

VARIATION OF PREMISES LICENCE NOTICE REPORT

Licensing Sub Committee



Date: 04 January 2022

Title of Report: Variation of Premises Licence

Lead Member: Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)

Lead Strategic Director: Dr Ruth Harrell (Office of the Director of Public Health)

Author: Marie Price (Senior Licensing Officer)

Contact Email: Licensing@plymouth.gov.uk

Your Reference: Spar. 171 -173 Pike Road

Key Decision: No

Confidentiality: Part I - Official

Purpose of the report:

An application has been received from Licensing Solutions on behalf of Wessex Retail Ltd in respect of Spar. 171-173 Pike Road, Efford, Plymouth. PL3 6HJ 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

Financial Risks

Not Applicable

Carbon Footprint 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) <i>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</i> | | | | | | |
|------|-----------------------------|--|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| A | Briefing report (mandatory) | | | | | | | |
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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) <i>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.</i> |
|------------------------------|--|
| | |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------------|---|---|---|---|---|---|---|
| Application | | | | | | | |
| | | | | | | | |

Sign off:

| | | | | | | | | | | | |
|---|---------------------------|-----|------------------|---------|---------------------------|----|---------------------------|--------|---------------------------|------------|---------------------------|
| Fin | Click here to enter text. | Leg | 37756/ag/7.12.21 | 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: 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 05th November 2021 the licensing department received an application from Licensing Solutions on behalf of Wessex Retail Ltd for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Spar, situated at 171-173 Pike Road, Efford, Plymouth. PL3 6HJ.

1.2 Details of variation

| Current Licensable Activities | Variation Application |
|---|---|
| <p><u>(j) Supply of Alcohol for consumption OFF the premises.</u></p> <p>Monday to Saturday 08:00am to 11:00pm Sundays 10:00am to 10:30pm Non Standard Timings: Good Friday: 08:00am to 10:30pm Christmas Day: 12:00pm to 3:00pm 7:00pm to 10:30pm</p> | <p><u>(j) Supply of Alcohol for consumption OFF the premises.</u></p> <p>Monday to Sunday 06:00am to 11:00pm</p> |
| <p><u>(l) Hours premises are open to the public</u></p> | <p><u>(l) Hours premises are open to the public</u></p> <p>Monday to Sunday 06:00am to 11:00pm</p> |

1.3 Variation application

The nature of the proposed variation is to extend opening and alcohol sales hours, remove alcohol trading restrictions on Christmas Day and Good Friday, remove any unnecessary embedded conditions and amend licensed plan due to alterations to the store.

1.3 Variation Application Operating Schedule (Appendix 1)

1.4 Copy of Existing Premises Licence and Plan PA0061 (Appendix 2)

1.5 New Plan (Appendix 3)

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

Two letters of representation, from the same address have been received that are attached to this report marked appendix 4 and 5.

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: Dispersal Policy (Page 11); Licensing Hours (Page 11), Location and Trading restrictions (page 15), Protecting children from harm (page 16), Public Nuisance (Page 17), Licensing conditions (page 20) 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.

Section 16 of 18**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

ALARM SYSTEM, CCTV SYSTEM WITH 28 DAY RECORDING FACILITIES WITH COPIES TO BE MADE AVAILABLE TO THE POLICE OR RESPONSIBLE AUTHORITIES UPON REQUEST TO THE DPS OR MANAGER, STAFF TRAINED IN THE SALE OF ALCOHOL WITH RECORDS KEPT FOR 12 MONTHS WITH RECORDED ONGOING ALCOHOL REFRESHER TRAINING REGIME TO BE MADE AVAILABLE TO APPROPRIATE OFFICERS UPON REQUEST TO THE DPS OR MANAGER, CHALLENGE 25 IN PLACE AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS, CCTV, NOTICES REQUESTING CUSTOMERS TO LEAVE THE STORE QUIETLY

e) The protection of children from harm

FULL RECORDED ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL REFRESHER TRAINING WITH REFRESHER TRAINING TO BE CARRIED OUT EVERY SIX MONTHS, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Appendix 2

Licensing Act 2003

Premises Licence**PA0061****Local Authority****Public Protection Service**

Licensing Unit
 Plymouth City Council
 Windsor House
 Plymouth. PL6 5UF
 Tel: 01752 304141 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Spar**

171-173 Pike Road, Efford, Plymouth, Devon, PL3 6HJ.

