



Oversight and Governance

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#plymlicensing

LICENSING SUB COMMITTEE

Tuesday 2 August 2022

11.00 am

Council House

Members:

Councillors Allen, Hulme and Partridge.

Fourth Member:

Councillor Stoneman.

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

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

LICENSING SUB COMMITTEE

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. GRANT OF PREMISES LICENCE - BRUNEL VIEW, 7 BARNE ROAD, ST BUDEAUX, PLYMOUTH, PL5 1EF (Pages 1 - 18)

The Director for Public Health will submit an application for the grant of a license for: Brunel View, 7 Barne Road, St Budeaux, Plymouth, PL5 1EF.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



| | |
|--------------------------|--|
| Date: | 02 August 2022 |
| Title of Report: | Grant of Premises Licence |
| Lead Member: | Councillor Bingley (Leader and Cabinet Member for Customer Focus and Community Safety) |
| Lead Strategic Director: | Dr Ruth Harrell (Office of the Director of Public Health) |
| Author: | Bev Gregory |
| Contact Email: | Licensing@plymouth.gov.uk |
| Your Reference: | Brunel View |
| Key Decision: | No |
| Confidentiality: | Part I - Official |

Purpose of the report:

An application has been received from Brunel View Limited in respect of Brunel View, 7 Barne Road, St Budeaux, Plymouth, PL5 1EF for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

Our Plan – A City to be proud of.

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

Unlocking the City's Potential: 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.

Caring for People and Communities: 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:

Not applicable

Financial Risks

Not Applicable

Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

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](#)

Appendices

| Ref. | Title of Appendix | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
|------|--|--|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| A | Briefing report title | | | | | | | |
| B | Equalities Impact Assessment (if applicable) | | | | | | | |

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

| | Exemption Paragraph Number (if applicable) |
|--|--|
|--|--|

| Title of background paper(s) | If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box. | | | | | | |
|------------------------------|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Application | | | | | | | |
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Sign off:

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| Fin | Click here to enter text. | Leg | SD/I 4.7.22 /3893 3 | Mon Off | Click here to enter text. | HR | Click here to enter text. | Assets | Click here to enter text. | Strat Proc | Click here to enter text. |
| Originating Senior Leadership Team member: Click here to enter text. | | | | | | | | | | | |
| Please confirm the Strategic Director(s) has agreed the report? Choose | | | | | | | | | | | |
| Date agreed: Date. | | | | | | | | | | | |
| Cabinet Member approval: [electronic signature (or typed name and statement of 'approved by email/verbally')] | | | | | | | | | | | |
| Date approved: Date. | | | | | | | | | | | |

1.0 INTRODUCTION

- 1.1 On the 10th June 2022 the licensing department received an application from Brunel View Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Brunel View, situated at 7 Barne Road, St Budeaux, Plymouth, PL5 1EF.

1.2 Grant application.

The premises is a former working men's club that benefited from a club premises certificate until March 2022 when it was surrendered/cancelled.

The applicant description of the premises given in the application form is that a public house which intends to serve alcoholic beverages, food and drink.

Due to the capacity of persons permitted on the premises exceeding 500 the premises **will not** fall under the live music act if entrainment taking place between 8AM and 11PM, is conducted before an audience of more than 500 people and therefore the applicants amended their application to include the regulated entertainment listed below.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

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|---|
| <p><u>(e) Live Music (Indoors)</u> Monday to Sunday 10:00 to 23:00 Hours Non Standard Timings. None requested</p> |
| <p><u>(f) Recorded Music (Indoors)</u> Monday to Sunday 10:00 to 23:00 Hours Non Standard Timings. None Requested</p> |
| <p><u>(g) Performance of Dance (Indoors)</u> Monday to Sunday 10:00 to 23:00 Hours Non Standard Timings. None Requested</p> |
| <p><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors)</u> Monday to Sunday 10:00 to 23:00 Hours Non Standard Timings. None Requested</p> |
| <p><u>(i) Supply of Alcohol for consumption ON and OFF the premises.</u> Monday to Sunday 09:00 to Midnight Non Standard Timings. None Requested</p> |
| <p><u>(l) Hours Premises are Open to the Public</u> Monday to Sunday 09:00 to Midnight Non Standard Timings. None Requested</p> |

- 1.4 The applicant has submitted an Operating Schedule (**Appendix I**).

1.5 Site location (**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 representation was received as the Police agreed conditions with the applicant. **Appendix 3**

2.2 *Environmental Health* – No representation was received as the environmental health officer agreed conditions with the applicant. **Appendix 4**

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

Four representations were received. Two have been mediated out as a result of the conditions imposed by the Police and Environmental Health. The remaining two representations are attached **Appendix A: Table of Representations**.

