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3 October 2013

LICENSING SUB COMMITTEE

Tuesday 15 October 2013
10 am
Council House (Next to the Civic Centre), Plymouth

Members:
Councillors Gordon, Monahan and Rennie.

Fourth Member:
Councillor Parker.

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

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.

Tracey Lee
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. POLISH SHOP GUCIO I, 64 DEVONPORT ROAD, PLYMOUTH, PL3 4DF - GRANT OF PREMISES LICENCE (Pages 1 - 10)

The Director for Place will submit a report on the grant of a premises licence in respect of Polish Shop Gucio I, 64 Devonport Road, Plymouth, PL3 4DF.

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 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.

PLYMOUTH CITY COUNCIL

Subject: Polish Shop Gucio I. 64 Devonport Road Plymouth. PL3 4DF
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 15 October 2013

Cabinet Member: Councillor Brian Vincent

CMT Member: Anthony Payne (Director for Place)

Author: Frederick Prout (Senior Licencing Officer)

Contact details: 01752 304792
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Pawel Wojcikowski in respect of Polish shop Gucio I, 64 Devonport Road, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

In particular: Growing

See http://www.plymouth.gov.uk/corporate_plan.pdf

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land:

Not applicable

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

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.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None.

Published work / information:

For more information please see the below links.

Licensing Policy http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section182-licensing/guidance-s182?view=Binary>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Application										

Sign off:

Fin		Leg	SD/2 7.9.1 3/18 582	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

1.0 INTRODUCTION

1.1 On the 21 August 2013 the licensing department received an application from Pawel Wojcikowski for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Polish Shop Gucio I situated at 64 Devonport Road Plymouth.

1.2 Grant application.

A Polish convenience store in the shopping area of Stoke village to sell alcohol off the premises

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(m) Supply of Alcohol for consumption OFF the premises.	
Hours	Monday – Saturday 8.00am to 10.00pm Sunday 10.00am to 8.00pm
(o) Hours Premises are Open to the Public	
Hours	Monday – Saturday 8.00am to 10.00pm Sunday 10.00am to 8.00pm

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Representations have been received in respect of this application.

1.6 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 OTHER PARTIES

One letter of representation has been received that is attached to this report marked 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

sent via email to all responsible authorities

I have amended my application to include the following operating schedule

The Prevention of Crime and Disorder

- ✓ All staff will be suitably trained for their job function in the operating standards for the premises. The training shall be under constant view
- 2 CCTV will cover the inside of the . shop where the public have access.
- 3 Images will be retained for a minimum of 30 days
- 4 The Premises Licence Holder or nominated person shall provide and maintain suitable and sufficient CCTV surveillance systems to a specification provided by the Police Licensing Authority Team.


The Protection of Children from Harm

Pool of conditions

- ✓ The licence Holder or nominated person shall have a written policy in relation to alcohol sales. This will include documented steps taken to prevent adults purchasing alcohol on behalf of children under 18, and will specify the 'challenge 25' proof of age requirements.

P.T.O.

2 The licence holder shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The register should be made available to an authorised officer on request.

LICENSING REPRESENTATION FORM	RECEIVED PUBLIC PROTECTION SERVICE	 PLYMOUTH CITY COUNCIL
	18 SEP 2013	

If you wish to make a representation against or in support of any licensing application, please read the guidance note 'How to make a licensing representation' prior to completing this form.

Please note that a full copy of your representation will be sent to the applicant at any hearing of this matter.

Section 1: Licence application details

I wish to object to the following application I wish to support the following application

Name of applicant (if known)

Premises name and address POLISH CONVENIENCE STORE, DOVENPORT
ROAD, STONK Postcode _____

Which type of application you wish to make your representation about?

- Application for a new premises licence
- Application to vary a premise licence
- Application for a review of a premises licence

Section 2: Your personal details

If you are acting as a representative, please go to Section 3

Title Mr Mrs Miss Ms Other (please state) COUNCILLOR

Surname DOLAN Forenames JILL WILSON

Address _____ Postcode _____

Email _____ Telephone _____

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation AS ABOVE

Address _____ Postcode _____

I am

- Representative of residents association
- Ward Councillor
- MP
- Representative of trade/business association
- Other (please specify) _____

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

BECAUSE OF THE LARGE NUMBER OF LICENCED PREMISES IN CLOSE PROXIMITY, THE LIKELIHOOD OF ADDITIONAL ANTI-SOCIAL BEHAVIOUR IS A STRONG POSSIBILITY.

Public safety

For example alterations to the premises, capacity limits

AS THIS IS NOT AN EATING ESTABLISHMENT, THE ALCOHOL WOULD BE TAKEN OUT, THEREBY INCREASING RISKS WITH CAPS, BOTTLES ETC TO THE PUBLIC.

The prevention of public nuisance

For example noise disturbance, littering

AN ADDITIONAL LICENCE PRACTISE WOULD INCREASE
THE NOISE AND BEING OUT SAKES LITTER
WOULD IN ALL PROBABILITY BE INCREASED

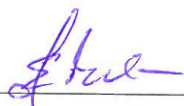
The protection of children from harm

For example underage sales, exposure to certain performances

ANY LIKELIHOOD OF UNDERAGE SALES SHOULD
BE DISCOURAGED.

I CHRIS J. DOLAN, hereby declare that all information I have submitted is true and correct.

Signed



Date

16.9.13

Please send the completed form to

Licensing Department
Plymouth City Council
Civic Centre

Plymouth PL1 2AA

T: 01752 305465

E: licensing@plymouth.gov.uk

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