

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	24 January 2024
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:	Floss Bars Ltd.
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Floss Bars Limited in respect of Floss, 59 Ebrington Street, Plymouth, PL4 9AA for the Grant of a Premises Licence under Section 17 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 – December 2023](#)

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 4th December 2023 the licensing department received an application from Floss Bars Ltd, for the Grant of a Premises Licence under Section 17 Licensing Act 2003 in respect of Floss situated at 59 Ebrington Street, Plymouth, PL4 9AA.

1.2 Grant application.

Sweet Pizza and Desert Restaurant serving Alcohol ON the premises, 13:00 hours to 00:00 hours Wednesday to Sunday.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<p>(j) Supply of Alcohol.</p> <p>Hours</p> <p>Wednesday to Sunday 13:00 hours to 00:00 hours</p>
<p>(l) Hours Premises are Open to the Public.</p> <p>Hours</p> <p>Wednesday to Sunday 13:00 hours to 00:00 hours</p>

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

1.5 Internal floor Plan of premises supplied by applicant. (Appendix D).

1.6 Site Plan (Appendix E)

1.7 Representations have been received in respect of this application

1.8 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 are to be replace those at (a), (b), and (e) at Appendix A (Appendix B)

2.2 *Environmental Health* – no representation was received as Environmental Health agreed conditions with the applicant. The agreed conditions are to be added to those at (d) at Appendix A (Appendix C)

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

Four letters of representation have been received. Two were rejected as they were not relevant under the Licensing Act 2003 licensing objectives. One did not give any reasons as to why the application would impact on the licensing objectives and the other contained breaches under separate legislation and controls which are outside of the responsibilities of the licence holder.

Two letters have been accepted as valid representations and are attached in the table at Appendix 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, , 2.20- 2.26, 2.30 - 2.34, 3.8-3.10, 9.3, 9.11 - 9.12, 9.26 - 9.30, 9.33 - 9.40, 9.42-9.44, 10.4 -10.10, 10.13 - 10.15.16.5-16.9.
- 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

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

WE WILL HAVE CCTV INSIDE AND OUTSIDE. FIRE EXIT SIGNS, RESPECT NEIGHBOR POSTERS AND TRAIN STAFF TO LOOK OUT FOR ANYTHING SUSPICIOUS. ID CHECKS WILL BE IN PLACE FOR ANYONE WHO LOOKS UNDER 25 AND THEY WILL BE REFUSED ALCOHOL IF NO ID.

b) **The prevention of crime and disorder**

CCTV INSIDE AND OUTSIDE OF THE VENUE. TRAIN STAFF WHAT TO LOOK OUT FOR TO AVOID CRIME AND DISORDER.

c) **Public safety**

CCTV, FIRE ALARMS AND EXTINGUISHERS.

d) **The prevention of public nuisance**

POSTER SAYING PLEASE RESPECT OUR NEIGHBORS WHEN LEAVING. STAFF WILL BE TRAINED TO LOOK OUT FOR ANYTHING OUT OF THE ORDINARY. ENFORCE RESPONSIBLE DRINKING.

e) **The protection of children from harm**

ENFORCE RESPONSIBLE DRINKING IF PEOPLE VISIT WITH CHILDREN. NO HOT OR SHARP OBJECTS LAYING AROUND. NO CHILDREN AFTER 9PM.

Appendix B
Conditions agreed between the Police and the Applicant.

Floss
 59 Ebrington Street
 Plymouth

1) All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The *Challenge 25* scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by *the premises licence* issued under the Licensing Act 2003 and conditions attached to the licence.
- How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- 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.
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

2. 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.

3. Training records will be retained for at least 12 months

4. An incident book shall be maintained to record any activity of a violent, criminal, or anti- social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

5. 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.

The prevention of crime and disorder

6. 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.

7. Images shall be retained for a minimum of 31 days

8. The CCTV system shall be capable of downloading images to a recognizable viewable format.

9. 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
10. Alcohol consumed in the premises shall only be consumed by patrons seated at tables

Protection of Children from Harm

11. 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.

