

Licensing Sub Committee

Tuesday 7 October 2014

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillors Mrs Bowyer and Sparling.

Also in attendance: Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.00 am.

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.

18. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

Under this item The Chair welcomed Councillor Sparling to his first Licensing Sub Committee meeting.

19. DECLARATIONS OF INTEREST

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

20. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

21. MY FISH BAR, 35 BRETONSIDE, PLYMOUTH

The Committee –

- (a) considered the report from the Director for Public Health;
- (b) considered representations from the applicant and the landowner;
- (c) considered written representations received in objection to the application;
- (d) heard from the applicant and the landowner that –
 - the landowner's father had died suddenly six months ago and the previous premises licence has lapsed as he had neglected to advise the

Licensing team within the 30 day notice period and therefore this application was required to go before committee for determination;

- the landowner considered Mr Metin Yobas was suitable to run this business in his premises as he reflected his father's professionalism and values;
- the premises had been run as a takeaway establishment for 17 years therefore he considered there was no real change other than it was now being run as a fish and chip shop rather than a kebab takeaway;
- Mr Yobas planned to create approximately 10 jobs; he was also regenerating the shop so that it would be an addition to the area;
- 8 CCTV cameras would be installed; the previous establishment only had 3 cameras;
- the applicant agreed to the restriction of opening hours as put forward by the Police;
- the applicant had signed a 15 year lease.

In response to Members questions it was reported that –

- (e) Mr Yobas was unable to control the behaviour and noise of clientele from other premises disturbing local residents however patrons of his premises would be served quickly and encouraged to leave quickly and quietly; the Police would be contacted if trouble arose;
- (f) the landowner's father previously worked with the Police, patrons and local residents in order to run his establishment;
- (g) Mr Yobas intended to employ several female staff and he considered that they were treated with more respect; he would also work at the establishment and would be available to help diffuse problems if any arose;
- (h) Mr Yobas considered that the hygiene, quality of food, service and security were of a 5 star quality and could not be beaten;
- (i) currently the area was considered to be rather run-down with several shops boarded up or closed; this premises was expected to help regenerate the area and attract a different type of clientele; the premises would be open during the daytime as well as in the evening and at night;
- (j) the location of the premises was on a natural walkway from the Barbican so patrons would pass the establishment on their way home;
- (k) it was not expected that the premises would be open until 3am or 4am very often; the applicant and landowner were encouraged to apply for the full licence and operating hours to ensure more flexibility;

- (l) the applicant had previous experience in running a kebab and pizza premises;
- (m) the premises had a customer toilet installed to prevent customers urinating outside and guaranteed that the outside of the premises would be cleaned to maintain his 5 star rating;
- (n) CCTV images would be retained for 31 days;
- (o) the landowner was keen to reassure local residents that the fish and chip shop was simply replacing the kebab takeaway that had been there for 17 years and would not be opening regularly until 3am or 4am as requested on the licence; during the week the premises was expected to close by midnight.

Members considered written representations under the licensing objectives as follows:

The Prevention of Crime and Disorder:

- to permit all night trading in a largely residential area will create a nuisance, disturbance and potential anti-social behaviour which will cause a nuisance to me and other residents in the area and will affect our sleep. This was not considered relevant by Members as the application was for a late night refreshment licence which would not be open all night;
- these premises are adjacent to the residential properties and the serving of food during the proposed hours is highly likely to occur after people have been drinking alcohol and as it is very noisy now when the bars and clubs close, this is only likely to get worse. Instead of dispersing people are likely to congregate in or near the premises, leading to a risk of fights and criminal damage. Members considered this representation relevant but that it was addressed in the representations by the applicant and the conditions that had been agreed with the Police;

Prevention of Public Nuisance:

- there is an increased likelihood of excessive noise and litter and residents will have their sleep disturbed;
- allowing the outlet to serve food and drink all through the early hours will ensure it becomes a magnet for drunks in an area where residential blocks are situated a few yards away. Members considered these representations relevant and considered that the extra condition they imposed for collection of litter would deal with the representations and were satisfied that as the premises would not be licenced to sell drinks that the second representation would also be dealt with by the conditions agreed with the Police

Protection of children from harm:

- children living in the area will be subject to increased noise and lack of sleep

and fear engendered by the noise of fights and rowdy behaviour. Members considered this relevant but that it would be addressed with the premises licence holders management and the conditions placed on the licence.

Having taken into consideration all of the representations and noted that no representations had been received from any Responsible Authorities in respect of this application and also acknowledging the conditions that had been agreed between the applicant and the police which formed part of the application;

Members agreed that it was appropriate to grant the licence and that the following conditions should be added to the licence:

Amended condition 1:

The Premises Licence Holder, Designated Premises Supervisor or nominated person, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises. Between the hours of 11pm and close of business hourly rubbish checks will be made and rubbish cleared away. At the end of business each day the immediate vicinity should be cleaned of litter.

22. **EXEMPT BUSINESS**

There were no items of exempt business.