

## Licensing Sub Committee

Tuesday 26 June 2012

### PRESENT:

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

Apologies for absence: Councillor John Smith.

Also in attendance: David Hughes – Senior Environmental Health Officer, Debbie Bradbury – Lawyer and Amelia Boulter – Democratic Support Officer.

The meeting started at 11.00 am and finished at 12.00 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.*

### 6. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed as Chair and Councillor Mrs Bowyer is appointed as Vice Chair for this meeting.

### 7. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 8. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

### 9. GRANT OF PREMISES LICENCE - HARBOURSIDE FISH AND CHIPS, 35 SOUTHSIDE STREET, BARBICAN, PLYMOUTH

The Committee having –

- (a) considered the report from the Director of Place;
- (b) considered the written representation from an interested party;
- (c) heard from the applicant and their witnesses that:
  - alcoholic beverages will only be served to a customer after they have been seated at a table inside the restaurant and will not be served to take away customers;

- signage will be provided at the door explaining to customers that all alcoholic beverages must remain inside;
- there will be no advertising of the sale of alcohol;
- there are two personal licence holders employed and they will ensure that a personal licence holder is on site at all times. They do not want to employ security personnel as they feel this would send out the wrong message to their customers;
- all staff are suitably trained. They have all completed or are on apprenticeship schemes. They are all first aid trained and have all completed a health and safety course;
- they will only be selling alcohol to customers purchasing a meal as they want to encourage families to eat in, and are trying to move away from the drinking culture which has evolved on the Barbican;
- they want to provide a family friendly restaurant for children where parents are able to buy an alcohol beverage with their meal;
- they agreed with the Licensing Officer to include as conditions the measures mentioned by them in their letter dated 13 June 2012 as follows:
  - i. will prevent open bottles or drinks being carried from the premises;
  - ii. alcoholic beverages will only be served to a customer after they have been seated at a table inside the restaurant;
  - iii. alcoholic beverages will not be served to take away customers;
  - iv. staff to be trained to be vigilant and ensure customers do not take their drinks outside;
  - v. signage will be provided at the door explaining to customers that all alcoholic beverages must remain inside;
  - vi. there will be no advertising of the sale of alcohol;
  - vii. a personal licence holder will be on site at all times.
  - viii. alcohol will only be sold to eat in customers purchasing a meal.

(d) considered representations under the licensing objectives as follows:

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

Alcoholic beverages will be taken off the premises to other parts of the Barbican, leaving them to deal with the consequences.

This was considered to be relevant however members heard from the applicant that alcoholic beverages will only be served to a customer after they have been seated at a table inside the restaurant. Alcoholic beverages will not be served to take away customers. Staff will ensure customers do not take their drinks outside and there will be signage on the door explaining to customers that alcoholic beverages must remain inside.

There is an increased possibility of causing public nuisance, increased noise levels, anti-social behaviour of customers, danger of others, fire safety, traffic management, the disposal of waste and the respect of businesses and residents will all be adversely affected if an alcohol licence is granted.

This was considered to be relevant however there was no evidence to support this and members believed this would be a well-run premise where staff are adequately trained and heard that a personal licence holder would be on the premise at all times. They also heard that they will only be selling alcohol to customers purchasing a meal.

(ii) **Prevention of Crime and Disorder –**

The sale of alcohol will encourage the wrong type of person into the establishment putting the premise, the staff and other customers in jeopardy. This premise does not have the infrastructure or systems in place to control the supply of alcohol safely and properly.

This was considered to be relevant however members were satisfied that there would be a personal licence holder on the premise at all times and they will only be selling alcohol to customers purchasing a meal. They also heard how the applicant has a CCTV system to monitor the premise

(iii) **Protection of Children from Harm –**

No matter how many controls are in place to make the premise safe, it will never stop problems arising from people who are under the influence of alcohol and to allow children to walk freely and unsupervised in such an environment is concerning;

This was considered relevant however members considered this would be a family friendly controlled environment where adults are able to buy an alcoholic beverage with their meal.

(iv) **Public Safety –**

No representation.

(v) **Other representations –**

The barbican has a large surplus of establishments available to sell alcohol and do not need more reasons for their turnover to be attacked. The barbican is saturated with these establishments and to allow new business to target the same audiences as those that have traded for many years is questionable.

To provide further, unnecessary premises with the ability to provide alcohol will only loosen the authorities grip on the drinking culture of the barbican

Allowing premises that have a seemingly diluted reason for requiring an alcohol licence will only flood the area with unnecessary alcohol based businesses.

These concerns were not considered to be relevant as they did not fall within one of the four licensing objectives.

The committee does not consider the interested party has made a relevant representation with regard to the cumulative impact policy and consequently the effect of this policy was not considered in this decision.

Having taken into account all the above representations members agreed that it was appropriate for the application to be granted as follows:

- I. Subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicants operating schedule and the conditions contained in the applicant's letter dated 13 June 2012.

10. **EXEMPT BUSINESS**

There were no items of exempt business.