

# Public Document Pack

**BEST ACHIEVING**  
COUNCIL OF THE YEAR



**Barry Keel**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 12 August 2011

Please ask for: Ross Johnston, Democratic Support Officer  
T: 01752 307990 E: [ross.johnston@plymouth.gov.uk](mailto:ross.johnston@plymouth.gov.uk)

## **LICENSING SUB COMMITTEE (MISCELLANEOUS)**

**Date:** Tuesday 23 August 2011

**Time:** 10am

**Venue:** Council House, Plymouth (next to the Civic Centre)

**Members:**

Councillors Browne, Rennie and Reynolds.

**Fourth Member:**

Councillor Lock.

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 of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in 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)**

## **AGENDA**

### **PART I – PUBLIC MEETING**

#### **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. REVIEW OF PREMISES LICENSE - STOPFORD ARMS, (Pages 1 - 12) 172 DEVONPORT ROAD, PLYMOUTH**

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

#### **6. GRANT OF PREMISES LICENCE - BUDDIES FOOD (Pages 13 - 24) BAR, SHERWELL ARCADE, PLYMOUTH**

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

#### **7. 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.

**8. GRANT OF PREMISES LICENCE - BUDDIES FOOD BAR, SHERWELL ARCADE, PLYMOUTH (E3 AND E7) (Pages 25 - 68)**

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

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**CITY OF PLYMOUTH**

**Subject:** Stopford Arms, 172 Devonport Road, Plymouth.  
Review of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 23 August 2011

**Cabinet Member:** Councillor Michael Leaves

**CMT Member:** Director for Community Services

**Author:** Peter Clemens, Senior Licensing Officer

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

**Key Decision** No

**Ref:** ERS/LIC/PREM

**Part:** I

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**Executive Summary:**

An application has been received from Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Stopford Arms, 172 Devonport Road, Plymouth.

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**Corporate Plan 2011 - 2014:**

This report links to the delivery of the City and Council priorities. In particular:

- I. Delivering Growth
- 

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

Not applicable.

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**Other Implications: eg. Section 17 - Community Safety, Health and  
Safety, Risk Management, 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.

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

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

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**Sign off:**

Head of Fin		Head of Leg	SD/5.8.11/12520	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

**1.0 BACKGROUND**

1.1 On the 6 July 2011 the licensing department received an application from Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Stopford Arms situated at 172 Devonport Road, Plymouth.

**1.2 Review application.**

Environmental Health have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of public nuisance. A Copy of this application has been served by Environmental Health on each of the responsible authorities and the holder of the premises licence.

Environmental Health have received complaints of excessive noise coming from the premises. Officers from the Public Protection Service have visited the vicinity of the premises and in their opinion excessive noise has emanated from the premises in breach of their licence conditions. Therefore it is their professional opinion the premises are breaching the licensing objective for the prevention of public nuisance.

In accordance with review proceedings at 2.43pm on Wednesday 6 July 2011 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Hamblin the manager and requested the site notice be displayed at the premises.

At 8.26am the next day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

**1.3 Licensable Activities.**

These premises have the following licensable activities and timings.

<b><u>(B) Exhibition of films (Indoors)</u></b>	
Monday to Sunday	9.00am to 11.00pm
Non Standard Timings New Years Eve 12.30am	
<b><u>(C) Indoor sporting event</u></b>	
Monday to Thursday	9.00am to 12.30am
Friday and Saturday	9.00am to 1.00am
Sunday	9.00am to 12.30am
Non Standard Timings When hours are extended on Bank Holidays and New Year's Eve these hours are also extended to the end of trading hours	
<b><u>(E) Performance of live music (Indoors)</u></b>	
Monday to Sunday	11.00am to 11.00pm
Non Standard Timings New Years Eve 12.30am	

