

Licensing Sub Committee

Tuesday 13 February 2018

PRESENT:

Councillors Loveridge, Dr Mahony, Morris and Rennie.

Also in attendance: Ann Gillbanks (Legal), Frederick Prout (Licensing), Bev Gregory(Licensing) and Jamie Sheldon (Democratic Advisor).

The meeting started at 10.00 am and finished at 12.00 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.

49. Appointment of Chair and Vice-Chair

Agreed that Councillor Mahony was appointed Chair, and Councillor Morris as Vice Chair for this meeting. Councillor Loveridge acted as fourth member.

50. Apologies

No apologies received.

51. Declarations of Interest

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

52. Chair's Urgent Business

There were no items of Chair's Urgent Business.

53. Grant of Premises Licence - Smileys Grocers, 95 Mayflower Street, Plymouth, PL1 1SD

Application for the Grant of a premises Licence – Smileys Grocers, 95 Mayflower Street, Plymouth

The Committee

a) Considered the report from the Director of Public Health

b) Heard from the applicant as follows:

The application is for the supply of Alcohol for consumption off the premises at:

Monday to Friday 09:00am to 11.00pm

Saturday 11.00am to 11.00pm
Sunday Midday to 11.00pm

Hours the premises are open to the public are:

Monday to Friday 9.00am to 11.00am
Saturday 11.00am to 11.00pm
Sunday Midday to 11.00pm

Written representation from the applicant:

•the applicant is the designated premises supervisor (DPS) of Smileys Grocers, and is a law abiding citizen and of good management skills. The business enterprise is fully aware of factors to always consider about its location and aim to do business in way that discourages anti-social behaviours but promote the four Licensing objectives. Similarly to Iceland supermarket that is in matching location with Smileys Grocers premises, we intend to sell alcohol off premises on a minimal scale compared to other items and will put measures such as follows in place:

a)no sales of cheap and high alcoholic drinks such as Frosty Jack cider, Tennent's Super beer and so on.

b)no selling to anyone perceived as drunk or allow them inside premises

c)to always abide to any conditions of the license outlined by sub-committee

d)clear challenge 25 information to prevent the supply of alcohol to underage drinkers

•for experimentation, the applicant obtained a licence for temporary event with (off the premises) alcohol sales in the recent festive and busy times of the year between 11am -9pm from 23rd December to 29th December 2017. The outcome was positive without any trouble and planned to have another temporary event before the set 13th of February 2018 Licensing Sub-Committee hearing date.

•it was observed that, the held temporary event good outcomes link to factor such as the type of alcohol products been sold, management and hours of operation. At the moment our hours of operation is between 11am – 6pm Monday to Saturday with no immediate plan of extension. However, 2 or 3 hours (i.e. to close 8pm or 9pm) might be added to premises closing hour in future if need be.

At the committee meeting the applicant made the following additional representations:

•that the primary business is to supply a multi-cultural community;

•the shop is a UPS access point;

•that the applicant will work in an ethical way with the government bodies to promote the licensing objectives to provide something safe for the society;

- that in reply to the police representations but anti-social behaviour the applicant believes it is important to tackle anti-social behaviour but is not sure that not granting the licence will solve the anti-social behaviour in the area and believes this should be tackled by working in a collective way with the authorities and within the licensing objectives;

- that the sale of alcohol will be on a very small scale;

- will not be selling alcohol to attract street drinkers and will not sell cheap alcohol;

- when alcohol was sold over Christmas it did not attract hooligans to the shop;

- want to work in a safe way to promote the licensing objectives;

In response to questions raised by Committee members the applicant gave the following responses:

- that the shop sales could not compete with Sainsbury and Iceland (which were nearby) and that they sold African and other international good, spices and stuff;

- that they did not have a large student custom as the students mainly went to Iceland for convenience foods/sandwiches;

- that the business could trade without a premises licence but that the application was to sell alcohol such as African beers which would enhance the shops' goods;

- that the applicant would never be in the shop alone and would have another family member in the shop with him;

- that the shop is covered by CCTV and that they have mobile phones to call the police if there is a problem, but he was not a member of the PARC scheme (Plymouth Against Retail Crime);

- that the alcohol will not be on a shelf in the open shop where it would attract shoplifters but would be kept on shelf behind the till area so a member of staff would have to pass it to a customer;

- that since the shop has been trading it has never been open past 6pm and that the applicant would be willing to stop selling alcoholic 6pm if the licence was granted;

- the shop does not sell tobacco.

