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LICENSING COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 8 DECEMBER 2009
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillor Mrs Bowyer, Chair
Councillor Lock, Vice Chair
Councillors Bowie, Delbridge, Mrs Dolan, Drean, Gordon, Kerswell, Miller MBE,
Mrs Nelder, Mrs Nicholson, Rennie, Reynolds, Roberts and Mrs Stephens

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 COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC MEETING)

AGENDA

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 26)

To confirm the minutes of the meetings held on the following dates:

Licensing Committee Miscellaneous -

- 13 October 2009

Licensing Sub Committee (Miscellaneous) -

- 29 September 2009
- 6 October 2009
- 13 October 2009
- 13 October 2009
- 10 November 2009
- 18 November 2009

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. INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES.

(Pages 27-30)

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(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

7. MINUTES (CONFIDENTIAL) (E3 AND E7)

(Pages 31 - 34)

The committee will be asked to confirm the confidential minutes of the meeting held on 18 November 2009.

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Licensing Committee (Miscellaneous)

Tuesday 13 October 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Reynolds, Vice Chair.
Councillors Bowie, Delbridge, Gordon, Kerswell, Mrs Nelder, Mrs Nicholson, Rennie, Roberts and Mrs Stephens.

Apologies for absence: Councillors Drean, Lock and Miller MBE

The meeting started at 10.00 am and finished at 10.45 am.

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.

13. APPOINTMENT OF VICE CHAIR

Resolved that Councillor Reynolds be appointed as Vice Chair for this meeting in the absence of Councillor Lock.

14. DECLARATIONS OF INTEREST

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

15. MINUTES

It was resolved that the following minutes be approved as a correct record:

4 August 2009	Licensing Committee Miscellaneous
4 August 2009	Licensing Sub Committee
18 August 2009	Licensing Sub Committee
8 September 2009	Licensing Sub Committee
15 September 2009	Licensing Sub Committee

The Senior Lawyer provided the Committee with an update on minutes 15 and 16 of 18 August 2009 Licensing Sub Committee (Miscellaneous) for those Members who were not in attendance at that hearing. The Committee were informed that the review of the Dance Academy and the Cooperage was brought by the Police as the owner of both premises was arrested and charged for serious offences linked to drug dealing. It was highlighted that both reviews were adjourned as assets for both premises had to be preserved until hearings had taken place as Police would review the proceeds of crime. Members were informed that with regards to public safety, it was considered that both premises were safe as the Dance Academy and the Cooperage were closed.

16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

17. APPLICATION FOR CONSENT - PRIVATE SHOP, 31 ATHENAEUM STREET, PLYMOUTH

The Committee having heard from –

- (i) the Director for Darker Enterprises;
- (ii) the premises operator that –
 - the application requests consent to change the opening day from 26 to 28

December 2009 due to the Bank Holiday;

Members resolved to grant the application for change of opening hours and agree to vary the times of opening on this occasion only so that the Private Shop may be closed on the 26 December 2009 and may be open on the 28 December 2009.

18. **PLYMOUTH ALBION RUGBY FOOTBALL CLUB LTD - REGULATION OF EAST AND WEST STANDS - TO FOLLOW**

The Committee heard from –

- (i) the Head of Development Management;
- (ii) a representative of the Plymouth Albion Rugby Football Club Limited;
- (iii) a representative for the Head of Legal Services;

The Head of Development Management provided the Committee with a report on Plymouth Albion Rugby Football Club Ltd – Regulation of east and west stands on the following points –

- (iv) the Safety Advisory Group was established after the Hillsborough disaster and consists of members of the Council, Devon and Somerset Fire, Devon and Cornwall Police and Ambulance Service.
- (v) the east and west stands at Plymouth Albion ground was now eligible to be administered through the Fire Safety and Safety of Places of Sport Act 1987 legislation;
- (vi) the Safety Advisory Group had been communicating with Plymouth Albion representatives;
- (vii) it was requested that the Licensing Sub Committee (Miscellaneous) have delegated authority to make further decisions in the future upon the regulation of the east and west stands;
- (viii) Plymouth Albion representatives have applied for a general safety certificate for these stands;