<b><u>(F) Playing of recorded music (Indoors)</u></b>	
Monday to Sunday	9.00am to 11.00pm
Non Standard Timings New Year's Eve to 12.30am	
<b><u>(H) Entertainment of a similar description to the falling within (E) or (F) (Indoors)</u></b>	
Monday to Sunday	9.00am to 11.00pm
Non Standard Timings New Year's Eve to 12.30am	
<b><u>(I) Provision of facilities for making music (Indoors)</u></b>	
Monday to Sunday	9.00am to 11.00pm
Non Standard Timings New Year's Eve to 12.30am	
<b><u>(L) Late night refreshment (Indoors)</u></b>	
Monday to Wednesday	11.00pm to 12.30am
Thursday to Saturday	11.00pm to 1.00am
Sunday	11.00pm to 12.30am
Non Standard Timings 11.00pm on New Year's Eve until 1.00am following New Year's Day 11.00pm to 1.00am on Sunday and Monday of bank holidays Christmas Eve and Boxing Day	
<b><u>(M) Sale by retail of alcohol for consumption ON and OFF the premises</u></b>	
Monday to Wednesday	9.00am to Midnight
Thursday to Saturday	9.00am to 12.30am
Sunday	9.00am to Midnight
Non Standard Timings 9.00am on New Year's Eve until 12.30am following New Year's Day 9.00am until 12.30am on Sundays and Mondays of bank holidays, Christmas Eve and Boxing Day. All activity will cease in all garden areas at 11.00pm every day.	
<b><u>The opening hours of the premises</u></b>	
Monday to Wednesday	9.00am to 12.30am
Thursday to Saturday	9.00am to 1.00am
Sunday	9.00am to 12.30am
Non Standard Timings 9.00am on New Year's Eve until 1.00am following New Year's Day 9.00am until 1.00am on Sundays and Mondays of bank holidays, Christmas Eve and Boxing Day. All activity will cease in all garden areas at 11.00pm every day.	

1.4 Conditions currently attached to the premises licence (Appendix 1)



## 2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon and Cornwall Police* – no representations.
- 2.2 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.3 *Trading Standards* – no representations
- 2.4 *Planning Officer* - no representations.
- 2.5 *Child Protection* – no representations
- 2.6 *Health & Safety Executive* – no representations.

## 3.0 INTERESTED PARTIES

2- letters of representation have been received from residents living in the vicinity of the premises (Appendix 2 and 3).

## 4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.
- 4.2 The steps are :
  - (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence;

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.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

## ANNEX I - 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.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following

activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or

encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for

consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or

reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a

sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6.(1) 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.

(2) 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.

7. The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

### **Exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and  
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **A Conditions imposed by the Environmental Health Representative**

#### **The Prevention of Public Nuisance**

1. Live music, Karaoke, DJ and other similar entertainment using amplified voice will cease at; 23.00hrs Monday to Sunday, after which time ancillary recorded music only will be played until closing
2. The door leading to the beer garden directly from the bar area will not be used during live music, karaoke, DJ and other similar entertainment using amplification. Patrons will use the alternative door through the corridor (except in an emergency)
3. Doors and windows will be kept shut during entertainment
4. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut
5. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment
6. Management will control the sound levels of the music/entertainment
7. Between 23.00hrs and midnight  
To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise one metre from the façade of the nearest residential property
8. Between midnight and Closing Time  
Noise emanating from the premises will not be distinguishable above background levels one metre from the façade of the nearest residential property.
9. Provision of mechanical ventilation and extraction equipment will not allow noise breakout from then premises or cause a nuisance by its operation

#### **Public Safety**

1. During live music, karaoke, DJ and other similar entertainment using amplification, when windows and doors will be kept closed to prevent noise outbreak, the air quality will be regularly monitored. Where problems are noted, entertainment will be paused, and remedial action will be taken to ventilate the area.

### **B Steps taken to promote the four licensing objectives**

1. Staff will be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in “drugs awareness” as part of their induction.
2. The Designated Premises Supervisor will be a member of a local Pubwatch scheme so long as it exists.
3. Live music will be staged in the bar only
4. All windows will be kept closed after 23.00

5. A notice will be placed prominently at the exits asking customers to leave quietly.
6. Photographic proof of age will be required to be shown by anyone seeking to purchase alcohol that appears to be under 18 years of age.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

1. All live music or similar entertainment using amplified voice will cease at 23.00hrs every day other than New Years Eve when it will cease at 00.30hrs New Years Day
2. All activity will cease in all garden areas at 23.00hrs every day

, Stopford Place  
Stoke  
Plymouth  
PL1

Head Of Environmental Services  
Dept. of Community Services  
Plymouth City Council  
PL1 2AA

13<sup>th</sup> July 2011

Dear Sir/Madam

Re: Licence review of Admiral Stopford Arms, 172 Devonport Road, PL1 5RE

We consider the Admiral Stopford Arms to be an unacceptable public nuisance to the local community. Since the terms of the licence for the pub were changed in August 2005 to allow live and recorded music, together with longer drinking hours, the character of the pub has become unsuitable for a quiet residential area.