Heard from the responsible authorities as follows:

Under the Licensing objectives of Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety

The Devon and Cornwall Police made the following representations:

- the premises are situated in Mayflower Street Plymouth adjacent to the Stonehouse area;

- the premises are near the following operations;
- Congress Hall Armada Way which provides various activities and support groups Band practice, open door café, bereavement support, Drug and Alcohol support, Bible study, adult support group, Christian teaching, fun and games for children aged 4 – 13;
- Plymouth Coach Station –The previous coach station namely Bretonside was a hot spot of activity for alcohol related anti- social behaviour;
- Pilgrim Academy Oxford Street Stonehouse – this school provides breakfast and afternoon clubs;
- Royal British Legion Pop in Centre Armada way – these premises offer support for ex-servicemen including advice for alcohol and drug addiction Methodist Central Hall Eastlake Street – this organisation provides youth clubs for young people aged 11 to 18 years old.

The relevance of these premises is provided by the Plymouth City Council Statement of Licencing policy (page 13) which states-

“Responsible Retailing for Off-Sales

The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

Many parts of the city have Designated Public Places Order in place to help address problems of drinking alcohol in public areas. Street drinking can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime. Local research has established that many people now drink at home before heading out for the evening, which contributes significantly to the problems of drunken and disorderly behaviour. Businesses involved in the city’s evening and night time economy are left to deal with this issue.

Page 15 of the policy states

Location and Trading Restrictions

The Licensing Authority may not approve applications for off sales in the following locations:

Near to alcohol addiction recovery activities or buildings.

In areas where street drinking affects any of the licensing objectives.”

- the area in which the premises are located are subject of unacceptable levels of street drinking, alcohol related crime and disorder and street begging involving some of the Police’s well know faces being identified as street drinkers.
- that in discussions with the manager of Community Connections has said that they have a lot of cost cleaning streets from street drinking behaviour, eg urinating, defecating and that a business in Stonehouse has complained that their business in being affected by people drinking outside the premises and intimidating customers.

- that the Inspector attending for the Police had the unfortunate duty to be involved with a student in accommodation above Union Street to took alcohol mixed with drugs and fell eleven floors to his death in the accommodations' stairwell.
- between 1st November and 14th November 2017 129 incidents of begging were dealt with by the Plymouth PARC Rangers.
- in the same period they dealt with 69 alcohol related incidents in the city centre.
- the police have also noted an increase in crime and disorder involving a large group of juveniles who are reportedly stealing alcohol from both shops and street drinkers or are obtaining alcohol from existing outlets by proxy purchase.
- In response to this the neighbourhood officers have instigated Operation Grey Wild specifically to deal with the alcohol related Anti -Social behaviour and Crime within the city centre.
- the police have also conducted a survey within the city centre premises to obtain their views on the effect the operation of these premises will have.
- general comments indicated that the issue of this premises licence will have a negative effect and attract further incidents of alcohol related Crime and Anti – Social Behaviour, several expressed concern regarding the proximity of established outlets and the fear of street drinkers congregating in the car park coach station area. There were comments regarding public health issues arising if this happens due to urination and defecation in the area, indeed some people feel a problem already exists in this area.
- a further snap shot of street drinking incidents between 1st and 14th December 2018 show the problem persists with 40 people being spoken to regarding alcohol related incidents by PARC Rangers.
- a check of police systems show the following offences have been recorded as alcohol related between the 1st November 2017 and 16th January 2018.
- the figures relate to Mayflower Street, Market Avenue, Market Street, Cornwall Street, New George Street, Royal Parade, Derry's Cross and Raleigh Street.
 - 28 offences of Assault
 - 3 offences of Grievous Bodily Harm
 - 7 Offences of Criminal damage
 - 1 offence of Indecent Exposure
 - 2 offences of Racially aggravated public order
 - 1 offence of sexual assault on a female
 - 11 offences of theft from shops
 - 1 offences of theft from persons
 - 6 offences of Threatening Behaviour
 - The figures also reveal that about 65% of these offences occurred between 0900hrs and 2300hrs.

