

CITY OF PLYMOUTH

Subject: Breakers Café. Compton House, 11-14 Gibbon Lane, Plymouth.
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 3 August 2010

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price
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Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from 34 Gibbon Street Ltd in respect of Breakers Café Compton House, 11-14 Gibbon Lane, Plymouth. PL4 8SR for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

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 14th June 2010 the licensing department received an application from 34 Gibbon Street Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Breakers Café Compton House, 11-14 Gibbon Lane, Plymouth. PL4 8SR

1.2 Grant application.

Trading as Breakers Café with front aspect and main entrance to Gibbon Lane. Main area with 18 covers, service counter, kitchen and one WC.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Late Night Refreshment (Indoors)

Mon to Sun 23.00hrs to 05.00hrs

Hours Premises are Open to the Public

Mon to Sun 08.00hrs to 05.00hrs

Please see appendix 1 for the steps taken in order to promote the four licensing objectives.

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

1 letter of representation has been received from a resident living within the vicinity of the premises (Appendix 2) and 1 letter of representation has been received from a business/school operating within the vicinity of the premises (Appendix 3).

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.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

INSTALLATION OF CCTV
 FIRE SAFETY PROCEDURES
 STAFF TRAINING

b) The prevention of crime and disorder

STAFF TRAINING IN CRIME PREVENTION
 CCTV
 REGULAR CHECKS BY STAFF OF PUBLIC AREAS.

c) Public safety

REGULAR MAINTENANCE OF APPLIANCES
 VENTILATION EQUIPMENT REGULARLY CLEANED AND
 MAINTAINED.
 CCTV

d) The prevention of public nuisance

SUITABLE SIGNAGE - REQUESTING NOISE LEVELS TO
 A MINIMUM WHEN LEAVING PREMISES.
 SUPERVISED DISPERSAL OF CUSTOMERS AS REQUIRED.

e) The protection of children from harm

STAFF AWARENESS - MONITOR AND REPORT IF
 NECESSARY.

Licensing Team
Dept. of Community Services
Plymouth City Council
Plymouth PL1 2AA

6th July 2010

Dear Sir/Madam,

Re Breakers Cafe Application for late night licence

I am writing to object to the granting of a late night food licence for Breakers Cafe.

As a local resident of the Greenbank area I am dismayed at the licensing application put forward by Breakers Cafe on Gibbon Lane, North Hill. This premises is currently a cafe. Granting it a food licence with a 5am license would have a massively detrimental impact on the local community, the premises is very near a school and residential housing.

Our lives are already blighted by customers from North Hill bars and the students union causing disturbance and engaging in anti social behaviour throughout the night. Our pavements are littered with vomit, broken glass and urine after weekend evenings. A late night food provider will mean that large numbers of intoxicated individuals will be drawn into the area with resulting noise, disturbance and anti social behaviour. Just around the corner from Breakers cafe is a paved area with seating (where myself and four other families with small children live), it conceivable that this will become even more of a focus for loitering and disruptive behaviour.

In addition to late night noise and disturbance, we encounter broken glass on pavements which my child has to negotiate to get to school. The granting of this licence will aggravate this and add to litter and mess which is already a huge problem in this area.

Individuals ringing our doorbell and banging on our windows is a regular occurrence, as you can imagine this leads to distress and disturbance, we often feel unsafe at night. In addition, damage to vehicles and other petty crime can only be increased by drawing larger numbers of inebriated individuals and groups into the area.

Licensed premises on North Hill reached saturation a long time ago, the granting of another late night license so close to residential housing will mean that families will have no choice but to move away from the Greenbank area, having a further negative impact on the school and community.

Yours sincerely





Mount Street Primary School
Mount Street
Greenbank
Plymouth PL4 8NZ

Headteacher: Mrs. S. Roberts (B.Ed Hons, HND distinction)

Licensing Team
Dept of Community Services
Plymouth City Council
Plymouth City Council
PL1 2AA

Tel: 01752 205091
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E-mail: mount.st.primary.school@plymouth.gov.uk

7th July 2010

My Ref:

Your Ref:

Dear Sir/Madam

Licensing of the Breaker's Café, Gibbon Lane, Plymouth

On behalf of the Governing Body of Mount Street Primary Street, I write to register our opposition to the proposed application for a refreshment/hot food license at the above address for the following reasons:

1. The Breakers Café is situation very close to Mount Street Primary School. It is very probable that there will be an increase in litter/rubbish associated with this proposed hot food outlet. We already have a problem with litter being thrown over the school walls, the granting of this licence in a premise even closer to our school would only exacerbate this problem.
2. In this community we are constantly faced with broken glass and vomit which result from visitors to premises further away from our school. We are concerned that the close proximity of these premises to our school could mean an increase in broken glass and vomit which would represent a health and safety hazard to our pupils when walking to and from our school.
3. Rubbish and glass strewn around is at odds with the teaching ethos within the school which encourages our pupils to become responsible citizens.
4. There is already a hot foot outlet within 100m of the Breakers Café which has resulted in a negative impact within the community.
5. As this is a very late licence, noise will have an impact on surrounding houses where our pupils live. Children need good quality uninterrupted sleep in order to learn and we feel this could also adversely affect our pupils.
6. Our school numbers have been affected by families moving from the Greenbank area due to anti-social behaviour and nuisance behaviour from/exacerbated by so many licensed premises within this proximity. We have worked extremely hard to increase our school numbers and feel the granting of this license would undermine our hard work.

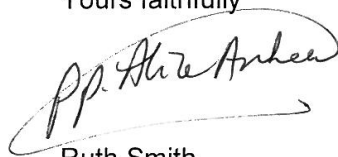


Bronwen Lacey - Director for Children's Services

7. We are proud that our school is part of the 'hub' of the community and we want to keep our remaining families in this neighbourhood and to build upon those links already established.
8. It is an important part of our school community that ties and friendships made within the school be continued and progressed, this is undermined when families are transient and school numbers subject to extra fluctuations.

We request that your Committee reject this proposed change to licensing for the above reasons.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ruth Smith', with a large, sweeping flourish underneath.

Ruth Smith
Chair of Governors