The Stopford has been badly managed by a succession of short-term landlords who have regularly disregarded their licence conditions. This has meant we have had to put up with loud music coming from the pub late at night, which we can hear in our living room and bedroom, causing upset and sleepless nights. The licence conditions state that all music should stop by 11pm and that doors and windows should be closed but this just does not happen. We have a diary of evidence dating back over six years. The police have been involved with the pub in particular with the previous tenant who over the winter months appeared to be serving alcohol way beyond permitted licensing hours, playing music at all hours - we were woken by music at 5am, 1am, even 7am. On another occasion our son suffered a sleepless night midweek on the eve of an A level retake. That tenant left under something of a cloud.

The problems began soon after the new licence was granted back in 2005 with regular loud music causing a lot of disruption and sleepless nights. That tenant left suddenly. He also left behind an unsightly partly open extension to the pub which we believe was built without planning permission and which was completely inappropriate for the Stoke conservation area. This smoking area also contributes to noise problems in the summer months.

The current manager had recently been playing loud music again - though not to the same degree and frequency as over the winter months. The Environmental health noise team have been called on several occasions and we understand the police have been involved in a recent disturbance at the pub.

Stopford Place is a quality, family based residential area and this pub is impacting on the feel of the neighbourhood. The problem is a recurring one. The pub does not appear to be financially viable probably because successive publicans - in contrast to another pub on the street the Lounge - have misunderstood the local market. A music based, session drinking pub is never going to be viable here. That means publicans come and go as inevitably they lose money - to be honest we almost feel sorry for some of them. They either do not understand or ignore the terms of their licence, despite frequent visits from the authorities and we locals suffer the



consequences in terms of noise and disruption. We have had enough. We feel the best outcome of this review would be for the pub should have its licence revoked or at the very least the music licence removed.

Yours faithfully

N.B. Photocopy of diary to be sent shortly



Stopford Place  
Stoke  
Plymouth  
PL1

Licensing Department  
Civic Centre  
Plymouth  
PL1 2AA  
25.7.11

Ref: The Stopford Arms

Dear Mr Clemens,

I'm writing with reference to the Stopford Arms Public House, and the on going issue with noise nuisance.

I live near to the above mentioned establishment, and I would like to express my concern over the level of noise being produced on a regular basis. It is unacceptable. My sleep is regularly disturbed, I can't have my windows open due to the noise, although it is still audible through closed windows.

I can often hear the noise from the juke box, live bands and karaoke.

In addition, the level of noise that is produced by the patrons in and around the establishment is extremely excessive at times, especially late evening.

To conclude, I feel that it is unacceptable to have an establishment producing excessive amounts of noise pollution, in a quiet , residential and conservation area of Plymouth.

Yours sincerely



**CITY OF PLYMOUTH**

**Subject:** Buddies Food Bar, Sherwell Arcade, Plymouth  
Grant of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 9 August 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

**Key Decision:** No

**Ref:** ERS/LIC/PREM

**Part:** I

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**Executive Summary:**

An application has been received from Thompson & Jackson Solicitors on behalf of Big Newquay Leisure Limited in respect of Buddies Food Bar, Sherwell Arcade, Plymouth for the grant of a premises licence under Section 17 of the Licensing Act 2003.

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**Corporate Plan 2011- 2014:**

This report links to the delivery of the City and Council priorities. In particular:

- I. Delivering Growth
- 

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

Not applicable.

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**Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, 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.

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

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

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**Sign off:**

Head of Fin		Head of Leg	AG/12413 /26.7.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

## **1.0 BACKGROUND**

1.1 On the 27 June 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Big Newquay Leisure Limited for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Buddies Food Bar situated at Sherwell Arcade, Plymouth.

### **1.2 Grant application.**

A purpose built vehicle for the sale of hot and cold food and drinks.

### **1.3 Licensable Activities.**

The following licensable activities and timings have been requested:

#### Late Night Refreshment (Outdoors)

Mon to Sun 11pm to 5am

#### Hours Premises Open to the Public

Mon to Sun 7am to 5am

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 relating to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance (Appendix 1)

2.2 Environmental Health – have made representation relating to the Prevention of Public Nuisance and Public Safety (Appendix 2)

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**

3 - letters of representation have been received one from a Ward Councillor one from a body representing businesses and persons living within the vicinity of the premises and one from a resident living in the vicinity of the premises (Appendices 3,4 and 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.

