

**LICENSING SUB COMMITTEE
(MISCELLANEOUS)**

10.00 am, Tuesday 31 May 2011



CONTACT

Helen Rickman, Democratic Support Officer
01752 304022 helen.rickman@plymouth.gov.uk

TO COUNCILLORS

Councillors Browne, Lock and Rennie
Fourth Member – Councillor Delbridge

VENUE

Council House, Plymouth (next to the Civic Centre)

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 be advised 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.

AGENDA

PART I – PUBLIC MEETING

- 1. APPOINTMENT OF CHAIR AND VICE-CHAIR**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
- 4. CHAIR'S URGENT BUSINESS**
- 5. GRANT OF PREMISES LICENCE - PREMIERE BAR & GRILL (PREVIOUSLY STOP BY TAKEAWAY) 429A CROWNHILL ROAD, WEST PARK, PLYMOUTH**

(Pages 1 - 12)

6. EXEMPT BUSINESS

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.

CITY OF PLYMOUTH

Subject: Premiere Bar & Grill (previously Stop by Takeaway) 429A Crownhill Road, West Park, Plymouth.
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 31 May 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 Gill Akaster Solicitors on behalf of Mr Vahid Babolhavaeji in respect of Premiere Bar & Grill, 429A Crownhill Road, West Park, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2011- 2014:

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

1. Informing and involving residents.
 2. Improving culture and leisure activities.
-

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

Not applicable.

Other Implications: eg. 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/13.5.11/11657	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 14th April 2011 the licensing department received an application from Gill Akaster Solicitors on behalf of Mr Vahid Babolhavaeji for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Premiere Bar & Grill (previously known as Stop by Takeaway) situated at 429A Crownhill Road, West Park, Plymouth.

1.2 Grant application.

The premises are currently operating as a hot food takeaway. It is proposed to extend to a licensed café and bar for customers consuming food and drink sat at tables and chairs placed in the dining area and front forecourt. Plan of premises (Appendix 1).

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>Late Night Refreshment</u> (Both Indoors and Outdoors)	
Hours	
Sunday to Thursday	23.00hrs to Midnight
Friday & Saturday	23.00hrs to 01.00hrs
Non Standard Timings	
Christmas Day and New Years Eve	23.00hrs to 02.00hrs
<u>Supply of Alcohol</u> (Consumption both ON and OFF the premises)	
Hours	
Monday to Thursday	09.00hrs to 23.30hrs
Friday & Saturday	09.00hrs to 00.30hrs
Sunday	10.00hrs to 23.30hrs
Non Standard Timings	
Christmas Day and New Years Eve	until 02.00hrs
<u>Hours Premises Open to the Public</u>	
Hours	
Monday to Thursday	09.00hrs to Midnight
Friday & Saturday	09.00hrs to 01.00hrs
Sunday	10.00hrs to Midnight
Non Standard Timings	
Christmas Day and New Years Eve	until 02.30hrs

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

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

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – have made representation relating to the Prevention of Public Nuisance (Appendix 2).

2.2 *Devon & Cornwall Constabulary* – 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

2 – letters of representation have been received from businesses operating in the vicinity of the premises (Appendices 3 & 4).

1- letter of representation has been received from a resident living within the vicinity of the premises (Appendix 5).

4.0 CONSIDERATIONS

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

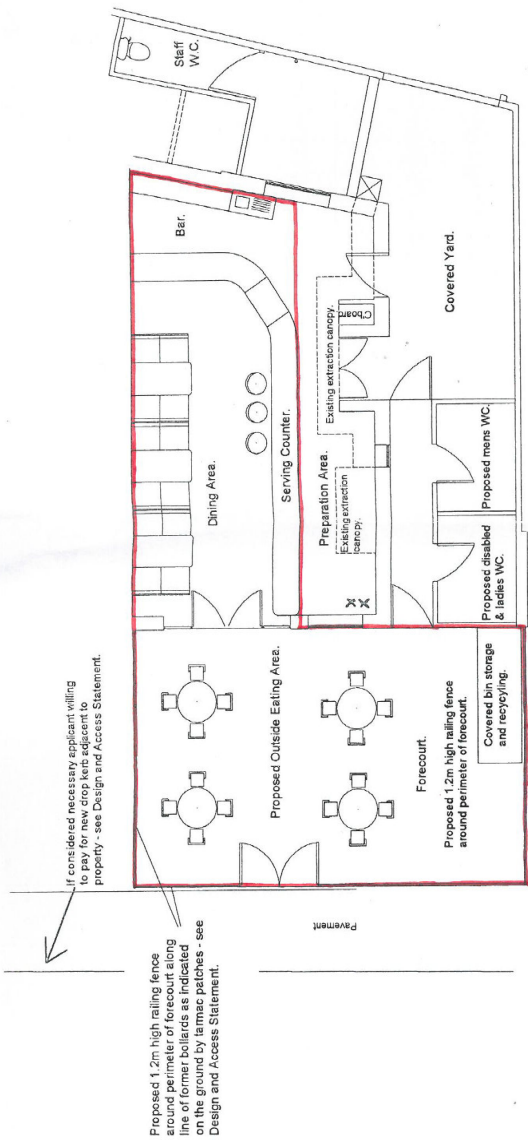
- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