In response to questions raised it was reported that –

- (ix) whilst preparation was made to implement legislative regulations to the east and west stands of Plymouth Albion Rugby Football Club Ltd other legislation would ensure the safety of the ground;
- (x) the Council would take immediate action if concerns were raised regarding safety;
- (xi) the regulatory legislation was not requested to be implemented at an earlier stage as previous guidance for the capacity of stands would not have required. However following the issue of recent Guidance, this has now been reviewed. The Guidance now clarifies the calculations required to assess the capacity of the stands and that the stands require to be regulated once over a capacity of 500.
- (xii) the north stand was not required to meet to the regulatory legislation as it was a smaller temporary stand however it would still be required to meet safety regulations;
- (xiii) risk assessments and safety guidelines would be formalised with Plymouth Albion;

- (xiv) Calculations regarding capacity for the stands were still to be finalised;
- (xv) the Council would not have more power to regulate the running of the ground as it was the safety regulations of the east and west stands that was to be affected;

The representative for the Head of Legal Services provided clarification to the Committee regarding the difference between legislation and guidance; the Committee was informed that legislation was an act of parliament and that guidance was issued as directed by the act of parliament and used to interpret the powers granted under the act.

Members resolved to –

- (1) make a preliminary determination that the east and west stands of the grounds of Plymouth Albion Rugby Football Club Limited should be regulated under Section 28 of the Fire Safety and Safety of Places of Sport Act 1987
- (2) authorises the Assistant Director of Development (Planning) to issue all necessary letters of determination with regard to the preliminary determination;
- (3) delegate authority to the Licensing Sub Committee (Miscellaneous) the authority to consider any application made by the Club for a general safety certificates for the east and west stands.

19. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 29 September 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Reynolds, Vice Chair.
Councillors Delbridge and Rennie

The meeting started at 10.00 am and finished at 3.45 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.

14. APPOINTMENT OF CHAIR AND VICE-CHAIR

It was resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Reynolds be appointed as Vice Chair for this meeting.

15. DECLARATIONS OF INTEREST

The following declaration of interest was made during the meeting in accordance with the Code of Conduct from a Member in relation to an item under consideration at this meeting -

Name	Item	Interest	Reason
Councillor Mrs Bowyer	19, Grant of Premises Licence – Café Laila, 92 North Hill, Plymouth	Personal	Councillor Mrs Bowyer knew someone associated with the premises.

16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

17. REVIEW OF PREMISES LICENCE - WYNDHAM ARMS, 17 STOKE ROAD, PLYMOUTH

The Committee having heard –

- (i) from the Licensing Officer that the Premises Licence Holder was not present and had not responded to the notice of hearing. That attempts to contact the Premises Licence Holder by telephone had been unsuccessful and it was thought he was away from the premises at the present time;
- (ii) from Councillor McDonald on behalf of interested parties, that due to the ongoing problems with the premises that they would like the matter dealt with in the Premises Licence Holder's absence;
- (iii) from Environmental Health that they also wished the matter to proceed in the Premises Licence Holder's absence.

Resolved that the Committee considered all that was said and were particularly mindful of what residents said, however in making their decision the committee had to ensure they were fair to all parties. Therefore in light of there being a query over whether or not the premises licence holder actually received the Notice of Hearing and therefore was aware of the hearing date, the committee considered that it was in the Public Interest to adjourn the hearing to the next available date, to be no later than the 27 October 2009. At that time the hearing would go ahead even if the Premises Licence Holder did not attend.

