



#plymlicensing



Democratic Support

Chief Executive's Department
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Published 09 May 2016

Licensing Sub Committee

Tuesday 17 May 2016

10.00 am

Council House (Next to the Civic Centre) Plymouth

Members: Councillors Mrs Bowyer, Morris and Singh.

Fourth Member: Councillor Kelly

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.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

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. Application For Variation Of Premises Licence (Pages 1 - 16)

The Director of Public Health will submit a report regarding an application to vary the premises licence to extend the terminal hour for all licensable activities and opening hours for a temporary period of 6 months in respect of Popworld situated at 18 Union Street, Plymouth.

6. Application Grant Of Premises Licence (Pages 17 - 26)

The Director of Public Health will submit a report regarding an application for Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Co-op situated at Frogmore Avenue Plymouth, (Former Mermaid Public House).

7. 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.

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PLYMOUTH CITY COUNCIL

Subject: **Popworld, 18 Union Street, Plymouth, PL1 2SR**
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 17th May 2016

Cabinet Member: Councillor Philippa Davey

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

Author: Bev Gregory (Licensing Officer)

Contact details: Tel: 01752 308979
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM VAR

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Poppleston Allen Solicitors on behalf of Stonegate Pub Company Ltd in respect of the Popworld, 18 Union Street, Plymouth, PL1 2SR for the Variation of a premises licence under Section 34 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.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

**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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - March 2015](#)

Background papers:

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

Sign off:

Fin		Leg	2557 4/ag/ 28.4. 16	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 23rd March 2016 the licensing department received an application from Poppleston Allen Solicitors on behalf of Stonegate Pub Company Ltd for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Popworld situated at 18 Union Street, Plymouth.

1.2 Details of variation

To vary the premises licence to extend the terminal hour for all licensable activities and opening hours for a temporary period of 6 months

Current Licensable Activities	Variation Application
<p><u>(b) Films</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><u>(c) Indoor Sporting Events</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p>(e) <u>Live Music</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p>(f) <u>Recorded Music</u> (Indoors)</p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>New Years Eve: From the end of</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>permitted hours on New Years Eve to the start of permitted hours on the following day</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p><u>(g) Performance of Dance</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><u>(i) Late Night Refreshment</u></p> <p>Monday to Saturday 11pm to 3am Sunday 11pm to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>New Year's Eve until 05:00 hrs.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p><u>(j) Supply of Alcohol for consumption ON the premises.</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings : 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><u>(l) Hours premises are open to the public</u></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2</p>	<p>Monday to Saturday 10am to 4.30am Sunday 11am to 4.30am</p> <p>Non Standard Timings. Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays & Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on the following day</p> <p>British Summertime An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
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1.3 Variation application

The nature of the proposed variation is;

To vary the premises licence to extend the terminal hour for all licensable activities and opening hours for a temporary period of 6 months and add to the list of notable days for non-standard timings as above.

To add to current conditions under Annex 2 of the premises licence (Appendix 1) with additional steps and suggested condition (Appendix 2)

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 (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations

3.0 **OTHER PARTIES**

One letter of representation has been received (Appendix 3)

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 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.6, 2.14 – 2.15, 2.21, 2.28, 8.42, 9.3, 9.36 – 9.39, 10.10, 13.30 – 13.31, 13.36 – 13.39
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Late Night Refreshment (Page 12), Public Nuisance (Page 17) Operating schedule (Page 19) and Licensing Conditions (Page 20). Also the representations (including supporting information) presented by all the parties.
- 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. Modify the conditions of the licence
2. Reject the whole or part of the application;

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.

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.

Office of the Director of Public Health, Plymouth City Council.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Steps that have been taken to promote the Four Licensing Objectives

1. The company monitors the need for door supervisors
2. Participation in the local Pubwatch scheme (where active)
3. Toughened glass is used
4. Where existing CCTV will continue to be used
5. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly
6. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines
7. We challenge anyone who does not look 21 years of age to produce I/D, signage for this policy is in place at the site
8. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises.
9. Staff are not allowed to be in sole supervision of children and they remain the responsibility of the accompanying adult at all time
10. Where the premises are open for the sale of alcohol until 03.00Hrs on Sunday to Thursday there shall be no new entry of customers after 02.00Hrs save for existing customers, who have stepped outside to smoke.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

We have considered the impact of the proposed variation as well as all the relevant information within the Council's Licensing Policy. Prior to the submission of this application, pre-consultation has taken place with the Police Licensing Officer, Environmental Health Officer and Licensing Officer.