Building safer communities together



DEVON & CORNWALL  
CONSTABULARY

Our ref:  
2BCU/Lic/55474/dr

Miss M Price  
Licensing Officer  
Licensing Department  
Plymouth City Council  
Civic Centre PLYMOUTH PL1 2AA



Licensing Department  
Charles Cross Police Station  
Hampton Street  
PLYMOUTH  
PL4 8HG

30 June 2011

Telephone: 01752 720473

Dear Miss Price

**Re: Application to Grant a Late Night Refreshment Licence – Buddies Food Bar, Addison Road/Sherwell, North Hill, PL4 8LH**

On 24<sup>th</sup> June 2011 the Licensing Office at Charles Cross Police Station received a copy of the application to Grant the issue of a late night refreshment licence as detailed above.

The premises are located within a Cumulative Impact Area as defined in Plymouth City Councils licensing policy.

The police have examined the application and believe this application currently does not demonstrate how the application if granted will not have an impact on the prevention of crime and disorder, public safety or the prevention of public nuisance

Both the Licensing act and the Plymouth City Council Licensing policy require any application within a cumulative impact area to demonstrate how the applicant intends to ensure that it will not impact on the promotion of the four licensing objectives.

It is our contention that if granted a Late Night Refreshment Licence people who attend the van

- Are likely to have been already drinking
- Are likely to consume their purchase in the vicinity of the premises in public places
- Are likely to impact on levels of violence and disorder reported.
- This area proposed is a fairly confined area which is already served by a late night refreshment outlet that has traded for many years.
- The Police feel that such close competition in a confined area will inevitably lead to intermingling of customers for both vendors and the strong possibility of people voicing opinions regarding service, quality etc that will inevitably culminate in incidences of violence and disorder.



- The map provided does not delineate between the licensed area of the existing unit and the applicant. Therefore there exists the possibility of confusion as to who is licensed and in which area. This situation would be impossible to police effectively.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

Therefore the Devon and Cornwall Police wish to object to this application

Yours sincerely



D. MCINDOE  
Licensing Officer  
Devon & Cornwall Constabulary

## Memorandum



**From:** Head of Public Protection Service  
**To:** HEAD OF LICENSING SECTION  
**FAO:** PETE CLEMENS  
**Date:** 14 July 2011  
**Our Ref:** EH.803047.PC  
**Investigating Officer:** Phil Conday  
**Extn:** 7890

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**LICENSING ACT 2003**  
**ENVIRONMENTAL HEALTH REPRESENTATION**

**Premises:** Buddies Food Bar  
**Name of Licensee:** Big Newquay Leisure Limited  
**Type of Application:** Late Night Refreshment  
**Report Prepared By:** Phil Conday

### 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: Buddies Food Bar**  
**Address: Sherwell Arcade, North Hill, Plymouth**

**Report By: Phil Conday      Date of Inspection: 12<sup>th</sup> July 2011**

**The Prevention of Public Nuisance & Public Safety**

This Department recommends refusal of the application with regard to the provision of late night refreshment.



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

**Premises Name: Buddies Food Bar**

Environmental Health recommends **refusal** of the granting of the late night refreshment license on the following grounds:

The mobile food establishment is located within a Cumulative Impact Area.

Plymouth City Council's Statement of Licensing Policy specifies that " a cumulative impact policy creates a rebuttable presumption that applications within a cumulative impact area will normally be refused, if relevant representations are submitted, unless the applicant can demonstrate why the proposed operation of the premises will not add to the cumulative impact already being experienced"

If the application is granted, the operation of the mobile food vehicle may have the following implications within the cumulative impact area:

1. Increase in noise levels from patrons using the mobile food vehicle that may disturb nearby residents, particularly during the hours of 00:00 hours to 05:00hours.
2. Increase in existing noise levels due to the operation of equipment associated with the mobile food vehicle, such as the generator, causing disturbance to nearby residents.
3. Increase in levels of litter and spilled food waste from patrons in the vicinity.
4. Increase in levels of grease and by-products of cooking in the immediate vicinity
5. Possible odour nuisance from cooking smells affecting residential premises I the immediate vicinity.

The applicant has not supplied sufficient proposals of how they intend to promote the four licensing objectives, and subsequently, how it will not add to the cumulative impact that already exists in this designated area.

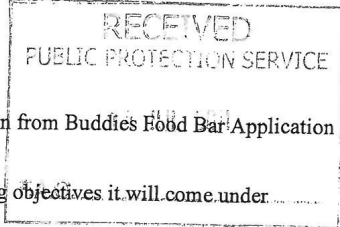
(CLLR)

**Subject:** FW: Objection for Buddies Food Bar

Dear Licensing,

As Ward Councillor in Drake I am objecting against the application from Buddies Food Bar Application Number 028774.

