

# PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	03 October 2023
Title of Report:	Grant of Premises Licence
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Services, Sport, Leisure and Human Resources and Organisational Development)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Jon Ball (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Frontfield Stores.
Key Decision:	No
Confidentiality:	Part I - Official

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## Purpose of the report:

An application has been received from Nishanthan BALAYOGAN in respect of Frontfield Stores, 6 Frontfield Crescent, Plymouth, PL6 6RY for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

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## Recommendations and Reasons:

That Members consider this report.

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## Alternative options considered and rejected:

None.

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## 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.

**Unlocking the City's Potential:** 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.

**Caring for People and Communities:** 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](#)

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## Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

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**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.

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:**

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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 15<sup>th</sup> August 2023 the licensing department received an application from Nishanthan BALAYOGAN for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Frontfield Stores situated at 6 Frontfield Crescent, Southway Plymouth, PL6 6RY.

### 1.2 Grant application.

Convenience Store selling Alcohol (Off Sales) 0700 hours to 2300 hours Monday to Sunday.

### 1.3 Licensable Activities.

The following licensable activities and timings have been requested:

#### **(j) Supply of Alcohol for consumption OFF the premises.**

Hours (amended following agreement with Devon & Cornwall Police):

**Monday to Sunday 0700 hours to 2300 hours**

*(Originally requested Monday to Saturday 06:00hrs to 02:00hrs and Sunday 06:00hrs to 00:00hrs)*

#### **(l) Hours Premises are Open to the Public**

Hours (amended following agreement with Devon & Cornwall Police):

**Monday to Sunday 0700 hours to 2300 hours**

*(Originally requested Monday to Saturday 06:00hrs to 02:00hrs and Sunday 06:00hrs to 00:00hrs)*

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

1.5 Conditions agreed between the Police and Applicant which replace those at (a), (b), (c) and (e) at Appendix A (Appendix B)

1.6 Site Plan of premises supplied by applicant. (Appendix C).

1.7 Site location of Premises (Appendix D).

1.8 Representations have been received in respect of this application (Appendix E)

### 1.9 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 representation was received as the Police agreed conditions with the applicant. The agreed conditions replace the conditions at (a), (b), (c) and (e) submitted in the applicants operating schedule - Appendix B.

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**

Five letters of representation have been received. Three were rejected as they were no longer relevant following amendment of the application. Two letters have been accepted as valid representations and are attached in the table at Appendix E.

### **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, , 2.20- 2.26, 2.30 - 2.34, 9.3, 9.11 - 9.12, 9.26 - 9.30, 9.33 - 9.40, 9.42-9.44, 10.4 -10.10, 10.13 -10.15.
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Responsible Retailing for Off Sales (page 16), Off Licence design and layout (page 17), 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. Grant the licence as applied for subject to:
  - a. The conditions consistent with the operating schedule (modified\* as considered appropriate for the promotion of the Licensing Objectives),
  - b. The mandatory conditions under sections 19, 20 and 21 of the Act, and
  - c. Any other conditions considered appropriate for the promotion of the licensing objectives
- \* modified includes altering, omitting or adding to them
2. Grant the licence as above but exclude any of the licensable activities detailed on the application from the licence
3. Refuse to specify a designated premises supervisor
4. Reject the application

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 A: Operating Schedule**  
**(All bar (d) below replaced by conditions agreed with the police)**