We do not feel that the application will have an adverse impact on the licensing objectives and we do not consider any further steps will be required to promote the licensing objectives. We believe existing measures are adequate and further conditions are not appropriate.

Stonegate Pub Company have in place an extensive Licensing Manual detailing both company policies, appropriate across the whole estate, along with procedures in place at a local level to ensure that premises operate to a high standard and promote the licensing objectives. These include policies regarding social responsibility, under age sales and procedures to prevent crime and disorder and public nuisance.

Additionally, with regard to the extension of hours sought in the application, the applicant is aware that the premises is within a cumulative impact area and based on the advice of the police licensing officer the applicant therefore seeks the extended hours for a temporary period of six months via the condition detailed below. The hours are being trialled on a temporary basis to assess the impact of the variation with a view to permanently varying the hours at the end of this period.

b) The prevention of crime and disorder

1. As the premises are in a cumulative impact area the variation of the permitted terminal hour for licensable activities of 04:00am and for opening hours of 04.30am Monday to Sunday, shall be permitted for a period of six months from the date of this variation and thereafter the said hours shall revert to those permitted prior to this variation unless the licence holder shall make a further application for a variation which shall be accompanied by a statement showing the impact of the variation on the cumulative impact area policy.

c) Public safety

See a) above

d) The prevention of public nuisance

See a) above

e) The protection of children from harm

See a) above

Please tick yes

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.

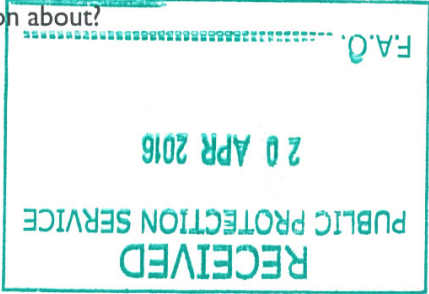
Section 1: Licence application details

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

Name of applicant (if known) POPWORLD (STONEGATE Pub Company)
 Premises name and address 18 Union St Plymouth
 Postcode PL1 2SR

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 _____
 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 JESTERS LTD
 Address 39-43 Union St Plymouth
 Postcode PL1 3LU

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

Managing Director.

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

* Please attached sheet.

Public safety

For example alterations to the premises, capacity limits

The granting of a 4am extension at Popworld will have an adverse effect on anti-social behaviour. Stonegate Pub Company run a professional business with an aggressive pricing policy allowing consumers to drink “more for their money”.

Allowing consumers an increased drinking time will lead to further intoxication that the bars and clubs further down the street will have to deal with once Popworld has closed and shut their doors, and the problem of dealing with more heavily intoxicated customers will no longer be Popworlds concern.

As it stands now, Popworlds 3am licence is a “happy medium” that can be dealt with, but the granting of a 4am will only increase anti social behaviour that the rest of us will have to “mop up”.

The police have indicated that they have no objections to the granting of a 4am licence, but at the end of the day, with the government cutbacks on the police authority, myself, my security staff and bar staff are on the front line having to deal with increased anti social behaviour, well before the police get involved which is unfair to us all.

I realise that most of the clubs further down the street have later closing times than Popworld, but

Union Street is a symbiotic circle of clubs and customers and has always been such, whereas the clubs at the top of the street have all the early trade when customers are not intoxicated and have slightly earlier closing times and the clubs further down the street have later licences and deal with the flow of customers after the others have closed. To disrupt this balance as it stands now will only put increased pressure dealing with anti-social behaviour, not only on myself and the staff but also the Police authority and ambulance service.

The prevention of public nuisance

For example noise disturbance, littering

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 19-4-16.

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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PLYMOUTH CITY COUNCIL

Subject: Co-op, Frogmore Avenue, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 17th May 2016

Cabinet Member: Councillor Philippa Davey

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

Author: Bev Gregory (Licensing Officer)

Contact details: 01752 308979
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM GRANT

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Ward Hadaway Solicitors on behalf of Co-operative Group Food Ltd in respect of the Co-op situated at Frogmore Avenue, Eggbuckland, Plymouth (Former Maraid Public House) 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.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - March 2015](#)

Background papers:

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

Sign off:

Fin		Leg	2557 3/ag/ 28.4. 16	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 24 March 2016 the licensing department received an application from Ward Hadaway Solicitors on behalf of Co-operative Group Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Co-op situated at Frogmore Avenue Plymouth, (Former Mermaid Public House).

1.2 Grant application.

Supply of alcohol off the premises

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(j) Supply of Alcohol for consumption OFF the premises.

