

**Democratic Support**

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#plymlicensing

LICENSING SUB COMMITTEE

Tuesday 17 December 2019
10.00 am
Council House, Plymouth

Members:

Councillors Parker-Delaz-Ajete, Rennie and Rebecca Smith.

Fourth Member:

Councillor Jordan.

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. Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY (Pages 1 - 6)

The Director of Public Health will submit a report in relation to the review of a premises licence for the International Supermarket, 44 Union Street, Plymouth, PL1 3EY.

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.

7. Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY (Pages 7 - 12)

The Director of Public Health will submit a report in relation to the review of a premises licence for the International Supermarket, 44 Union Street, Plymouth, PL1 3EY.

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REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



Date:	17 December 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:	Frederick Prout (Senior Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	PPS/LIC/Review/International Supermarket
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Superintendent Matthews on behalf of Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the International Supermarket, 44 Union Street, Plymouth, PL1 3EY.

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)							
1	Trading Standards representation							X
2	Licensing Representation							X

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)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7
Application							x

Sign off:

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Originating Senior Leadership Team member: Click here to enter text.											
Please confirm the Strategic Director(s) has agreed the report? N/A											
Date agreed: Date.											
Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only] N/A											
Date: Date.											

1.0 INTRODUCTION

1.1 On the 24 October 2019 the licensing department received an application from Superintendent Matthews under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of International Supermarket situated at 44 Union Street, 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 prevention of crime and disorder, public safety and the protection of children from harm. 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 1406hrs on 24 October 2019 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Alan Ali Houssein and requested the site notice be displayed at the premises.

At 1427hrs 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.

<p><u>(j) Supply of Alcohol for consumption OFF the premises.</u></p> <p>Monday to Sunday 1000hrs to 2300hrs</p>
<p><u>(l) Hours Premises are Open to the Public</u></p> <p>Monday to Sunday 0800hrs to 2300hrs</p>

2.0 RESPONSIBLE AUTHORITIES

2.1 *Trading Standards* has made representations relating to the prevention of crime and disorder and the protection of children from harm..

2.2 *Licensing Authority* has made representations relating to the prevention of crime and disorder.

3.0 OTHER PARTIES

No representations

4.0 CONSIDERATIONS

4.1 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
 - 2.1, 2.3, 2.5, 2.7, 2.8, 2.22, 2.23, 2.25, and 2.26
 - 11.1, 11.7, 11.9, 11.10 and 11.16 - 11.23, 11.24 – 11.28
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
 - Prevention of Crime and Disorder (Page 11)
 - Designated Premises Supervisor (Page 15)
 - Responsible Retailing for Off-sales (Page 16)
 - Location and Trading Restrictions (Page 17)
 - Protecting Children from Harm (page 18)
 - Licensing Conditions (page 22)
 - 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.

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