

Licensing Sub Committee (Miscellaneous)

Tuesday 24 November 2009

PRESENT:

Councillor Rennie, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Roberts.

Apologies for absence: Councillor Mrs Bowyer

The meeting started at 10.10 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.

11. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

12. DECLARATIONS OF INTEREST

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

13. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

14. MRS MARGARET WILLIAMS - TRANSFER OF PREMISES LICENCE - VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR

Mrs Margaret Williams did not attend and the Committee was informed that she had withdrawn her appeal against the revocation of the premises licence as a result of this there was no premises licence to transfer.

15. GRANT OF PREMISES LICENCE - MARINE BAZAAR, SUTTON WHARF, BARBICAN, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representations from interested parties and heard from interested parties present;
- (iii) considered representations from Environmental Health;
- (iv) heard that following the agreement of conditions with the applicant, the Police representation had been withdrawn;
- (v) heard from the applicant and his legal representative in support of the application and in particular that following representations from responsible authorities and interested parties the application was amended so that the following was applied for:
 - Supply of alcohol both on and off the premises
Monday – Saturday 10.00 to 23.00
Sunday – 10.00 to 22.00

- Premises open to the public
Monday – Saturday 10.00 to 23.30
Sunday 10.00 to 22.30
- The application for late night refreshment was withdrawn
- That the amended schedule to the operating schedule should also have had the following boxes ticked:
Drug zero tolerance
Dress code for staff
- That the schedule should read that the maximum number of people on premises would be 150 persons

(vi) heard representations regarding –

a) Prevention of Public Nuisance regarding –

- the fact that even with the amended hours to 23.30pm there would still be a potential problem with noise from patrons and taxis;
- the fact that disruption would be caused by inadequate parking facilities with no public parking and only residents permit parking;
- the fact that Environmental Health stated that due to the proximity of the premises to a block of residential flats and history of complaints about other restaurants in the area, stringent conditions were put forward to ensure that nuisance was not caused to local residents and public safety maintained;

b) Prevention of Crime and Disorder regarding –

- the fact that the cumulative affect of granting the licence would make it difficult for the police to devote enough resources to prevent crime and disorder in the area in addition to policing the barbican bar and club area;

c) the Protection of Children from Harm regarding –

- the concern that an off licence for alcohol may lead to underage sales of alcohol;

d) Other representations regarding –

- other premises in the area that were only licensed until 2300hours

Resolved that –

(1) with regard to the Prevention of Public Nuisance, relating to –

- the fact that even with the amended hours to 23.30pm there would still be a potential problem with noise from patrons and taxis; was considered relevant, but Members felt the amended schedule provided by the applicant and conditions agreed with Environmental Health would address this potential problem;
- the fact that disruption would be caused by inadequate parking facilities

with no public parking and only residents permit parking; was not considered relevant;

- the fact that Environmental Health stated that due to the proximity of the premises to a block of residential flats and history of complaints about other restaurants in the area, stringent conditions were put forward to ensure that nuisance was not caused to local residents and public safety maintained; was considered relevant and Members felt that in order to avoid potential problems, the conditions put forward by Environmental Health would be applied to the licence;

(2) with regard to the Prevention of Crime and Disorder, relating to –

- the cumulative effect of granting licence would make it difficult for the police to devote enough resources to prevent crime and disorder in the area in addition to policing the Barbican bar and club area; was considered relevant however Members noted that the Police had withdrawn their representations and with the proposed conditions did not perceive this to be a problem;

(3) with regard to the Protection of Children from Harm, relating to –

- the concern that an off licence for alcohol may lead to underage sales of alcohol; was considered relevant however Members felt the amended schedule which incorporates the conditions agreed with the police would address this potential problem;

(4) Other representations, relating to –

- other premises in the area were only licensed until 2300 hours; was not considered relevant to the licensing objectives.

Having taken into account all of the representations made, Members resolved to grant the application as amended by the applicant as follows:

- Supply of alcohol both on and off the premises
Monday – Saturday 10.00 to 23.00
Sunday – 10.00 to 22.00
- Premises open to the public
Monday – Saturday 10.00 to 23.30
Sunday 10.00 to 22.30

(1) subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the amended schedule to the operating schedule to submitted with the response to notice of hearing dated 17 November 2009 and amended during the hearing which includes the conditions agree with the Police and the following conditions agreed with Environmental Health;

(2) suitable signage will be displayed at the exit to request the cooperation of patrons, in particular to make as little noise as possible when leaving the premises;

(3) patrons will be asked not to stand around talking in the street outside the premises or at any car park and asked to drive away as quickly and as quietly as possible. This is to include patrons who go outside to smoke;

(4) the outside area will not be used after 8pm;

- (5) management will maintain control of the outside area and will take full responsibility for the noise caused by their patrons whilst outside the premises, whether this be for the purposes of smoking or any other activity;
- (6) if chairs and tables are to be provided outside the premises any alcohol served to them is to be as part of a meal only;
- (7) the deliveries of goods are restricted to after 0800 hours and before 2000 hours;
- (8) the movement of bins and rubbish outside the premises will not take place after 2300 hours;
- (9) all the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting/lockable lid;
- (10) all commercial waste collection will be arranged for after 0800 hours;
- (11) where plant and machinery such as ventilation systems or air conditioning is installed it will be positioned in such a way that the building structure provides as much screening as possible for nearby noise sensitive properties. Additionally, any system to be installed will be approved by the public protection service prior to installation and control measures such as acoustic enclosures, acoustic louvers, silencers or additional acoustic screening will be considered;
- (12) patrons will not take drinks outside after 2000 hours whilst smoking outside the premises;
- (13) regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources does not cause a nuisance;
- (14) all staff receive suitable training as to what to do in an emergency and in general safety precautions;
- (15) ventilation equipment will be regularly cleaned and maintained to control levels of odour generated by the premises;
- (16) a specific taxi operator be nominated for staff and customers use. The company's telephone number is advertised to customers. The operator and all drivers are made aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff are required to leave as quietly as possible, particularly at night and early in the morning;
- (17) the handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning outside buildings.

16. **EXEMPT BUSINESS**

There were no items of exempt business.