

VARIATION OF PREMISES LICENCE NOTICE REPORT

Licensing Sub Committee



Date:	17 March 2020
Title of Report:	Variation 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
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Premier Express Punchbowl
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Mr Latt Sahib in respect of the Premier Express Punchbowl, 3-5 Wolseley Road, Milehouse, Plymouth, PL2 3AA for the Variation of a premises licence under Section 34 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)							
B	Police Agreement							
C	Email from Applicant							
D	Representation							

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							

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Originating Senior Leadership Team member: [Click here to enter text.](#)

Please confirm the Strategic Director(s) has agreed the report? [Choose](#)

Date agreed: [Date.](#)

Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only]

Date: [Date.](#)

1.0 INTRODUCTION

1.1 On the 29 January 2020 the licensing department received an application from Mr Latt Sahib for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Premier Express Punchbowl situated at 3-5 Wolseley Road, Milehouse, Plymouth.

1.2 Details of variation

To allow opening and alcohol sales for 24hours;

Current Licensable Activities	Variation Application
<p><u>(j) Supply of Alcohol for consumption OFF the premises.</u></p> <p>Monday to Sunday 6:45am to 11:00pm</p> <p>Non Standard Timings.</p>	Monday to Sunday 00:00 to 00:00
<p><u>(l) Hours premises are open to the public</u></p> <p>Monday to Sunday 6:45am to 11:00pm</p> <p>Non Standard Timings.</p>	Monday to Sunday 00:00 to 00:00

1.3 Variation application

The nature of the proposed variation is to vary the hours when the licensable activities may take place Monday to Sunday from 00:00 to 00:00 (24 hours)

1.4 A representation has been received in respect of this application.

1.5 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* - Have reached an agreement with the applicant to amend the requested hours (Appendix 1) Email received from applicant confirming the amended hours. (Appendix 2)

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

1 letter has been received that is attached to this report marked (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, 2.15 – 2.18, 2.21, 2.22, 3.3, 9.1, 9.3, 9.31, 9.32, 9.37 – 9.40 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Responsible retailing of Off Sales (Page 16), Off Licence design and Lay out and Location and Trading Restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22)
- 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.

Gregory, Bev

From: McINDOE David 55474 <David.MCINDOE1@devonandcornwall.pnn.police.uk>
Sent: 14 February 2020 10:08
To: Gregory, Bev
Subject: FW: Premiere Express Punchbowl application to Vary Premises Licence.

fyi

From: McINDOE David 55474
Sent: 12 February 2020 09:44
To: Prout, Frederick <Frederick.Prout@plymouth.gov.uk>
Subject: Premiere Express Punchbowl application to Vary Premises Licence.

Dear Mr Prout,

Please be advised that following liaison with the applicant agreement has been reached to amend the application for the permitted hours for the sale of alcohol to be 0600 – 0100hrs. seven days a week.

Kind Regards

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Prout, Frederick

From:
Sent: 11 February 2020 12:27
To: Prout, Frederick
Subject: Re: Application to vary the premises licence - Premier Express Punchbowl

Dear Prout

As you are aware we have applied for 24 hours alcohol and opening licence Monday-Sunday for Premier Express-The Punchbowl at 3-5 wolseley road PL2 3AA. i have received a call from local licencing police officer and they were not happy for us to go 24 Hours so we negotiated and agreed to amend hours 06:00 AM- 01:00 AM Monday-Sunday opening and alcohol and they were happy with these timings , could you please update our application accordingly .

regards
Latt

On Tuesday, 11 February 2020, 12:10:11 GMT, Prout, Frederick <frederick.prout@plymouth.gov.uk> wrote:

OFFICIAL

Dear Mr Sahib

Please use this email to inform the changes required to your application.

Kind regards

Frederick Prout
Senior Licensing Officer
Environmental Services
Windsor House
Tavistock Road
Plymouth
Devon
PL6 5UF

T+441752304792
E frederick.prout@plymouth.gov.uk

www.plymouth.gov.uk

Price, Marie

From: [REDACTED]
Sent: 03 February 2020 12:43
To: Licensing
Subject: Licensing application 076972 - Premier Express Punchbowl

Dear Sirs

I wish to object to the above licensing application. I have lived close to the shop in question since 2012 and as a long-time Plymouth resident have been familiar with the area for the last 40 years.

I am concerned that an increase in the hours of alcohol off-license sales (and consequent increase in volume of sales) will also exacerbate the current problems:

Noise and litter late at night

Milehouse Road can be very noisy on weekend evenings, with drunks making their way home and deliberately causing noise by shouting, and by kicking the bus stop signs (timetables). On occasion this extends to kicking car wing mirrors off. The area of the junction, bus shelters and entrance to Central Park becomes littered with food debris and packaging, broken glass is common. It is an intimidating environment for the residents, many of whom are elderly.

The hours that the Britannia public house is allowed to open are limited for a reason. I note that the Britannia staff now wear body cameras. People leaving the pub late after an evening's drinking should not be encouraged to buy more alcohol.

Vulnerable residents.

The area around Milehouse Corner, Stoke and Alma Road includes HMOs and premises that appear to be used as hostel or sheltered accommodation. Providing 24 hour access to alcohol is likely to be detrimental to some of the occupants and their associates.

Street drinkers

Milehouse Corner is already a draw for some street drinkers, who sit on the steps of the snooker club building in the warmer weather. A few weeks ago, I saw one of these people urinating from the pavement into the garden of one of my neighbours in broad daylight at 3pm. The Public Space Protection Order in force for Devonport, Stoke Village and Blockhouse Park makes this the nearest convenient perch for anyone approaching from those areas. 24 hour off sales – with the lure of alcohol and begging opportunity – will increase this.

Youths/Central Park Skate Park

The Skate Park on the Milehouse entrance to Central Park is floodlit all night and has always been a congregating point for teenagers with nothing better to do in the evening. I visit the Life Centre early Sunday mornings and often seen broken glass, cans or bottles on the path to this area. I have no problem with the teens meeting up in the park but I do not think they will benefit from easier access to alcohol.

I also note that the shop does not have many staff and there is sometimes no-one behind the counter or on the shop floor when you go in – as CCTV will show.

I therefore request that you deny this licensing application. Please acknowledge receipt, preferably by email.

My contact details are:

[REDACTED]