

VARIATION OF PREMISES LICENCE NOTICE REPORT

Licensing Sub Committee



Date:	24 October 2023
Title of Report:	Variation of Premises Licence
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Service, Leisure and Sport Customer Services, Sport, Leisure and Human Resources and Organisation 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:	Gibbon Lane Stores
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Shaiju Thomas on behalf of Gibbon Lane Stores in respect of Gibbon Store. 3 Gibbon Lane, Plymouth. PL4 8NS 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.

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 Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations

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 – August 2023](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							
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 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 31st August 2023 the licensing department received an application from Shaiju Thomas on behalf of Gibbon Lane Stores for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Gibbons Stores situated at 3 Gibbon Lane, Plymouth. PL4 8NS.

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 06:00am to 00:00am Sunday 6:00am to 00:00am</p>	Monday to Sunday 00:00am to 00:00am
<p><u>(l) Hours premises are open to the public</u></p> <p>Monday to Saturday 06:00am to 00:00am Sunday 6:00am to 00:00am</p>	Monday to Sunday 00:00am to 00:00am

1.3 Variation application

The nature of the proposed variation is to extend the Supply of alcohol for consumption off the premises, Monday to Sunday 00:00hours to 00:00hours (24 hours a day).

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

1.5 Existing Premises Licence Conditions (Appendix B)

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* – has made representation relating to the prevention of crime and disorder (Appendix C).

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

No representations have been received.

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, 8.43 – 8.50, 8.74-8.75, 9.3,9.11-9.12, 9.31 - 9.44, and 10.8 – 10.10,10.13-10.15,10.46-10.50
- 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) Cumulative Impact Policy (Page 27) 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;

*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.

APPENDIX A

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.

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b) The prevention of crime and disorder

- CCTV installed with internal and immediate outside coverage
- Recordings are in real time and on hard drive with 3 months recording
- Staff are trained to be vigilant during there shifts.
- No sale of high volume beer or cider
- no sale of single cans and bottles of beer or cider
- Staff has access to their mobile phone all the time, if they need to call police

c) Public safety

- CCTV covering with internal and outside coverage
- No open cans or bottles of beer or cider allowed inside the shop

d) The prevention of public nuisance

- No loud noise allowed while doing the shopping

e) The protection of children from harm

- No sale of age restricted items
- Staff always follow under 25 sale policy
- Refusal record is kept in the shop
- Any attempt from children to buy age restricted product will be reported to the police

APPENDIX B**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. 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.
2. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of the cashier / staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises).
3. 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) regarding installation of CCTV is provided at the premises.
4. The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
5. Images shall be retained for a minimum of 31 days
6. The CCTV system shall be capable of downloading images to a recognizable viewable format.
7. 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 office
8. No single cans or bottles of beer or cider will be sold
9. No sale of high strength beers or ciders above 6.5 ABV
10. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those purchasing off sales information of the city Public Space Protection Order.

The protection of children from harm

11. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all 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.
12. 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.

APPENDIX C

From:
To:
Cc:
Subject: Variation to Gibbon Lane Stores
Date: 26 September 2023 08:50:57
Attachments:

Good morning,

In relation to the variation to the premises licence for the premises known as Gibbon Lane Stores, 3 Gibbon Lane, Plymouth, PL4 8BS.

The Police will object to this variation as it will have a negative impact on the licensing objectives, namely The Prevention of Crime and Disorder, Licensing Act 2003.

The Police concerns are the opening hours of the premises and the location to The Cumulative Impact Area of North Hill.

Kind Regards

Dave Adams-Leach
 Alcohol Licensing Officer (Plymouth)
 Tel:

**Drug and Alcohol Harm Reduction
 Prevention Department**

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