

CITY OF PLYMOUTH

Subject: H J Wines, 90 Embankment Road, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 13 October 2009

Cabinet Member: Councillor Brookshaw

CMT Member: Director of Community Services

Author: Peter Clemens
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Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Karen Willis in respect of H.J. Wines 90 Embankment Road, Cattedown, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2009- 2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Providing more and better culture and leisure activities.
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 28th August 2009 the licensing department received an application from Karen Willis for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of H J Wines situated at 90 Embankment Road, Cattedown, Plymouth.

1.2 Grant application.

Single fronted retail unit with an alcohol off sales facility.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Supply of Alcohol for Consumption OFF the premises.

Mon to Sun 08.00hrs to 23.00hrs

Hours Premises are Open to the Public

Mon to Sun 08.00hrs to 23.00hrs

1.4 Representations have been received in respect of this application.

1.5 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 Constabulary* – 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.

3.0 INTERESTED PARTIES

4 – letters of representation has been received from residents living within the vicinity of the premises (Appendices 1, 3, 4 & 6).

The author of (Appendix 1) prepared and distributed a pro-forma letter (Appendix 2) for which we received 81 signed copies from residents living within the vicinity of the premises.

The author of (Appendix 4) prepared a petition (Appendix 5) which contains 167 signatures.

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 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

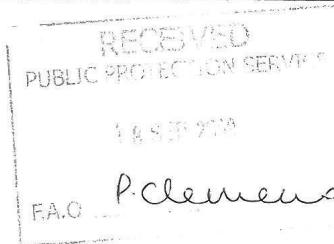
The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

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 necessary in order to promote the licensing objectives.

APPENDIX 1

From:
To: <licensing@plymouth.gov.uk>
Sent: 15 September 2009 17:07
Subject: 90 Embankment Road



Embankment Road
Prince Rock
Plymouth
PL4

Dear Sirs

I would like to raise my objections to the proposed off License at 90 Embankment Road.

We have enough shops where drink can be brought this is only going to give more opportunity for youngsters to indulge themselves. We are supposed to be a society that is trying to discourage drinking not encourage it. I am incensed that after you revoked the license of the Angel club next door (because of all the trouble) that you as a responsible council would even consider allowing this to go ahead with opening hours from 8 in the morning when all the school children are catching buses to Plymstock till 11 at night which is an hour after the Coop further up their road shuts. We as residents will have to endure drunks on our doorsteps making noise, urinating in doorways and all the other anti social behaviour that goes with drink.

It is totally unfair to the off license we already have in Prince Rock, the owner has work very hard over the last 4 years to turn her shop around and make it into a respectable shop and doing her part to cut down on youngsters buying drink and being drunk. I am surprised that the Police have even entertained the idea.

A lot of local people may well have thought that this was a proposal to extend the Angel club or even reopen it and may not realise that they need to object.

Yours sincerely

APPENDIX 2

Licensing Department
Plymouth City Council
PLYMOUTH
PL1 2AA

Dear Sirs

Date

I, of.....
wish to submit my objection to the proposed Off License at 90 Embankment Road
Prince Rock Plymouth. I feel that this would encourage rather than deter drinking and
as you have revoked the license of the Angel club next door this would seem to be
counter productive.

We already have an Off License in Prince Rock plus the Cooperative who also sell
alcohol. The proposed opening hours are such that the shop would be open before the
school children travel to Plymstock and after the Cooperative closes at night, this
would only encourage anti social behaviour.

The existing Off License is likely to have a reduced income due to the new road
scheme for the East End and another Off License in the area will only exacerbate their
already fragile business.

As a responsible Council I would ask that you reconsider this proposed application.

Yours sincerely

APPENDIX 3

Price, Marie (DEVELOPMENT)

From:
Sent: 22 September 2009 16:31
To: Licensing (DEVELOPMENT)
Subject: RE PREMISES LICENCE Application 90 embankment road plymouth

Dear Sir/Madam

I would like to raise an objection to the granting of a premises licence for the above address.

As a resident of the area for over 40 years I feel that we have more than an adequate number of premises selling alcohol in the area.

we have in the past had a lot of alcohol related incidence, including fighting, swearing and smashing windows.