18. **REVIEW OF PREMISES LICENCE - BERESFORD ARMS, 9 CUMBERLAND STREET, DEVONPORT, PLYMOUTH**

The Committee having –

- (i) heard from the premises licence holder that;
- to address problems a member of staff was now SIA trained and a member of staff was positioned at the front of house to deal with problems with drinking outside and people leaving the premises to ensure they leave quietly;
 - she had adopted a zero tolerance with drinks being taken outside and as well as violence and disorder; this would result in a lifetime ban;
 - she doesn't allow patrons to gather in groups outside as it can be intimidating;
 - she was working with another premises in the area to promote a community and family orientated entertainment pub to discourage lone male drinking and associated problems;
 - she was working towards developing a smoking area for patrons which would alleviate problems;
 - she expressed concern that any changes to frequency of live entertainment would result in her closing;
 - she confirmed that she had made enquiries regarding installing a noise limiter, fitted door closures and secondary glazing to limit noise escape;
 - she had the CCTV problem repaired and highlighted that the fault was not of her making. She had made arrangements for a security representative to train her staff and the downloading of images so that they could assist police if she was not on the premises; all staff must sign a book to confirm they had been trained;
 - she was happy to accept all conditions put forward by the Police and Environmental Health and welcomed the assistance given to her to address the problems;
- (ii) heard from a representative of Devon and Cornwall Police under the Crime Prevention Licensing Objective that –
- since the current management team has taken over there have been reports of disorder, noise nuisance and street drinking in the vicinity of the premises on the 6/09/09, 3/09/09, 22/08/09, 21/08/09, 25/07/09, 3/07/09, 24/05/09 and 16/05/09;
 - they had attended an incident involving disorder at the premises on the 6/09/09 and had attempted to view the CCTV at the premise; further investigations revealed that the CCTV was not working and has not been available to assist the Police;
 - the premise has changed its model and offers musical entertainment on a regular basis attracting larger numbers of customers to the premises and the vicinity;

- the police had put forward conditions to address the current problems and promote the licensing objectives;
- (iii) heard from a representative from Environmental Health under the Public Nuisance licensing objective that –
- complaints were received from local residents of noise disturbance from music, patrons, entertainment, patrons shouting, arguing and fighting;
 - there had been allegations that patrons were drinking in the road (and with this the concern that drinking vessels may be used as weapons), several incidents of anti social and violent behaviour associated with patrons from the premises;
 - there were several visits to the premises and noise was witnessed as being unacceptable due to the level of audibility;
 - breaches of the licence conditions were witnessed (conditions 1, 2, 7 and 9) which all deal with control of sound levels and regulated entertainment;
 - meetings took place between Environmental Health and the Premises Licence Holder and informal conditions were put forward to try and address management controls so that the issue of noise could be resolved. The informal conditions were found to be breached on several occasions including 19 June 2009, 27 June 2009, 10 July 2009 and 17 July 2009 in which music and bass were clearly audible from the front of the premises, the entrance doors were left open, patrons were seen to be drinking outside and no steps were taken to control the noise;
 - the Private Licence Holder and Designated Premises Supervisor need specific boundaries within which to operate and exert appropriate management controls to minimise noise and disturbance to the local neighbourhood;
- (iv) heard from an interested party that –
- (a) Public Nuisance Licensing Objective
- at times, there was very loud music at the premises until the early hours of the morning as well as people shouting, smoking and drinking;
- (b) Crime Prevention Licensing Objective –
- there had been fights in the street, loud shouting, more people outside drinking than inside;
 - incidents of patrons urinating in residents doorways;
- (c) Public Safety Licensing Objective –
- there were broken bottles and glass in the street and on the pavement;
 - there were people drunk in the street;

(d) Protection of Children from Harm Licensing Objective –

- there were allegations of underage drinking, which the complainant substantiated from seeing the same youths attending school the following morning;

(vi) considered the report from the Director for Community Services;

