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Democratic Support

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#plymlicensing

LICENSING SUB COMMITTEE

Tuesday 7 October 2014
10 am
Council House (Next to the Civic Centre), Plymouth

Members:

Councillors Mrs Nicholson, Rennie and Sparling.

Fourth Member:

Councillor Mrs Bowyer.

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. MY FISH BAR, 35 BRETONSIDE, PLYMOUTH (Pages 1 - 14)

The Director of Public Health will submit a report regarding an application to grant a premises licence for My Fish Bar, 35 Bretonside, 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: My Fish Bar. 35 Bretonside, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 07 October 2014

Cabinet Member: Councillor Brian Vincent

CMT Member: Kelechi Nnoaham (Office of the Director of Public Health)

Author: Marie Price (Licensing Officer)

Contact details: 01752 307981
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Metin Yobas in respect of My Fish Bar. 35 Bretonside, 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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf

Background papers:

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

Sign off:

Fin		Leg 212 02/ CF/I 5.09. 14		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

On the 14th August 2014 the licensing department received an application from Metin Yobas for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of My Fish Bar situated at 35 Bretonside, Plymouth. PL4 0BB.

1.2 Grant application.

A fast food take away shop

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(i) Late Night Refreshment (Indoors and Outdoors) Sunday to Wednesday 11:00pm to 03:00am Thursday to Saturday 11:00pm to 04:00am
(i) Hours Premises are Open to the Public Sunday to Wednesday 09:00am to 03:00am Thursday to Saturday 09:00am to 04:00am

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

1.5 Plan of licensed area for the premises supplied by applicant. (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police – has made representation relating to the prevention of crime and disorder and public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 3).*

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

Three letters have been received that are attached to this report marked appendix 4 to 6.

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 regards to:

The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1, 2.3, 2.8, 2.9, 2.18 – 2.22, 2.24, 9.3, 9.12, 9.22, 9.27 – 9.36, 9.38 – 9.40, 10.8 - 10.11 and 13.42 -13.43.

The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Planning (page 6), Licensing Hours (Page 11), Late Night Refreshment (Page 12) Public Nuisance (Page 16 – 18) and Licensing Conditions (page 19)

Also 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.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