Telephone 01752 303491

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|-----------------------|--------------------|---------|
| M. The sale by retail of alcohol for consumption OFF the premises only | | | |
| | Monday to Saturday | 08:00 | 23:00 |
| | Sunday | 10:00 | 22:30 |
| | 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 | |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|-------------|-----------|---------|
|-------------|-----------|---------|

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Wessex Retail Limited

Appleby Westward, Forge Lane, Moorlands Trading Estate, Saltash, Cornwall, PL12 6LX.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Wessex Retail Limited

12205715



Licensing Act 2003

Premises Licence

PA0061

Local Authority



Public Protection Service
Licensing Unit
Plymouth City Council
Windsor House
Plymouth, PL6 5UF
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Juliet BARNARD

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PL12538 Issued by Plymouth

ANNEXES

ANNEX I - MANDATORY CONDITIONS - OFF SALES

No supply of alcohol may be made under this Premises Licence when there is no Designated Premises Supervisor in respect of the Premises Licence.

No supply of alcohol may be made when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under this Premises Licence must be made or authorised by a Personal Licence holder.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.



Licensing Act 2003
Premises Licence

PA0061

Local Authority



Public Protection Service
Licensing Unit
Plymouth City Council
Windsor House
Plymouth. PL6 5UF
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

ANNEXES continued ...

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$ where:
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of Value Added Tax chargeable in relation to the alcohol as if the Value Added Tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any)
 - (iii) the personal licence holder who makes or authorises a supply of alcohol;
- (d) “relevant person” means, in relation to a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “Value Added Tax” means Value Added Tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (b) below applies where the permitted price given by Paragraph (b) of paragraph (2)



Licensing Act 2003

Premises Licence

PA0061

Local Authority



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ANNEXES continued ...

on a day (—the first day)) would be different from the permitted price on the next day (—the second day)) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- The authorised hours for the sale of alcohol does not prohibit:
 - 1. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - 2. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - 3. the sale of alcohol to a trader or club for the purposes of the trade or club;
 - 4. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

ANNEX 4 - PLANS

As Attached



[illegible]

