

Public Document Pack



BARRY KEEL
Chief Executive
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Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 24/03/10 Telephone Enquiries 01752 304022 Fax 01752 304819
Please ask for Helen Rickman, Democratic Support Officer e-mail helen.rickman@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 30 MARCH 2010
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –
Councillors Mrs Bowyer, Gordon and Rennie

Fourth Member –
Councillor Mrs Nicholson

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

- 5. GRANT OF PREMISES LICENCE - TAPAS TO GO - UNIT 5, (Pages 1 - 12)
CHADDLEWOOD SHOPPING CENTRE, PLYMPTON,
PLYMOUTH**

The Director for Community Services will submit a report on the grant of a premises licence.

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

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

b) The prevention of crime and disorder

Implementation of minimum of 4 CCTV cameras with digital hard drive with minimum of 21 days good quality footage available.
No irresponsible drinks promotions or All Inclusives.
Hold and complete an Incident Book.
Zero tolerance to drug use and dealing.

c) Public safety

No open bottles or glasses to be taken off the premises.

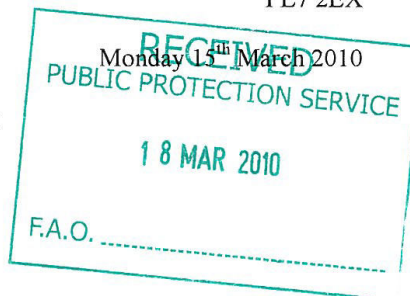
d) The prevention of public nuisance

Provide a 'Taxi call' service.
'Leave premises quietly' notices displayed.
For Live Music/Regulated Entertainment the front door will be closed.
Manager will regularly assess the level of noise for neighbours of the premises.

e) The protection of children from harm

Ask for identification and challenge 21 will be in place. Acceptable forms of ID will be PASS, Driving License or Passport.

19 Hemerdon Heights
Plympton
Plymouth
PL7 2EX



Notice of Reply

The Licensing Officer

Re: Application : By: Mr Brandon Tyndall
Of: Tapas to Go
Re: Grant of Premises Licence

In response to a Notice of Hearing before a Licensing Sub- Committee to be held on Tuesday 30th March 2010 with reference to the above application, I wish to state that:

I consider a hearing to be unnecessary due to the reasons stated in my written summary of representations (detailed below) however I do not wish to appear un co-operative in anyway to the committee or any other interested parties.

I intend to attend the hearing and represent myself.

I request the permission for my wife, Mrs. Theresa Tyndall to attend the hearing to support me in my representations to the committee.

A summary of the representations I wish to make are detailed as follows:

- I empathise fully with objections made by neighbouring residents as detailed in appendixes 3,4,5 and 6.
- I wish to alleviate their concerns by clearly stating my intentions for the premises. (see attached)
- I hope that the facility I wish to create will be of value to the local community. I do not wish it to be a nuisance to them in any way.
- I have clearly stated during the application process that I am happy to comply with recommendations made by Tim Brooks (Devon & Cornwall Police) and Phil Conday (Environmental Health). Appendix 1 & 2. I hope this shows the local residents and the committee members that I am a responsible person and willing to co-operate with concerned parties.

In support of my application and which I would like to refer to during the Hearing please find enclosed 'My Intentions for the Premises, Unit 5 Chaddlewod Shopping Centre, Plympton'. I have provided copies as requested for the committee members.

Please contact me should you require any further information.

Yours sincerely

Handwritten signature of Mr. B. R. Tyndall.

Mr. B. R. Tyndall

My Intentions for the Premises, Unit 5, Chaddlewood Shopping Centre, Plympton.

It is my intention to open a small Restaurant/Bistro. I am a qualified Chef and it has always been an ambition of mine to do this. I have never wanted to open a Bar/Nightclub.

I would like diners at the restaurant to be able to be served alcohol for consumption with their meal at the table.

I have made a request for Live Music in my application to provide diners with an alternative 'background music' facility. I am thinking along the lines of an individual musician or singer. I do not intend to have live, noisy bands or a DJ as this is not the ambience I wish to create.

