

## PLYMOUTH CITY COUNCIL

**Subject:** Commercial Service Station  
9 Chapel Street, Devonport, Plymouth. PL1 4DP  
Variation of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 19 May 2015

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Kelechi Nnoaham (Director of Public Health)

**Author:** Frederick Prout (Senior Licensing Officer)

**Contact details:** Tel: 01752 304792  
email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM VAR

**Key Decision:** No

**Part:** I

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### **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 situated at 9 Chapel Street, Devonport, Plymouth for the Variation of a premises licence under Section 34 of the Licensing Act 2003.

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### **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.

**Growing:** The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

**Caring:** Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:**

Not applicable.

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**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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and rejected:**

None

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**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - June 2014](#)

**Background papers:**

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

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**Sign off:**

Fin		Leg	2288 l/ag/ 30.0 4.15	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 23 March 2015 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 Commercial Service station situated at 9 Chapel Street, Devonport, Plymouth.

1.2 Details of variation

Current Licensable Activities	Variation Application
<b><u>(j) Supply of Alcohol for consumption OFF the premises.</u></b> Monday to Sunday 08.00am to 11.00pm	<b><u>(j) Supply of Alcohol for consumption OFF the premises.</u></b> Monday to Sunday for 24 hours each day

## 1.3 Variation application

The nature of the proposed variation is;

To vary the hours when the licensable activities for the retail sale of alcohol off the premises may take place Monday to Sunday from 8am – 11pm each day to 24 hours each day.

1.4 The existing conditions on the premises licence are to remain unchanged. Conditions currently attached to the licence (Appendix 1).

1.5 Representations have been received in respect of this application.

## 1.6 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* has made representation relating to the prevention of crime and disorder and public nuisance (Appendix 2).

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 (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations

### 3.0 **OTHER PARTIES**

Two letters have been received that are attached to this report. (Appendix 3 and 4.)

### 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: 1.4 and 1.5, 1.16, 1.17, 2.1, 2.3, 2.14 – 2.20, 9.3, 9.30 - 9.40, 9.41 – 9.43, 10.8 – 10.9, 10.10 and 13.44. The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Responsible Retailing for Off Sales (Page 15), Location and Trading Restrictions (Page 15) and Public Nuisance (Pages 17). Also 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
2. Reject the whole or part of the application;

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.

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  
Office of the Director of Public Health, Plymouth City Council.

## ANNEX 1 - MANDATORY CONDITIONS - OFF SALES

No supply of alcohol may be made under this Premises Licence when there is no Designated Premises Supervisor in respect of the Premises Licence.

No supply of alcohol may be made when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under this Premises Licence must be made or authorised by a Personal Licence holder.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where:

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of Value Added Tax chargeable in relation to the alcohol as if the Value Added Tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any)
- (iii) the personal licence holder who makes or authorises a supply of alcohol;

(d) "relevant person" means, in relation to a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "Value Added Tax" means Value Added Tax charged in accordance with the Value Added Tax Act 1994.

## ANNEX 2 - CONDITIONS CONSISTENT WITH 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.
8. A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose.
9. 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.
10. 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.
11. 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.

12. The system will display, on any recording, the correct time and date of the recording.
13. A system will be in place, to maintain the quality of the recorded image.
14. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
15. 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.
16. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
17. 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.



## Devon & Cornwall Police

Building safer communities together

Mr F. Prout  
Senior Licensing Officer  
Plymouth City Council  
Armada Way  
Plymouth  
PL1 2AA

Steve Bates 56059  
Police Licensing Department  
Charles Cross Police Station  
Plymouth  
PL4 8HG

16<sup>th</sup> April 2015

Dear Mr Prout

**Ref - Application to Vary Premises Licence PA0248 of  
Commercial Service Station, 9 Chapel Street, Devonport, Plymouth, PL1 4DP**

With regard to the above, please be advised that the Police intend to make representations to the Plymouth City Licensing Committee.

It is our contention that the premises are situated within an area that is subject to a Designated Public Places Order (DPPO) which was applied for by Devon & Cornwall Police and granted by the local authority after public consultation on 15<sup>th</sup> September 2014.

