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LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 8 FEBRUARY 2011
TIME: 10AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –
Councillors Mrs Bowyer, Gordon and Rennie

Fourth Member –
Councillor Delbridge

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

Members and Officers are requested to sign the attendance list at the meeting.

Please note that, unless the chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

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.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

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

**4. VARIATION OF PREMISES LICENCE - UNION STREET (PAGES 1-8)
FOOD AND WINE, 61A UNION STREET, PLYMOUTH**

The Director for Community Services will submit a report on the variation of a premises licence.

5. 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 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Sub-Committee 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.

Subject: Union Street Food & Wine, 61A Union Street,
Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 8 February 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Thompson & Jackson Solicitors on behalf of Blessing Traders (Plymouth) Ltd in respect of Union Street Food & Wine, 61A Union Street, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Delivering Growth

www.plymouth.gov.uk/corporateplan.htm

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: e.g. Section 17 - Community Safety, Health and Safety, Equalities Impact Assessment etc.

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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg	SD/10688 /19.01.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 16 December 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Blessing Traders (Plymouth) Ltd in respect of Union Street Food & Wine, 61A Union Street, Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<u>(l) Late Night Refreshment</u>	<u>(l) Late Night Refreshment</u> Hours Mon to Sun 23.00hrs to 02.00hrs
<u>(m) The Sale by Retail of Alcohol for consumption OFF the premises.</u> Hours Mon to Sun 08.00hrs to 23.00hrs	<u>(m) The Sale by Retail of Alcohol for consumption OFF the premises.</u> Hours Mon to Sun 08.00hrs to 02.00hrs
<u>(o) Hours premises are open to the public</u> Hours Mon to Sun 07.00hrs to 23.00hrs	<u>(o) Hours premises are open to the public</u> Hours Mon to Sun 08.00hrs to 02.00hrs

1.3 Variation application.

The nature of the proposed variation is;

To vary the terminal hour for the sale of alcohol for consumption off the premises to 02.00hrs each day and to allow for late night refreshment sales.

Current conditions (Appendix 1).

1.4 Representations have been received in respect of this application.

1.5 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 – have made representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance (Appendix 2).
- 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.

3.0 INTERESTED PARTIES

No letters of representation has been received from residents living within the vicinity of the premises.

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 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

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

1. Modify the conditions of the licence
2. Reject the whole or part of the application;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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 necessary in order to promote the licensing objectives.

ANNEX 1 - MANDATORY CONDITIONS

- (1) The first condition is that no supply of alcohol may be made under the premises licence: -
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (4) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**Conditions agreed with the Police Licensing Department**

1. Whenever the designated premises supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises.
2. CCTV to be installed to comply with the UK Police Requirements for Digital CCTV Systems
3. CCTV cameras to be kept clean and maintained at all times.
4. CCTV images will be retained for a minimum of 31 days.
5. Identification images will be taken of persons entering or leaving the premises
6. The CCTV system will have the capability of downloading the images to a recognised format.
7. A register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time, date and location of incident, time and date of hand on to Police.
8. During trading hours, members of staff present who are trained to view and download images from CCTV at request of Police.
9. The Police Licensing Department will be informed if the CCTV system is not working.
10. A register will be kept to record any refusal of sale for any age restricted goods. It will contain the date and time, product, name of person or description, any observations and the staff member. The register will be made available for up to six months to Police or any other responsible authority for inspection, if required.

Protection of Children From Harm

- Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only form of identification acceptable:
[UK photo driving licence]
[Passport]
[PASS accredited cards]
- Notices (obtained from Police if required) publicising the Challenge 25 initiative shall be clearly displayed at the entrance to the premises and behind the counter at all times.
- Regular and documented training of staff will be kept in relation to the prevention of under age sales. It will be available for inspection by the Police or any other responsible authority for inspection, if required.

Steps that have been taken to promote the Four Licensing Objectives

General

1. Training of staff appropriate to their role by a personal licence holder.
2. Supervision of staff by a personal licence holder.
3. Senior staff encouraged to seek an appropriate licensing qualification and a personal licence where appropriate.
4. A personal licence holder on duty whenever possible when premises are open.
5. Adequate staffing levels.
6. Staff banned from drinking on duty.
7. Records maintained of any material incidents within or in immediate vicinity of premises.
8. Zero tolerance to drugs use and dealing.
9. Access to legal advice on all licensing issues.
10. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate.
11. Support for Exclusion Orders imposed by Courts.
12. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
13. Food available.

The prevention of crime and disorder

1. Specific staff training and supervision in assessment of customer consumption and condition.
2. No cheap drinks, promotions, cut-price drinks, "package deals" other than on isolated and special occasion.
3. Pro-active policy against "binge" drinking.
4. Zero tolerance to offensive conduct.

Public Safety

1. No smoking throughout.
2. Regular inspection of electrical installation, fire fighting equipment, gas installation, emergency lighting.
3. Staff training in at least minimum hygiene standards.
4. Regular dedicated cleaning of premises.
5. Specific Food Hygiene Standards complied with.
6. Health and Safety Risk Assessment for staff and customers.
7. Facilities and staff assistance for disabled.
8. Limit on number in premises.

The Prevention of Public Nuisance

1. Nominated staff to deal with complaints from neighbours.
2. "Open-door" policy towards neighbours.
3. CCTV and/or regular monitoring of external areas of premises at night.

Protection of children from harm

1. No consumption of alcohol by anyone under 18 permitted.
2. Warning notices in place.
3. Full training for staff in law specifically relating to minors and alcohol and specific photo i/d proof of age requirements.

There will be no adult entertainment at this premises

- Are going to be in possession of bottles and cans in public areas both open and unopened thereby increasing the potential for use as weapons in violent crime
- Are likely to impact on levels of violence and disorder reported.

.Consequently the police believe it reasonable to suggest that the granting of a licence authorising the retail sale of alcohol until 0200hrs is likely to increase levels of crime and incidents of public disorder and public nuisance.

Yours sincerely

D. MCINDOE
Licensing Officer
Devon & Cornwall Constabulary