FIRE
EXTINGUISHER

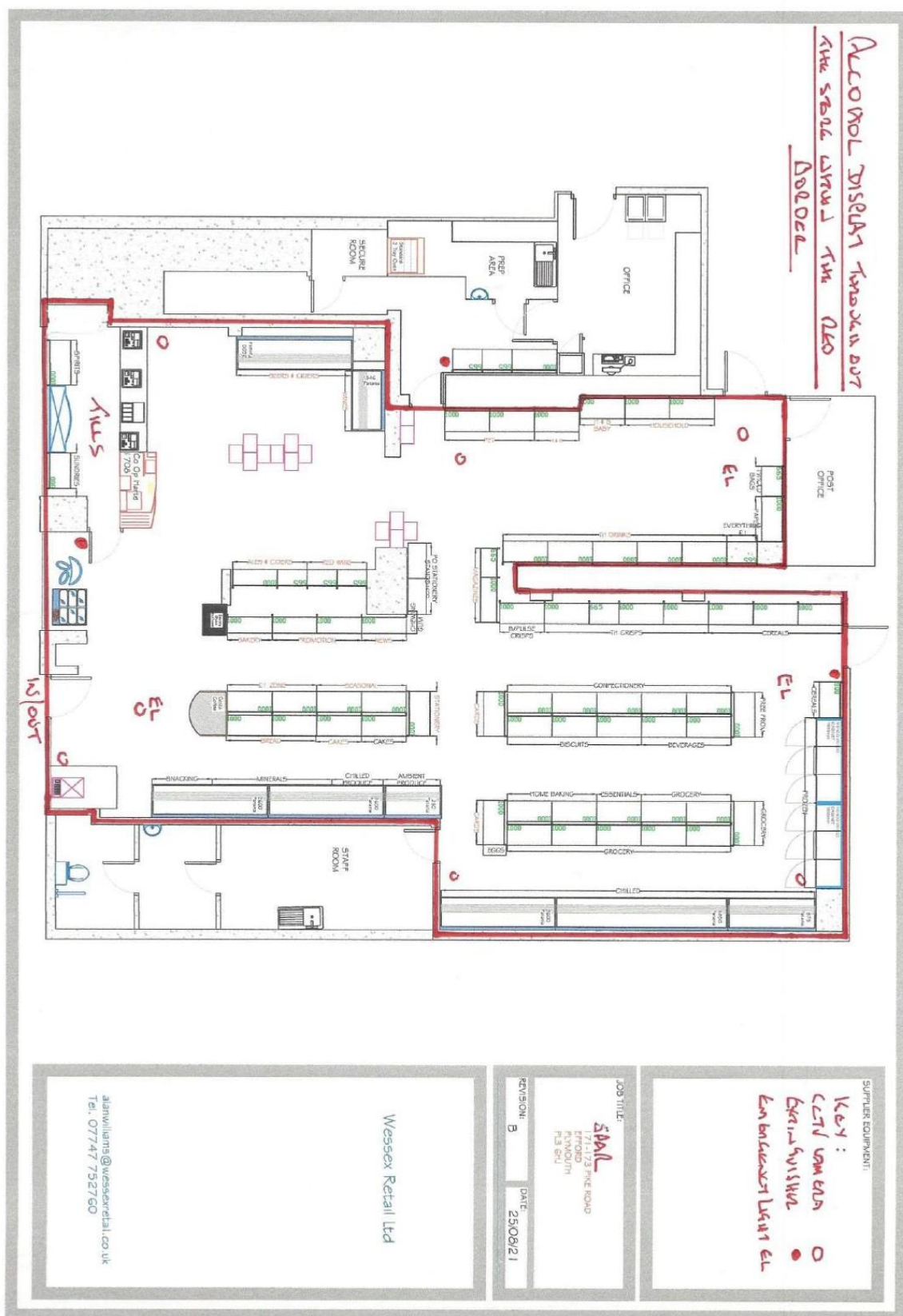
FIRE SAFETY
FIRE STORAGE

Class A, B, and C

FIRE SAFETY
FIRE STORAGE

[illegible]

Appendix 3

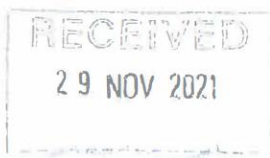


Appendix 4

Parcels - Inset



Pike Road
Plymouth
Devon
PL3 6HH
U.K.



11/26/2021

Dear Sir/Madam,

Re: Proposed Extension For the Supply of Alcohol to Spar Store – 171- 173
Pike Road, PL3 6HJ

I read with dismay that the Spar Shop, 171-173 Pike Road, Efford, PL3 6HJ have posted a Public Notice on their shop door for an application to vary a premises License Under Section 34 of the Licensing Act 2003.

I see no reason as to why this premises should be able to sell alcohol between 6.00 – 23.00 hours daily and strongly object to this extension. We have enough problems with drug misuse literally on our doorstep and I feel that this extension would encourage more anti-social behaviour. As a resident and retiree only a few doors from these premises, it concerns me personally.

Staff at the Co-op (as Spar have only just acquired these premises) have been verbally abused by alcohol fuelled customers in the past and I fail to see how this is going to improve the situation.



This extension I believe will encourage even more anti-social behaviour and make this area even more undesirable and frightening not only for those residents of my age and older but young children.

I fail to see the benefits to the Community of allowing this extension to go ahead – especially when we are trying to live in a kinder world. Please, please do not grant this extension for the safety of the public and generally law-abiding residents who live here.

Thank you

Yours sincerely



Appendix 5

RECEIVED
29 NOV 2021

Pike Road
Efford
Plymouth
PL3 6HH
26th November 2021

The Licensing Officer
Plymouth City Council
Windsor House
Plymouth
PL6 5UF

Ref: Application by Wessex Retail for an extension of alcohol sales hours at the Spar store in Pike Road, Efford.

Sir;

I am writing to place on record my objection to the proposed extension of the hours for the supply of alcohol from the subject store.

I believe that the existing sales hours are entirely sufficient and not in need of an extension. As a local convenience store, previously under the name of the Co-op, the opening hours and availability of alcohol is well established. The clientele who frequent the store are fully aware of the store opening hours.

In the period of my residence close to the store (almost 12 years now) and my frequent use of it, I have not once heard anyone express a need for extended alcohol availability. Indeed, most local residents are more concerned about the prevalence around the store of drug misuse and late-night disorder.

It is my firm belief that such an extension, if granted, would achieve nothing but increase the risk of disorder and public nuisance if those so desperately in need of alcohol become aware of its ready availability. I also question the justification for such an application when the applicant has only just taken over the store and has not yet taken the opportunity to acquaint themselves with either the demographic or the needs of the area.

I believe it is also worth noting that the application was submitted on November 5th and the deadline for representations is stated as December 3rd, being 28 days from the date of the notice. It is therefore somewhat underhand for the applicant to delay display of the notice on the door of the store until the 26th of November, thereby limiting the time available for customers at the store to read, consider and possibly submit opinions.

Respectfully