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. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

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.



If considered necessary applicant willing to pay for necessary kind requests. Property - see Design and Access Statement.

Proposed 1.2m high railing fence around perimeter of forecourt along line of former bollards as indicated on the ground by tarmac patches - see Design and Access Statement.

Pavement

PROPOSED FLOOR PLAN.

x - FIRE EXTINGUISHERS (2)
ALCOHOL AND LATE NIGHT REFRESHMENT AREAS EDGED RED

<p>Dwg Title: Proposed Floor Plan.</p> <p>Proposal: Change of Use from takeaway (A5) to combination of bar (A4), cafe (A3) and takeaway (A5) to include provision of tables and chairs on forecourt, erection of railing fence and minor alteration to shop front.</p> <p>Property: 429A, Crownhill Road, Plymouth. Client: Mr V. Babbaravaji</p>		<p>This drawing has been produced with the sole purpose of obtaining Planning Permission. All measurements to be checked on site by contractors prior to commencement of work, any discrepancies should be brought to the attention of the designer.</p> <p>All drawings should be read in conjunction with Construction Notices.</p> <p>This drawing is copyright.</p>		<p>Scale: 1:100@A3 Drawn by: GAG Date: 12/03/2011 Job No: 238 Dwg No: 238/3</p>	
<p>CDM Notes:</p>	<p>Rev</p>	<p>Description</p>	<p>Date</p>	<p>Rev</p>	<p>Date</p>
<p>GUY GIBSON PLANNING & DESIGN MR: 01752 34773 MEMBER 073511343 UNIT 102, CITY BUSINESS PARK, SOMERSET PLACE, PLYMOUTH, PL4 8BB. guy@gibsonplanninganddesign.com</p>					

Memorandum



From: Head of Public Protection Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 10th May 2011
Our Ref: EH.RMO.797673
Investigating Officer: Rhodri Morgan
Extn: 4851

LICENSING ACT 2003

ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Premiere Bar and Grill (formerly Stop-by Takeaway), 429a
Crownhill Road, Plymouth, PL5 2LJ

Name of Licensee: Vahid Babolhavaeji

Type of Application: Alcohol (On and Off)/ Late night refreshment

Report Prepared By: Rhodri Morgan

Recommendations

- ~~1. That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003

ENVIRONMENTAL HEALTH REPRESENTATION

Name: Premiere Bar and Grill (formerly Stop-by Takeaway)

Address: 429a Crownhill Road, PL5 2LJ

Report By: Rhodri Morgan

Date of Inspection: N/A

The text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

The text in italics is for your information.

Public Nuisance:

- 1. No tables to be allocated to customers after 21.00hrs in the outside area, and the outside area must be cleared by 22.30.**
- 2. The outside area may be used as a designated smoking area only after 22.30**
(This will allow provision of a smoking area on the premises but will discourage potential public nuisance.)
- 3. No outdoor furniture shall be used after 22.30hrs**
(This is to discourage patrons from congregating in the outside area after this time)
- 4. The supply of alcohol externally shall be by waiter or waitress service only and ancillary to the consumption of a substantial meal.**
- 5. Management will control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises**
- 6. After 22.30 the outside area must be supervised by staff to ensure patrons do not congregate. Staff must ensure that patrons disperse back into the venue after smoking to prevent disturbance to neighbouring residential accommodation.**

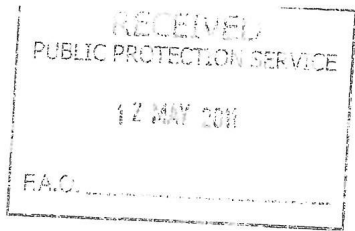
Licensing Act 2003
Supporting Information for Committee Hearing following the Public
Protection Service Representation

Premises Name: Premiere Bar and Grill (formerly Stop-by Takeaway)

It is this Responsible Authority's opinion that, having considered the applicants operating schedule if the application were to be granted as applied, then there is potential for a negative impact on the licensing objective of public nuisance.