The property is next door to what was formerly the ANGEL CLUB this club had it licence revoked due to some of the reasons above.

your sincerely

Langham Place
Prince Rock
Plymouth
PL4

23/09/2009

Embankment Road
Prince Rock
Plymouth
Devon
PL4

22nd September 2009

Re Premises Licence Application
90 Embankment Road, Plymouth

Dear Sir/Madam

I would like to raise an objection to the granting of a Premises Licence for the above named property.

As a resident of the area for over 40 years I feel that we have more than an adequate number of premises that sell alcohol in the area. Whilst I am aware that Plymouth City Council does not operate a Saturation Policy with regards the issuing of Premises Licences I strongly would urge you to think carefully before granting the Licence.

We have in the past, had a lot of alcohol related incidents in the community, incidents including fighting, swearing, smashing windows, abuse to the public and all other manner of things related people drinking alcohol.

The property for this Licence is situated next door to the what was formerly the Angel Club on Embankment Road, this club has had it licence revoked due to some of the reasons outlined above, it would therefore seem in appropriate to grant a Licence to the next door property.

If the granting of the Licence were to go ahead I would ask that you reconsider the hours of the licence. At the present all the establishments in the area that sell alcohol in retail premises close at 10pm. To have another selling alcohol until 11pm will only I feel lead to more incidents in the area.

At the present all the youngsters in the area congregate in the local park in the summer months and drink alcohol, it seems to be a good thing that they

can no longer purchase alcohol after 10pm. If they were allowed to purchase alcohol after this time I feel it would only lead to more problems occurring.

It would also then maybe encourage other business in the area to stay open later selling alcohol and price wars regarding alcohol may ensue. This would only lead to alcohol being more readily available in the area especially to those who tend to cause trouble and would therefore lead to a rise in these alcohol related incidents.

Whilst I am sure that the applicants will behave in a responsible manner with regards to the Licence and that they have the perfect right to open a business in competition with others in the area, I wonder if they have taken into account the community and their needs, and if they have done any research in the area to establish local feelings and the problems that we face as a community with the drinking of alcohol and its effects on us.

I have consulted with residents in the area who are greatly concerned and somewhat confused as to why we need another establishment selling alcohol in an area already having problems with regards alcohol.

I trust that you will read and consider the points that I have outlined in this letter and take into account the feelings of the general public that reside in the area.

Yours Sincerely

Inform... that the city can achieve its growth and private through partnerships, where public and private sectors genuinely share expertise and resources towards a common goal.

Effective partnerships are not cosy talking shops where nice words around the board room are replaced by discontent out of the room.

They are focused delivery vehicles with a clear mandate to develop strategy and deliver.

They are a forum for partners to have difficult debates about resource allocation, priorities and ultimately are about rallying behind a common goal for the benefit of Plymouth.

One such partnership I have been involved in, that has managed to align the public and private sectors behind a common goal, is the City Centre Company.

In its first five years city centre businesses have elected to pay additional taxation, through a Business Improvement District (BID), raising £2,000,000 for city centre improvements.

The council has not only matched this funding but also prioritised city centre projects in its capital program including a £3,000,000 investment in the 'West End' and £500,000 investment in the refurbishment of the Theatre Royal car park.

Many of the board meetings have been heated with huge differences of opinion, but in every case both private and public sector directors have put aside individual agendas to drive forward the city centre.

A truly mature approach to partnership. The City Centre Company is currently canvassing retailers to vote to renew the BID to 2015.

We are hugely ambitious about continuing to drive forward the city centre in partnership and have assembled a £11,000,000 funding package.

The business plan is online at www.plymouthcitycentre.co.uk.

Across the UK the public sector is often criticised for failing to empower the private sector through partnerships.

In my experience in Plymouth it has been the opposite with the city council empowering city centre businesses to control their own destiny.

It is with this perspective in mind, that I am genuinely excited about the opportunity for partnership between the CDC and the council's new development directorate, working alongside the Regional Development Agency and the Homes and Communities Agency.

Whilst there is no doubt there will be difficult debates ahead its is only by rallying behind a common goal that the different sectors can ensure that Plymouth achieves its ambitious targets for growth.

Raising a glass to future

A COUPLE from Down Thomas are behind a new wine shop which opened in Plymouth's Embankment Road this month.