Monday to Sunday 7am to 11pm

(l) Hours Premises are Open to the Public

Monday to Sunday 7am to 11pm

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

1.5 One letter of representation has been received (Appendix 2)

1.6 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* – 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 (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

No representations have been received.

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 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.14 – 2.15, 9.3,9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Responsible Retailing for Off-Sales (page 15), Location and Trading restrictions (page 15), Protecting children from harm (page 16), Licensing conditions (page 20) the representations (including supporting information) presented by all the parties.

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.

Office of the Director of Public Health, Plymouth City Council.

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)

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises will be fitted with a burglar alarm system

6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

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A complaints procedure will be maintained, details of which will be made available in store and upon request.

- e) The protection of children from harm
1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
 2. An age till prompt system will be utilised at the premises in respect of age restricted products.
 3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

- Checklist:**
- Please tick to indicate agreement**
- I have made or enclosed payment of the fee.
 - I have enclosed the plan of the premises.
 - I have sent copies of this application and the plan to responsible authorities and others where applicable.
 - I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
 - I understand that I must now advertise my application.
 - I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Ward Hadaway</i>
Date	23 rd March 2016
Capacity	Solicitor acting on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

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APPENDIX 2

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) CO-OPERATIVE FOOD
 Premises name and address 15 FROGMORE AVENUE, EGGBUCKLAND
PLYMOUTH Postcode PL6 5XH.

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 _____

 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 FROGMORE STORES LTD.
 Address 1 DANE AVENUE, EGGBUCKLAND,
PLYMOUTH Postcode PL6 5SF

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

DIRECTOR - FROGMORE STORES LTD

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

THERE HAVE BEEN MORE INCIDENTS OF DRUNKEN/VIOLENT BEHAVIOUR IN
A AROUND THESE PREMISES AND LATE NIGHT RIOT JUST BEFORE
LAST LICENSEE ~~HE~~ LEFT. POLICE WILL HAVE RECORDS OF
MOST INCIDENTS AS THEY WERE REGULARLY CALLED OUT. WE
HAVE ALSO HAD A SUMMER CURFEW IN AREA TO TRY & REDUCE THE NO
OF YOUTHS HANGING AROUND AREA WITH ALCOHOL -

Public safety

For example alterations to the premises, capacity limits

EXTRA TRAFFIC IN & OUT OF AN ALREADY BUSY ROAD WHICH IS NEXT
TO AUSTIN FARM ACADEMY SCHOOL 2 YOUNG BOYS WERE KNOCKED
OVER JULY 2015. PARKING ON BOTH SIDES OF FROGMORE AVENUE (MUCH
NEEDED BY RESIDENTS) RESTRICTS ACCESS & VISIBILITY TO ENTRANCE ESPECIALLY
AT SCHOOL TIMES (THIS WILL ONLY BE EXASPERATED) BY DELIVERY LORRIES
& CUSTOMERS UNABLE TO GET ACCESS AND CARS ETC PARKING OUT OF
CAR PARK WITHOUT CLEAR VISIBILITY

The prevention of public nuisance

For example noise disturbance, littering

A FAMILY NEIGHBOURHOOD WHICH HAS SUFFERED FOR YEARS FROM NOISE, LATE NIGHT REVELERS, CARS & ARGUMENTS FROM THESE PREMISES. COMMUNITY POLICE HAVE BEEN HEAVILY INVOLVED. EXTRA CAR NOISE, LIGHTING ETC IS INEVITABLE AS WELL AS LITTER CANS/BOTTLES ETC NORMALLY DUMPED IN RESIDENTS GARDENS. PREVIOUS LICENCE WAS REVOKED / NOT RENEWED DUE TO CONTINUAL PROBLEMS WITH THESE PREMISES. A LICENSED PREMISES WOULD ONLY ADD TO THE EASY AVAILABILITY OF ALCOHOL IN THIS AREA ESPECIALLY IN SUMMER MONTHS.

The protection of children from harm

For example underage sales, exposure to certain performances

AGAIN HOT SPOT AREA OVER YEARS WITH GROUPS OF YOUTHS, DRINKING/SMOKING, GAINING ALCOHOL AND FREQUENTING LOCAL FIELD. POLICE AGAIN HEAVILY INVOLVED. WE HAVE HAD OUR BACKYARD USED AS HIDING PLACE FOR ALCOHOL WHICH ADULTS HAVE BOUGHT & SUPPLIED.

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

Signed _____ Date 28/3/16

Please send to:

Licensing Department
Plymouth City Council
Civic Centre
Plymouth PL1 2AA
T: 01752 305465
E: licensing@plymouth.gov.uk