

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	19 April 2022
Title of Report:	Grant 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:	Bev Gregory
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Stoke Grill
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Jalil Amin in respect of Stoke Grill, 62 Devonport Road, Plymouth PL3 4DF 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:

No direct carbon/environmental impacts arising from the recommendations

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.

	Exemption Paragraph Number (if applicable)
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Title of background paper(s)	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							

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? 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

1.1 On the 4th March 2022 the licensing department received an application from Jalil Amin for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Stoke Grill, 62 Devonport Road, Plymouth.

1.2 Grant application.

The premises are operating as a food take away shop.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(i) <u>Late Night Refreshment (Indoors and Outdoors)</u> Monday - Sunday 23:00hrs to 02:00hrs
(ii) <u>Hours Premises are Open to the Public</u> Monday – Sunday 15:00hrs to 02:00hrs

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

1.5 Site location of premises (Appendix 2).

1.6 Plan of premises (Appendix 3)

1.7 Four representations have been received in respect of this application.

1.8 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 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

Three letters from residents and one from a local Councillor have been received that are attached to this report, marked Appendix 4-7.

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 – 2.8, 2.10, 2.15 – 2.19, 2.21, 3.21, 8.13 – 8.14, 9.3, 9.11, 9.37 – 9.40, 9.42 – 9.44 and 10.8 - 10.10, 14.21 – 14.24, 14.28, 14.44 – 14.45
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Late Night refreshment (Page 13), Healthier Food Provision (Page 13), , Public Nuisance (Page 19), Licensing conditions (page 22), Cumulative impact assessment (page 27, 28, 33 – 34, 37)
- 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. 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.

Appendix I

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that staff will undertake training in their responsibilities. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours

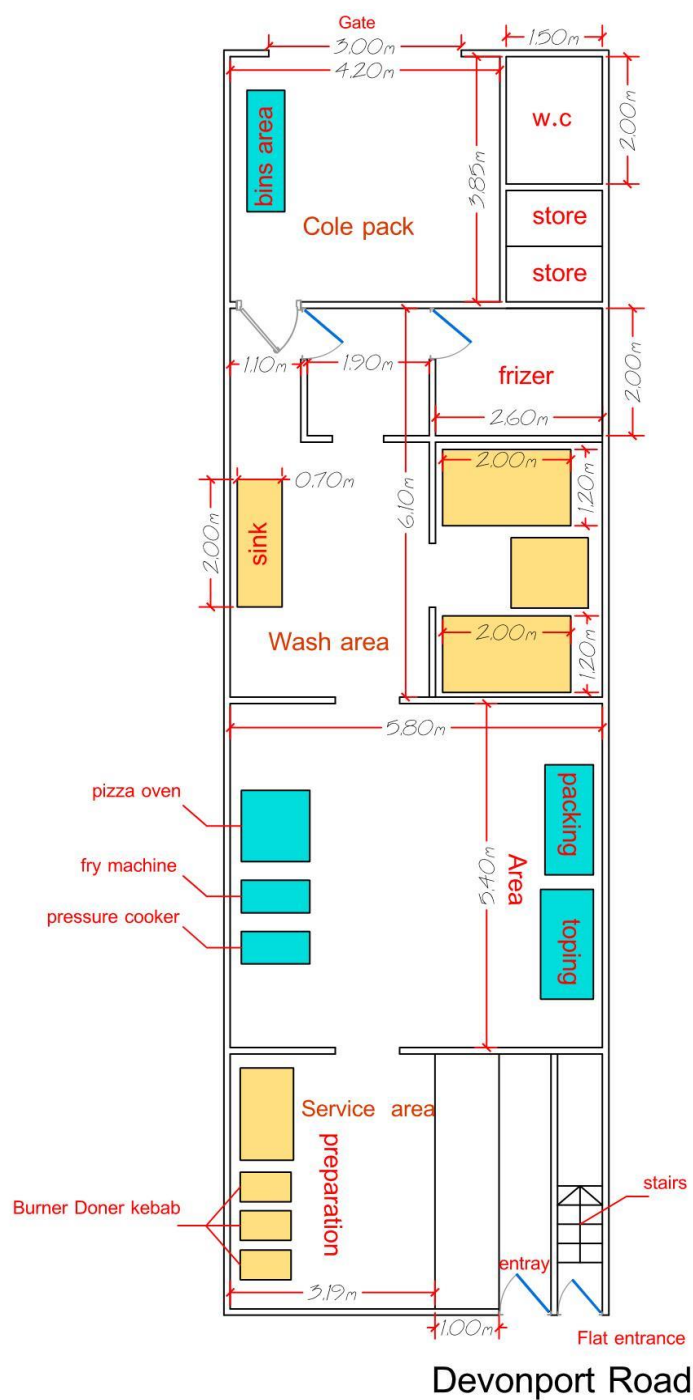
e) The protection of children from harm

All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

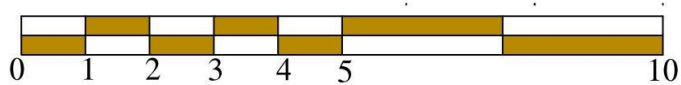
Appendix 2



Appendix 3



Scale 1:100



Appendix 4

Office of the Director of Public Health
Head of Public Protection Service
Plymouth
City Council
Windsor House
Plymouth
PL6 5UF

10th March 2022



Dear Sir/Madam

Ref: Stoke Grill 62, Devonport Road Stoke Village PL3 4DF

I am writing as advised regarding the above premises requesting an extension to their opening hours from 23.00 to 02.00hrs.

