

# Public Document Pack



#plymlicensing



## Democratic Support

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## LICENSING SUB COMMITTEE

Tuesday 26 November 2013  
10.00 am  
Council House (Next to the Civic Centre), Plymouth

### Members:

Councillors Monahan, Parker and Rennie.

### Fourth Member:

Councillor Mrs Nicholson

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. BACARO BITES, 6 QUAY ROAD, PLYMOUTH - REVIEW (Pages 1 - 4) OF PREMISES LICENCE

The Director for Place will submit a report on the review of a premises licence in respect of Bacaro Bites, 6 Quay Road, Plymouth.

#### 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:** Review of Premises Licence  
**Committee:** Licensing Sub Committee  
**Date:** 26 November 2013  
**Cabinet Member:** Councillor Brian Vincent  
**CMT Member:** Anthony Payne (Director for Place)  
**Author:** Fred Prout  
**Contact details:** Tel: 01752 304792  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)  
**Ref:** ERS/LIC/PREM  
**Key Decision:** None  
**Part:** I

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**Purpose of the report:**

An application has been received from Superintendent Chris Singer for the Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Bacaro Bites situated at 6 Quay Road, Plymouth.

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**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](http://www.plymouth.gov.uk/corporate_plan.pdf)

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

Not applicable

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**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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and rejected:**

None

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**Published work / information:**

For more information please see the below links.

**Licensing Policy** [http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](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										

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**Sign off:**

Fin		Leg	18852 /ag/8.1 1.13	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 8 October 2013 the licensing department received an application from Superintendent Chris Singer for Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Bacaro Bites situated at 6 Quay Road, Plymouth.

### **1.2 Review application.**

Devon and Cornwall Police have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the protection of children from harm following the retail sale of alcohol to underage test purchasers on three separate occasions. A Copy of this application has been served by Devon and Cornwall Police on each of the responsible authorities and the holder of the premises licence.

In accordance with review proceedings at 13.10hrs on 8 October 2013 a licensing officer from Plymouth City Council attended the premises and spoke to Ms Amanda Russell and requested the site notice be displayed at the premises.

At 12.45hrs the same 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.

#### **Late night refreshment (Indoors & Outdoors)**

Monday to Sunday                      11:00pm                      12:30am

Non Standard Timings:

New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on the following day

The terminal hour for the outside seating area is 23.30hrs each day

#### **The sale by retail of alcohol for consumption ON and OFF the premises**

Monday to Sunday                      10:00am                      12:30am

Non Standard Timings:

New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on the following day

The terminal hour for the outside seating area is 23.30hrs each day

## **2.0 RESPONSIBLE AUTHORITIES**

2.1 *Environmental Health* – 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.

2.7 *Health Authority* – no representations.

2.8 *Licensing Authority* – no representations

### **3.0 OTHER PARTIES**

No representations.

### **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 appropriate 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.

R. Carton  
Manager of Public Protection Service