Members having considered all of the representations made to be relevant and felt that problems highlighted by Environmental Health, the Police and interested parties would be addressed by the conditions put forward by Environmental Health and the Police subject to the revision of condition 3 as it duplicates the Police condition 4 which would also be slightly amended. Therefore the Conditions to be applied to the licence were as follows:

Conditions from Environmental Health –

- 1 Doors and windows will be kept shut during entertainment.
- 2 Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
- 3 Management will take steps to control levels of noise if found to be excessive.
- 4 Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
- 5 The terminal hour for live entertainment shall be brought forward to 23:00hrs.
- 6 The Designated Premises Supervisor or a Nominated Deputy should have a full understanding of the conditions attached to the premises licence, and must be present at the premises at all times during regulated entertainment.
- 7 A noise limiting device shall be installed and will operate at a level set in conjunction with Environmental Health. All regulated entertainment must be played through the limiting device. The device shall be operational by the 30 November 2009.

Conditions from Devon and Cornwall Police –

- 8 whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises;
- 10 CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems';
- 11 CCTV cameras to be kept clean and maintained at all times;
- 12 CCTV images will be retained for a minimum of 31 days;
- 13 the CCTV system will have the capability of downloading images to a recognized format;
- 14 a register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time, date and location of incident, time and date of hand on to Police;
- 15 during trading hours, members of staff present who are trained to view and

download images from CCTV at request of Police;

16 the Police Licensing department will be informed if the CCTV system is not working;

17 a daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief of circumstances, action taken and person dealing. The logbook will be made available for up to six months for Police or any other responsible authority for inspection, if required. All relevant incidents will be reported to the Police at the earliest opportunity;

18 no open bottles or other vessels will be permitted to be taken from the premises at any time;

19 any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

UK photo driving licence
Passport
PASS accredited cards;

20 notices obtained from Police publicizing the Challenge 21 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times;

21 regular and documented training of staff in relation to the prevention of under age sales

19. **GRANT OF PREMISES LICENCE - CAFE LAILA, 92 NORTH HILL, PLYMOUTH**

(Councillor Reynolds was appointed as Chair for this item and Councillor Rennie was as appointed as Vice Chair as Councillor Mrs Bowyer left the room due to a personal interest.)

The Committee having –

- (i) heard from the applicant that;
 - (a) she had amended her application and instead intended to supply alcohol from 11.00am to 23.00pm Monday to Sunday and the premises would close at 23.30pm;
- (ii) heard from a representative from Environmental Health;
- (iii) heard from a representative from Devon and Cornwall Police;
- (iv) heard from interested parties who made a representation;
- (v) heard from Councillor Ricketts as representative for an interested party;
- (vi) considered written representations;
- (vii) considered the report from the Director for Community Services;
- (viii) heard representations regarding –
 - a) Prevention of Crime and Disorder regarding –

- the potential increase in crime and disorder, criminal damage, vandalism and littering;
- a lack of parking for delivery vehicles
- b) Prevention of Public Nuisance regarding –
 - the potential for excessive noise from patrons;
- c) Public Safety regarding –
 - the lack of pavement space to the front of the premises making it difficult for pedestrians to pass;
 - the health and safety of inebriated patrons crossing the junction;
- d) Other representations regarding –
 - the establishment not being beneficial to residents;
 - there being no need for this type of premises;

Resolved that –

- (1) with regard to the Prevention of Crime and Disorder, relating to –
 - the potential increase in crime and disorder, criminal damage, vandalism and littering; was considered relevant however Members believed there was no evidence this would add to the negative cumulative effect in the area with the supply of alcohol ceasing at 11.00pm and the premises closing at 11.30pm;
- (2) Prevention of Public Nuisance, relating to –
 - the potential for excessive noise from patrons; was considered relevant however the opening hours would be until 23.30 hours and the supply of alcohol for consumption on the premises would be until 23.00pm. Members did not consider this would add to the negative cumulative impact of noise from patrons and Environmental Health had confirmed there had been no complaints linked to the premises;
- (3) Public Safety, relating to –
 - the lack of pavement space to the front of the premises making it difficult for pedestrians to pass; was considered relevant however Members felt that the additional staff would monitor the situation and direct smokers to the rear of the premises which was a designated smoking area;
 - the health and safety of inebriated patrons crossing the junction; was not considered relevant;
- (4) Other representations, relating to –
 - the fact that the establishment was not beneficial to residents; was not considered relevant;

