

PLYMOUTH CITY COUNCIL

Subject: Commercial Service Station, 9 Chapel Street, Devonport,
Plymouth. PLI 4DP
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 12 August 2014

Cabinet Member: Councillor Brian Vincent

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

Author: Frederick Prout (Senior Licensing Officer)

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

Ref: ERS/LIC/PREM VAR

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Winckworth Sherwood LLP on behalf of Rontec Watford Limited in respect of the Commercial Service Station, 9 Chapel Street, Devonport, Plymouth for the Variation of a premises licence under Section 34 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:
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 4.7.1 4/20 827	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 June 2014 the licensing department received an application from Winckworth Sherwood LLP on behalf of Rontec Watford Limited for the variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of the Commercial Service Station situated at 9 Chapel Street, Devonport, Plymouth.

1.2 Details of variation

Current Licensable Activities	Variation Application
<p><u>(i) Late Night Refreshment</u> Nil</p>	<p><u>(i) Late Night Refreshment (Indoors & Outdoors)</u> Monday to Sunday 11.00pm to 05.00am (All days)</p>
<p><u>(j) Supply of Alcohol for consumption OFF the premises only.</u> Monday to Saturday 08.00am to 11.00pm Sunday 10.00am to 10.30pm <u>Non Standard Timings.</u> Good Friday 08.00am to 10.30pm Christmas Day 12 midday to 03.00pm and 07.00pm to 10.30pm</p>	<p><u>(j) Supply of Alcohol for consumption OFF the premises only.</u> Monday to Sunday 08.00am to 12 midnight (All days)</p>

1.3 Variation application

The premises are a petrol forecourt store selling a broad range of groceries, household products and alcohol situated at the above address.

The nature of the proposed variation is;

1. To extend the hours for the sale of alcohol
2. To include the provision of late night refreshment
3. To remove all embedded restrictions and conditions contained in Annex 2 of the premises licence
4. To include in Annex 2 the conditions in boxes b to e of section M of the operating schedule
5. To make alterations to the premises

1.4 Conditions currently attached to the licence (Appendix 1).

1.5 As part of the application the applicant put forward a number of conditions to promote the four licensing objectives (Appendix 2).

1.6 Following mediation with the Devon & Cornwall Police, amendments were made to the application and further conditions added to promote the four licensing objectives. (Appendix 3)

1.7 Representations have been received in respect of this application.

1.8 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

Three letters have been received that are attached to this report.
(Appendix 4 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 with the following paragraph's relevant to this application : 1.2 – 1.5, 1.16 – 1.17, 2.1, 2.3, , 2.8, 2.9, 2.18 – 2.22, 2.24, 2.25, 2.30, 2.32. 3.12, 3.15 9.3, 9.12, 9.33 -9.36, 9.38 – 9.40, 10.8 – 10.13, 13.18, 13.42 - 13.43
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Licensing hours (page 11), Late night refreshment (page 12), Responsible Retailing for Off-Sales (page 15) and Licensing Conditions (page 20)
- 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. Modify the conditions of the licence and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

2. 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.

R. Carton

ANNEX 1 - MANDATORY CONDITIONS

- (1) The first condition is that no supply of alcohol may be made under the premises licence: -
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (4) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- The authorised hours for the sale of alcohol does not prohibit:
 1. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 2. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 3. the sale of alcohol to a trader or club for the purposes of the trade or club;
 4. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Annex 3 - Conditions attached after a hearing by the licensing authority

None.

ANNEX 4 - PLANS

As Attached

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

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b) The prevention of crime and disorder

- | |
|---|
| <ol style="list-style-type: none">1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.5. The system will display, on any recording, the correct time and date of the recording.6. A system will be in place to maintain the quality of the recorded image.7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity. |
|---|

