that is attached to this report marked appendix F

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, 2.21-2.27, 2.28-2.37, 8.41-8.49 9.3, 9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 14); Licensing Hours (Page 14), Location and Trading restrictions (page 19), Protecting children from harm (page 20), Public Nuisance (Page 22), Licensing conditions (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.

Appendix A

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

I will make sure there are sufficient and trained staff on duty at all times, to deal with the responsibilities in relation to sale of alcohol and the running of the day to day.

b) The prevention of crime and disorder

I will carry out a premises risk assessment, to identify any great risks and take measures to prevent them from happening.
I will also consider the layout and how the layout of the premises could facilitate or obstruct crime.

c) Public safety

My priority will be public safety, I will have the appropriate fire safety procedures and keep all emergency exits clear from obstructions

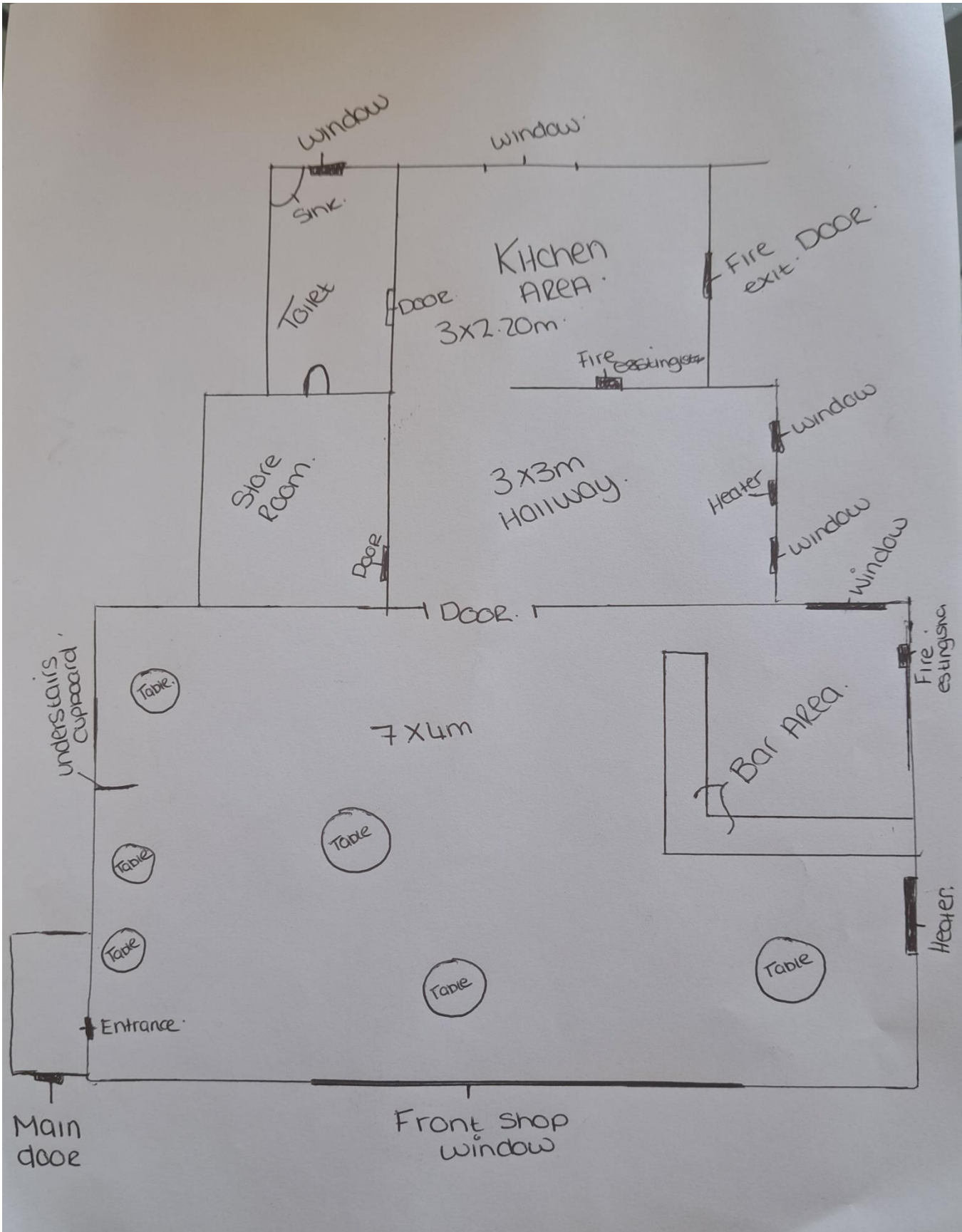
d) The prevention of public nuisance

I will have a clear and legible notice reminding people to leave quietly and respectfully.

e) The protection of children from harm

I will make sure all staff check customers' ages and make sure I put the challenge 25 in place. I could also put in place a register of refused sales.

Appendix B



Appendix C



Appendix D

From:**Sent:** 14 October 2024 09:23**To:** Licensing <licensin@plymouth.gov.uk>**Subject:** No 36 Wine and Cocktail Bar New Premises Licence

Good morning,

In relation for a new application for a premises licence for the business known as No 36 Wine and Cocktail bar, 36 Springfield Road, Plymouth, PL9 8EN.

I have mediated with the applicant and we have agreed to add the conditions attached.

Please see email below for agreement and find conditions attached.

Kind regards

**Police Alcohol Licensing Officer
(Plymouth and Torpoint)**

Alcohol Licensing

Devon & Cornwall Police, Charles Cross Police Station, Hampton Street, Plymouth, PL4 8HG



From:**Sent:** Friday, October 11, 2024 11:05 AM**To:****Subject:** Re: No 36 Wine and Cocktail Bar New Premises Licence

Hello

Yes I agree to all the term.