My intention is to open and run a Restaurant business providing the people of Plympton with a venue to dine at with their family and friends.

I do not intend to open a Nightclub/Bar.

Price, Marie (DEVELOPMENT)

From: Conday, Phil (DEVELOPMENT)
Sent: 23 March 2010 16:10
To: Price, Marie (DEVELOPMENT)
Subject: FW: Premises License, Unit 5 Chaddlewood Shopping Centre

Hi Marie

Given the information below, I would like to withdraw my EH representation.

Many thanks

Phil

Phil Conday
Environmental Health Officer
Food Safety and Standards
Public Protection Service
Plymouth City Council
Tel: 01752 307890

From: brantreaz@aol.co.uk [mailto:brantreaz@aol.co.uk]
Sent: Tuesday, March 23, 2010 3:52 PM
To: Conday, Phil (DEVELOPMENT)
Subject: Premises License, Unit 5 Chaddlewood Shopping Centre

Dear Mr. Conday

With respect to my application for a Premises License at Unit 5 Chaddlewood Shopping Centre, Plympton, I can confirm that I am happy to comply with the conditions as set out in the Environmental Health Representation in relation to the Public Nuisance element of my application.

If you require any further information please do not hesitate to contact me.

Kind Regards

Mr. Brandan Tyndall

23/03/2010



21st March 2010

Your Reference ERS/LIC/PREM

Re Notice of Hearing Before a Licensing Sub-Committee ~ Tapas To Go, Unit 5 Chaddlewood Shopping Centre

I am attending the above hearing and consider it necessary.

I will be making representations on the following points.

- The noise from the building and from people leaving the premises being heard inside my house even with my windows closed. I get up at 5.45am which is early enough without being kept awake until the early hours of the morning.
- My property will lose value and would probably become unsalable when it is known that there is live music 7 nights a week just a few yards away
- Damage to property from people leaving Unit 5.
- I saw the notice on the door of unit 5 which states that the application is purely for table music except for bank holidays. My concern is that once a music licence is granted then there is no stopping Mr Tyndall from getting bands in every night of the week.
- In the information pack that was sent to me item 1.2 (Background) states 'The premises are situated on a small shopping complex with car park facilities'. There was no mention that it is right next to residential properties. I have enclosed a map which shows that the nearest house is approximately 20 yards from the back of unit 5.
- My map shows that the nearest house is approximately 20 yards from unit 5. If a licensing application such as the one Mr Tyndall has submitted was 20 yards from his house would he be happy for it to go ahead. If he said yes then I would think that he was not telling the truth.

MAP TO SHOW HOW CLOSE THE BACK OF THE BUILDING (UNIT 5) IS TO RESIDENTIAL HOUSING

aboutmyplace: UK maps and in-depth, local information for your area - Windows Internet Explorer

http://www.aboutmyplace.co.uk/showmap?id=1193905&type=postcode&search_location=pl7%2

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Favorites Reevoo UK Cheapest elect... MoneySavingExpert.com Top CashBack - The UK's ... Get More Add-ons

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Bird's eye view

- To view this location from a different direction, use the compass buttons located at the left hand side of the map.
- Should you experience views which are partially covered by black squares and your cursor appears with a yellow outline, please continue to scroll across the map until a new area appears in full.
- Bird's eye views are currently not available for all locations. If you move the map to an area where bird's eye is not available, you will be presented with either an Aerial or Road map view instead.
- Over time more locations will be covered by bird's eye view.

Show inset map

You are looking to the north

Road Aerial Bird's Eye

20 Yds

bing

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Internet | Protected Mode: On

Windows Live Messenger aboutmyplace - UK Printers

17:21

aboutmyplace: UK maps and in-depth, local information for your area - Windows Internet Explorer

http://www.aboutmyplace.co.uk/showmap?id=1193905&type=postcode&search_location=pl7%2

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Favorites Reevo UK Cheapest elect... MoneySavingExpert.com ... Suggested Sites Top CashBack - The UK's ... Get More Add-ons

aboutmyplace: UK maps and in-depth, local info... Home Feeds (0) Print Read Mail Page Safety Tools Help

Bird's eye view


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- Over time more locations will be covered by bird's eye view.