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, 2.1, 2.3, 2.15 – 2.19, 2.21, 2.22 – 2.23, 2.25 – 2.27 9.3, 9.11 – 9.12, 9.33 - 9.36, 9.38 – 9.40. 9.42 – 9.44 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22)
- 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.

Appendix I

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

a General- all four licensing objectives

- 1) Full commitment to prevent crime and disorder
- 2) Public safety is our priority
- 3) We will work closely with the community to ensure zero tolerance of any public nuisance
- 4) Our venue is aimed toward a safe and responsible family venue

b) The prevention of crime and disorder

We take our responsibility to prevent crime and disorder seriously. Our venue has been equipped with an 80K new CCTV system. This will provide a minimum of 28 days recording and can be viewed remotely and accessed 24 hours a day. The venues licensed areas is 100% covered.

c) Public safety

We are completely committed to creating a safe and enjoyable environment for our clients. Our fully trained DPS and SIA trained employees will ensure all our health and safety guidelines and provisions are implemented and adhered to.

d) The prevention of public nuisance

We are fully committed to the community we serve. Our CCTV system has all external cameras covering areas surrounding the venue. Any issues will be prevented to the best of our abilities.

e) The protection of children from harm

We are going to be a family friendly venue. We will provide a place for the local community to get together in a safe and enjoyable venue, where we will provide a place where all children are safe and away from harm whilst accompanied with a responsible adult.

Appendix 2



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| Appendix 3 |
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Brunel View
7 Barne Road
St Budeaux
Plymouth PL5 1EF

Prevention of Crime and Disorder

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following (select from the following):

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

2. An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature.
- ii. All crimes reported to the venue, or by the venue to the police.
- iii. All ejections of patrons.
- iv. Any complaints received.
- v. Seizures of drugs or offensive weapons.
- vi. Any faults in the CCTV system.
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and 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.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

3. Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.

Management Control

4. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

5. The Designated Premise Supervisor must conduct a written risk assessment for the requirement of SIA licensed door supervisors.

6. Police licensing must be informed in writing 28 days prior to pre-organised function/event with an attendance of 500 and above.

Door Supervisors

7. If SIA licensed door supervisors are required the number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of two(2) door supervisors will be employed for the first one hundred(100) customers and one door supervisor for every one hundred(100) thereafter.

8. The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:

I. Full name

II. SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)

III. The date and time they began their duty

IV. The date and time they completed their duty

V. The full details of any agency through which they have been allocated to work at the premises if appropriate

The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.

The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

Substance Misuse

9. A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises.

The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

CCTV

10. The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

I. Cover all public areas of the licensed premises including entry and exit points.

II. Record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

III. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

IV. Have a constant and accurate time and date generation.

V. Store recordings for a minimum period of 28 days with date and time stamping.

VI. Viewable copies of recordings will be provided on request to police and local authority officers as soon as is reasonably practicable and in accordance with the General Data Protection Regulation Data protection Act 2018 (or any replacement legislation).

VII. The CCTV system will be capable of downloading images to a recognisable viewable format.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 2018 or any replacement legislation).

The Protection of Children from Harm

12. All bar staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack (or equivalent), prior to undertaking the sale of alcohol and then at least every Twelve(12) months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

13. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

14. Unaccompanied children under the age of 16 will not be allowed upon the premises at any time.

15. Accompanied children under the age 16 will only be allowed to remain on the premises between 09:00 hours and 21:00 hours. The only exception would be for a function or sports event where accompanied children can remain on the premise until 2300 hours.

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| Appendix 4 |
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The Prevention of Public Nuisance.

1. Between 23:00 and 08:00 there will be total sound containment within the premises.
2. After 21:00 hours no drinks are to be taken to the outside areas. No consumption of drinks to occur outside after 21:15 hours.
3. All outside tables and chairs to be cleared of patrons by 21:15.
4. After 21:15 the outside areas can be used for smoking only.
5. The Premises Licence Holder shall erect and maintain suitable and sufficient conspicuous signage at the entrance to the premises advising patrons to respect local residents. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises. The sign must also state that no drinks are to be taken into the outside areas after 21:00 hours.

Appendix A: Table of Responses

| Item | Date rec'd | Representation from: | Licensing Objective(s) detailed in representation | Representation details |
|------|------------|--|---|--|
| I | 06/07/22 | Local resident Sithney Street, Plymouth, Devon, PL5 1HB | <p>Prevention of crime and disorder</p> <p>Public safety</p> <p>Prevention of public nuisance</p> <p>Protection of children from harm</p> | <p>1. The premises has no customer parking. There is already a serious problem with parking in the area as it is a highly built-up residential area. The representatives of the bar have said on their Facebook page that there is a train station, buses and a car park nearby - I do not believe many, if any, of their customers will arrive by train and the car park they are referring to is owned by Lidl and just for the use of their customers. Some people might arrive on foot or by bus, but I believe the majority will arrive by car and there is NO space on-street for this to happen without causing a public nuisance. There will be problems with drunk driving causing crime and disorder, a threat to public safety and the threat of harm to children in the area.</p> <p>2. Noise from the beer garden at the front will cause a public nuisance. The premises are in an entirely residential area on all four sides and pedestrians have to walk within feet of the premises.</p> <p>I understand there is to be no acoustic fencing around the premises - which at least might have cut down on some of the noise. As seen when the premises used to be a club, there will be rowdy behaviour,</p> <p>drunkenness and fighting and vomiting in the street causing crime and disorder, public nuisance and a threat of harm to children. Many schoolchildren from Barne Barton have to walk past this premises on their way back from school and, given the unnecessarily long licensing hours the applicants are applying for,</p> |

