

PLYMOUTH CITY COUNCIL

Subject: Embankment Kebab & Pizza, 76 Embankment Road, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 15 July 2014

Cabinet Member: Councillor Brian Vincent

CMT Member: Kelechi Nnoaham (Office of the Director of Public Health)

Author: Fred Prout Senior Licencing Officer

Contact details: 01752 304792
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Hawkar Rasool in respect of Embankment Kebab & Pizza, 76 Embankment Road, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

In particular: Growing

See http://www.plymouth.gov.uk/corporate_plan.pdf

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 and Risk Management:

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.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None.

Published work / information:

For more information please see the below links.

Licensing Policy

http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Application									

Sign off:

Fin		Leg	SD/2 5.6.1 4/20 610	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

1.0 INTRODUCTION

1.1 On the 19 May 2014 the licensing department received an application from Hawkar Rasool for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Embankment Kebab & Pizza situated at 76 Embankment Road, Plymouth.

1.2 Grant application.

A fast food take away shop selling mainly kebabs and pizzas providing late night refreshment.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<p>(i) Late Night Refreshment (Indoors) Monday to Sunday 11.00pm to midnight</p>
<p>(l) Hours Premises are Open to the Public Monday to Sunday 4pm to midnight</p>

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Plan of licensed area for the premises supplied by applicant. (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – no representations.

2.2 *Environmental Health* – no representations

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

Four representation letter have been received that are attached to this report marked appendix 3 to 6.

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.
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 appropriate in order to promote the licensing objectives.

R. Carton
Manager of Public Protection Service

Continued from previous page...

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

we will only be open for an extra 1 hour after 11 pm which is a relatively quiet time, alot of the food that will be served is for delivery rarely any customers arrive that late in the evening for collection so it wouldnt attract any crime and disorder as there are no pubs or clubs close by so no extra noise or nuisance from the public.

b) The prevention of crime and disorder

as above

c) Public safety

no different for the public entering the shop at any other time so i dont know what steps can be taken for public safety.

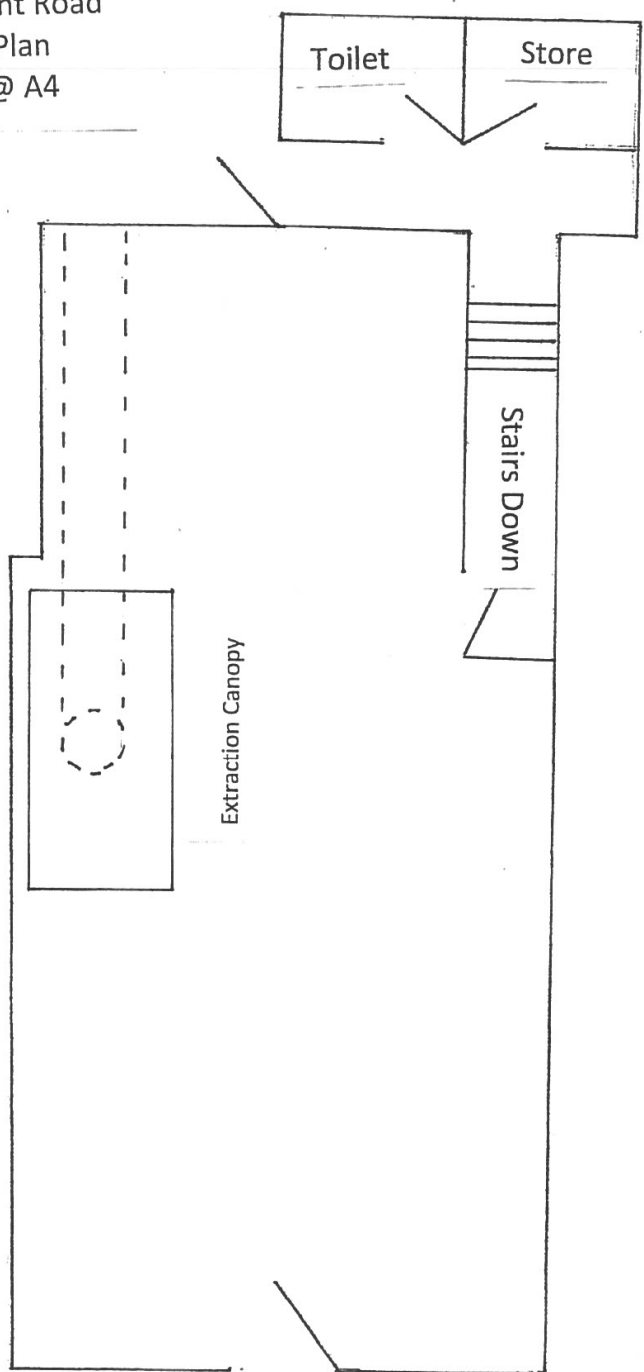
d) The prevention of public nuisance

no alcohol is sold onsite and is away from pubs and clubs so is unlikely to be a gathering of crowds who causing problems.

e) The protection of children from harm

not sure how this would be applicable as its only or serving food fro an extra hour. no alcohol is served.

76 Embankment Road
Proposed Plan
Scale 1:50 @ A4



I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

ON FRIDAY EVENING OF THE ~~23rd~~^{MAY} 23rd UNKNOWN PERSONS WERE BANGING ON THE BUILDINGS FRONT DOOR AND RUNNING AWAY. ALSO OUR DOOR BUZZER HAS BEEN PRESSED LATE IN EVENING BY DRUNK PATRONS OF PREMISES. NOT REPORTED TO POLICE, ALL FUTURE INCIDENTS WILL BE.