- the fact that there was no need for this type of premises; was not considered relevant

Having taken into account all of the relevant representations made, Members resolved to grant the application subject to the conditions proposed by Environmental Health and Devon and Cornwall Police and agreed by the applicant and the following special condition:

A telephone number be made available to local residents, upon request

Councillor Mrs Bowyer declared a personal interest in this item and left the room for the deliberation of this item.)

20. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 6 October 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Delbridge, Vice Chair.
Councillors Lock (fourth member) and Rennie.

The meeting started at 10.10 am and finished at 10.35 am.

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.

21. APPOINTMENT OF CHAIR AND VICE-CHAIR

It was resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Delbridge be appointed as Vice Chair for this meeting.

22. DECLARATIONS OF INTEREST

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

23. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business in accordance with the code of conduct.

24. JILL CRAIGIE CINEMA UNIVERSITY OF PLYMOUTH - APPLICATION TO CLASSIFY 3 FILMS.

The Committee were informed by the Senior Licensing Officer that the applicant was unable to attend the meeting due to illness.

It was resolved that the meeting be adjourned to 13 October 2009 at 11pm in the Council Chamber.

25. EXEMPT BUSINESS

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 13 October 2009

PRESENT:

Councillor Lock, in the Chair.
Councillor Roberts (substitute for Councillor Delbridge), Vice Chair.
Councillors Rennie.

Apologies for absence: Councillors Mrs Bowyer and Delbridge.

The meeting started at 11.00 am and finished at 1.15 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.

26. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Lock is appointed as Chair and Councillor Roberts is appointed as Vice Chair for this particular meeting.

27. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with code of conduct.

28. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

JILL CRAIGIE CINEMA UNIVERSITY OF PLYMOUTH - APPLICATION TO CLASSIFY 3 FILMS

29. The Way I Spent the End of the World

The committee having –

- (i) considered the report of the Director for Community Services;
- (ii) heard from the applicant;
- (iii) watched the film 'The Way I Spent the End of the World';
- (iv) considered the film portrayed nudity, violence, the attempted suicide of a child, the use of strong but infrequent language and sexual activity.

Resolved that the film was not suitable for viewing by anyone under 15 years of age.

30. EXEMPT BUSINESS

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 13 October 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Delbridge, Vice Chair.
Councillor Gordon.

The meeting started at 11.05 am and finished at 3.40 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.

26. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Delbridge be appointed as Vice Chair for this meeting.

27. DECLARATIONS OF INTEREST

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

28. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

29. VARIATION OF PREMISES LICENCE - BARBICAN THEATRE, CASTLE STREET, THE BARBICAN, PLYMOUTH

The Committee having –

- (i) heard from the premises licence holder;
- (ii) heard from the premises licence holder's legal representative;
- (iii) heard from interested parties;
- (iv) considered the report from the Director for Community Services;
- (v) heard representations regarding:
 - (a) Prevention of Public Nuisance:
 - interested parties outlined ongoing problems with noise from the premises after closing with people loitering outside. The fear was that the grant of the variation would extend the time that this problem would continue

Resolved that:

With regard to the Prevention of Public Nuisance, relating to –

The ongoing problems with noise from the premises after closing with people loitering outside and the fear that the grant of the variation would extend the time that this problem would continue; Members considered that this was relevant but that it was difficult to establish that all the people who were causing problems to residents were linked to the premises. It was clear to Members that Residents

had experienced problems with the premises however it was considered that these could be addressed by the imposition of conditions on the licence.