c) Public safety

<p>The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.</p>

d) The prevention of public nuisance

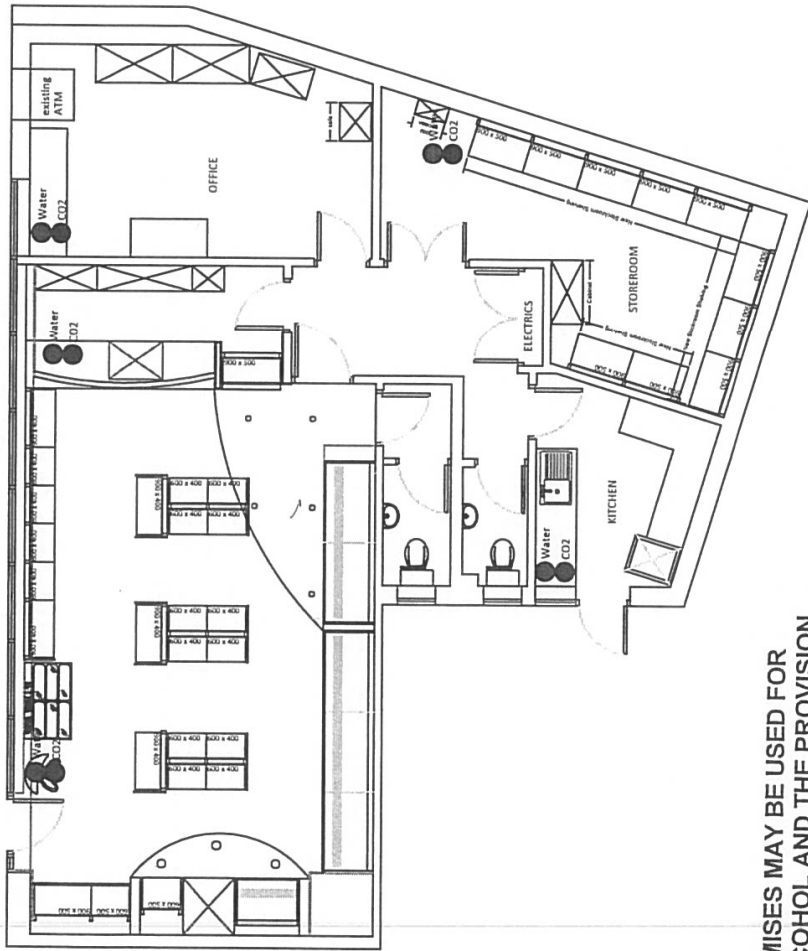
<p>Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.</p>

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

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COMMERCIAL - PROPOSED



THE ENTIRE PREMISES MAY BE USED FOR
THE SALE OF ALCOHOL AND THE PROVISION
OF LATE NIGHT REFRESHMENT

A	Rev	Description	Date

Atkins Shopping Design
& Project Management
25 Westborough Lane
Loughborough
Leicestershire
LE11 1UP
email: design@atkinsdesign.co.uk
website: www.atkinsshoppingdesign.co.uk

Client: Route/EC:

Address:

Drawing Title: Proposed Layout

Customer approval: Date:

Scale: Drawn by: Date:

Drawing No.: DA-2012

I warrant that the design is for the use and purpose intended and that it complies with all applicable building regulations and other statutory requirements.

Prout, Frederick

From: >
Sent: 17 July 2014 11:10
To: Licensing
Cc:
Subject: Commercial Service Station (32991/234)

FAO Licensing

Application to vary Premises Licence

Applicant: Rontec Watford Limited

Premises: Commercial Service Station, 9 Chapel Street, Devonport, Plymouth, PL1 4DP

Premises Licence No: PA0248

I refer to the above application and, following negotiations with Stephen Bates of Devon & Cornwall Police, Rontec has agreed to amend the application as follows:

Alcohol Hours:

0800 to 2400 hours daily

Our client has also agreed to the inclusion of the following additional conditions in the operating schedule:

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other authorised officer on request

3. An incident book/register shall be maintained to record:

- All incidents of crime and disorder occurring at the premises
- Details of occasions when the police are called to the premises

- This book/register will be available for inspection by a police officer or other authorised officer on request.
4. There shall be no sale of single cans of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
 5. There will be no sales/supplies of beers, ales, lagers or ciders of 5.5% ABV or above.
 6. There will be no display of self service alcohol within 2 metres of the store entrance.
 7. The CCTV system is to be to the reasonable satisfaction of the police.

Please confirm that the application will be amended accordingly.

Thank you

Elaine Finlay

Elaine Finlay
Legal Assistant

Winckworth
Sherwood

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F +44 (0) 207 593 5069
e.finlay@wslaw.co.uk

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T 020 7593 5000 | F 020 7593 5099

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 Please consider the environment and do not print this e-mail unless you really need to.

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

- ① An application has been made to make the Drogheda area a Designated Public Place under a new D.P.P.O.
- ② A problem with street drinkers and antisocial behaviour already exists in the area
- ③ With a new residential estate opposite, 24 hr. licensing is not appropriate.

Public safety

For example alterations to the premises, capacity limits

- ① It is far from appropriate for a garage to sell alcohol to drinkers, let alone 24 hr/day.
- ② 24 hr sales will attract unwanted visit by drunken youths on their way home from the town in the early hours of the morning.
- ③ There are already several licensed retailers within a few meters of this applicant.
- ④ This premises is next to a school.

The prevention of public nuisance

For example noise disturbance, littering

*As heron hole will attract additional noise/problem
at night especially as this is opposite a new
residential estate.*

The protection of children from harm

For example underage sales, exposure to certain performances

this person is with Tom of a school.

