

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	22 March 2022
Title of Report:	Grant of Premises Licence
Lead Member:	Councillor John Riley (Cabinet Member for Customer Focus and 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:	The Catch
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Richard Baker on behalf of Oceanic Seafood South West Limited, in respect of The Catch situated at 47 Southside Street. The Barbican, Plymouth. PL1 2LD. For the Grant of a premises licence under Section 17 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 (Environmental) Implications:

None

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

* 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 of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title							
B	Equalities Impact Assessment (if applicable)							

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							

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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 approval: [electronic signature (or typed name and statement of ‘approved by email/verbally’)]
Date approved: Date.

1.0 INTRODUCTION

On the 27th January 2022 the licensing department received an application from Richard Baker on behalf of Oceanic Seafood South West Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of The Catch situated at 47 Southside Street. The Barbican, Plymouth. PL1 2LD

1.2 Grant application.

This application is for alcohol on sales at a Small seafood casual dining restaurant, take away (cooked food) and raw fish retail outlet.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(j) Supply of Alcohol for consumption ON the premises.</u>
Monday to Sunday 10am to 10pm
<u>(l) Hours Premises are Open to the Public</u>
Monday to Sunday 10am to 10pm

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

1.5 Site Plan of Premises supplied by applicant. (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 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 representation was received as the Police agreed conditions with the applicant. The agreed conditions are at Appendix 3.

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 that are attached to this report (Appendix 4).

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, 2.7-2.10, 2.15-2.21, 9.3, 9.11 – 9.12, 9.33 - 9.40, 9.42 – 9.44 , 10.10, 14.20 -14.23, 14.28, 14.39 -14.40, 14.44.
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Public Nuisance (Page 19), Licensing conditions (page 22), Cumulative Impact Assessment (Page 27),
- the representations (including supporting information) presented by all the parties,
- Cumulative impact Policy: This special policy is to be read in conjunction with the Statement of Licensing Policy

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.

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.

Effective and responsible management of premises
Training and supervision of staff
Adoption of best practice guidance

b) The prevention of crime and disorder

Effective and responsible management of premises
Training and supervision of staff

c) Public safety

Suitable risk assessments
Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
Appropriate instruction, training and supervision of those employed
Adoption of best practice guidance
Regular testing (and certification) of procedures, appliances etc.

d) The prevention of public nuisance

Appropriate instruction, training and supervision to prevent incidents of public nuisance
Control of operating hours
Adoption of best practice guidance

e) The protection of children from harm

Sufficient number of staff to secure the protection of children from harm
Appropriate instruction, training and supervision of staff in respect to determining the age of a customer
Adoption of best practice guidance
Limitations on the hours when children may in the premises
Imposition of requirements for children to be accompanied by an adult
Acceptance of accredited 'proof of age' cards and/or 'photo' driving license

Appendix 2



Appendix 3

The Catch
47 Southside Street,
Plymouth,
PL1 2LD.

1. The premises will be food orientated, with substantial food in the form of table meals being made available when the premises are open.
2. All staff engaged in licensable activity at the premises will receive training and information in relation to the following
 - i. The *Challenge 25* scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
3. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than *6-month* intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months
4. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, shall operate throughout the times the premises are open to the public, with monitors behind all bars and a recording system. All recordings shall be kept for a minimum of 28 days and copies of all recordings shall be supplied to the police within 48 hours of any request.
5. The premises licence holder must remain vigilant against any nuisance being caused. Taking any necessary precautions.

6. All staff shall be trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and then at least every six months. Training shall be signed and documented, and training records will be kept on the premises and be made available to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

7. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a *Challenge 25* proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

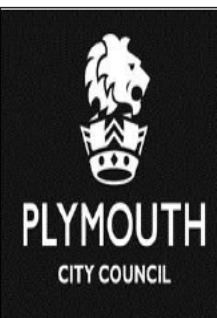
- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Appendix 4

LICENSING REPRESENTATION



Case reference: FS-Case-403594903

Premises	
Name of the premises:	the catch
With regard to the following application I want to:	Object
Premises address:	47 Southside Street, Plymouth, Devon, PL1 2LD
Representation	
In what capacity are you applying:	Any other person

div>

Name:	
Telephone number:	
Mobile number:	
Email address:	
Address:	
Representation details	
Which of the following Licensing Objectives is this representation relevant to:	A. The prevention of crime and disorder,B. Public safety,C. The prevention of public nuisance
	<p>Crime and disorder - 47 Southside street is directly my home on the corner of parade ope. We have a current community trigger in place regarding antisocial behaviour in this direct vicinity. In general the night time economy on the barbican attracts street drinkers, rowdy behaviour, public urination in residents doorways and destruction of property. Having another alcohol outlet on the street will exasperate an already out of control problem which precipitated the necessity for an anti social case review. The night time economy is the primary draw for street drinkers and anti social individuals to prey upon the good nature of hospitality and visitors of the waterfront. We have personally been effected by this. Having another establishment licensed for alcohol in such a small area will inevitably cause further conflict with the residents that have to live and sleep here overnight. The footfall and crowds of an evening will only add to the current problems regarding antisocial behaviour that us, the</p>

<p>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</p>	<p>residents, are currently fighting. The gated entryway to a block of flats named "Mitre Court" is located right next to the door of 47 Southside Street - this is a historic spot for public urination at all hours. Police logs for ASB called to 47 Southside Street for February 2022 include : DCP 0648 02.02.22 & 801.02.02.22, 808 04.02.22 and 714 06.02.22.</p> <p>Public safety - Potential obstruction to the pavement outside the premises. The previous owners had tables and chairs outside and also regularly a large A-board placed in the middle of the pavement which caused pedestrians to walk out to oncoming traffic and blocked access for disabled. The pavement is already narrow at this point which if large groups from the premises are gathering outside, for example smoking, this will cause an obstruction, leading to pedestrians to walk into the road.</p> <p>The prevention of public nuisance - 47 Southside street is again my residence. The noise in the area of evening is already loud from neighbouring premises which echoes around and can be easily heard inside my property. Music can only be heard from establishments on The Parade and Quay Road. This already effects my sleep and I have a number of measures in place to help prevent more noise coming into my property. The close proximity of this will make matters worse, with crowds gathering outside and music being played. My partner is autistic and already struggles with the noise that currently happens of an evening. This will exasperate that issue. We have already spent in excess of £3000 on sound proofing materials alone, which I installed in my private rented accommodation. The shop frontage of the Old Fish Market is single glazed timber fronted property, inclusive of the entry and door which I believe to be listed. This is inevitably going to be a weak point for noise and is going to do nothing to reduce the noise pollution from within. Often the door has been propped open as it does not have any air conditioning in the property and music from previous occupants has been a reported complaint to public protection. I do not believe this will pass regulation E1 building regulations. It will cause us to be displaced from our home as we will have issues with noise coming from both directions with nowhere to escape. It will effect my quiet enjoyment to the property. 47 Southside Street used to be a quiet fudge shop with no issues in the previous 5 years I have lived here. The only issues that have come up with the premises have happened is a change of use into an alcohol serving food establishment from a quiet shop. This will not be in-keeping with the immediate vicinity as most other businesses are shops and are closed my 6pm in the center of Southside Street.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</p>	<p>Yes</p>
<p>Provide reasons:</p>	<p>Fear of reprisals. We've had enough abuse living here.</p>

Number of documents in support of your representation uploaded:	1
Declaration	
By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:	
I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.	
Signed:	
Date:	