C.C.T.V IN PLACE

c) Public safety

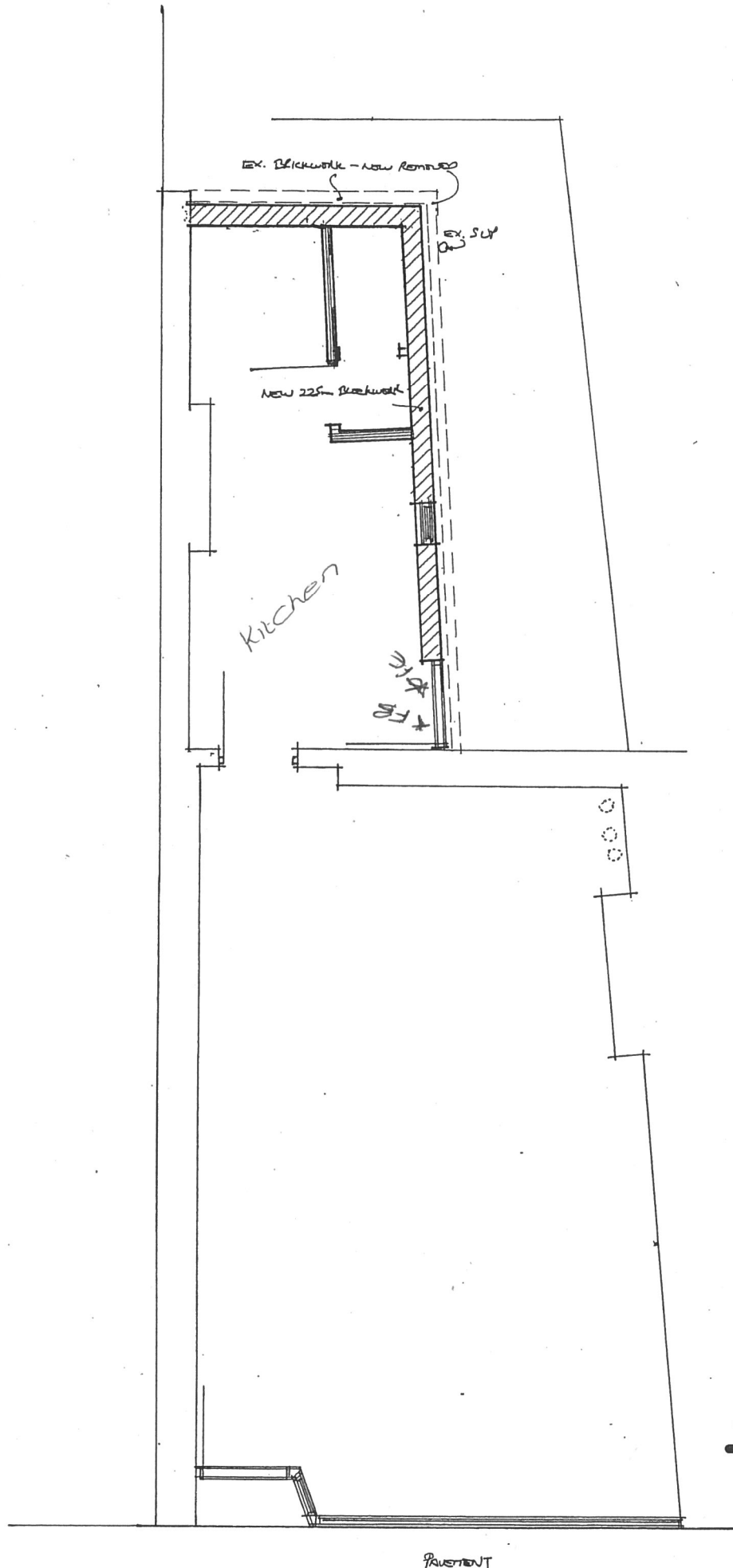
FIRE BLANKET / FIRE EXTINGUISHER
FOAM & WATER / CO2 EXTINGUISHER

d) The prevention of public nuisance

INFORM POLICE

e) The protection of children from harm

INFORM POLICE.



GROUND FLOOR PLAN 1:50

Pavement

Prout, Frederick

From: metin yobas <metinyobas@hotmail.com>
Sent: 01 September 2014 16:38
To: Prout, Frederick
Subject: Re: Application for the grant of a premises licence - My Fish Bar, 35 Bretonside, Plymouth.

Yes i will do thats and am agreed thats many thanks

iPhone'umdan gönderildi

1 Sep 2014 tarihinde 14:43 saatinde, "Prout, Frederick" <Frederick.Prout@plymouth.gov.uk> şunları yazdı:

Dear Metin

Following our meeting this morning where you are requesting a change of your application times and operating schedule with the addition of conditions consistent with that of the lapsed previous licence.

I therefore ask that you confirm that the details of changes below are correct

Opening times:

Sunday to Wednesday – 2300hrs to 0300hrs

Thursday to Saturday – 2300hrs to 0400hrs

Conditions agreed:

- 1) The Premises Licence Holder, Designated Premises Supervisor or nominated person, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
- 2) The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
- 3) The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
- 4) Images shall be retained for a minimum of 31 days
- 5) The CCTV system shall be capable of downloading images to a recognizable viewable format.
- 6) At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.
- 7) The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
- 8) The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

- 9) All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting/lockable lid.
- 10) The movement of bins and rubbish outside the premises will be kept to a minimum after 2300hrs.

Please send an email by return if you are in agreement that this is what you require.

Kind regards

Frederick Prout

Senior Licensing Officer
Environmental Services
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

T +441752304792

E frederick.prout@plymouth.gov.uk

www.plymouth.gov.uk

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LICENSING REPRESENTATION FORM



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)

METIN YUBAS

Premises name and address

35 BRETONSIDE

PLYMOUTH

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)

Surname

Forenames

Address

DISCOVERY WHARF
PLYMOUTH

SUTTON HARBOUR

Postcode

PL4 0RS

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

Address

Postcode

I am

☐ Representative of residents association

☐ Representative of trade/business association

☐ Ward Councillor

☐ Other (please specify)

☐ MP

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

In my opinion to permit ALL NIGHT trading in a largely residential area will create a nuisance disturbance and potential anti-social behavior which will cause a nuisance to me and other residents in the area and will affect our sleep.

Public safety

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering

In my opinion to permit 12c Night Trading will create
noise disturbance and litter in the streets in the
largely Residential area.

The protection of children from harm

For example underage sales, exposure to certain performances

I _____, hereby declare that all information I have submitted is true
and correct.

Signed _____

Date

03/09/2014

Please send the completed form to

Licensing Department

Plymouth City Council

Civic Centre

Plymouth PL1 2AA

T: 01752 305465

E: licensing@plymouth.gov.uk

Prout, Frederick

From:
Sent: 17 August 2014 11:45
To: Licensing
Subject: Metin Yobas, My Fish Bar

Dear Sir/Madam

This email is an objection to the application above, shown on your website as

My Fish Bar

35 Bretonside, Plymouth

Name of applicant, Metin Yobas

Application for a grant of a premise licence to serve hot food and drinks.