12. 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

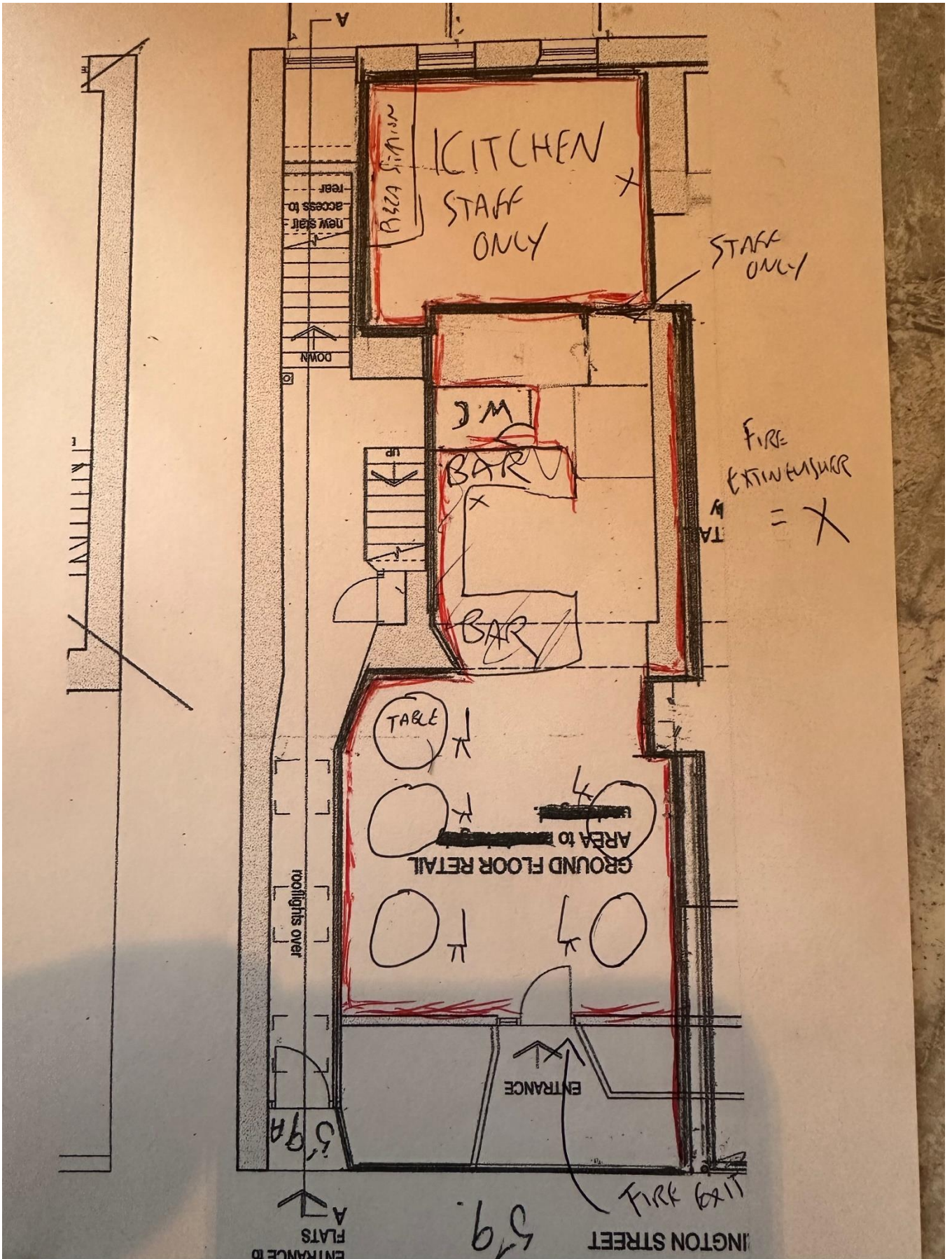
Unless such identification is produced the sale of alcohol must be refused.

