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Oversight and Governance

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Licensing Sub Committee

Tuesday 24 September 2019
10.00 am
Council House, Plymouth

Members:

Councillors Hendy, Rennie and Riley.

Fourth Member:

Councillor Deacon.

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

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. 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) 1 of Part 1 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.

6. Grant of Personal Licence

(Pages 1 - 4)

The Director of Public Health will submit a report in relation to the Grant of a Personal Licence.

PART I - PUBLIC MEETING

7. Review of Premises Licence - Union Street Mini Market, 95 Union Street, Plymouth, PLI 3NB (Pages 5 - 10)

The Director of Public Health will submit a report in relation to the review of a premises licence for the Union Street Mini Market, 95 Union Street, Plymouth, PLI 3NB.

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REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



Date:	24 September 2019
Title of Report:	Review of Premises Licence
Lead Member:	Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Bev Gregory (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	PPS/LIC/Review/Union Street Mini Market
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Superintendent Farrin on behalf of Devon and Cornwall Constabulary in respect of Union Street Mini Market, 95 Union Street, Plymouth, PL1 3NB for the Review of a premises licence under Section 51 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

Our Plan – A City to be proud of.

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

A Growing City: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

A Caring Council: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system 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:

Not applicable

Carbon Footprint (Environmental) Implications:

None

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

* *When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

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.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7
Application							

Sign off:

Fin	Click here to enter text.	Leg 3326 5/ag/5 .9.19	Click here to enter text.	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Robert Nelder											
Please confirm the Strategic Director(s) has agreed the report? N/A Date agreed: N/A											
Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only] Date: N/A											

I.0 INTRODUCTION

I.1 On the 5 August 2019 the licensing department received an application from Superintendent Farrin under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Union Street Mini Market situated at 95 Union Street, Plymouth.

I.2 Review application.

Devon and Cornwall Constabulary have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance. A Copy of this application has been served by Devon and Cornwall Constabulary on each of the responsible authorities and the holder of the premises licence.

Devon & Cornwall Constabulary will say that over the past three years they have had occasion to intervene and offer advice to the manager of the premises Mr Ammin Uresh regarding the sale of high strength alcohol to vulnerable people, street drinkers and those involved in anti-social behaviour. On each occasion attempts to contact the DPS have met with explanations that he was ill or out of the country. Each intervention met with limited success for short periods before the resumption of original concerns.

Mr Uresh has been consulted about engaging with the reducing the alcohol campaign on a number of occasions, he has been requested to discuss this with the DPS and application papers have been left at the premises yet there has never been a response.

The absence of the named Designated Premises Supervisor and his lack of communication is having a negative impact on the licensing objectives. Mr Uresh does try to deal with our concerns but has no authority and very little knowledge of the requirements of the licensing Act. These shortcomings and poor management is evident and a contributor incidents of alcohol related crime and disorder within the vicinity of the premises.

Examination of the stock available at the premises shows a large percentage of the beers, lagers and ciders on sale contain an ABV of between 7 and 9.5%. The Devon and Cornwall Police are of the opinion this business model is aimed at the retail sale of alcohol to the most vulnerable people in the area.

Since April 2019 there has been a resurgence of incidents in the area involving inebriated people involved in Anti-Social Behaviour and Alcohol related violence.

The neighbourhood police team designated the problem to be so severe that the area was made subject of the Primary Tasking and subject of a planned operation named HIPPIC.

The Police feel that the absence of the DPS the lack of training and expertise of the management and the growing numbers of alcohol dependent people congregating in the area to use this shop is having a negative effect on the Four Licensing Objectives specifically those of Prevention of Crime and Disorder and Public Safety.

The operation is also having negative effect on both the local residential and business community.

Therefore the police feel they have no alternative than to make application for a review of the premises licence to deal with these matters.

In accordance with review proceedings at 1414hrs on 5 August 2019 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Sunil Samarakoon and requested the site notice be displayed at the premises.

At 1445hrs the same day a similar notice was displayed on the public notice board at the Council House, Armada Way, Plymouth.

1.3 **Licensable Activities.**

These premises have the following licensable activities and timings

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

Monday to Saturday 0800hrs to 2300hrs

Sunday 1000hrs to 2230hrs

Non Standard Timings.

Good Friday: 08:00 to 22:30 hrs

Christmas Day: 12:00 to 15:00 hrs
19:00 to 22:30 hrs

(l) Hours Premises are Open to the Public

Monday to Saturday 0800hrs to 2300hrs

Sunday 1000hrs to 2230hrs

Non Standard Timings.

Good Friday: 08:00 to 22:30 hrs

Christmas Day: 12:00 to 15:00 hrs
19:00 to 22:30 hrs

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 (ODPH)* – no representations.

2.8 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

No representations

4.0 CONSIDERATIONS

In making its decision the Committee is obliged to have regard to the application and any relevant representations.

The Committee should take 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.

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, 1.9, 1.10, 1.12, 1.16, 1.17
 - 2.3, 2.5,
 - 11.1, 11.7, 11.9, 11.10, and 11.16 - 11.23
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
 - Prevention of Public Nuisance and Public Safety (Page 10)
 - Prevention of Crime and Disorder (Page 11)
 - Licensing Hours (Page 12)
 - Designated Premises Supervisor (Page 15)
 - Licensing Conditions (page 22) and
 - Review of premises licence (Page 24-25)
- Also the representations (including supporting information) presented by all the parties.

4.2 The steps referred to above are :

- (a) to modify the conditions of the licence (which includes adding new conditions, any alteration or omission of an existing condition);
- (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;

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.