

PLYMOUTH CITY COUNCIL

Subject: Devon Stores. 38-40 Marlborough Street
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 23rd January 2018

Cabinet Member: Councillor John Riley

CMT Member: Dr Ruth Harrell (Office of the Director of Public Health)

Author: Marie Price (Licensing Officer)

Contact details: 01752 304141
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from R B Retail & Licensing Services Limited on behalf of Devon Stores Limited in respect of Devon Stores, 38-40 Marlborough Street, Devonport, Plymouth, PL1 4AH for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Our Plan - One City Council 2016 to 2019:

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 - April 2017](#)

Background papers:

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

Sign off:

Fin		Leg	2966 8/ag/ 4.1.1 8	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 24th November 2017 the licensing department received an application from R B Retail & Licensing Services Limited on behalf of Devon Stores Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Devon Stores situated at 38-40 Marlborough Street, Devonport, Plymouth. PLI 4AH.

1.2 Grant application

This is to be a newly established independent local store which is to undergo a full refurbishment resulting in a shop with a retail selling area in excess of 1200 square feet.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(i) Late Night Refreshment (Indoors and Outdoors)</u> Monday to Sunday 11.00pm to Midnight.
<u>(j) Supply of Alcohol for consumption OFF the premises.</u> Monday to Sunday 06:00am to Midnight.
<u>(l) Hours Premises are Open to the Public</u> Monday to Sunday 06:00am to Midnight.

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

1.5 The applicant has submitted an Internal Premises Plan (Appendix 2)

1.6 Representations have been received in respect of this application.

1.7 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

One Letter of representation has been received from a local Ward Councillor and a further representation from a local resident containing a petition of 53 signatures. The representations are attached to this report marked appendix 3 to 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 paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.15 – 2.16, 3.12 – 3.13, 8.13 – 8.14, 9.3, 9.26 – 9.30, 9.42 - 9.44, 10.8 – 10.9, 10.10 and 10.13 – 10.15
- 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), Off Licence design and layout (Page 15) Location and Trading restrictions (page 15), Public Nuisance (Page 17), Licensing conditions (page 20), Use of Petitions (Page23-24),
- 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.

Licensing Team, Public Protection Service, Plymouth City
Council, Windsor House, Plymouth, PL6 5UF.

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 10)

1. All staff shall be trained in the requirements of the Challenge 25 policies.
2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
3. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of cashier/staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises).
4. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
5. The CCTV system shall cover all areas of the premises to which the public have access including any external areas located within the premises demise.
6. Images shall be retained for a minimum of 28 days.
7. The CCTV format shall be capable of downloading images to a recognizable viewable format.
8. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of Police or other authorised officer.
9. No sale of high strength beers, lager or cider above 6.5%abv.

b) The prevention of crime and disorder

1. All staff shall be trained in the requirements of the Challenge 25 policies.
2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
3. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of cashier/staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises).
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c) Public safety

Licensing Team, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF.

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3. The CCTV format shall be capable of downloading images to a recognizable viewable format.
4. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of Police or other authorised officer.