Therefore the application for variation would be granted as applied for subject to the following conditions:

- 1 a contact telephone number of the Premises License Holder/Designated Premises Supervisor or other member of staff is to be made available to residents to report any problems/concerns with the premises;
- 2 no drinks are to be taken outside (this does not include off sales);
- 3 signage is to be positioned both inside and outside the premises (in English, French and Spanish) requesting that patrons leave the premises quickly and quietly and do not loiter outside the premises after closing;
- 4 signage is to be positioned inside the premises (in English, French and Spanish) advising patrons that no drinks may be taken outside;
- 5 no seating to be positioned outside the premises;
- 6 the Designated Premises Supervisor or a member of staff will ensure that patrons loiter or cause noise or disturbance once the premises has closed.

30. **REVIEW OF PREMISES LICENCE - ALBEMARLE, WHITLEIGH GREEN, WHITLEIGH, PLYMOUTH**

The Committee having –

- (i) considered the report from the Director for Community Services;
- (iii) heard from the Designated Premises Supervisor that –
 - at the time of the incident she was working as a bar maid and didn't realise that her actions were wrong;
 - she had since undertaken a BII course and it was now clear to her that she should have refused to serve the intoxicated woman. She assured the committee that this was not something that would happen again and she had since refused to serve people who were drunk;
 - she had been a DPS since April 2009 having started work at the premises in February the same year;
 - she now conducted training with staff to ensure they were aware of the law and their responsibilities; training records were also signed and kept;
 - her bar staff were aware and would recognise the signs of drug use in the premises;
- (iv) heard from the Premises Licence Holder in support of the Designated Premises Supervisor;
- (v) heard from interested parties in attendance that –
 - the Albemarle was now a well run community pub that people are happy to take their families to; there was a complete reversal of how the pub was run;

(ii) heard from a representative from Devon and Cornwall Police that –

- the review was raised under the Licensing Objective, Prevention of Crime and Disorder and Protection of Children from Harm;
- On the 22 March 2009 (Mothering Sunday) there was an incident in the premises whereby a 21 year old woman who had her two year old child with her was sold approximately ten vodka and cokes and two pints of Stella by a member of bar staff. The woman was accompanied by two other males.

The party entered the premises at around 5pm and was asked to leave at approximately 7.30pm by the current Designated Premises Supervisor (DPS) when one of the males was seen to be rolling what appeared to be a joint.

The woman is reported to have drunk at least five double vodkas and two pints of Stella with three double vodkas being consumed in a very short space of time.

At one point a can of cider was knocked over a baby in the pram and the cider soaked blanket was put around the child.

The woman was very unsteady on her feet and at one point stumbled; fell into the pushchair tipping the child out and there was the sound of breaking glass.

During the time the party was in the premises the child was crying and wandering around the bar and at times even going behind the bar. The current DPS stated that she told the female to look after the child but was ignored as the woman was more interested in kissing one of the males.

The woman was aggressive and abusive to two other females who attempted to help and two assaults were carried out on them by the woman.

The woman was later convicted on two counts of assault and one count of child cruelty.

- at the time of the incident the bar was reported to be busy and the then DPS was not working but socialising;
- the current Designated Premises Supervisor was a member of bar staff when the incident occurred;
- the current Designated Premises Supervisor had since undertaken a Bii course, had obtained her personal licence and taken over the premises since the incident;
- the current Designated Premises Supervisor has a good relationship with the Police and is keen to work with the police on local issues;
- the current DPS takes her responsibility very seriously and is described to be very competent;
- during investigation of the incident, the Police could not have wanted more help and assistance from the staff at the premises;

Resolved that having taken all of the above information into account no action would be taken against the licence.

