

PLYMOUTH CITY COUNCIL

Subject: Kenan Aktas Burger Van situated in the Car Park, Plymouth Social Club, 38 /39 Tavistock Place, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 16 October 2012

Cabinet Member: Councillor Vincent

CMT Member: Anthony Payne, Director for Place

Author: Peter Clemens

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

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Mr Kenan Aktas in respect of a mobile catering trailer to be situated in the car park of Plymouth Social Club, 38 /39 Tavistock Place Plymouth for the grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2012 – 2015:

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: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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 & 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:

Fin		Leg 15753 /01.10 .12/DJ B		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

- 2.2 Environmental Health – have made representation relating to the prevention of public nuisance (Appendix 7).
- 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.
- 2.8 Health Authority – no representations.
- 2.9 Licensing Authority – no representations.

3.0 OTHER PARTIES

No representations have been received.

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 appropriate 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.

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 appropriate 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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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)

b) The prevention of crime and disorder

A48 · CCTV ·

c) Public safety

B66 · Rubbish to be stored securely
in designated area ·

d) The prevention of public nuisance

C21 · Management lighting ·

e) The protection of children from harm

D21 · Unaccompanied children (under 18)
will not be allowed upon the premises ·

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)

b) The prevention of crime and disorder

A.48 The CCTV system will be capable of obtaining a clear head and shoulders image of every person entering the premises on the CCTV system, where practicable, persons entering premises should be asked to remove headwear.

c) Public safety

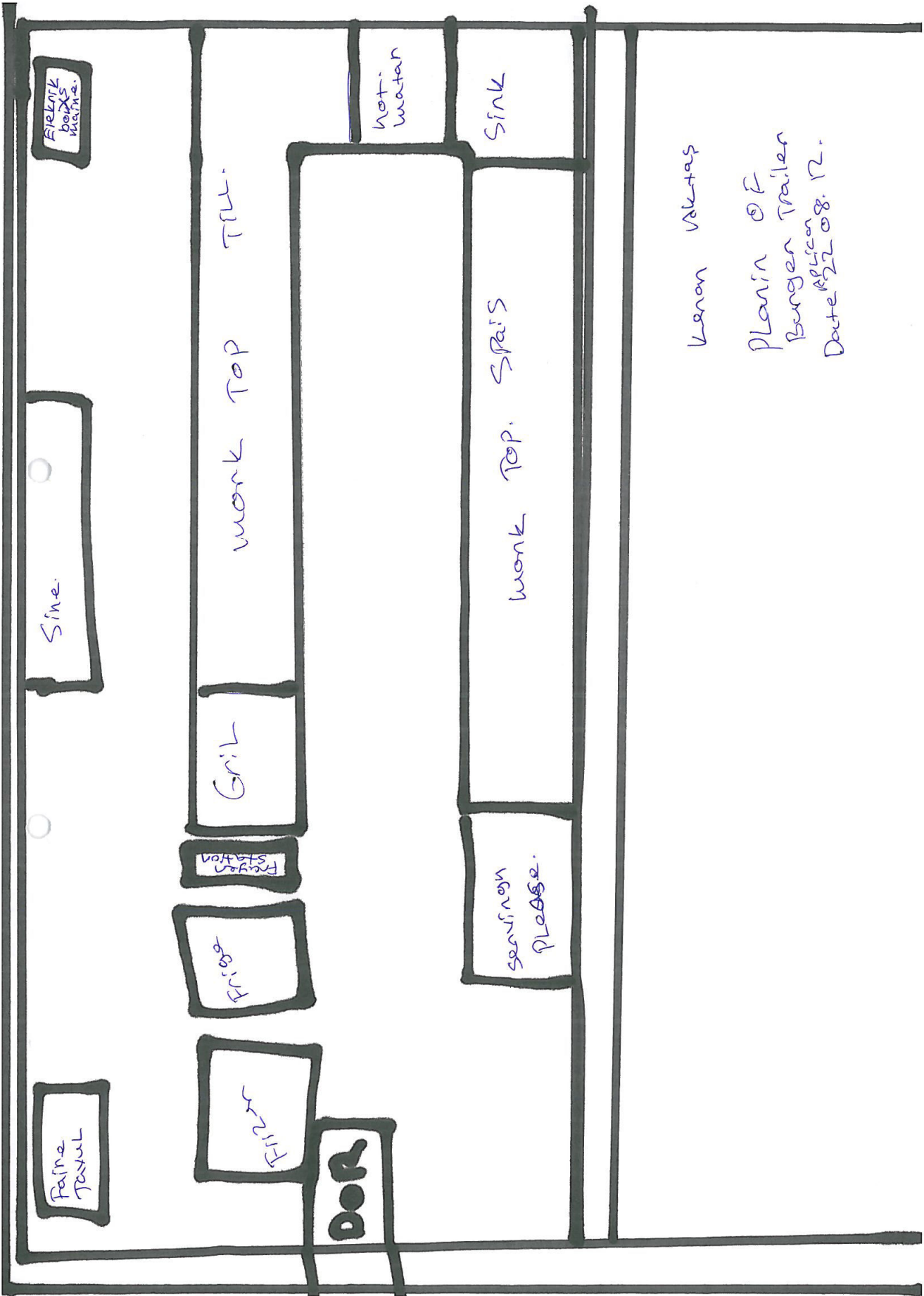
B.66 All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

