

PLYMOUTH CITY COUNCIL

Subject: City Grill, 130 Cornwall Street, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee

Date: 04 December 2018

Cabinet Member: Councillor Sally Haydon

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

Author: Frederick Prout (Senior Licencing Officer)

Contact details: 01752 304792
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

An application has been received from The Mickdreybshire Accountants (UK) Limited on behalf of Lana Ali Ltd in respect of City Grill, 130 Cornwall Street, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

A Growing City: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

A Caring Council: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system 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 of the Licensing Act 2003 - April 2018

Background papers:

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

Sign off:

Fin		Leg	14.1 1.18/ 3158 4/cf	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 03 October 2018 the licensing department received an application from The Mickdreybshire Accountants (UK) Limited on behalf of Lana Ali Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of City Grill situated at 130 Cornwall Street, Plymouth.

1.2 Grant application.

The premises are operating as a Café and food take away shop.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<p>(i) <u>Late Night Refreshment (Indoors and Outdoors)</u></p>
<p>Sunday to Thursday 11.00pm to 03.00am</p>
<p>Friday and Saturday 11.00pm to 05.00am</p>
<p>(l) <u>Hours Premises are Open to the Public</u></p>
<p>Sunday to Thursday 12 midday to 03.00am</p>
<p>Friday and Saturday 12 midday 05.00am</p>

Amend and delete as appropriate

1.4 The applicant has submitted an Operating Schedule - Appendix 1.

1.5 A Plan of the premises supplied by applicant – Appendix 2.

1.6 The applicant following submission of the application requested the operation of the business after 11.00pm will be the supply of hot food and drink by delivery service only and agreed to have the operating schedule to include conditions set out in Appendix 3.

1.7 Representations have been received in respect of this application.

1.8 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

- 3.1 Two representations have been received that are attached to this report - Appendix 4 and 5

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 – 2.19, 2.21, 8.34, 9.3, 9.31 - 9.41 and 10.10.
- 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), Public Nuisance (Page 17), No smoking Legislation (Page 17-18) Licensing conditions (page 20) the representations (including supporting information) presented by all the parties.

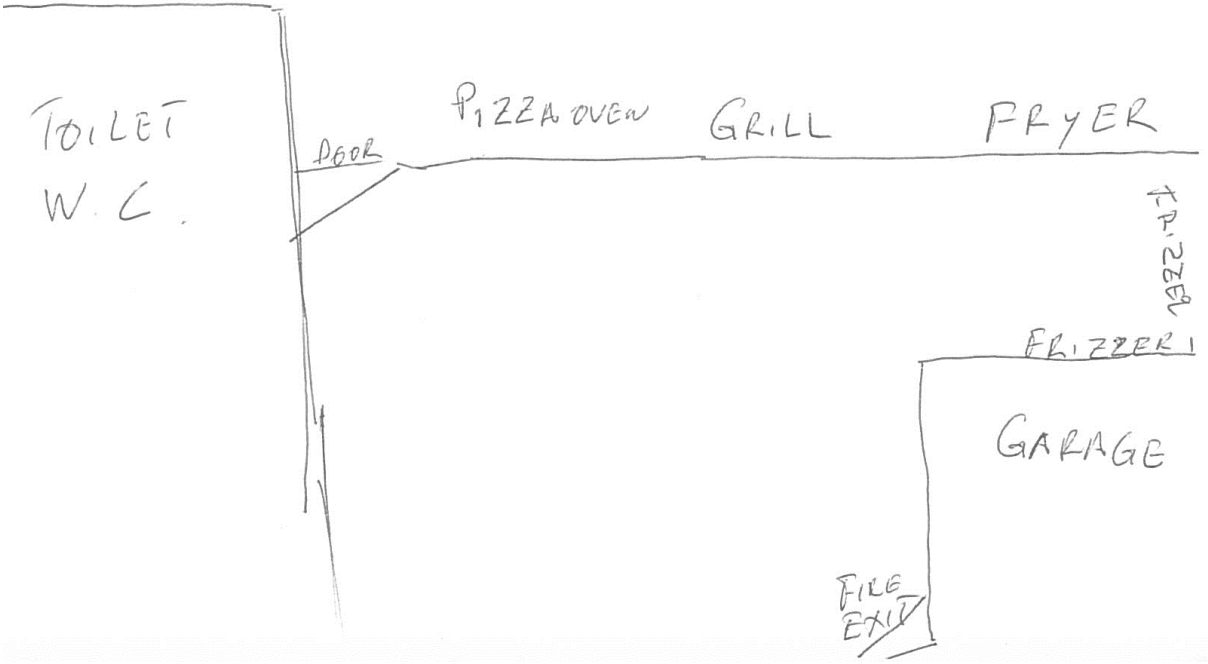
The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

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.

