

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.