Appendix C**Conditions agreed between Environmental Health and the Applicant.**

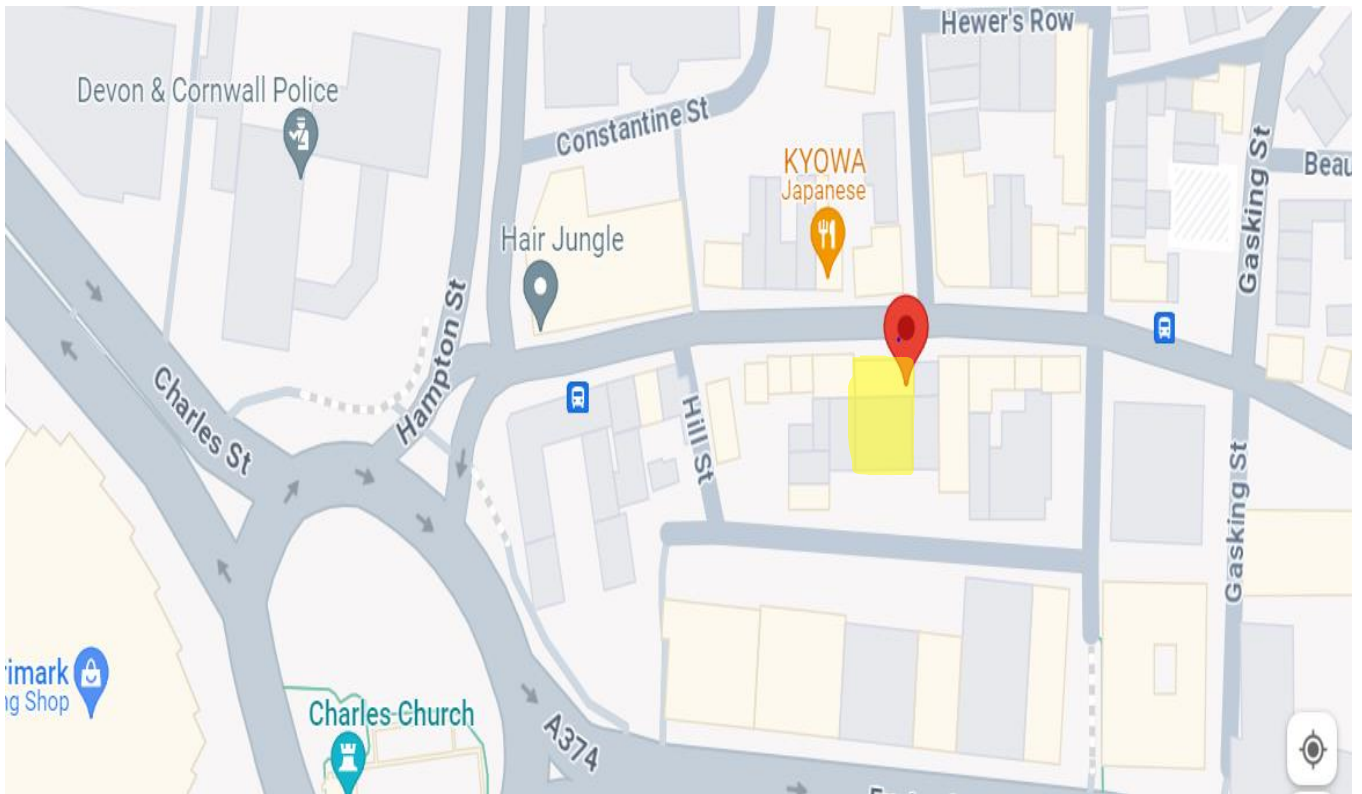
1. No open containers of alcohol are permitted to be taken from the premises. No alcohol is to be consumed by your patrons on the pavement at the front of the premises.
2. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request that patrons make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
3. The Premises Licence Holder or nominated person shall control levels of noise from customers outside the premises and advise them of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
4. The pavement at the front of the premises must be kept clean. This area must be swept and cleared of any litter at the start and end of trading.
5. During opening hours suitable provision will be provided at the front of the premises for the collection of smoking related litter.

Appendix D

Floor Plan



Site Plan – Appendix E



Appendix F: Table of Responses

Item	Date rec'd	Representation from:	Licensing Objective(s) detailed in representation	Representation details
1	23/12/2023	Resident	The prevention of crime and disorder, public safety and the prevention of public nuisance.	<p>My home and the premises applying for a license are next door to one another. I am very concerned customers from the premises will trespass into my courtyard garden, cause a public nuisance outside or worse I will be confronted by drunk or aggressive behaviour. I am very concerned about this as I have a physical disability and would be seriously injured by an altercation. The front door to my property is located on the same side of the street as the premises. It is not acceptable for me to be fearful of using my own front door to access my home.</p> <p>Any noise from live events between 20:00 to 23:00 will disturb me. My bedroom windows are four metres from the premises applying for a license. Any noise from customers in the street will disturb me. I will not be able to sleep or rest in my own home. I am very concerned about this as I have a physical disability which causes me to suffer from tiredness. It is extremely important for my health that I can rest and sleep properly. It is not acceptable that my health would be impacted because of someone else's business.:</p> <p>I work from home, the premises opening at 16:00 Wednesday to Friday will disturb me and make it challenging to work. I sometimes have to take/make calls up to 19:00 in the evening which I need to be able to hear and participate in. The premises being granted a license would adversely affect my ability to work which is unacceptable.</p> <p>I own a rescue dog and I am concerned that noise from customers in the street will disturb him. I live by myself and he is very important to me. I will worry when the premises is open and I am not at home that he is getting distressed. It is not fair to expect me to stay at home and experience social isolation because of someone else's business or give up my pet who has lived with me here for five years.</p>
2	22/12/2023	Resident	Public safety and the prevention of public nuisance.	The area has become much noisier over recent years with increase in eating and drinking establishments. This has led to people entering the courtyard in front of our building using bins, leaving bikes attached to railings and congregating/sitting on the wall. The rule that no drinking must take place outside / on the street has not been effectively enforced and was subject to a past complaint regarding Bread and Roses. Of an

				<p>evening, this can lead to a great deal of noise coming into our flat. In addition, the pavements in front of Floss are likely to become difficult to pass as occurs outside pubs. This makes it difficult to pass when people are drinking, smoking outside and can be dangerous to traffic. Often pedestrians have to step into the road to move around groups. Tho location of Floss increases the risk of their customers congregating outside our gate. The adjoining wall is also likely to lead to noise transfer even from inside the building.</p>
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