Public safety

For example alterations to the premises, capacity limits

The later hours will increase the litter problem and noise and nuisance behaviour by patrons of premises. The flue will be on longer causing unpleasant smells. The smells are already a problem, but later hours will ~~be~~ cause the smells to be prevalent longer.

The prevention of public nuisance

For example noise disturbance, littering

THESE ARE INADEQUATE RUBBISH RECEPTACLES OUT FRONT
OF PREMISES, CAUSING BUILD~~ING~~^{UP OF} FOOD WASTE AND LITTER

The protection of children from harm

For example underage sales, exposure to certain performances

There is a nasty smell they gets into our spare room
which is to be used as a nursery.

IN MY
OPINION

The flue does not meet d.e.f.p.a standards as has
no maintenance vents for access and is within one metre
of a window. There is a high risk of fire as a consequence.
I am to contact the environmental health of my concerns.

I _____ hereby declare that all information I have submitted is true
and correct

Signed _____

5

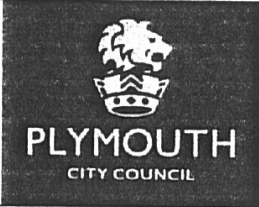
Date

7/8/14

Please send the completed form to

Licensing Department
Plymouth City Council
Civic Centre
Plymouth PL1 2AA
T: 01752 305465
E: licensing@plymouth.gov.uk

LICENSING REPRESENTATION FORM



If you wish to make a representation against or in support of any licensing application, please read the guidance note 'How to make a licensing representation' prior to completing this form.

Please note that a full copy of your representation will be sent to the applicant at any hearing of this matter.

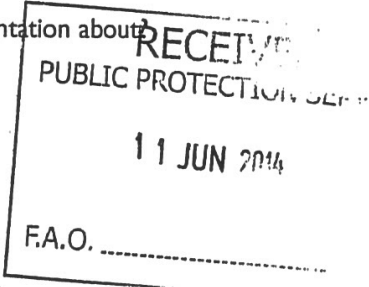
Section 1: Licence application details

I wish to object to the following application I wish to support the following application

Name of applicant (if known) EMBANKMENT KEBAB AND PIZZA.
 Premises name and address 76 EMBANKMENT RD. PRINCE ROCK
PLYMOUTH Postcode PL4 9HY

Which type of application you wish to make your representation about:

- Application for a new premises licence
- Application to vary a premise licence
- Application for a review of a premises licence



Section 2: Your personal details

If you are acting as a representative, please go to Section 3

Title Mr Mrs Miss Ms Other (please state)

Surname _____ Forenames _____
 Address _____
 Postcode _____
 Email _____ Telephone _____

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation _____
 Address _____
 Postcode _____

The prevention of public nuisance

For example noise disturbance, littering

Noise. People hanging around outside.
Had people in to use the
laundry as a testing place for
these meals, as the rubbish in the
laundry shop has no bins, I am not going to clean up after them

The protection of children from harm

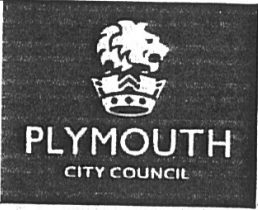
For example underage sales, exposure to certain performances

I _____, hereby declare that all information I have submitted is true and correct.

Signed _____ Date 27/6/14

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Section 1: Licence application details

I wish to object to the following application *EMBANKMENT KEBAB AND PIZZA* I wish to support the following application *78 EMBANKMENT ROAD,*

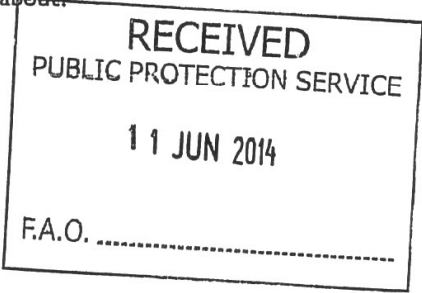
Name of applicant (if known)

Premises name and address

Plymouth Postcode

Which type of application you wish to make your representation about?

- Application for a new premises licence
- Application to vary a premise licence
- Application for a review of a premises licence



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If you are acting as a representative, please go to Section 3

Title Mr Mrs Miss Ms Other (please state)

Surname Forenames

Address

Postcode

Email Telephone

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation

Address

Postcode

The prevention of public nuisance

For example noise disturbance, littering

No LOITERING. & DISTURBANCE
They leave
waste rubbish as the shop has no front bins

The protection of children from harm

For example underage sales, exposure to certain performances

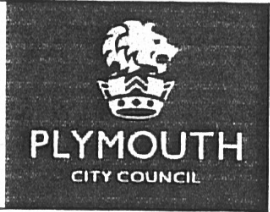
I _____, hereby declare that all information I have submitted is true and correct.

Signed _____ Date 4/06/2014.

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I wish to object to the following application

78. EMBANKMENT ROAD

I wish to support the following application

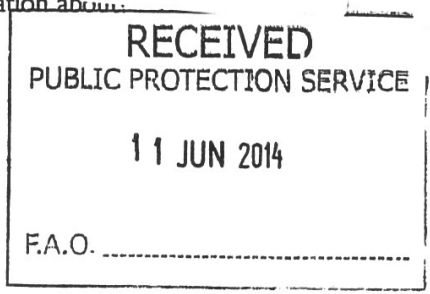
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Telephone

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Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation

Address

Postcode

The prevention of public nuisance

For example noise disturbance, littering

NO LOITERING & DISTURBANCE

Smell working in laundry next door

The protection of children from harm

For example underage sales, exposure to certain performances

Protect from laundry with open's
late nights in summer. people use
laundry for a sit down Take-away have
litter every where,

I _____, hereby declare that all information I have submitted is true
and correct

Signed _____

Date 4-6-14 .

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