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Date 15 June 2012

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LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 26 June 2012

Time: 11 am

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

Members:

Councillors Mrs Bowyer, Rennie and John Smith.

Fourth Member:

Councillor Gordon.

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, 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.

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.

Bob Coomber
Interim Chief Executive

LICENSING SUB COMMITTEE

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. GRANT OF PREMISES LICENCE - HARBOURSIDE FISH AND CHIPS, 35 SOUTHSIDE STREET, BARBICAN, PLYMOUTH (Pages 1 - 8)

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

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) 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 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.

PLYMOUTH CITY COUNCIL

Subject: Harbourside Fish & Chips, 35 Southside Street, Barbican, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 June 2012

Cabinet Member: Councillor Brian Vincent

CMT Member: Director of Place

Author: Peter Clemens

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

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

An application has been received from Miss Sarah Lock and Mr Philip Thompson (Frites Ltd) in respect of Harbourside Fish & Chips 35 Southside Street, Barbican, 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 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

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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 & 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:

Fin		Leg 14920 /DJB/I 1.06.1 2		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 Introduction

1.1 On the 11 May 2012 the licensing department received an application from Miss Sarah Lock and Mr Philip Thompson (Frites Ltd) for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Harbourside Fish & Chips situated at 35 Southside Street, Barbican, Plymouth.

1.2 Grant application.

The business is a fish and chip shop with 20 covers wishing to sell alcoholic beverages (bottled beer and wine only) with a meal. Steps the applicants intend to promote the licensing objectives (Appendix 1).

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(m) Supply of Alcohol for consumption ON the premises.</u>	
Hours	
Sunday to Tuesday	11.00am to 10.00pm
Wednesday and Thursday	11.00am to 10.30pm
Friday and Saturday	11.00am to 11.00pm
<u>(o) Hours Premises are Open to the Public</u>	
Hours	
Sunday to Tuesday	11.00am to 10.00pm
Wednesday and Thursday	11.00am to 10.30pm
Friday and Saturday	11.00am to 11.00pm

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* – 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* – no representations.

2.9 *Licensing Authority* – no representations.

3.0 INTERESTED PARTIES

I- letter of representation has been received from a business on the Barbican (Appendix 2)

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 appropriate 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 appropriate in order to promote the licensing objectives.

R. Carton
Manager of Public Protection Service

Continued from previous page...

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

b) The prevention of crime and disorder

24 Hour CCTV in operation. Member of local Retail Against Crime (Radio communication with local authority).
Personal Licence Holder on site majority of opening hours.

c) Public safety

CCTV recording at all times - 14 Days at one time. No glasses etc to be taken from the premises.
Customer only allowed alcohol with meal purchase. Unlikely this would exceed more than 2 drinks. Drinks to be consumed on the premises only.
Trained First Aider on each shift. Fire precautions in place.

d) The prevention of public nuisance

Only serve customers who are not already under influence of alcohol. Ask customers to leave quietly.

e) The protection of children from harm

Staff trained to question customers who look under age 21. They must check customer's Passport or Drivers Licence.

Section 22 of 22**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

Mr.

Southside Street
The Barbican
Plymouth PL1 1

Reference Address:
Harbourside
35 Southside St
The Barbican
PLYMOUTH
PL1 2LE



Reference No:

My name is and I am the landlord of Public House, Southside St, Plymouth. I am writing with reference to the above alcohol licence application. I have stated below many reasons why I believe the licence should not be granted. I have tried to ensure that my comments are interpreted in a purely professional manner and based upon licensing conditions.

I personally believe that Southside St, and the whole of The Barbican to be quite honest, has a large surplus of establishments available to sell alcohol. There are traditional pubs, modern pubs, nightclubs, restaurants and cafes all situated in very close proximity aiming to satisfy the same genre. We are currently in a recession period as a country again, and businesses like these named above, do not need more reasons for their turnover to be attacked. The Barbican is a saturated area for establishments that provide alcohol, and to allow new businesses similar abilities to target the same audiences as those that have been trading for tens or even hundreds of years is questionable.

The Barbican is a unique place. There are many Traders/Restaurant Owners/Publicans/Fish & Chip Shops etc that apply there trade very well and give visitors to the area a varied and impressive visit. There has been the emergence of The Waterfront Partnership BID and other local business initiatives to improve the areas ability to market what quality it has to offer. But, businesses should be encouraged to do what they do best, making efforts to creep into other businesses unique selling points only to provide a poorer service to the customer, reflects poorly on the area as a whole. For the purpose of this letter, Fish and Chip Shops should sell quality take away food and Public Houses should provide alcohol in a controlled and safe environment.

