

PLYMOUTH CITY COUNCIL

Subject: Co-op, Frogmore Avenue, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 17th May 2016

Cabinet Member: Councillor Philippa Davey

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

Author: Bev Gregory (Licensing Officer)

Contact details: 01752 308979
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Ref: ERS/LIC/PREM GRANT

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Ward Hadaway Solicitors on behalf of Co-operative Group Food Ltd in respect of the Co-op situated at Frogmore Avenue, Egguckland, Plymouth (Former Maraid Public House) 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.

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](#)

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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - March 2015](#)

Background papers:

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

Sign off:

Fin		Leg	2557 3/ag/ 28.4. 16	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 24 March 2016 the licensing department received an application from Ward Hadaway Solicitors on behalf of Co-operative Group Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Co-op situated at Frogmore Avenue Plymouth, (Former Mermaid Public House).

1.2 Grant application.

Supply of alcohol off the premises

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(j) Supply of Alcohol for consumption OFF the premises.</u>

Monday to Sunday 7am to 11pm

<u>(l) Hours Premises are Open to the Public</u>

Monday to Sunday 7am to 11pm

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

1.5 One letter of representation has been received (Appendix 2)

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* – 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 (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

No representations have been received.

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 paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.14 – 2.15, 9.3,9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10,
- 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), Protecting children from harm (page 16), Licensing conditions (page 20) the representations (including supporting information) presented by all the parties.

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.

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

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

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

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises will be fitted with a burglar alarm system

6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Ward Hadaway</i>
Date	23 rd March 2016
Capacity	Solicitor acting on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

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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) CO-OPERATIVE FOOD
 Premises name and address 15 FROGMORE AVENUE, EGGBUCKLAND
PLYMOUTH Postcode PL6 5XH

- 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 FROGMORE STORES LTD
 Address 1 DANE AVENUE, EGGBUCKLAND,
PLYMOUTH Postcode PL6 5SF

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

DIRECTOR - FROGMORE STORES LTD

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

THERE HAVE BEEN MORE INCIDENTS OF DRUNKEN/VIOLENT BEHAVIOUR IN
AROUND THESE PREMISES AND LATE NIGHT RIOT JUST BEFORE
LAST LICENSEE ~~HE~~ LEFT. POLICE WILL HAVE RECORDS OF
MOST INCIDENTS AS THEY WERE REGULARLY CALLED OUT. WE
HAVE ALSO HAD A SUMMER CURFEW IN AREA TO TRY & REDUCE THE NO
OF YOUTHS HANGING AROUND AREA WITH ALCOHOL.

Public safety

For example alterations to the premises, capacity limits

EXTRA TRAFFIC IN & OUT OF AN ALREADY BUSY ROAD WHICH IS NEXT
TO AUSTIN FARM ACADEMY SCHOOL 2 YOUNG BOYS WERE KNOCKED
OVER JULY 2015. PARKING ON BOTH SIDES OF FROGMORE AVENUE (MUCH
NEEDED BY RESIDENTS) RESTRICTS ACCESS & VISIBILITY TO ENTRANCE ESPECIALLY
AT SCHOOL TIMES (THIS WILL ONLY BE EXASPERATED) BY DELIVERY LORRIES
& CUSTOMERS UNABLE TO GET ACCESS AND CARS ETC PARKING OUT OF
CAR PARK WITHOUT CLEAR VISIBILITY.

The prevention of public nuisance

For example noise disturbance, littering

A FAMILY NEIGHBOURHOOD WHICH HAS SUFFERED FOR YEARS FROM NOISE, LATE NIGHT REVELERS, CARS & ARGUMENTS FROM THESE PREMISES. COMMUNITY POLICE HAVE BEEN HEAVILY INVOLVED. EXTRA CAR NOISE, LIGHTING ETC IS INEVITABLE AS WELL AS LITTER CANS/BOTTLES ETC NORMALLY DUMPED IN RESIDENTS GARDENS. PREVIOUS LICENCE WAS REVOKED / NOT RENEWED DUE TO CONTINUAL PROBLEMS WITH THESE PREMISES. A LICENSED PREMISES WOULD ONLY ADD TO THE EASY AVAILABILITY OF ALCOHOL IN THIS AREA ESPECIALLY IN SUMMER MONTHS.

The protection of children from harm

For example underage sales, exposure to certain performances

AGAIN HOT SPOT AREA OVER YEARS WITH GROUPS OF YOUTHS, DRINKING/SMOKING, GAINING ALCOHOL AND FREQUENTING LOCAL FIELD. POLICE AGAIN HEAVILY INVOLVED. WE HAVE HAD OUR BACKYARD USED AS HIDING PLACE FOR ALCOHOL WHICH ADULTS HAVE BOUGHT & SUPPLIED.

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

and

Signed _____

Date 28/3/16

Please send to:

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