Howard and Jeanette Willis started HJ Wines this summer in Down Thomas. They have been selling drinks including Doom Bar beer, from Sharp's Brewery, and Thatcher's Cider. Before opening the shop, they sold stock by cold-calling, supplying restaurants and pubs and having stalls at markets, including Plymouth's Flavour Fest.

STEP IN THE RIGHT DIRECTION: Staff from Saltash-based from their offices on the Moorlands Trading Estate to the change and what families can do to reduce food expenditure organised by the Federation of Wholesale Distributors of independent stores

Bid to pro news con

A NEW consortium has been launched to provide local TV news programming in the South West to rival the BBC.

The group plans to take advantage of Government proposals that will allow companies to provide local news programmes on ITV.

Backed by regional newspaper group Northcliffe Media - which publishes The Herald - and businessmen, as well as media and television professionals, the consortium will bid to supply the two ITV regional news services that were based in Bristol and Plymouth, when they become available in the run-up to the 2012 digital switchover. ITV has committed to its current provision of regional news until 2012 but has not said what will happen beyond this point.

It follows the broadcaster's announcement last year that it was cutting 430 posts from its regional operations around the UK in a bid to slash £40million worth of costs. The South West consortium is the first of its kind in the region to publicly register interest in the proposals for new

by LIZ PARI

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West C producer consorciu

Roadshow's e

PLYMOUTH technology firms can learn about overseas business opportunities at a free information event hosted by UK Trade and Investment (UKTI) on Friday.

The UK Technology Roadshow will be at Bristol's Aztec Hotel to help SMEs break into new markets and take advantage of G20 stimulus plans.

Attending companies will gain sales training and advice, drawn from the UK Technology Marketing toolkit.

The website, developed with industry, is the first of its kind for the sector with tools to help UK firms prosper in the global

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* Has the licence already been approved, is this a misprint in the herald
9219109

F.A.O LICENCING DEPARTMENT
PLYMOUTH CITY COUNCIL
PLYMOUTH
PL1 2AA



APPENDIX 5

We the undersigned, wish to submit our objection to the granting of a premises licence to 90 Embankment Road, Prince Rock, Plymouth. We feel that there are enough establishments in the area already selling alcohol and that a further one is not required.

We feel that this would encourage rather than deter drinking in an area that already has a reputation for alcohol related incidents.

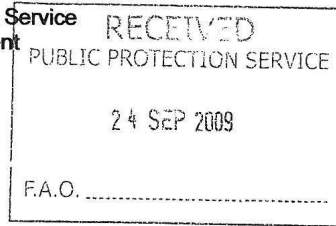
The proposed hours would mean that alcohol would be available outside the hours that all the local business presently sell alcohol i.e. The Co_op and Embankment Stores and Grenville Stores.

We have in the past had a great many problems with incidents regarding alcohol and things are becoming calmer, we are worried that more alcohol available will make these incidents increase again.

We would ask that you consider these objections when making your decision.

Thank You

F.A.O
Head Of Public Protection Service
Department Of Development
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA



Laira Bridge Road
Prince Rock
Plymouth
PL4

APPENDIX 6

20/9/09

Our local shop, Embankment Stores, has been running for many years and is the main stay for many local residents, lots of who are elderly, and rely a lot on the shop for day-to-day essentials, i.e. bread, milk and tea, not to mention important things like toiletries, over the counter medicines, foods and drinks.

Also, as well as children going there to purchase sweets and fizzy pop, it's a licensed alcohol and tobacco retailer, which makes it a general convenience store, for nearly every requirement.

Unfortunately, its existence is being threatened by an application for a new dawn-till-dusk Off License, which may be placed on Embankment Road, a 5 -10 minute walk away from the present Off License. This coupled with the new road system, which will already take away passing trade, may cause our lovely little shop to be shut down due to lack of custom. Not to mention the possibility of Anti Social Behaviour late at night, as happened before the Angel Club closed.

As well as taking away the shop's business in Prince Rock, it could also add to the alcohol and broken bottle problem around the Prince Rock area.

Losing the convenient little shop may not only affect the local customers, but will also force the present staff into redundancy, which would be a great shame, because there has already been a lot of job cuts, and there aren't many jobs available.

A petition of over 200 locals is being submitted on Friday 25th to the Licensing committee - I would urge all people who rely on their local shops to make a stand- no matter where you are!