Section 18 of 21
LICENSING OBJECTIVES
Describe the steps you intend to take to promote the four licensing objectives: a) General – all four licensing objectives (b,c,d,e) List here steps you will take to promote all four licensing objectives together.
All
b) The prevention of crime and disorder
Yes
c) Public safety
Yes
d) The prevention of public nuisance
Yes
e) The protection of children from harm
Yes

CITY GRILL
LANA ALI LTD
130 CORNWALL STREET
PLYMOUTH



Suggested conditions City Grill, 130 Cornwall Street, Plymouth.

1. Late night refreshment will be provided by delivery service only.
2. The shop front will be closed and no customers are permitted on the premises after 2300hrs.
3. The delivery vehicle will switch off the engine and any radio whilst waiting to collect any order for delivery.
4. The movement of bins and rubbish outside the premises must not take place between 10pm and 7am.
5. The premises licence holder will ensure that all staff on the premises after 2300hrs will conduct themselves in a manner to avoid causing a disturbance to nearby residents.

I agree to these conditions being placed on the premises licence.

Signed.....

Gregory, Bev

From:
Sent: 31 October 2018 23:01
To: Licensing
Subject: city grill application

Dear sir/madam

I am a tenant of Morley Court, Plymouth and live directly behind the City Grill who are applying for a late night licence. I along with my husband are very concerned about this and the possibility late night noise from customers , music and possible car engines throughout the night, we feel that having to contend with people who are on their way home from a night out screaming and shouting is bad enough and we regularly have to contend with very loud music from one of the nightclubs on Derry's Roundabout until 4am on a weekend this alone is enough in itself let alone the possibility of having people and music all through the night on our doorstep.

We are very surprised you can even consider this in a residential area where there are families living above, alongside and opposite the City Grill many who are elderly. Surely this would be construed as a form of public nuisance with constant disturbance on a daily/nightly basis. My husband and I therefore feel we had to let you know of our concerns and to confirm we most strongly object to this licence request.

Yours sincerely

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

Public safety

For example alterations to the premises, capacity limits

The prevention of public nuisance

For example noise disturbance, littering

I note the conditions agreed by the applicant (e-mail from Fred Prewt to Mrs Smith dated 29/10/18 at 12:06 copied to ward councillors) and welcome these. In addition to these consideration needs to give to:-

- Smells arising from food preparation/cooking - local residents have raised concerns with me about these permeating the block throughout the night as building design means existing evening smells (which are accepted as reasonable use) ~~are~~ will continue beyond reasonable expectation. Appropriate extraction should be a requirement.
- ~~Staff~~ Staff should not be allowed to smoke or take breaks outside the rear of the premises as late night noise can echo around the courtyard of all Marlow Court residents.

The protection of children from harm

For example underage sales, exposure to certain performances

I CHRIS PENBERTHY, hereby declare that all information I have submitted is true and correct.

Signed Chris Penberthy Date 31/10/18

Please note:

If you do not want your personal details to be released then you will need to provide good reason for this information to be withheld, for example the fear of intimidation or violence.

Please send the completed form to

Licensing Department
Windsor House
Plymouth. PL6 5UF
T: 01752 668000
E: licensing@plymouth.gov.uk

The above representation reads as follows:

The prevention of public nuisance

I note the conditions agreed by the applicant (e-mail from Fred Prout to Mrs Smith dated 28/10/18 at 12:06 copied to ward councillors) and welcome these. In addition to these consideration needs to be given to :-

- Smells arising from food preparation/cooking – local residents have raised concerns with me about these permeating the block throughout the night as building design means existing day and evening smells (which are acceptable as reasonable use) will continue beyond reasonable expectation. Appropriate extraction should be a requirement.
- Staff should not be allowed to smoke or take breaks outside the rear of the premises as late night noise can echo around the courtyard of all Morley Court residents.

Chris Penberthy