

Licensing Sub Committee (Miscellaneous)

Tuesday 23 August 2011

PRESENT:

Councillor Lock, in the Chair.
Councillor Delbridge, Vice Chair.
Councillor Rennie.

Apologies for absence: Councillors Browne and Reynolds

Also in attendance: Debbie Bradbury – Lawyer, Pete Clemens – Senior Licensing Officer, David Hughes – Senior Environmental Health Officer and Ross Johnston – Democratic Support Officer.

The meeting started at 10.00 am and finished at 1.45 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.

24. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Lock is appointed as Chair and Councillor Delbridge appointed as Vice Chair for this meeting.

25. **DECLARATIONS OF INTEREST**

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

26. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

27. **REVIEW OF PREMISES LICENCE - STOPFORD ARMS, 172 DEVONPORT ROAD, PLYMOUTH**

Agreed that this item is adjourned to 6 September 2011 as it was considered necessary for the consideration of a representation made by an interested party.

28. **GRANT OF PREMISES LICENCE - BUDDIES FOOD BAR, SHERWELL ARCADE, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;

- (b) heard from the applicant's legal representative;
- (c) heard from the applicant's witnesses;
- (d) considered the representation made by a representative of Devon and Cornwall Police;
- (e) considered the representation made by a representative of Environmental Health;
- (f) considered the representations made by interested parties;
- (g) heard from the applicant's legal representative that:
 - (i) the outlet was to be fully staffed at all times normally by three persons all fully trained and holding Health and Hygiene certificates;
 - (ii) signage would be provided reminding customers to dispose of any refuse in bins provided and not to litter;
 - (iii) staff at regular intervals would clear any debris from the area and would clean the site and the immediate area at the close of business. All debris and refuse would be removed for proper disposal;
 - (iv) this additional outlet would reduce any queuing and disperse customers more quickly thus reducing the members congregating and any problems of disorder or nuisance in the area;
 - (v) it was not correct to conclude that all customers would have been consuming alcohol. The facility was aimed at late night workers, eg. taxi drivers and passing shift workers as well as those visiting entertainment establishments nearby;
 - (vi) the position of the outlet was clearly discernable as adjacent to another similar unit but was nearer the main road;
 - (vii) the generator used at the outlet was a new Honda, the quietest on the market, with a maximum decibel level of 57db;
 - (viii) cooking smells were minimal. There were no complaints, so far as the applicant was aware, relating to the neighbouring outlet and so there was not anticipated to be any from this outlet. There were no residential properties in close proximity and any fumes there may be would be quickly dissipated by being close to the main road;
 - (ix) there were SIA security staff very close by and there was good CCTV coverage of the area;
 - (x) the additional facility would have no negative impact on any of the licensing objectives. The applicant was not aware of any children

being in the area during the late hours to be in any way adversely affected by a food outlet;

- (xi) no problems or complaints have been experienced whilst operating within the existing hours;

(h) considered representations under the licensing objectives as follows;

(l) **Prevention of Public Nuisance –**

- there may be an increase in noise levels from patrons using the mobile food vehicle that may disturb nearby residents, particularly during the hours of midnight to 05.00am;
 - this was considered to be relevant;
- there may be an 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;
 - this was considered to be relevant;
- there may be an increase in levels of litter, vomit and spilled food waste from patrons in the vicinity;
 - this was considered to be relevant;
- there may be an increase in levels of grease and by-products of cooking in the immediate vicinity;
 - this was considered to be relevant;
- there may be odour nuisance from cooking smells affecting residential properties in the immediate vicinity;
 - this was considered to be relevant;
- there was potential of a large gathering, where people who would have been drinking and not drinking to be loud and boisterous taking into account residents who have informed the ward councillor of loud levels;
 - this was considered to be relevant;
- Environmental Health provided details of Plymouth Customer Data Integration Project, Upload of survey data – initial findings which was produced in October 2010. This was a place survey all local authorities were required to carry out and the survey was sent out to every household in Mutley and Greenbank approximately 8000 households of which 922 responses were received. The

information on the place survey indicated that the residents were unhappy about antisocial behaviour in their neighbourhood. The biggest issue to residents was the rubbish and litter lying around;

(2) Prevention of Crime and Disorder –

- people who attend the van were likely to have been already drinking and were likely to consume their purchase in the vicinity of the premise in a public place and this was likely to impact on levels of violence and disorder reported;
 - this was considered to be relevant;
- as there was already a late night refreshment outlet in a fairly confined area it was inevitable there would be 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;
 - this was considered to be relevant;
- there was the potential for the premise to become a crime magnet which would in effect have an impact on crime and an increase in street robberies;
 - this was not considered to be relevant as members did not believe they had heard any evidence of this;
- the evidence presented by the Police showed an increase in crime levels with the cumulative impact area. They said the evidence showed that the majority of crime in this area occurred between 22:00hrs and 06:00hrs. The peak time for all crime was between 02:00hrs and 04:00hrs Friday, Saturday and Sunday;
- the Police provided details of the crime trends in the cumulative impact area in which the premises was located;

(3) Protection of Children from Harm –

- there was no representation;

(4) Public Safety –

- there was 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 would compromise public safety;
 - this was not considered to be relevant as the operation of the Police was not a relevant consideration for this committee;

(5) **Other representations –**

- none.

Members believed having heard from the representative of Devon and Cornwall Police and the representative from Environmental Health that this application was likely to add to the existing cumulative impact.

Members considered the applicant's operating schedule and representation made. However they did not consider the applicant had demonstrated that there would be no negative cumulative impact on the prevention of crime and disorder or prevention of public nuisance licensing objectives.

Members believed that this premise could attract more people to the area. It was possible additional patrons could be attracted to the premise due to the shorter queues and quicker service. This could result in problems of additional noise, anti-social behaviour and violence occurring in the area.

Members considered the offer made by the applicant for one of their staff to be SIA registered. However, members did not believe this would resolve this concern as there would be a limit to the power of a SIA registered person operating in a public highway. It was also felt the presence of such a person may contribute to the potential for violent disorder.

Members did believe there was likely to be additional public nuisance created by the potential for noise from the generator and smells from the cooking of food. Members did not believe it was likely that the applicant would be able to control the noise and smells sufficiently to prevent public nuisance.

Members considered the likelihood of additional litter in the area should this application be granted. Members felt that despite the applicant's signage and logos on their containers it was still likely that litter would be discarded some distance from the premise adding to the litter in the area.

Agreed that having taken into account all of the above representations the application be refused.

29. **EXEMPT BUSINESS**

There were no items of exempt business.

30. **GRANT OF PREMISES LICENCE - BUDDIES FOOD BAR, SHERWELL ARCADE, PLYMOUTH (E3 AND E7)**

Minute 28 refers.

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