I have had concerns from residents and feel that under the licensing objectives it will come under



**Prevention of Public Nuisance**

**There will be potential of a large gathering where people who would have been drinking and not drinking to be loud and boisterous taking into account of residents who have informed me of the loud levels.**

**There is the increase in litter and vomit in the area.**

**Prevention of Crime and Disorder**

With the late licence in place there is potential for the premises to become a crime magnet which will in effect have an impact on crime and an increase in street robberies.

**Public Safety**

**My concern would be that there is going to be a reduction in Police Officers and that in the event of a major situation Police may not be able to respond quick enough and that will compromise Public Safety.**

**With such a large gathering who will police the numbers and there is potetial of a road fatality.**

Kind regards

**Councillor  
Drake Ward**

T:  
E: @plymouth.gov.uk

*13<sup>th</sup> July 2011.*



Licensing Team  
Environmental Services  
Plymouth City Council - Licensing Section  
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Partnership Co-ordinator

Plymouth 2020 Partnership  
Floor One, Civic Centre  
Armada Way  
Plymouth  
PL1 2AA

Tel: 01752 30  
Fax: 01752 30  
Email: mark@plymouth.gov.uk  
www.plymouth2020.co.uk

Date: 8<sup>th</sup> July 2011

Dear Sir/Madam

**Buddies Food Bar Late Night Licence Application**

I understand a premises licence application under section 17 of the Licensing Act 2003, to enable Buddies Food Bar to serve after 11pm on Mondays to Sundays has been received by the Public Protection Service.

Acting as a representative of the Mutley Greenbank Anti Social Behaviour Project Board I would like to register a formal opposition to this application. At a meeting held on the 27<sup>th</sup> June 2011 it was agreed that a letter opposing the application should be submitted by me on behalf of the project board itself.

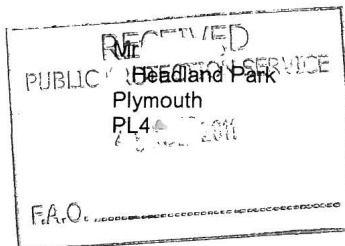
The project board has representation from a number of Council departments, Plymouth University, the Neighbourhood Police team and the Community Safety Partnership. The project, the Board oversees, has conducted a wide ranging consultation exercise in the Mutley Greenbank neighbourhood which identified concerns residents have about ASB. This identified rowdy behaviour, littering and waste management as being of particular concern at certain locations in the neighbourhood. As a result a number of interventions to help address the issues have been conducted including in and around North Hill and the Sherwell Arcade. It is felt the granting of the licence under consideration would lead to an increase in littering and an increase in patrons gathering, causing in turn an increase in noise and anti social behaviour, this will detrimentally impact on the following two licensing objectives.

- the prevention of crime and disorder
- the prevention of public nuisance

Yours faithfully

Partnership Co-ordinator  
2020 Partnership team  
Floor 1  
Civic Centre  
Plymouth PL1 2AA  
Tel (01752) 30  
Email @plymouth.gov.uk

Head of Environmental Protection  
Environmental Regulation Service  
Plymouth City Council  
Plymouth  
PL1 2AA



21<sup>st</sup> July 2011

Dear Members of the Licensing Committee,

I am writing to object to the application for a late night license for a second burger van at the junction of North Hill and Addison Road on the grounds of public nuisance. Yet another fast food take away is absolutely the last thing this area needs.

I am sure the Committee is aware of the history of this application, that the vehicle appeared some months ago trading in the day time and has now applied for a night time license. In recent years the Local Strategic Partnership, Plymouth 2020, has been working hard with local people to try and improve the quality of life in Mutley and Greenbank. They have undertaken numerous surveys of the area that have identified resident's number one concern as rubbish and litter on the streets. As a result of this Plymouth 2020 has carried out a number of successful initiatives aimed at reducing the problem including nights of action with the police to tackle the problem at source, new large rubbish bins and meetings with shopkeepers of "problem" locations. A secondary part of their work was to give local people a sense that they could influence events in their area. All this excellent work will be undone if this application goes through.

We have had enough experience by now of the so called night time economy to know that Alcohol plus Fast Food Take Aways equals Litter. It cannot be right that in the current economic climate that Plymouth Council Taxpayers should be expected to clear up the mess these outlets create every weekend.

Members of the Committee should be seeking to regulate the uses of this area for the benefit of local residents and should be asking officers why this is the only spot in the city centre without any sort of parking restrictions on it.

Yours sincerely,

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By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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