31. **GRANT OF PREMISES LICENCE - H J WINES, 90 EMBANKMENT ROAD, PLYMOUTH**

The Committee having –

- (i) heard from the applicant;
- (ii) heard from the applicant's legal representative that –
 - Bargain Booze Limited had been trading for over 20 years and had over 500 franchised stores;
 - Bargain Booze deter underage drinking by operating a 25 Policy, whereby anyone who appears to be under 25 must be challenged to produce valid proof of age;
 - all designated premises supervisors are trained to British Institute of Inn keeping standards;
 - all managers and front line staff are trained in age-restricted goods;
 - any refused and challenged sales are logged;
 - Bargain Booze operate a £200 reward scheme, for information leading to convictions from proxy sales;
- (iii) heard from interested parties who made representations;
- (iv) considered written representations;
- (v) considered the report from the Director for Community Services;
- (vi) heard representations regarding –
 - a) Prevention of Public Nuisance regarding –
 - the fact that people had, in the past, urinated in a local resident's letterbox and in doorways;
 - incidents of fighting, antisocial behaviour and noise;
 - broken bottles left in the local park together with underage drinking;
 - b) Prevention of Crime and Disorder regarding –
 - general antisocial behaviour;
 - c) the Protection of Children from Harm regarding –
 - the fact that the premises will be open at a time Plymstock School pupils will be travelling to school;
 - d) Other representations regarding –
 - unfair to other off licences in Prince Rock;

- no need for another off licence;
- the fact that this premises will open later than other premises in the area;

Resolved that –

- (1) with regard to the Prevention of Public Nuisance, relating to –
 - the fact that people had, in the past, urinated in a local resident's letterbox and in doorways; was considered relevant however Members heard no evidence to link this to these premises or evidence to indicate this would be a future problem should this premises be granted a premises licence;
 - incidents of fighting, antisocial behaviour and noise; was considered relevant however Members heard no evidence to link this to these premises or evidence to indicate this would be a future problem should this premises be granted a premises licence;
 - broken bottles left in the local park together with underage drinking; was considered relevant however Members heard no evidence to link this to these premises or evidence to indicate this would be a future problem should this premises be granted a premises licence;
- (2) with regard to the Prevention of Crime and Disorder, relating to –
 - general antisocial behaviour; was considered relevant however Members heard no evidence to link this to these premises or evidence to indicate this would be a future problem should this premises be granted a premises licence;
- (3) with regard to the Protection of Children from Harm, relating to –
 - the fact that the premises will be open at a time Plymstock School pupils will be travelling to school; was not considered relevant;
- (4) Other representations, relating to –
 - unfair to other off licences in Prince Rock; was not considered relevant;
 - no need for another off licence; was not considered relevant;
 - the fact that this premises will open later than other premises in the area; was not considered relevant;

Having taken into account all the representations made, Members resolved to grant the application as asked.

32. EXEMPT BUSINESS

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 10 November 2009

PRESENT:

Councillor Mrs Dolan, in the Chair.
Councillor Rennie, Vice Chair.
Councillor Kerswell.

Apologies for absence: Councillor Mrs Bowyer

The meeting started at 10.00 am and finished at 11.30 am.

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.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Dolan be appointed as Chair and Councillor Rennie be appointed as Vice Chair for this meeting.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of chair's urgent business.

4. VARIATION OF PREMISES LICENCE - LAVISH, 48 SOUTHSIDE STREET, BARBICAN, PLYMOUTH

The Committee having –

- (i) heard from a representative from Environmental Health;
 - in relation to the prevention of public nuisance, that there was a history of complaints received from nearby residents concerning noise emanating from the premises since December 2005 and on 28 September 2007 a noise abatement notice was served on the person responsible;
 - a review of the premises was heard on 18 November 2008 and a number of conditions were attached to the premises licence;
 - maximum noise levels were duly set and confirmed in letters to the premises licence holder on 9 April 2009 and on 9 July 2009;
- (ii) heard from the premises licence holder's legal representative;
 - that the applicant was agreeable to proposed conditions 1, 5 and 6 proposed by Environmental Health and was willing to limit live entertainment from Sunday to Thursday;
- (iii) heard from a representative from the Licensing department;
- (iv) considered the report from the Director for Community Services

Members heard from Environmental Health how the granting of this variation application would add to the existing cumulative impact of noise in the area and were not convinced by the applicant's legal representative that there would be no negative cumulative impact on the prevention of public nuisance licensing objective.