d) The prevention of public nuisance

1. No sale of high strength beers, lager or cider above 6.5%abv.

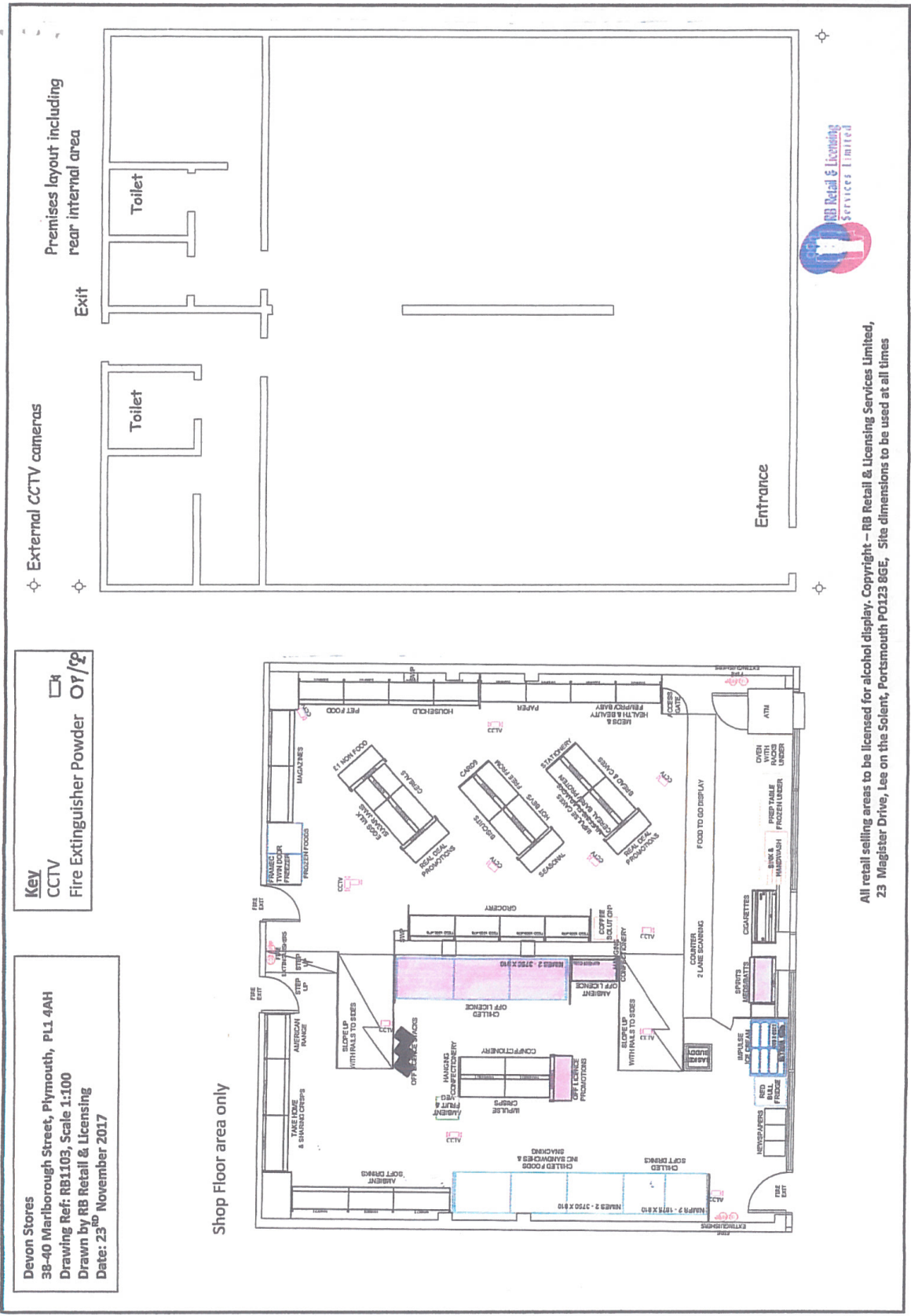
e) The protection of children from harm

1. All staff shall be trained in the requirements of the Challenge 25 policies.
2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
3. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of cashier/staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises).

Checklist:

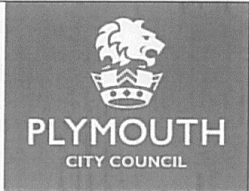
Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others X



All retail selling areas to be licensed for alcohol display. Copyright—RB Retail & Licensing Services Limited, 23 Magister Drive, Lee on the Solent, Portsmouth PO123 8GE. Site dimensions to be used at all times

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) Devon Stores

Premises name and address	38-44 Marlborough Street, Plymouth
	Postcode

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) Councillor

Surname Stevens	Forenames Bill
Address Plymouth City Council, Ballard House, Plymouth	
	Postcode PL1 3BJ
Email bill.stevens@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

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

Marlborough Street and the surrounding areas already suffer from problems of street drinking, with disturbances and nuisance occurring regularly. Approval of this licence would only increase the problem. This sort of crime and disorder needs to be tackled, not encouraged. Local people, especially those in very close proximity in sheltered accommodation have suffered enough. They already feel intimidated and want this licence application stopped as more anti-social behaviour associated with alcohol sales would be too much for them.

Public safety

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering

Noise disturbance on this part of pedestrianised Marlborough Street, especially that linked to the purchase of alcohol, is already too much for the residents in the adjoining sheltered accommodation. Despite the supply of extra litter bins, the cleanliness of Marlborough Street is made worse due to the current array of cans and bottles which would be worse should this licence be approved.

The protection of children from harm

For example underage sales, exposure to certain performances

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

Signed Cllr Bill Stevens _____

Date 7 12 17 _____

Please send the completed form to

Licensing Department
Plymouth City Council
Windsor House
Plymouth PL6 5UF
T: 01752 304141
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)

Premises name and address 38-40 Marlborough Street (I think)
Devonport Postcode PL1 4AH

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

Address

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)

concerned resident

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.

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The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

If you get the shop-lifters in there and police have to be called its going to be unsettling to some residents.

The biggest fear of everyone is we have a problem with drinkers ^{already} if they go into the shop we are going to find them in our porch way entrance causing a nuisance and some of the residents will be afraid to go out, also urinating in the porch

Public safety

For example alterations to the premises, capacity limits

They are going to open until 11 in the evening we have 4 shops already selling ~~alcohol~~ alcohol and a 24 hour garage, do we need another

The prevention of public nuisance

For example noise disturbance, littering

This shop is right underneath Helen Fox House (Sheltered Housing). If you were to get groups of people outside the shop late evening it would disturb a lot of residents some of whom have mental health issues. Obviously some residents go to bed 8pm onwards.

The protection of children from harm

For example underage sales, exposure to certain performances

N/A

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

and correct.

Signed

Date 29th November 2017