- the police believe the grant of this licence will have a negative effect on the licensing objectives listed at the head of this report.

- the facts presented show the local business community and members of the public who use the city centre facilities are already subject of incidents of alcohol related crime and disorder. It is felt the issue of this licence will inevitably add to existing problems and increase the number of reports.

- therefore the Devon and Cornwall Police invite you to refuse this application

In response to questions by the Committee Members and Officers the Police representative gave the following information:

- the Police did not object to the application for Temporary Event Notice in December on the basis that unless event had the ability to cause immediate mayhem to the area the Police were duty bound to give the applicant the ability to prove themselves. The Police representation here is that one event of limited sale of alcohol may not have a negative effect on anti-social behaviour but that looking at the long term it is considered that there will be an impact on the area.

- that alcohol related crimes are growing with the public's dissatisfaction in number of people engaged in alcohol disorder. These particular scenarios outlined in submissions are a recent innovation so the Police have to look for sometimes new and radical policies to deal with them.

- if this application was for similar premises in a different area then there would be no problems. Looking at the problems we have in this area at the moment and the proximity of Stonehouse, the number of crimes and problems the PARC Rangers are having to deal with coupled with the proximity of the bus station make this application quite unique. This will make the already quite serious problems we have worse

- confirmed that the incidents reported by PARC Rangers were taking place during the day

- had information from shopkeepers that rough sleepers were congregating in the loading bay of the nightclub and in the back door of this premises

Under the Licensing objectives of Prevention of Crime and Disorder, and Public Safety

The Public Health Authority (ODPH) made the following representations:

- the application for premise licence relates to a premise in the Stonehouse neighbourhood. The premise is on the border of an area that is subject to Plymouth City Council's Public Spaces Protection Order (PSPO). This PSPO was put in place in October 2017 to address a number of issues that were identified as having a negative impact on the neighbourhood. These include street drinking and Anti-Social Behaviour (ASB) due to drunkenness as evidenced by the following incidents recorded in the Stonehouse neighbourhood in the 6 months between April-October 2016

- 234 reported incidents directly linked to alcohol;

- 56 crimes recorded directly related to alcohol;
- 268 reported incidents of anti-social behaviour;
- 340 Public safety reports – concern, collapse, injury, trapped;
- Recent intelligence from Devon and Cornwall Police identifies significant issues with both alcohol related crime and street drinking in beat code ECIE area where this premise is located. Between 29th August and 19th December 2017 there were 98 alcohol related offences recorded between the hours of 08.00 and 23.00 hours in this area. These include criminal damage, common assault and multiple offences of theft from a shop.

•furthermore between 1st and 14th December 2017 there were 69 incidents of street drinking recorded with individuals and groups of up to 9 people in the beat code ECIE area.

•the proposed premise is also situated on the border of two cumulative impact policy areas (North Hill and Union Street, including Derry's Cross) that are in place to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

•the premise is in very near proximity to a number of high density student accommodations. It is also alongside the new coach station and satellite tourist information centre that has been granted the first ever Safer Coach Station accreditation status.

•the Plymouth Alcohol Harm Profile provides evidence of the level of alcohol related harm in the Stonehouse neighbourhood where this premises is situated. The alcohol harm profile shows;

•mapping of on and off licensed premises in Plymouth shows a proliferation of premises in areas of deprivation. Stonehouse has more off-licensed premises than any other neighbourhood in the city.

•there is a growing body of evidence indicating that the number of licensed premises in an area has a direct impact on levels of consumption and subsequent harm. Studies have shown clear relationships between density of outlets and levels of violence, traffic accidents and injuries. High outlet density has been directly linked to increased risky drinking and levels of violence.