d) The prevention of public nuisance

C21 Management lighting - In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

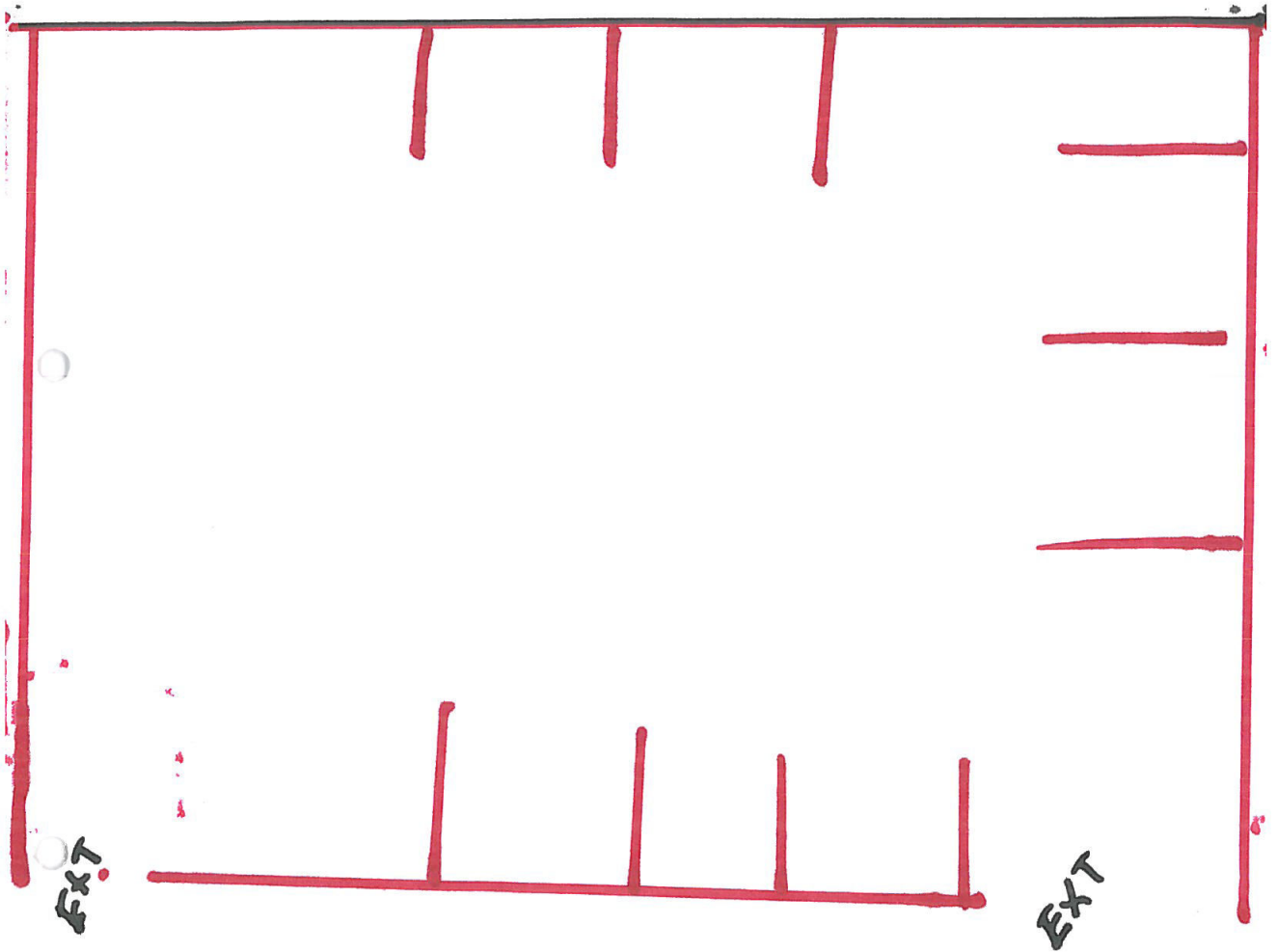
e) The protection of children from harm

D.21 Unaccompanied children (under 18) will not be allowed upon the premises.


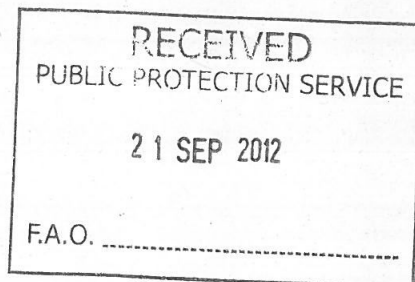


Kenan Vektas
Planin of
Burger Trailer
Date: 22.08.12.

PLYMOUTH Social CLUB
TAVISTOCK Please NORTH HILL
Plan in OF car Park



Mr Peter Clemens
Licensing Officer
Plymouth City Council
Civic Centre
Plymouth
PL1 2EW



David McIndoe
~~DEVON AND CORNWALL~~
CONSTABULARY
Charles cross Police Station
Plymouth
Telephone: 01752 720473

20th September 2012

Re: Application to Grant a Premises Licence – Late Night refreshment from a Trailer situated in car park of City Social Club Tavistock Place Plymouth

Dear Mr Clemens

With regard to the above application, please be advised the police intend to make representations to the Plymouth City Licensing Committee as it is felt the grant of this licence will have a negative impact on the licensing objectives, of The prevention of Crime and Disorder and Public Nuisance.

The premises are situated within an area that is subject to Plymouth City Council's Cumulative Impact Policy and as such we would refer to the evidence produced by the police that supported the introduction of this policy

It is our contention that if granted a licence, the people who gather in and around the premises are likely to have a negative impact on the licensing objectives and will increase levels of violence, disorder and anti social behaviour reported.

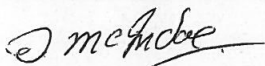