I implore you to **not** permit this to be granted. As a resident in the village, for some 25yrs, having to live around these takeaway establishments is like living on a rubbish tip and it is only getting worst. The owners of the takeaways take no responsibility of the rubbish their business creates. With the cut backs of the street cleaners Stoke looks neglected and disgusting. The filth is abhorrent, the smell awful, attracting the seagulls and rats.

Every morning, but more at the weekends it is shameful of the amount of takeaway paper and trays discarded on the street. During the weekends and when anyone of the pubs have an event, which is frequent. Vomit from the takeaways on the street and in our doorways, is a regular occurrence.

We have a major problem with parking, and the problems enhanced for the 15 - 20mins to pickup and collect the takeaways for this to be extended to the early hours should be a major negative consideration. The car doors slamming from the takeaway drivers throughout the night is bad but to think this could go on to the early hours of the morning doesn't bare thinking about. The takeaway drivers permanently block a service lane every night, it's the only access we have for my disabled husband to access our home. We have been prepared to work with them during the evening but having this inconvenience until 2am is ridiculous I fear the chaos should we need an ambulance. Because it isn't just one care there can be anything up to 6 cars in the service lane blocking everyone's access. The drivers are usually shouting on their phones in the lane, while waiting for their next delivery. They have no regard to the fact they are in a residential area, with old, mentally handicapped people and shift workers.

Stoke is not only, the main through road for our visitors from the ferries or trains but it is a conservation area which seems to be lost with the planning consents of recent times. 23.00 is an acceptable trading time in a major built up area of residents trying to have a quiet enjoyment of their lives and home. Stoke is not the place for businesses open until 02.00!

I am begging you to listen to and consider the residents and the area this takeaway is based. A 02.00 time might be fine for city centre trading hours but not in this conservation area. The second you approve this one, you will have at least 3 more requesting the same. The planning office needs to consider the quality of life for the residents while making these decisions, I implore you make the

right decision this time. And uphold the decision the planning office made when it was granted change of use from a butchers to a takeaway please.

Devonport Road
Stoke Village
Plymouth

Appendix 5

From:
To:
Subject:
Date:

You don't often get email from [Learn why this is important](#)

Good evening,

We are writing to formally object to the proposed extension of opening hours for the Stoke Grill, 62 Devonport Road.

Our objection is based on the following concerns:

- the increase of anti social noise and behaviour in a heavily residential area.
- the increase in waste and litter in an area that already has a huge problem of overflowing bins spilling on to the pavements and commercial packaging being fly tipped.
- the increase of noise and disruption caused by delivery drivers using lanes between residential properties and reversing and driving the wrong way at excessive speed down the one-way street (Wesley Place and Masterman Road)
- the continuation of operational noises (pans clanging, bins being emptied, rear door being opened and closed etc) will be disruptive to nearby residents should they be allowed to continue at such unsociable hours.

The proposed opening until 2am, 7 days a week will have a significant detrimental impact on the lives of nearby residents.

I appreciate your consideration of this objection.

Kind regards,

Appendix 6

From:
To:
Subject:
Date:

[Licensing](#)

Stoke grill

23 March 2022 16:07:14

You don't often get email from . [Learn why this is important](#)

Dear Sir/Madam

I am writing to voice my concerns over the application from the Stoke Grill to extend their licensing until 2am. I object to this due to the amount of noise, litter and general disturbance to the local residents. Stoke village is a mixed used area but it is also a conservation area and must be looked after as such.

We would like the village to remain a pleasant destination for residents and local businesses and unfortunately I feel like this would cause a problem.

Many thanks

Devonport Rd, Stoke,

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Appendix 7

LICENSING REPRESENTATION FORM



If you wish to make a representation against or in support of any licensing application, please read the guidance note '[How to make a licensing representation](#)' prior to completing this form.

Please note that a full copy of your representation will be sent to the applicant at any hearing of this matter.

Section 1: Licence application details

☒ I wish to object to the following application ☐ I wish to support the following application

Name of applicant (if known)

Premises name and address Stoke Grill

62 Devonport Road, Plymouth

Postcode PL3 4DF

Which type of application you wish to make your representation about?

☒ Application for a new premises licence

☐ Application to vary a premise licence

☐ Application for a review of a premises licence

Section 2: Your personal details

If you are acting as a representative, please go to Section 3

Title ☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state) COUNCILLOR

Surname Laing

Forenames Jemima

Address Council House Plymouth

Postcode

Email

Telephone

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation

Address

	Postcode
I am	
<input type="checkbox"/> Representative of residents association	<input type="checkbox"/> Representative of trade/business association
X Ward Councillor	<input type="checkbox"/> Other (please specify)
<input type="checkbox"/> MP	

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as “I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep.”

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

Public safety

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering

I am concerned that the ability to open every night of the week could lead to a public nuisance with people gathering at the premises up and until 2am which could disturb residents who live in the surrounding area. I am also concerned it could lead to an increase in littering.

The protection of children from harm

For example underage sales, exposure to certain performances

I Cllr Jemima Laing , hereby declare that all information I have submitted is true and correct.

Signed Jemima Laing Date 1 April 2022

Please note:

If you do not want your personal details to be released then you will need to provide good reason for this information to be withheld, for example the fear of intimidation or violence.

Please send the completed form to

Licensing Department
Windsor House
Plymouth. PL6 5UF
T: 01752 668000
E: licensing@plymouth.gov.uk