<i>Continued from previous page...</i>
<b>Section 18 of 21</b>
<b>LICENSING OBJECTIVES</b>
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.
<p>Refuse the sale of age related products to anyone that is under the age of 18 and to anyone that looks under 25 will have to provide approved form of I.D such as UK Passport, UK Driving License or Pass accredited local card.</p> <p>We will refuse the sale of any alcohol products to any drunk and disorderly contacts and we will record the sale in the refusal book with the description and age.</p> <p>We will refuse if there are any proxy purchase.</p> <p>We will not serve any alcohol to street drinkers.</p> <p>For public safety, i have installed enough CCTV cameras, 3 behind the counter, 2 outside the shop, 2 at the back off the shop, 8 cameras within the shop and 1 in the store room.</p> <p>All staff members will be provided with adequate training materials to keep the licensing objectives maintained well and i will be circulating refreshment courses regarding age related product sale, food and hygiene, public safety and better working environment. Records of staff training will be maintained in a file and will be circulated every month.</p>
b) The prevention of crime and disorder
<p>Refuse the sale to the people who are already drunk or someone buying for a drunk person. We will not sell any harmful percentage of beverages. Any refusal will be recorded in the refusal log book with a full description. In the event of any confrontation of arguments the Local Police Authority will be called or the incident will be recorded to the relevant people.</p>
c) Public safety
<p>I have CCTV as mentioned in the general section to protect the public and customers. The sale of alcohol to any disorderly people will be refused immediately and any purchase on behalf of a drunken person or a vulnerable person will be refused and recorded in the refusal log book. I will make sure the refusal book is up to date. All the staff will be trained to maintain the standard off licensing objectives.</p>
d) The prevention of public nuisance
<p>As mentioned above,the sale of any alcohol to street drinkers or to a disorderly conduct will not be committed. Beers and Ciders will not exceed anymore than 9% abv. People drinking alcohol on the streets or causing any nuisance will be reported to the local police and the alcohol will also not be sold to them.</p>
e) The protection of children from harm
<p>Any one who is purchasing APRs, if they look under 25 the challenge 25 policy will be implemented and the ID will be carefully checked against their photo as well. Any refusal will be recorded in the refusal log book with full description. All the cigarettes and tobacco will be out of reach as well as medication, spirits, scratchcards and lottery. Again if anyone looks under the age of 25 and have no proof off ID they will be turned away and asked to be moved away from the beers and wines or any other age related products and this will be recorded in the refusal book and information will be passed on to other staff members to prevent the same person from coming back and trying the same with them.</p>

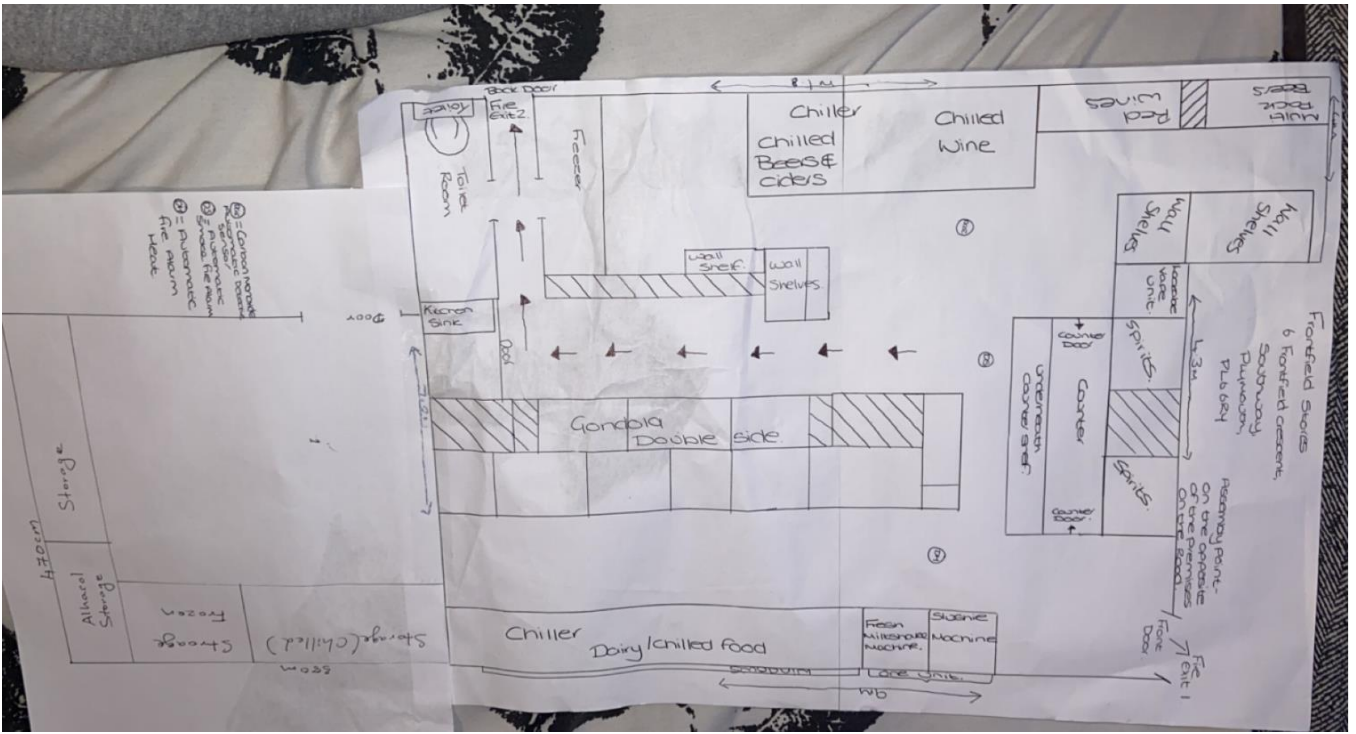
**Appendix B: Agreed Police Conditions**

