

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



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| 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: | Marie Price (Senior Licensing Officer) |
| Contact Email: | Licensing@plymouth.gov.uk |
| Your Reference: | Spar – 41 North Hill |
| Key Decision: | No |
| Confidentiality: | Part I - Official |

Purpose of the report:

An application has been received from Licensing Solutions on behalf of Gilletts Callington Limited in respect of Spar. 41 North Hill, Plymouth. PL4 8EZ 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.

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](#)

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> | | | | | | |
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| | | 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> | | | | | | |
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| Application | | | | | | | | | |
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Sign off:

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| Fin | Click here to enter text. | Leg | SD/I 3/09/ 2023/ 2321. | 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. |
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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 08th August 2023 the licensing department received an application from Licensing Solutions on behalf of Gilletts Callington Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Spar situated at 41 North Hill, Plymouth. PL4 8EZ.

1.2 Grant application.

A new ground floor spar convenience store is being created to serve the local community and those from further afield with a full range on foods and non-foods and the off licence is an important part of the service that is expected in a store such as this. The applicants are experienced operators and have several stores in the city and many spread across the south west area trading under the spar fascia. The DPS will be varied to somebody in day to day control of the premises before trading commences.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

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| <u>(j) Supply of Alcohol for consumption OFF the premises.</u> Monday to Sunday 08:00am to 11pm |
| <u>(l) Hours Premises are Open to the Public</u> Monday to Sunday 08:00am to 11pm |

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

1.5 Premises Plan supplied by applicant. (Appendix B).

1.6 Site location of new Premises (Appendix C).

1.7 Representations have been received in respect of this application (Appendix E & F)

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

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 representations from residents at the same address have been received, they are attached to this report marked appendix E and F.

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, 2.5, 2.7 – 2.9, 2.15, 2.20 – 2.26, 3.10, 9.12, 9.31, 9.33 - 9.44,10.10, 10.14,10.15, 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), 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, No Smoking Legislation (Page 19), Licensing conditions (page 22), Cumulative Impact Assessment (page 27 – 28), Cumulative Impact Assessment 2022 – 2025 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

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| Section 18 of 21 |
| 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) |

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| Continued from previous page... |
| 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 6 MONTHLY ALCOHOL REFRESHER TRAINING REGIME WITH RECORDS 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, TILL PROMPTS FOR ALCOHOL PRODUCTS TO BE UTILISED TO AVOID UNDER AGE SALES, ALL ONLINE/TELEPHONE DELIVERED AND COLLECTED SALES TO FOLLOW A SET PROCEDURE TO ENSURE THAT ANY ORDER PLACED IS MADE BY AND RECEIVED BY CUSTOMERS AGED OVER 18 AND ONLY DELIVERED TO PROPER ADDRESSES RESIDENTIAL OR COMMERCIAL OR ORDERS AND OR DELIVERIES TO BE REFUSED. |
| b) The prevention of crime and disorder |
| <ol style="list-style-type: none"> 1. The Premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or the local authority to the DPS or Manager. 2. There shall be CCTV in Operation signs prominently displayed at the premises. 3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or local authority. 4. The premises shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo, with instore challenge signage on display. 5. The premises will be fitted with a burglar alarm system. 6. The premises will be fitted with a panic button system for staff to utilise in case of an emergency. 7. ALL ONLINE/TELEPHONE DELIVERED AND COLLECTED SALES TO FOLLOW A SET PROCEDURE TO ENSURE THAT ANY ORDER PLACED IS MADE BY AND RECEIVED BY CUSTOMERS AGED OVER 18 AND ONLY DELIVERED TO PROPER ADDRESSES RESIDENTIAL OR COMMERCIAL OR ORDERS AND OR DELIVERIES TO BE REFUSED. |
| c) Public safety |
| <ol style="list-style-type: none"> 1. The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises. 2. Fire fighting equipment available |
| d) The prevention of public nuisance |
| <ol style="list-style-type: none"> 1. The premises licence holder will endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary. 2. The sale and supply of all spirits shall be by way of counter service only. 3. Notices will be displayed asking customers to leave the premises quietly |
| e) The protection of children from harm |
| <ol style="list-style-type: none"> 1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol WITH RECORDS KEPT FOR 12 MONTHS WITH A RECORDED ONGOING 6 MONTHLY ALCOHOL REFRESHER TRAINING REGIME WITH RECORDS TO BE MADE AVAILABLE TO APPROPRIATE OFFICERS UPON REQUEST TO THE DPS OR MANAGER. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training. 2. An age till prompt system will be utilised at the premises in respect of age restricted sales. 3. A refusal register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised officer of the police or the local authority. |

Appendix D

Conditions agreed to be added to the application with Devon & Cornwall Police

1. No single cans of beer or cider will be sold.
2. No sale of high strength beers or ciders of 6.5% ABV and above.
3. Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO).

