

CITY OF PLYMOUTH

Subject: Buddies Food Bar, Sherwell Arcade, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 9 August 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Key Decision: No

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Thompson & Jackson Solicitors on behalf of Big Newquay Leisure Limited in respect of Buddies Food Bar, Sherwell Arcade, Plymouth for the grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2011- 2014:

This report links to the delivery of the City and Council priorities. In particular:

- I. Delivering Growth
-

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	AG/12413 /26.7.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 27 June 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Big Newquay Leisure Limited for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Buddies Food Bar situated at Sherwell Arcade, Plymouth.

1.2 Grant application.

A purpose built vehicle for the sale of hot and cold food and drinks.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Late Night Refreshment (Outdoors)

Mon to Sun 11pm to 5am

Hours Premises Open to the Public

Mon to Sun 7am to 5am

1.4 Representations have been received in respect of this application.

1.5 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 – have made representation relating to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance (Appendix 1)

2.2 Environmental Health – have made representation relating to the Prevention of Public Nuisance and Public Safety (Appendix 2)

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

3 - letters of representation have been received one from a Ward Councillor one from a body representing businesses and persons living within the vicinity of the premises and one from a resident living in the vicinity of the premises (Appendices 3,4 and 5)

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.

Building safer communities together



DEVON & CORNWALL
CONSTABULARY

Our ref:
2BCU/Lic/55474/dr

Miss M Price
Licensing Officer
Licensing Department
Plymouth City Council
Civic Centre PLYMOUTH PL1 2AA



Licensing Department
Charles Cross Police Station
Hampton Street
PLYMOUTH
PL4 8HG

30 June 2011

Telephone: 01752 720473

Dear Miss Price

Re: Application to Grant a Late Night Refreshment Licence – Buddies Food Bar, Addison Road/Sherwell, North Hill, PL4 8LH

On 24th June 2011 the Licensing Office at Charles Cross Police Station received a copy of the application to Grant the issue of a late night refreshment licence as detailed above.

The premises are located within a Cumulative Impact Area as defined in Plymouth City Councils licensing policy.

The police have examined the application and believe this application currently does not demonstrate how the application if granted will not have an impact on the prevention of crime and disorder, public safety or the prevention of public nuisance

Both the Licensing act and the Plymouth City Council Licensing policy require any application within a cumulative impact area to demonstrate how the applicant intends to ensure that it will not impact on the promotion of the four licensing objectives.

It is our contention that if granted a Late Night Refreshment Licence people who attend the van

- Are likely to have been already drinking
- Are likely to consume their purchase in the vicinity of the premises in public places
- Are likely to impact on levels of violence and disorder reported.
- This area proposed is a fairly confined area which is already served by a late night refreshment outlet that has traded for many years.
- The Police feel that such close competition in a confined area will inevitably lead to intermingling of customers for both vendors and the strong possibility of people voicing opinions regarding service, quality etc that will inevitably culminate in incidences of violence and disorder.



- The map provided does not delineate between the licensed area of the existing unit and the applicant. Therefore there exists the possibility of confusion as to who is licensed and in which area. This situation would be impossible to police effectively.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

Therefore the Devon and Cornwall Police wish to object to this application

Yours sincerely



D. MCINDOE
Licensing Officer
Devon & Cornwall Constabulary

Memorandum



From: Head of Public Protection Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 14 July 2011
Our Ref: EH.803047.PC
Investigating Officer: Phil Conday
Extn: 7890

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Buddies Food Bar
Name of Licensee: Big Newquay Leisure Limited
Type of Application: Late Night Refreshment
Report Prepared By: Phil Conday

Recommendations

1. ~~That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION
Name: Buddies Food Bar
Address: Sherwell Arcade, North Hill, Plymouth

Report By: Phil Conday Date of Inspection: 12th July 2011

The Prevention of Public Nuisance & Public Safety

This Department recommends refusal of the application with regard to the provision of late night refreshment.

Licensing Act 2003
Supporting Information for Committee Hearing following the Public Protection
Service Representation

Premises Name: Buddies Food Bar

Environmental Health recommends **refusal** of the granting of the late night refreshment license on the following grounds:

The mobile food establishment is located within a Cumulative Impact Area.

Plymouth City Council's Statement of Licensing Policy specifies that " a cumulative impact policy creates a rebuttable presumption that applications within a cumulative impact area will normally be refused, if relevant representations are submitted, unless the applicant can demonstrate why the proposed operation of the premises will not add to the cumulative impact already being experienced"

If the application is granted, the operation of the mobile food vehicle may have the following implications within the cumulative impact area:

1. Increase in noise levels from patrons using the mobile food vehicle that may disturb nearby residents, particularly during the hours of 00:00 hours to 05:00hours.
2. Increase in existing noise levels due to the operation of equipment associated with the mobile food vehicle, such as the generator, causing disturbance to nearby residents.
3. Increase in levels of litter and spilled food waste from patrons in the vicinity.
4. Increase in levels of grease and by-products of cooking in the immediate vicinity
5. Possible odour nuisance from cooking smells affecting residential premises I the immediate vicinity.

