

Licensing Sub Committee

Tuesday 15 October 2013

PRESENT:

Councillor Rennie, in the Chair.
Councillor Gordon, Vice-Chair.
Councillor Singh.

Apology for absence: Councillor Parker (Fourth Member).

Also in attendance: Sharon Day (Lawyer), Catherine Fox (Lawyer – observing), Fred Prout (Senior Licensing Officer) and Katey Johns (Democratic Support Officer).

The meeting started at 10.30 am and finished at 11.50 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

24. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Gordon is appointed Vice-Chair for this meeting.

25. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

26. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

27. POLISH SHOP GUCIO 1, 64 DEVONPORT ROAD, PLYMOUTH, PL3 4DF - GRANT OF PREMISES LICENCE

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard from the applicant that:
 - The shop will sell Polish food and drink
 - For the present time the applicant will only sell beer.
 - This is only a small store and will not contribute to any anti-social behaviour
 - The applicant has another store on Mutley Plain where there have been no problems
 - The shop will provide a safe welcoming environment and will contribute to the local community

- The shop has four CCTV cameras in operation which will help prevent any potential problems
- The applicant has posters outside the premises saying no drinking in front of the store
- The applicant is aware of the rules regarding age related sales and has the appropriate Challenge 25 policy in place. He is aware that he could lose his licence if underage sales were made.
- The applicant knows his customers and this will help prevent the possibility of underage sales
- The applicant is aware of the legal and personal consequences of breaking any licensing rules
- The applicant will fully cooperate with the responsible authorities and the local community.
- There has been only one representation
- If the licence is not granted then it will not be economical to run the shop as a business.

(vi) considered written representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance**

An additional licenced premises would increase the noise. This was considered to be relevant however the committee did not think that there would be any significant impact taking into account the times of operation of the proposed licence.

As this was an off sales establishment there was a probability of an increase in litter. This was considered to be relevant however the committee felt that there was the potential litter problems from any shop and they did not think that the granting of a premises licence would create any additional problems.

b) **Prevention of Crime and Disorder –**

There are a large number of licensed premises in close proximity of the premises there is a strong possibility of additional antisocial behaviour. This was considered to be relevant however the committee felt that the steps outlined in the applicant's operating schedule were sufficient to address any potential problems.

c) **Protection of Children from Harm**

Any likelihood of underage sales should be discouraged. This was considered to be relevant however the committee felt that the steps outlined in the applicant's operating schedule were sufficient to address the concerns outlined.

d) **Public Safety –**

As this is not an eating establishment the alcohol would be taken out and thereby increase risks with caps and bottles etc to the public.

This was considered to be relevant however the committee felt that there was the potential for litter problems with any shop and did not consider that the granting of a premises licence would create any additional problems.

e) **Other representations –**

That there is no need for another premises in the area and there is a large existing off licence which is open until 10pm. This was not considered to be relevant as it did not relate to one of the four licensing objectives.

When reaching its decision the Committee has to have regard to its licensing policy and the guidance issued by the Home Office.

The licensing policy provides for a special policy in respect of the area where the premises is situated. The policy states that where an application for grant is made in that area, there is a presumption that the application will be refused where a relevant representations are received and it is anticipated that the application will add to the problems of crime and disorder and/or public nuisance in the area and the applicant has been unable to demonstrate, within their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Relevant representations have been received from a local councillor that to grant the application will impact on the licensing objectives as it will add to the existing problems with noise and antisocial behaviour in the area.

The committee agreed that having taken account of the representations above they did not consider that application would add to existing problems noise, litter and antisocial behaviour in the area and decided to depart from their own policy. The licence was therefore granted as applied for subject to conditions consistent with the applicant's operating schedule and the mandatory conditions contained within the Licensing Act 2003.

28. **EXEMPT BUSINESS**

There were no items of exempt business.