Anti-social behaviour in the city is a problem and it is hard for the council and police to shuffle resources in order to control licensed activities that deviate from the norm. Outside drinking areas, bank holiday outside events, noise pollution are just some issues which are right now causing problems. To provide further, unnecessary premises with the ability to provide alcohol will only loosen the authorities grip on the drinking culture of The Barbican.

Allowing premises that have a seemingly diluted reason for requiring an alcohol licence will only flood the area with unnecessary alcohol based businesses. There are many other Fish & Chip Shops on The Barbican, there are Kebab Shops, Pizza Take Away Shops, Pasty Shops, Florists with Cafes, Charity Shops with Cafes and so on. In my opinion, none of these premises need an alcohol license and none of these premises should be granted with an alcohol license.

I have listed some concerns below which I believe are not being suitably considered when granting an alcohol license to The Harbourside Café and Take Away. Alongside these key points I have discussed areas of concern and how supporting the four licensing objectives will be difficult.

1. **Measures to prevent open bottles or other drinks containers being carried from the premises;** I am not convinced of how The Harbourside Fish & Chip Shop can constantly monitor the whereabouts of alcoholic beverages on their premises. The license will only be for consumption ON the premises, so I find it hard to understand how members of staff can ensure that no drinks containers will be taken away when their concentration will be on serving customers. With such a few amount of seats available to their customers, how can they possibly expect customers that have paid for an alcoholic beverage to stay ON the premises if there are no seats available. I have seen for myself many occasions when the premises doesn't have any seating available for any other customers and they then have no choice but to find a resting place elsewhere. They will then take their alcoholic beverage to some other part of The Barbican and that will be the place then that must deal with the consequences. This brings me to my next point, there are external seats which the premises has made available to its customers. What will stop customers sitting at these seats with alcoholic beverages if the premises are experiencing busy times. That portrays the total opposite perception that we must be aiming to establish in our most standout area of the city.
2. **Marketing promotions;** The reasons for entering a The Harbourside Fish & Chip Shop should be to consume quality food. Allowing the promotion or advertisement of alcohol being available to purchase only clouds the initial reason of which someone will venture into the establishment. This then encourages the wrong type of person into the establishment and then puts the premises, the staff and the other customers in jeopardy. In my opinion, The Harbourside Fish & Chip shop does not have the infrastructure or systems in place to control the supply of alcohol safely and properly.
3. **Use of appropriate numbers of security personnel and stewards ensuring effective controls at all times;** A small corner plot busy fish and chip shop does not have the necessary infrastructure in place to deal with situations that can arise from anti-social behaviour. I am sure that hiring security personnel is not going to be a feasible financial option, so how will the premises manage to appropriately control its customers at all times.
4. **Training staff in crime prevention measures;** The premises appear to have a large proportion of staff that are young. Even though these members of staff may go through correct training methods, inexperience and accidental negligence can have major implications. How can adequate training and appropriate practices be ensured?
5. **Public Nuisance;** The premises will have a hard task in preventing public nuisance being exercised due to the nature of drinking in the area. The Barbican has a lot of drinking establishments in a small area and people who go into Harbourside in need of refreshment may have had alcohol elsewhere. Will there be adequate measures being practised to understand controllable alcohol tolerance levels of customers?

With the provision of alcohol comes an increased possibility of causing public nuisance. Increased noise levels, anti-social behaviour of customers, danger of others, fire safety, traffic management, the disposal of waste and the respect of businesses and residents alike will all be adversely affected by an alcohol license being granted to the premises.

6. **The protection of children from harm;** The Barbican is an area commonly used by children. As well as the wonderful attractions the area boasts it also acts as a popular passageway to The Hoe and The City Centre. Children use the area just as frequently as adults. Fish & Chip Shops are a particular venue used by children where it can be safely expected that they will not be in the surroundings of alcohol. Under no circumstances at all can I see any logic in allowing a perceived 'family friendly' and safe environment for children to be allowed the ability to sell alcohol. It is a pure contradiction. No matter how many controls are in place to make the premises alcohol safe, it will never stop problems arising from people who are under the influence of alcohol. To allow children to walk freely and be unsupervised in such an environment is concerning.

I hope that my comments are understood as being a sensible perception of a license application and not an attack on a business neighbour.

Yours Sincerely