

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.