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

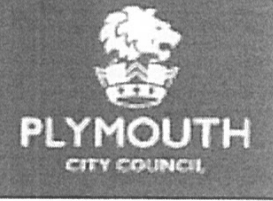
Signed _____

Date *2.7.14*

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)	RonTec Watford Ltd		
Premises name and address	9 Chapel St, Devonport		
	Plymouth	Postcode	PL1 4DP

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	Harley	Forenames	Ian
Address	302 Tavy House	Devonport	
	Plymouth	Postcode	PL1 4HL
Email	chair.mw	Telephone	01752 500153

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 Mount Wise Towers Residents Association

Address	The Chair, MWTRA	302 Tavy House, Duke St, Devonport	
	Plymouth	Postcode	PL1 4HL

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

1. An application has been made to make the Devonport Area a designated Public Place under a new DPPO
2. A significant problem with aggressive street drinkers and the associated anti-social behaviour already exists in the area...hence the DPPO update/revision.
3. There is a new residential estate opposite and the disturbance from 24hr sales of alcohol is unwarranted and inappropriate
4. The premises is within a few meters of the Lifehouse, a hostel for persons with drug and alcohol dependency issues.
5. The garage is on a main route away from the city centre, it is not appropriate to permit sales to persons already intoxicated on their way home from the clubs and bars in town late at night/early in the morning.

Public safety

For example alterations to the premises, capacity limits

1. It is far from appropriate for a garage to encourage the sale of alcohol to drivers, let alone 24hrs a day
2. it is not appropriate to permit sales to persons already intoxicated on their way home from the clubs and bars in town late at night/early in the morning.
3. There are already a large number of licenced retailers in the immediate vicinity within a few meters
4. The applicants premises in next to a school and near several others.

The prevention of public nuisance

For example noise disturbance, littering

1. 24 hr. sales will attract additional noise, litter and antisocial problems, especially at night.
2. The premises are next to a new residential estate where the problems will become more intolerable.
3. The premises also sells "food" items and it is to be expected that a significant increase in litter is likely within the vicinity
4. There is a strong probability that with so many retailers selling alcohol in the area the incidences of anti-social behaviour etc. will significantly increase 7 whilst not necessarily on the premises certainly nearby.

The protection of children from harm

For example underage sales, exposure to certain performances

The applicants premises is within 50 meters of one school and within 200 meters of at least 2 others.

I Chari Mutha hereby declare that all information I have submitted is true and correct.

Signed

Chari Mutha

Date

2.7.14

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) ROUCEL WATFORD LIMITED
 Premises name and address 9 CHAPEL STREET, DEVONPORT PLYMOUTH
 Postcode PL1 4DU

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

RECEIVED
PUBLIC PROTECTION SERVICE
02 JUL 2014

Section 2: Your personal details

If you are acting as a representative, please go to Section 3 F.A.O.

Title Mr Mrs Miss Ms Other (please state)

Surname Kennan Forenames John
 Address 11 Chapel Street, Devonport Plymouth
 Postcode PL1 4DU
 Email john.kennan@roucel.com Telephone 01752 441133

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 _____

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

Section 4: Reason(s) for representation

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

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The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

DEVON + CORNWALL POLICE HAVE SUBMITTED A DPPD TO CONTROL STREET DRINKING IN DEVONPORT. THIS APPLICATION MAKES A MOCKERY OF THE CONCERNS OF LOCAL RESIDENTS + THE POLICE. I CAN THINK OF NO JUSTIFIABLE REASON FOR THIS APPLICATION OTHER THAN GREED AND DO NOT SEE HOW THE OWNERS PLAN TO CONTROL ANTI SOCIAL BEHAVIOUR THAT MAY ARISE FROM THE SALE OF ALCOHOL

Public safety

URNS A DAM FROM THESE PREMISES

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering

HOW DO THE OWNERS PROPOSE TO CONTROL THE POSSIBLE INCREASE IN NOISE DISTURBANCE, LITTERING, STREET DRINKING & VIOLENCE THAT MAY OCCUR FROM THE ULR SALE OF ALCOHOL FROM THEIR PREMISES. WITH NEW AFFORDABLE HOUSING LINING CHAPEL STREET CAN THE OWNERS GUARANTEE THAT THE ULR SALE OF ALCOHOL FROM THESE PREMISES WILL NOT IMPACT ON THE FAMILIES THAT WILL LIVE THERE.

The protection of children from harm

For example underage sales, exposure to certain performances

THERE IS A PRIMARY SCHOOL SOME 20 YARDS FROM THESE PREMISES AS WELL AS A NEW HOUSING ESTATE DIRECTLY ACROSS THE ROAD WITH A HIGH VOLUME OF AFFORDABLE HOMES AIMED AT PEOPLE WITH YOUNG FAMILIES. HOW DO THE APPLICANTS PROPOSE ENSURING UNDERAGE PEOPLE ARE NOT ABLE TO OBTAIN ALCOHOL OR ARE EXPOSED TO BEHAVIOUR ASSOCIATED TO ALCOHOL ABUSE.

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

Signed _____ Date 28/6/16

Please send the completed form to

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