Show inset map

You are looking to the south

Road Aerial Bird's Eye

20 yds



Internet | Protected Mode: On

17:28

Licensing Department,
Civic Centre,
Floor 6,
Armada Way,
Plymouth,
PL1 2AA.

Dear Sirs,

I intend to attend the hearing of:

'Tapas to Go' Ref: Grant of premises licence.

I am enclosing my original letter of complaint and I have major concerns over the late night / early morning activities, live music and after hours alcohol consumption, in very close proximity to a residential area.

I am disappointed in the way these licences have been advertised, I believe a letter should have been posted to all of the adjacent neighbours as a minimum. Making us fully aware of the licences' applied for and the possible implications that could result for these applications. The majority of my neighbours were not aware of these applications.

There are already 2 facilities that sell alcohol no more than 100m either side of unit 5, why is there a need for a third facility.

The 01:00 extension on Friday and Saturday is ridiculous, I believe I have a basic human right to more than 4 and half hours sleep.

Yours sincerely,



Celandine Gardens,

Licensing Department,
Civic Centre,
Floor 6,
Armada Way,
Plymouth,
PL1 2AA.

03/02/2010

Ref: Unit 5 Chaddlewood Shopping Centre

Dear Sirs,

It has come to my attention that unit 5 Chaddlewood shopping centre, is applying for an alcohol license until 00:00 (mid night) seven days of the week and a license for live music.

I live approximately metres adjacent to the back of the above premises at Celandine Gardens.

From experience (when unit 5 was know as Bar Code and Java Cafe), the noise from Live music and 'Discos' was nothing short of horrendous and the emanating base levels would make objects vibrate in my house. I could regularly hear the sound of their music above the sound of my television. 'Lock ins' and late night fights were regular occurrences, waking up the whole family.

I am a shift worker and both my wife and I are also regular weekend workers normally wakening at 05:30 and I have three young children. We all have the right to a good nights sleep.

I sincerely hope that you think long and hard on allowing / declining these applications in such close proximity to a residential area.

Yours Sincerely, 

Celandine Gardens,

Periwinkle Drive
Plympton
Plymouth
PL7

18 March 2010

Dear Sir

Ref: Objection to alcohol and live music licence unit 5 Chaddlewood Shopping centre.

Dear Sir/ Madam

This letter is to confirm my attendance at the hearing on the above licensing application at 10.00 hrs. on Tuesday 30th March 2010

Attached is a copy of my initial objections.

Since the closure of the Bar Code/ Java Café we have had no problems.

I would also like to add my comments on the way this application was notified to the people most affected by this application.

It was advertised quite poorly in the window of the applicant that most of the residents would not have seen, if you walked to the shopping precinct at night and particularly if you had a day shift job you would not have seen the notice.

My other concern is that if unfortunately this licence is granted who will police the disturbances, noise level and any "lock ins".

Yours Sincerely,



Periwinkle Drive
Plympton
Plymouth
PL7

18 March 2010

Dear Sir

Ref: Objection to alcohol and live music licence unit 5 Chaddlewood Shopping centre.

I have seen a notice in the window of unit 5 Chaddlewood shopping centre for an application for an alcohol and live music licence,

From past experience when this unit was known as Bar Code/Java café at times the loudness of the music was unbearable, particularly at w/ends and bank holidays.

There was also a problem when the held so called lock ins leaving at any time between 1-4am.

My house is situated alongside the pathway that runs from Periwinkle Drive and the shopping centre, and when people were leaving at these times we would be awoken by the rowdiness of the people walking along the path.

I have also had damage to my fence during these times.

We already have a pub and a community centre that sells alcohol, in the centre, there is also a chip shop and a Chinese take away that is adjacent to unit 5.

I hope you take my objection to this application into consideration

Yours Sincerely,

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