The applicant has not supplied sufficient proposals of how they intend to promote the four licensing objectives, and subsequently, how it will not add to the cumulative impact that already exists in this designated area.

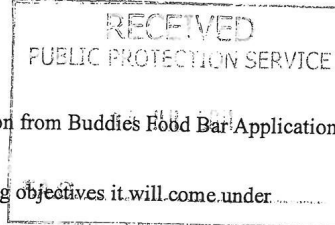
(CLLR)

Subject: FW: Objection for Buddies Food Bar

Dear Licensing,

As Ward Councillor in Drake I am objecting against the application from Buddies Food Bar Application Number 028774.

I have had concerns from residents and feel that under the licensing objectives it will come under



Prevention of Public Nuisance

There will be potential of a large gathering where people who would have been drinking and not drinking to be loud and boisterous taking into account of residents who have informed me of the loud levels.

There is the increase in litter and vomit in the area.

Prevention of Crime and Disorder

With the late licence in place there is potential for the premises to become a crime magnet which will in effect have an impact on crime and an increase in street robberies.

Public Safety

My concern would be that there is going to be a reduction in Police Officers and that in the event of a major situation Police may not be able to respond quick enough and that will compromise Public Safety.

With such a large gathering who will police the numbers and there is potetial of a road fatality.

Kind regards

Councillor
Drake Ward

T:
E: @plymouth.gov.uk

13th July 2011.



Licensing Team
Environmental Services
Plymouth City Council - Licensing Section
Civic Centre - Floor 6
Plymouth. PL1 2AA
01752 307981
01752 226314

Partnership Co-ordinator

Plymouth 2020 Partnership
Floor One, Civic Centre
Armada Way
Plymouth
PL1 2AA

Tel: 01752 30
Fax: 01752 30
Email: mark@plymouth.gov.uk
www.plymouth2020.co.uk

Date: 8th July 2011

Dear Sir/Madam

Buddies Food Bar Late Night Licence Application

I understand a premises licence application under section 17 of the Licensing Act 2003, to enable Buddies Food Bar to serve after 11pm on Mondays to Sundays has been received by the Public Protection Service.

Acting as a representative of the Mutley Greenbank Anti Social Behaviour Project Board I would like to register a formal opposition to this application. At a meeting held on the 27th June 2011 it was agreed that a letter opposing the application should be submitted by me on behalf of the project board itself.

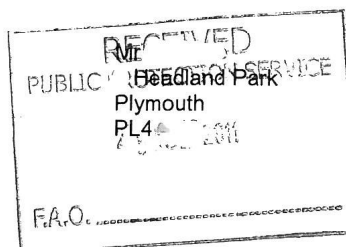
The project board has representation from a number of Council departments, Plymouth University, the Neighbourhood Police team and the Community Safety Partnership. The project, the Board oversees, has conducted a wide ranging consultation exercise in the Mutley Greenbank neighbourhood which identified concerns residents have about ASB. This identified rowdy behaviour, littering and waste management as being of particular concern at certain locations in the neighbourhood. As a result a number of interventions to help address the issues have been conducted including in and around North Hill and the Sherwell Arcade. It is felt the granting of the licence under consideration would lead to an increase in littering and an increase in patrons gathering, causing in turn an increase in noise and anti social behaviour, this will detrimentally impact on the following two licensing objectives.

- the prevention of crime and disorder
- the prevention of public nuisance

Yours faithfully

Partnership Co-ordinator
2020 Partnership team
Floor 1
Civic Centre
Plymouth PL1 2AA
Tel (01752) 30
Email @plymouth.gov.uk

Head of Environmental Protection
Environmental Regulation Service
Plymouth City Council
Plymouth
PL1 2AA



21st July 2011

Dear Members of the Licensing Committee,

I am writing to object to the application for a late night license for a second burger van at the junction of North Hill and Addison Road on the grounds of public nuisance. Yet another fast food take away is absolutely the last thing this area needs.

I am sure the Committee is aware of the history of this application, that the vehicle appeared some months ago trading in the day time and has now applied for a night time license. In recent years the Local Strategic Partnership, Plymouth 2020, has been working hard with local people to try and improve the quality of life in Mutley and Greenbank. They have undertaken numerous surveys of the area that have identified resident's number one concern as rubbish and litter on the streets. As a result of this Plymouth 2020 has carried out a number of successful initiatives aimed at reducing the problem including nights of action with the police to tackle the problem at source, new large rubbish bins and meetings with shopkeepers of "problem" locations. A secondary part of their work was to give local people a sense that they could influence events in their area. All this excellent work will be undone if this application goes through.

We have had enough experience by now of the so called night time economy to know that Alcohol plus Fast Food Take Aways equals Litter. It cannot be right that in the current economic climate that Plymouth Council Taxpayers should be expected to clear up the mess these outlets create every weekend.

Members of the Committee should be seeking to regulate the uses of this area for the benefit of local residents and should be asking officers why this is the only spot in the city centre without any sort of parking restrictions on it.

Yours sincerely,