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Licensing Sub Committee (Miscellaneous)

Tuesday 8 February 2011

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Rennie, Vice Chair.
Councillor Delbridge.

Also in attendance: Pete Clemens (Senior Licensing Officer) and Sharon Day (Lawyer).

The meeting started at 10.10 am and finished at 12.40 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

35. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

36. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

37. **VARIATION OF PREMISES LICENCE - UNION STREET FOOD AND WINE, 61A UNION STREET, PLYMOUTH**

The committee having –

- (i) considered the report from the Director for Community Services;
- (ii) heard from Devon and Cornwall Police that the premises lie within the Council's cumulative impact zone and that due to the concerns listed beneath the relevant licensing objectives below, the application should be refused as to grant the licence would add to existing problems in the area;
- (iii) heard from the applicant that:
 - he wanted this variation for the benefit of the local community who found that drinks in the nightclubs were too expensive;
 - he had had no problems with violence within his premises in the evening;
 - he was prepared to have 4/5 staff on duty or employ door supervisors;
 - he was prepared to amend his application so that the premises closed at 01.00hrs instead;

- although he had the option of using a night counter he did not want to use this as it would prevent him assessing whether the person was of the right age and whether they had been drinking;
 - he was prepared to only sell cans and plastic bottles of alcohol;
- (vi) considered representations from the Police under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

due to alcohol being sold until 02.00 an increase in the number of persons loitering late at night could occur in the vicinity. These people were likely to have already been drinking, may have been ejected from entry to nearby licensed premises and were therefore likely to impact on levels of disorder in the area. This was considered to be relevant and the committee considered whether any of the matters offered by the applicant would address these concerns. They did not consider that any conditions could be put on the licence to address this. Also they did not consider that reducing the hours of operation would address the concerns outlined by the Police.

b) **Prevention of Crime and Disorder –**

if alcohol was sold until 02.00 there was likely to be an increase in alcohol related violent crime, criminal damage and street drinkers and associated offences. This was because people who attended the premises were likely to have been drinking already, may have been ejected from nearby licensed premises, were likely to consume their purchase in the vicinity of the premises in public places and would be in possession of bottles and cans in public areas, both open and unopened which increased the potential for their use as weapons in violent crime.

The figures presented by the police in support of this assertion were as follows:

- out of 7362 crimes committed within the Union Street area 3104 were committed within a 500 metre radius of the premises;
- out of 1261 violent crimes committed within 500 metres of the premises 281 were committed within 100 metres of the premises, 301 within 100-200metres of the premise showing a high number of violent crime in a close proximity to the premises;
- there were 202 offences involving criminal damage within 500 metres of the premises;

In respect of the above whilst the committee noted these figures they were not taken into account in reaching the decision as they relate to a 24 hour period of time and this application related to an extension from 23.00 to 02.00.

- the committee did take into account and place weight on the remaining figures presented which show that between the hours of 19.00 hrs and 23.00 hrs, less than 50 violent crimes occurred within 200 metres of the premises however this figure then increases to approximately 188 crimes between the hours of 2300 and 0200, which was the period sought in the variation application.

This was considered to be relevant and again the committee considered what had been offered by the applicant and whether any conditions would address the concerns by the Police. However the committee felt that door supervisors would only be able to control people coming in and out of the premises and this would not prevent the potential for violent crime to increase in the vicinity of the premises.

The committee further considered whether a condition could be attached to the licence to restrict sales of alcohol in plastic vessels and whether this would restrict the potential for an increase in violent crime in the area. However, the committee considered that cans could still be used as weapons and the applicant said that things such as wine could not be supplied in plastic bottles. The committee therefore did not consider that this would address the problems.

c) **Protection of Children from Harm –**

No representations

d) **Public Safety –**

No representations

e) **Other representations –**

No representations

Agreed that having taken into account all of the above representations, it was acknowledged by the committee that the Cumulative Impact Policy does not apply to off licences. However, guidance issued by the Home Office at paragraph 9.9 does allow for the committee to consider the cumulative impact on the licensing objectives of a concentration of multiple licensed premises.

This appeared to the committee to be the situation here in that the Police acknowledged that they did not have a problem with the way the applicant ran his premises but the problem was the location of the premises and the high levels of crime in the immediate vicinity and the potential for the granting of the licence to add to the problems that already exist.

Therefore the variation application is partially granted as follows:

- (1) the committee heard no representations against the application for late night refreshment or against the request to change the opening hours of the premises from 7am to 8am and therefore these parts of the application are granted subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule;
- (2) the committee refuse to grant the application to extend the hours for the sale by retail of alcohol off the premises from 23.00 to 02.00 hours as they believe that, based on the evidence presented by the police that to grant the licence would add to the problems that already exist in the area due to the concentration of licensed premises and that no conditions could be attached to the licence, hours reduced or a combination of both to address this.

38. **EXEMPT BUSINESS**

There were no items of exempt business.