

Licensing Sub Committee

Tuesday 19 July 2016

PRESENT:

Councillor Churchill, in the Chair.
Councillor Carson, Vice Chair.
Councillors Morris and Singh (Fourth Member).

Also in attendance: Emily Bullimore (Street Operations and Street Trading Manager), Catherine Fox (Lawyer), Graham Hooper (Senior Officer Licensing), R Pengelly (Police Representative) Fred Prout (Senior Licensing Officer), D Seymour (Police Representative), W Tomkins (Police Representative) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 1.30 pm.

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.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Churchill is appointed as Chair and Councillor Carson is appointed as Vice Chair for this particular meeting.

7. DECLARATIONS OF INTEREST

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

8. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

9. PLYMOUTH WATERFRONT PARTNERSHIP TRADER APPLICATION

The Committee –

- (a) considered the report of the Director of Health;
- (b) heard from the Street Operations and Street Trading Manager, that the applicant sought a street trading consent to enable her, trading as M&M catering, to sell cold sea food as a hand held snack in a stainless steel handcart as a new street trader in the Plymouth Waterfront Partnership area; that she would be wearing a blue and white uniform and the stainless steel handcart would have a parasol in matching colours with a logo; this colour scheme would fit in with the waterfront theme;

Ms Maguire had obtained all relevant food handling certificates including one for the handling of seafood; her hygiene certificate was rated at 5; the required level was 3; her hand cart had been fitted with additional refrigeration;

- (c) having considered the above representations and report and being satisfied that -
- the proposed area of operation, namely the Hoe and Madeira Road was a 'consent street' under the terms of the Local Government (Miscellaneous Provision) Act 1982 Schedule 4;
 - the applicant held all of the relevant food handling certificates, including the additional one for the handling of seafood, insurances and had excellent references which had been checked by the Street Operations and Street Trading Manager and food handling team;
 - the application was suitable both with regard to the applicant's qualifications and the product being offered.

The committee agreed to grant the applicant Maggie Maguire, trading as M&M, permission to trade in seafood from her hand-pushed cart on a static site on the Hoe or Madeira Road; the specific site to be designated by the Street Trading Manager; the permission will expire on 31 March 2017.

10. **EXEMPT BUSINESS**

Agreed that under Regulation 14(2) of the Licensing Act 2003 (Hearing) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any on-going investigations and any court proceedings.

11. **REVIEW OF PREMISES LICENCE: BERESFORD ARMS, 9 CUMBERLAND STREET, PLYMOUTH**

The committee –

- (a) considered -
- the report from the Director of Public Health;
 - heard representations from the Devon and Cornwall Police;
 - heard representations from Environmental Health;
 - heard from the Premises Licence Holder/Designated Premises Supervisor;

- (b) considered that the representations received from the police, the residents and environmental health were relevant under all of the four licensing objectives;
- (c) had regard to the Home Office Guidance for summary reviews and had considered the information provided with a view to determining whether the problems associated with the alleged crimes were taking place on the premises or in connection with the premises and affecting the promotion of the licensing objectives;
- (d) also had regard to both the statutory guidance and its own policy in relation to both reviews pursuant to Section 51 of the Licensing Act 2003 and summary reviews pursuant to Section 53a of the Licensing Act 2003.

The committee agreed that -

- (a) in relation to the review brought under Section 53a of the Licensing Act 2003 that the premises licence should be revoked and further determined that the interim step of suspending the licence taken at the expedited review on 24 June 2016 should remain in effect until the time for appealing the review has expired and any appeal has been determined;
- (b) in relation to the review brought under Section 51 of the Licensing Act 2003 that the premises licence should be revoked.

The committee considered these decisions to be appropriate and proportionate action in the response to the issues heard at today's hearing.

(Please note: there is a confidential minute relating to this item).