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| | | | | <p>people might well have been drinking for up to 7 hours by the time the children are passing.</p> <p>3. There are already serious problems with anti-social behaviour in this area. Having a bar which is licensed 15 hours a day, 7 days a week is bound to cause more problems in respect of all the Licensing Objectives. I believe the Applicants have misread this as being a deprived area where people might not care about the problems a bar will bring, but in fact most of the houses are owner-occupied by working class people who have worked hard for many years to buy their homes and have lived here for 10+ years - some around 30 to 40 years.</p> <p>This is not Union Street or Mutley Plain - it is an entirely residential area, with houses on all four sides of the premises. On their FB page the bar have said they want the staff from when it was the club to apply for jobs. Unfortunately for the residents, these presumably are the same staff who served customers until they were falling down or fighting drunk when it was the club. This shows the lack of consideration by the applicants for the problems this will cause in the area.</p> |
| 2 | 07/07/22 | Local resident Coldrenick Street, Plymouth, Devon, PL5 1HA | <p>Prevention of crime and disorder</p> <p>Public safety</p> <p>Prevention of public nuisance</p> <p>Protection of children from harm</p> | <p>There is already a lot of crime and disorder caused by the youths in the area which the police have been unable to eliminate, ie drinking and drugtaking in the lanes and vandalism. This is going to be escalated by having this venue in an area which is already under huge stress. Alcohol will inevitably cause some people to behave in a rowdy and anti-social manner, eg damaging cars, drink-driving offences, fighting etc. Once the patrons have left the premises the bar will no longer have responsibility for them and notices being put up saying 'Respect and residents' will have little, if any, impact. The volume of patrons to this venue will greatly increase the parking problems to nearby residents who are already under extreme pressure.</p> <p>The huge beer gardens with only a minimal fence (of 120cm) as has been suggested by the owner, is totally inadequate and it is unrealistic and absurd to suggest that the patrons will always be seated. There will inevitably be patrons going up and down the front steps to the bar and toilet facilities, calling out to each other, and the noise from this, together with the suggested background</p> |

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| | | | | <p>music, will be very stressful to the nearby residents as they will be virtually living in a beer garden 15 hours a day, 7 days a week. Although there are going to be conditions set for the clearing of the patio tables, groups of smokers will still be able to gather at the front making the associated noise (eg swearing and fighting) of people who have consumed quantities of alcohol. I believe you can impose conditions under the Licensing Act 2003 concerning noise and disturbance to local residents, such as soundproofing the lobby to a high standard for when the doors are opening and slamming closed, also requesting high, noise-absorbing fencing around the whole premises, which will need to be at around the height of an adult standing.</p> <p>Due to the various schools and the nursery in the area, children are walking up and down Barne Road all afternoon and could be exposed to vile language, cigarette smoke, and potentially anti-social behaviour of people who have been drinking for many hours by that time.</p> <p>The general congestion with delivery lorries etc this will bring to the area is potentially going to cause parking problems for the local residents. The streets in the area are very poorly lit and there will be increased potential in winter for more road traffic accidents and violent attacks on people.</p> <p>There has been little concern for nearby residents during the refurbishment of these premises (which has gone on for several months) and has caused inconvenience and nuisance due to noise, vile language and dirt from approx 7.00 am to 7.00 pm, 7 days a week. I understand that any conditions must be practical, achievable and enforceable, but would request that conditions imposed do as much as possible to reduce any further distress caused under the above criteria of the Licensing Objectives. A telephone number to call after problematic events have occurred is not particularly helpful. Prevention would be better. The parking problems close to the premises have a knock-on effect on the wider neighbouring area, pushing parking to adjoining streets.</p> <p>Even though there has been a licensed premises on the site for many years, there is obviously a much worse problem with parking now as there are so many more cars on the roads generally. Also, as a result of the smoking ban many more people will be outside the premises which will result in further nuisance. Although the premises was possibly in</p> |
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| | | | | <p>operation for more than a century, to my knowledge and certainly during the 12 years I have lived here, the area at the front of the building which is now a proposed beer garden, has never been used for that purpose and I believe it will increase the intrusion into nearby residential properties.</p> |
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