Members considered there had been no representation from interested parties but felt Environmental Health dealt sufficiently with the concerns raised with regard to the potential noise nuisance on neighbouring properties.

Members considered applying conditions to the granting of the variation application but did not consider conditions would absolve concerns regarding noise created by live music and the potential for increased patronage.

Having taken into account all the relevant representations made, the members resolved to refuse the variation application.

5. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee (Miscellaneous)

Wednesday 18 November 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillor Gordon.

The meeting started at 10.00 am and finished at 1.45 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.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Lock be appointed as Vice Chair for this meeting.

7. DECLARATIONS OF INTEREST

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

8. CHAIR'S URGENT BUSINESS

There were no items of chair's urgent business.

9. EXEMPT BUSINESS

Resolved that under Regulation 14 (2) of the Licensing Act 2003 (Hearing) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

10. EXPEDITED REVIEW OF PREMISES LICENCE - MAXINES, 89-91 UNION STREET, PLYMOUTH (E3 AND E7)

The Committee having –

- (i) heard from a representative from Devon and Cornwall Police and considered their application for a summary review of the premises licence,
- (iii) heard from the premise licence holder and his legal representative in response to the concerns raised by the Police and the steps they had taken in response.

The Committee resolved that the hours during which licensable activities can take place at the premises will now cease at 00.30 hours with the premises closing to the public at 01.00 hours. This is in addition to the following conditions being attached to the licence:

- (1) From Sunday to Saturday, 3 door supervisors will be employed from 2300 hours until closing.
- (2) The Premises Licence Holder will ensure a change of contractors for the supply of door supervisors from the firm that was employed on the 15 November 2009.
- (3) The Premises Licence Holder or DPS must be on the licensed premises at all times when the premises is open to the public.
- (4) The Premises Licence Holder or DPS must enter the required details of each door supervisor in the register of door supervisors and must sign the register against each entry.

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CITY OF PLYMOUTH

Subject: Information regarding delegated decisions for applications for the Grant / Variation of Premises Licences and Club Premises Certificates.

Committee: Licensing Committee (Miscellaneous)

Date: 8 December 2009

Cabinet Member: Councillor Peter Brookshaw

CMT Member: Director of Community Services

Author: Peter Clemens
e-mail: licensing@plymouth.gov.uk

Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

Applications have been received from various premises within Plymouth for the Grant / Variation of a premises licence under Sections 17 and 34 or the Grant / Variation of a Club Premises Certificate under Schedule 8 and Section 84 of the Licensing Act 2003.

Corporate Plan 2009- 2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Providing more and better culture and leisure activities.
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime 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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Applications.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

- 1.1 Since the 7th February 2005 applications have been received for the grant and variation of premises licences and club premises certificates. Some of these applications have received representations from responsible authorities or interested parties and have been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the applications before the committee for determination.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health*

Boringdon Park Golf Club	Plymbridge Road
The Dairy	Bretonside
Counting House	St Andrew Street
Complex	Keyham Road
Barbican Steakhouse	Notte Street

2.2 *Devon and Cornwall Police*

Boringdon Park Golf Club	Plymbridge Road
Londis	Union Street
The Dairy	Bretonside
Counting House	St Andrew Street
Complex	Keyham Road
Albert Stores	Albert Road

2.3 *Trading Standards*

2.4 *Interested Parties*

Boringdon Park Golf Club	Plymbridge Road
Counting House	St Andrew Street

3.0 CONSIDERATIONS

- 3.1 Section (9.19) of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.
- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement and this report is submitted for the information of the committee.

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By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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