The application for the DPPO was made due to the continuing high levels of anti social behaviour, alcohol related violence and anti social behaviour involving street drinkers in the area.

This area is at present the subject of ongoing regeneration, having historically been a deprived area with high incidences of drug and alcohol abuse together with the associated violent and public order offences.

The Police believe that the operation of a 24 hour alcohol licence in this area would have a negative effect on all four of the licensing objectives but especially on those of the prevention of crime and disorder and the prevention of public nuisance.

The Police have contacted the applicant's representative, Winckworth Sherwood Solicitor and explained our concerns. However no response has been received from Rontec Watford Limited.

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[www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)



5/6/15



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Therefore the Devon and Cornwall Police wish to object to this application and make representations to Plymouth City Council Licensing Committee.

Yours sincerely

*Steve Bates*

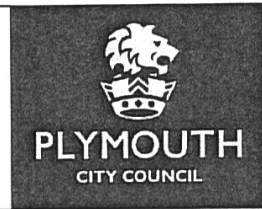
Steve Bates  
Alcohol Licensing Officer  
Devon & Cornwall Police  
Charles Cross Police station  
Plymouth

Tel – 01752 720464

Email – [Licensingwest@devonandcornwall.pnn.police.uk](mailto:Licensingwest@devonandcornwall.pnn.police.uk)

LICENSING REPRESENTATION

# 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 Limited

Premises name and address 9 Chapel Street, 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

RECEIVED  
PUBLIC PROTECTION SERVICE

17 APR 2015

F.A.O. ....

## 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) COUNCILLOR

Surname Taylor

Forenames Kate

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Email kate.taylor@plymouth.gov.uk 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 \_\_\_\_\_

I am

Representative of residents association

Ward Councillor

MP

Representative of trade/business association

Other (please specify) \_\_\_\_\_

#### 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 "1 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

A DPPO is in action in this area to tackle the pertinent issue of street drinking and the related ASB. This DPPO is fully supported by local police, residents and businesses - many residents of whom wrote in support of the DPPO, explaining their experiences of the issue - crime, ASB, public urination, harassment etc.

#### Public safety

For example alterations to the premises, capacity limits

The ability to sell alcohol 24/7 in an area with a DPPO is counterproductive and a threat to public safety, especially with restrictions to our police force, it makes it harder to monitor.

### The prevention of public nuisance

For example noise disturbance, littering


Prior to the DPPPO, residents spoke of noise, litter (glass bottles smashed in play park), general ASB and in some cases lewd comments + sexual harassment. 24/7 sale of alcohol in this area will magnify this issue.

### The protection of children from harm

For example underage sales, exposure to certain performances

A lot of issues from street drinkers have gravitated towards areas where children are - especially play parks. Not a huge issue at night but still a potential threat.

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

Signed 

Date 16/04/15

Please send the completed form to

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

The Devonport councillors, on behalf of residents, FUNDAMENTALLY oppose such a variation. The DPPPO has so far proven incredibly successfully and this would be counterproductive at best, dangerous at worst.

**Sheldon, Lorraine**

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**From:** Coker, Mark  
**Sent:** 18 April 2015 07:09  
**To:** Sheldon, Lorraine  
**Subject:** RE: Premise Licence Representation form

I formal wishes to object to this application due to the fact that devonport has had a problem in this area with street drinking and crime and disorder, we have an active live dppo in place, this is making a real difference to people's lives and this application goes against everything we have tried to build up in devonport

I was unable to edit the live application but I know the police are objecting too .

Regards  
Mark

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Sheldon, Lorraine  
**Sent:** Thursday, April 16, 2015 12:33 PM GMT Standard Time  
**To:** Coker, Mark  
**Subject:** Premise Licence Representation form

Dear Councillor Coker

Please find the link to the form that you have requested.

[http://www.plymouth.gov.uk/licence\\_representation\\_form.pdf](http://www.plymouth.gov.uk/licence_representation_form.pdf)

Kind Regards

**Lorraine Sheldon**  
Technical Support Officer  
Public Protection Service  
Plymouth City Council  
Civic Centre  
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