Malcolm pluckrose

**Alcohol Licensing Department**

Charles Cross Police Station, Hampton Street, Plymouth PL4 8HG

☎ 101 Non-urgent

☎ 999 in an emergency

🌐 www.devon-cornwall.police.uk

📧 101@dc.police.uk

📱 DevonAndCornwallPolice

📱 @DC_Police

📱 dc_police.999

📱 DCPolice

No 36 Wine and Cocktail Bar
36 Springfield Road
Plymouth
PL9 8EN

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

i. The *Challenge 25* scheme in operation at the premises, including the forms of identification that are acceptable.

ii. The hours and activities permitted by the *premises licence* issued under the Licensing Act 2003 and conditions attached to the licence.

iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).

iv. Recognising the signs of drunkenness.

v. 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.

vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

3. Training records will be retained for at least 12 months.

4. An incident book shall be maintained to record any activity of a violent, criminal, or anti-social nature. The record 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.

5. 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 authorised enforcement officer on request.

**Alcohol Licensing Department**

Charles Cross Police Station, Hampton Street, Plymouth PL4 8HG

☎ 101 Non-urgent

☎ 999 in an emergency

🌐 www.devon-cornwall.police.uk

✉ 101@dc.police.uk

📱 DevonAndCornwallPolice

📱 @DC_Police

📱 dc_police.999

📱 DCPolice

6. Alcohol consumed in the premises shall only be consumed by patrons seated at tables.

7. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request that patrons make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.

8. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a *Challenge 25* proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 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.

Appendix E

From:**Sent:** 01 October 2024 10:24**To:** Licensing <licensin@plymouth.gov.uk>**Subject:** FW: Licence Application - N° 36 Wine & Cocktail Bar Ref: 952881

OFFICIAL

Good morning,

Please find agreed conditions below to be included in the licence for N° 36 Wine & Cocktail Bar if granted.

If you require anything further please do not hesitate to contact me.

Regards

Will Tomkins

Env Health/Trading Standards Officer

Intelligence and Licensing

Windsor House

Tavistock Road

Plymouth

Devon

PL6 5UF

www.plymouth.gov.uk**From:****Sent:** Tuesday, October 1, 2024 10:32 AM**To:****Subject:** Re: Licence Application - N° 36 Wine & Cocktail Bar Ref: 952881

Hello,

I agree to the terms of your email.

Malcolm

On Tue, 1 Oct 2024, 10:05 Will Tomkins, <Will.Tomkins@plymouth.gov.uk> wrote:

OFFICIAL

Dear Mr Pluckrose,

I am writing having received your licence application for N° 36 Wine & Cocktail Bar and following our conversation earlier today. As discussed the following conditions are considered applicable for the licensing objective for the prevention of public nuisance;

1. The pavement at the front of the premises and any outdoor seating area must be kept clean. These areas must be swept and cleared of any litter at the start and end of trading.

2. During opening hours suitable provision will be provided for the collection of smoking related litter.

If you are happy for the above conditions to be added to the premises licence please confirm by return email. Alternatively please suggest any alternative conditions that you feel would meet the licensing objective for the prevent of public nuisance.

If you require any further information or would like to discuss this further then please do not hesitate to contact me.

Regards

Will Tomkins

Env Health/Trading Standards Officer
Intelligence and Licensing
Windsor House
Tavistock Road
Plymouth
Devon
PL6 5UF

www.plymouth.gov.uk

Appendix F

LICENSING REPRESENTATION



Case reference: FS-Case-649588785

Premises	
Name of the premises:	No.36 Wine and Cocktail Bar
With regard to the following application I want to:	Object
Premises address:	Ground Floor Shop 36 Springfield Road, Plymouth, Devon, PL9 8EN
Representation	
In what capacity are you applying:	Any other person

div>

Name:	
Telephone number:	
Mobile number:	
Email address:	
Address:	
Representation details	
Whick of the following Licensing Objectives is this representation relevant to:	A. The prevention of crime and disorder, B. Public safety, C. The prevention of public nuisance, D. The protection of children from harm

<p>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</p>	<p>1 There is already a shop in the village that is licensed for off sales of alcohol.</p> <p>2 There are already two other establishment's within 5 minutes walk and both with adequate parking licensed for the consumption of alcohol on their premises.</p> <p>3 All the other shops and takeaways in the village are closed by 10pm.</p> <p>4 I fear the noise created by the premises and patrons would badly impact the quality of life of the local residents of the flats around the building and the local residential home in the village.</p> <p>5 As there is already minimal parking available for residents in the streets around the area I fear that patrons who decide to drive to the venue will cause major disruption and if over the legal limit for driving would cause a danger to the users of the local businesses.</p> <p>6 As the venue proposes to be open until 11 pm I am worried about an increase in the levels of crime and violent disorder in what is an area of minimal crime.</p> <p>7 An entrance to the local primary school is on the same street within 30 seconds walk. This could lead to the prospect of extra possible harm to children on what is already one of the busiest roads in the area.</p> <p>8 I am also worried that the person making the application appears to have no history of working in the pub trade and may have no understanding of how the venue may impact on residents living nearby and their quality of life.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</p>	<p>Yes</p>
<p>Provide reasons:</p>	<p>As a local resident i fear possible recriminations</p>
<p>Number of documents in support of your representation uploaded:</p>	<p>0</p>
<p align="center">Declaration</p>	
<p>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</p>	
<p>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</p>	
<p>Signed:</p>	
<p>Date:</p>	<p>24/09/2024</p>