A check of The Devon and Cornwall Constabulary records show Alcohol related Crime levels and Anti Social behaviour in the North Hill area remains high with most incidents taking place between Midnight and 0600hrs.

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

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

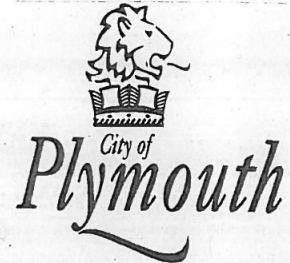
Therefore the Devon and Cornwall Police wish to object to this application

Yours sincerely



D. MCINDOE

Memorandum



From:
To:
FAO: PETE CLEMENS
Date: 23rd September 2012
Our Ref: JS / 831597
Investigating Officer: Joy Slaughter
Extn: 4143

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premise: Mobile Catering Van (City Social Club-Tavistock Place)
City Social Club (Car Park), Tavistock Place, Plymouth

Name of Licensee: Kenan Aktas

Type of Application: Late Night Refreshment

Report Prepared By: Joy Slaughter

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: Mobile Catering Van (City Social Club-Tavistock Place)
City Social Club (Car Park), Tavistock Place, Plymouth

REF: JS/831597

Report By: Joy Slaughter

Date of Inspection: N/A

PREVENTION OF PUBLIC NUISANCE

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 Environmental
Regulation Service Representation

REF: JS/831597

Premise Name and address: Mobile Catering Van (City Social Club,
Tavistock Place)
City Social Club (Car Park), Tavistock Place, Plymouth

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

The mobile food establishment will be 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 05:00 hours.
2. Increase in existing noise levels due to the operation of equipment associated with 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 in 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.

(The application on section P is completely blank)