**(replacing all the conditions at (a), (b), (c) and (e) above put forward in Appendix A).**

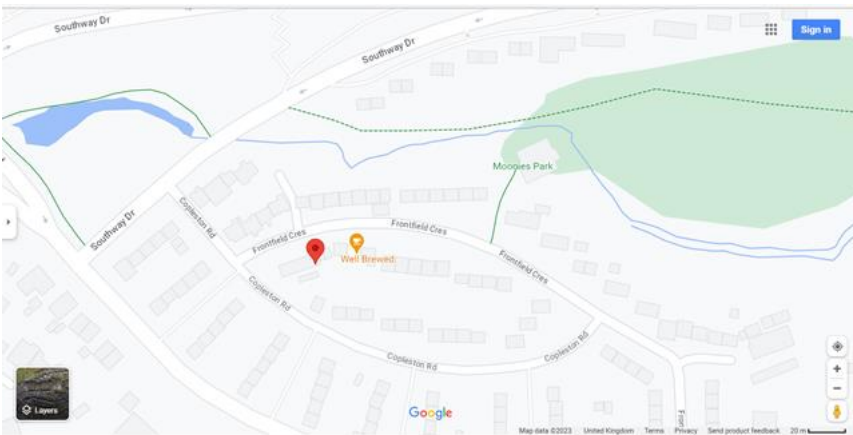
1. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities, and all conditions.
2. All staff shall be trained in the requirements of the Challenge 25 policies.
3. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
4. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12months.
5. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
6. Images shall be retained for a minimum of 31 days
7. The CCTV system shall be capable of downloading images to a recognizable viewable format.
8. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer
9. The Premises Licence Holder or Designated Premises Supervisor shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorized enforcement officer on request.
10. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all bar staff, supervisors, and managers are 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 enforcement officer 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.
11. The Premises Licence Holder or Designated Premises Supervisor shall have a written age verification policy in relation to the sale or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18s and will specify a **Challenge 25** proof of age requirement before sales of alcohol are made as approved by the Plymouth City Council Trading Standards responsible authority.



### Appendix C: Frontfield Stores Plan



### Appendix D: Frontfield Stores Location Plan



**Appendix E: Table of Responses**

Item	Date rec'd	Representation from:	Licensing Objective(s) detailed in representation	Representation details
1	18/08/2023	Property Owner	The prevention of crime and disorder, The prevention of public nuisance.	I own a property above the shop and I am worried about the noise, people and children drinking and hanging around the premises late at night causing trouble and damage to nearby properties. There are lots of older people living in the bungalows opposite, some who are on there own and some that are disabled. There has been damage to cars before in this area.
2	20/08/2023	Resident	The prevention of crime and disorder, Public safety, The prevention of public nuisance, The protection of children from harm	The shop is located below the flats where I live. During the day noise can be heard from the shops below, however this was never a problem since the shops used to open at 9am and close at 5pm. The new store aims to open from 7am until 11pm which will affect the sleep of the neighbours. When the previous store was open, groups of youth used to sit outside the shop and disturb the neighbours. If Frontfield stores open until 23:00 and sell alcoholic drinks, this is likely to become a recurrent problem again. The hours should be reviewed to allow the rest of the neighbours.