•Stonehouse is the most deprived neighbourhood in the city and has the lowest life expectancy of any neighbourhood in the city. There is good evidence that neighbourhoods with low socio-economic status have a greater susceptibility to the harmful effects of alcohol. This is evidenced by the rate of alcohol related hospital admissions in Stonehouse which is the highest in the city and is double the rate seen in at least 10 other neighbourhoods in the city.

•this correlation between licensed premises and higher rates of alcohol related hospital admissions appears to provide evidence of a link between outlet density and alcohol related health harms.

•in Stonehouse the level of all alcohol related crime recorded in 2016/2017 was the second highest of any neighbourhood in the city.

- during that time the level of violent crime and the number of domestic abuse offences with an alcohol classification in Stonehouse was the highest of any neighbourhood in the city.

- Plymouth's Strategic Alcohol Plan 2013 - 2018 Promote Responsibility, Minimise Harm and the city's Thrive Plymouth Programme are concerned with reducing alcohol related harm and enabling and encouraging positive choices for better health. Whilst the current licensing regime does not have a specific health objective it is acknowledged that approaches to alcohol licensing provide an important framework for creating the conditions for good health and wellbeing. Agreeing this application will work directly against the objectives of the Strategic Alcohol Plan and Thrive Plymouth.

In Conclusion:

- the proposed application premise licence will increase the overall availability of alcohol in this neighbourhood where there is significant evidence of alcohol related crime, disorder and street drinking. This is likely to increase overall alcohol consumption and escalate levels of alcohol related crime and disorder in this area. It is also likely to have a negative impact on public safety and perceptions of safety.

- the Committee have taken into consideration the representations made by the Police and Health Authority consider them relevant to the stated licensing objectives. The Committee have noted the levels of incidents reported by the Police in the City Centre area but have also taken into consideration that none of these incidents appear to have directly attributable to the time that the applicant was selling alcohol under the Temporary Event Notice (i.e. between 23 to 29 December 2017). With regard to the representations about anti-social behaviour and incidents occurring in the Stonehouse area, the Committee considered that these were not relevant to this premises (being situated in Mayflower Street).

- the Committee also took into consideration that there were 4 other premises in the vicinity which held a premises licence for off sales and noted the representation that granting this licence would only add to the stated problems, but considered that the applicant had explained that the intended sales of alcohol were to be tailored to compliment and support the specialist market items that were sold on the premises and that the premises were aiming for a target custom of local community and not for excessive sales of alcohol.

- the Committee noted that the premises sits on the boarder of 2 cumulative impact areas but not within one of the said areas and also noted the representations made concerning the proximity of the premises to the establishments listed by the Police but considered it appropriate to depart from its Licensing Policy in this instance to support a venture which was different in nature to the surrounding establishments.

- however, the Committee considered it appropriate that control would still need to be exercised at the premises to avoid any adverse impact on the problems outlined which affect the area so agreed to Grant the application on the following basis:

I. the hours for the supply of alcohol for consumption off the premises shall be:
Monday to Saturday 10am to 6pm Sunday 12midday to 4pm

2. in addition to the Mandatory conditions which are imposed by the Licensing Act 2003 on the grant of a premises licence the following additional conditions would also be imposed

- a) all alcohol must be sold from behind the till area and not in open shelved units
- b) outside of licensing hours any alcohol in the shop must be covered with lockable security shutters or within a locked fridge unit (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable security solutions)
- c) no alcohol to be sold in cans
- d) all alcoholic drinks will be clearly labelled or marked with the name of the premises
- e) a minimum of two staff to be on duty at times when the premises remain open for the sale of alcohol
- f) all staff shall be fully trained to perform the role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions
- g) training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months
- h) all staff shall be trained in the requirements of the Challenge 25 policies.
- i) an incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
- j) an incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.
- k) 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.
- l) the Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
- m) the CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
- n) the CCTV system shall cover all areas of the premises to which the public have access including any outside areas. Images shall be retained for a minimum of 31 days
- o) the CCTV system shall be capable of downloading images to a recognizable viewable format.

p)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.

q)the CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

54. **Exempt Business**

There were no items of exempt business.