The requested hours for the supply of late night refreshments are Monday to Sunday 11pm to 5am.

- *Application received: 14 August 2014*
- *Last date for representations: 11 September 2014*

I object to this application on the following basis:

- Prevention of crime and disorder - these premises are adjacent to residential properties and the serving of food during the proposed hours is highly likely to occur after people have been drinking alcohol and as it is very noisy now when the bars and clubs close, this is only likely to get worse. Instead of dispersing people are likely to congregate in or near the premises, leading to a risk of fights and criminal damage
- Prevention of public nuisance - see above. Also there is an increased likelihood of excessive noise and litter. There is no doubt that residents will have their sleep disturbed
- Public safety - see above which all constitute a risk to public safety
- Protection of children from harm - children live within the residential properties. They will be subject to increased noise and lack of sleep and fear engendered by the noise of fights and rowdy behaviour

Yours faithfully

Discovery Wharf
North Quay
Plymouth
PL4 0RB

Tel:

From: [REDACTED]
Sent: 03 September 2014 15:26
To: Licensing; Prout, Frederick
Subject: revised representation - My Fish Bar

Dear Mr Prout.

Thanks for letting me know about the revised application.
I would still like to make a representation but have changed and added to my objections. I've sent a new version to licensing@plymouth.gov.uk and copied it below for your info.

REVISED Representation re:

My Fish Bar

35 Bretonside, Plymouth

Name of applicant: Metin Yobas

Application for a grant of a premise licence to serve hot food and drinks.

The (revised) requested hours for the supply of late night refreshments are Sunday to Wednesday 23:00 to 03:00; Thursday to Saturday 23:00 to 04:00.

I would like to object to the above application and urge you to reject it. I strongly believe it will have a detrimental effect on a largely residential area.

PUBLIC NUISANCE:

Several late night bars and clubs have opened in this area recently, and the disturbance they already generate is at an unacceptable level. Allowing this outlet to serve food and drink all through the early hours will ensure it becomes a magnet for drunks. In Discovery Wharf and Century Quay (residential blocks situated only a few yards away) there would be little escape from the disturbance – late night noise is already channeled upwards from rowdy customers leaving bars and clubs nearby.

Public nuisance in this area has significantly increased. Tin Lane and Martin Lane - the narrow, cobbled streets closest to the applicant's premises - have become late-night toilets for drunken revelers, both male and female. To risk extending this kind of disturbance to 3am or 4am, when virtually everyone living in the area is asleep, is unnecessary and unwanted.

Although the revised application requests a licence for reduced hours, I believe the agreement to install and monitor CCTV footage is a clear indication of the kind of customers the applicant expects to attract.

Furthermore, CCTV at the premises will have no effect on the noise and disturbance which that custom is certain to create.

PUBLIC SAFETY / PROTECTION OF CHILDREN:

Groups of intoxicated people leaving various premises in the area often coincide, sometimes leading to shouting or scuffles. People can frequently be seen

wandering around the Barbican and Sutton Harbour with drinks in their hands - even though large parts of it are designated alcohol-free zones - later congregating around late-night food outlets.

Only rarely are police officers seen in this area (as opposed to the Barbican). I believe that to grant such a late licence will only increase this kind of anti-social behaviour, especially as late-night drinkers would leave clubs and pubs to take advantage of the extra licensing hours, if granted.

I fear there will be a dramatic increase in bottles and glasses being dropped and smashed nearby. This already happens to some extent. It puts young children walking in the area at risk of serious injury from stepping on broken glass.

SUMMARY:

I am aware that conditions aimed at limiting noise, disturbance, litter and anti-social behaviour can be imposed on bars, clubs and food outlets. But if existing ones are currently subject to any such restrictions, they clearly aren't working in most cases. I believe that even the most stringent conditions will not be sufficient to limit disturbance and anti-social behaviour here.

Other areas of the city are available for those who want to buy take-away food until the early hours up to dawn.

Although I accept that a balance can be struck between safeguarding residential environments and providing certain facilities in the city, the creeping, cumulative impact of granting late-night licences in this neighbourhood – which is geographically and culturally separate from the Barbican - must surely be contrary to one of the licensing authority's stated aims: 'to secure the safety and amenity of residential communities...'

Discovery Wharf
Plymouth
PL4