The Premises is located close to residential properties and local amenities (that do not include licensed premises). The outside area of the premises if granted as applied has the potential to cause a public nuisance to local residents. The outside of the premises faces a row of residential dwellings across Crownhill Road, when traffic flow along this road naturally diminishes later in the evening, so naturally do background noise levels, as such the potential for patrons in the outside area causing a public nuisance and affecting local residents is increased.

The conditions put forward to control the potential impact on public nuisance are in this Responsible Authority's opinion both workable and reasonable.



429A, Crownhill Road,
West Park,
Plymouth, PL5
01752
8, May, 2011

To Whom It May Concern,

I am writing to reject the releasing of the license at Stop By takeaway, 429A Crownhill Road, West Park.

I am currently running a local business, [redacted] at 429A Crownhill Road, West Park, Plymouth. That [redacted] to Stop By takeaway, 429A Crownhill Road. I have been running this business for 5 years.

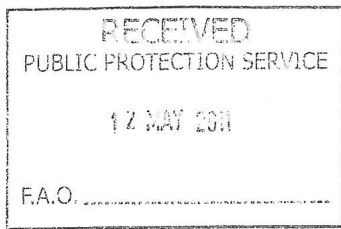
My business has been running smoothly during these 5 years. During these 5 years, I have known many local people in West Park; I have good relationship and time with local people and customers around. There are always families come in to buy food from my shop, including parents brings their children and old people. When they come in, they come in to buy food, chat with us and we also share our feelings. They are very friendly and nice, I'm really enjoy running my business over there, as it is a peaceful, clam place, and it is a good place to enjoy life.

I seriously reject and disagree the releasing of the full license for Stop By takeaway, 429A Crownhill Road, because the pubs and bars will bring a lot of drunken people and rude people, which brings a lot of trouble to this area. There is also a library next door (West Park Library), there are lots of children around this area, and old people around, pubs and bars is bringing dangers to them. As the license allow people to buy alcohol from the morning time till night. If the license is given; there must be a lot of drunken people coming in to the takeaway, as most of the drunk people will doing strange manner like shouting, screaming, sick, piss everywhere.....and many many other horrible manner; they will scare the customer including children, mothers and elderly people. The alcohol license will break the peaceful all around here!

Drinking problem : too many teenager drinking has been a serious issue in the UK, we should not encourage this happen in such a peaceful area, West Park. The alcohol license should only be allowed in town area, where police are around; or some any that away from normal life people living. If people who live in West Park do really want alcohol drinking; there are couple of off license comer shop already there on the opposite side of the road.

West Park is a peaceful area, local people are clam and friendly, I do not want this to be ended. Therefore, I am writing to STRONGLY DISAGREE the opening of drinking alcohol pubs and bars and REJECT the alcohol licence in Stop By takeaway, 429A Crownhill Road.

Yours faithfully,



M.
Crownhill Rd,
West Park, PL5

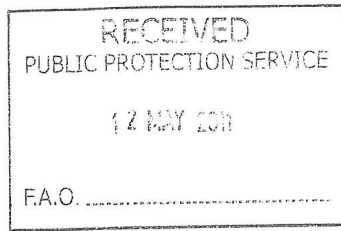
To whom it may concern:

I'm writing to object 429 A, Crownhill Road,
to apply licence to sell alcohol, because those
drunk people will cause a lots of problem,
and also effect the customes when they come in
to buy meal with their children. That can effect

my business.

thanks

8-5-11



ringmore way
West park
plymouth
PLS
10.5.2011

To Whom it may concern

Im a resident at West park, and I have objections to the selling of alcohol at the take away/resturant, stop by at 429 A crownhill rd, Im concerned it will attract trouble and youths to the area, also its close to the library to which my children go. so I would appreciate it if you could take this into consideration not just for me but also the residents of West park. Thankyou.

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