Appendix E

From:**Sent:** 05 September 2023 17:08**To:** Licensing <licensin@plymouth.gov.uk>**Subject:** Spar, 41A North Hill

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Spar, 41a North Hill

I wish to object to the granting of a licence to supply alcohol at 41a North Hill – the location of a new Spar supermarket.

There is already a Spar supermarket selling alcohol across the road from 41a North Hill. This is open 24 hours a day. It is a shop well used by the residents of Skardon Place and we know the staff well.

When the new supermarket opens, this existing store will concentrate on selling alcohol. With most food moving into the new Spar, there will be an increase in the amount of floorspace in the existing store selling alcohol.

Therefore, there is no need for another supermarket in the same chain to be granted a licence to sell alcohol.

If this licence is granted it will definitely increase anti-social behaviour, violence, littering, aggressive begging and illegal parking in the area.

I am also concerned about staff safety. The staff at the existing store have to deal with any aggressive customers and have security guards on duty. Will there be security at the new shop?

Asb is already associated with the existing Spar. There is an existing significant problem with illegal and dangerous parking in Skardon Place from users of the existing Spar as well as the many delivery drivers collecting orders. Drivers park on the pavement, meaning no pedestrian can get by. They park on double yellow lines. They also park on the junction of Skardon Place and North Hill making it more dangerous for residents and businesses accessing parking via a back lane which runs from Skardon Place to North Hill car park. Some actually drive along the pavement behind you or in front of you peeping at the pedestrian to get off the pavement.

I note that the fire escape for the Spar is out on to the car park at the rear of the building. Properties on Skardon Place back on to this area and adjoin it on another side. This exit must not be used by staff who smoke as it would create noise and disturbance for residents. Will there be CCTV at this location?

If the licence is granted, I would like a condition imposed for Spar to liaise regularly with the residents of Skardon Place to ensure that any problems are resolved quickly and co-operatively.

Appendix F

From:**Sent:** 05 September 2023 19:18**To:** Licensing <licensin@plymouth.gov.uk>**Subject:** licence to supply alcohol at 41a North Hill

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Spar, 41a North Hill

I wish to object to the granting of a licence to supply alcohol at 41a North Hill – the location of a new Spar supermarket.

As you know, there already is a 24 hours a day Spar opposite selling alcohol. This part of North Hill already suffers from high levels of anti-social behaviour. I have just come back from the existing Spar to see four of the established aggressive beggars engaging in intimidatory behaviour.

When the new supermarket opens, this existing store will concentrate on selling alcohol. With most food moving into the new Spar, there will be an increase in the amount of floorspace in the existing store selling alcohol.

Therefore, there is no need for another supermarket in the same chain to be granted a licence to sell alcohol, when there already is a 24 hour Spar selling alcohol.

If this licence is granted it will increase anti-social behaviour, violence, littering, aggressive begging and illegal parking in the area.

I am also concerned about staff safety. The staff at the existing store have to deal with any aggressive customers and have security guards on duty. Long before the CEO of Tesco said that staff would be issued with body cameras, the staff at the existing Spar have been wearing body cameras and work behind Perspex screens.

As I use this Spar, I regularly ask the staff and security guard how the night has passed. Sadly, lack of respect, intimidatory behaviour and violence is something the staff have to constantly deal with.

There is also a significant problem with illegal and dangerous parking in Skardon Place from users of the existing Spar as well as the many delivery drivers collecting orders. Drivers park on the pavement, blocking pedestrian access and making it impossible for wheelchair users to pass, unless they go on the road.

On several occasions I have had drivers drive along the pavement, while I was walking along the same pavement. I have been threatened by drivers for walking along the pavement and on one occasion had to take a photo of the driver and car to stop him from knocking me down on the said pavement. The granting of another alcohol licence will only make this situation worse

I note that the fire escape for the Spar is out on to the car park at the rear of the building. Properties on Skardon Place back on to this area and adjoin it on another side. This exit must not be used by staff who smoke as it would create noise and disturbance for residents. Will there be CCTV at this location?

If the licence is granted, I would like a condition imposed for Spar to liaise regularly with the residents of Skardon Place to ensure that any problems are resolved quickly and co-operatively.

I also request that the council and police increase the number of patrols to enforce the existing laws so that this delinquent behaviour is reduced. At a time of government budget cuts, I am sure the council and police would appreciate the extra revenue raised by enforcing the current laws.

Yours faithfully