

# Licensing Sub Committee (Miscellaneous)

Tuesday 8 December 2009

## PRESENT:

Councillor Mrs Bowyer, in the Chair  
Councillor Delbridge, Vice Chair  
Councillors Rennie

Apologies for absence: Councillors Mrs Dolan

The meeting started at 11.00am and finished at 4.30pm.

*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.*

## 17. 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.

## 18. DECLARATIONS OF INTEREST

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

## 19. CHAIR'S URGENT BUSINESS

There were no items of chair's urgent business.

## 20. VARIATION OF PREMISES LICENCE - CARPE DIEM, 50 NORTH HILL, PLYMOUTH

The Committee having –

- (i) heard from the applicant;
- (ii) heard from an interested party who had made a representation;
- (iii) considered the report from the Director of Community Services;
- (iv) heard from a representative from Environmental Health;
- (v) heard from a Licensing Officer;
- (vi) heard representations in relation to:
  - (a) Prevention of Public Nuisance:
    - noise from music played at the premises and disturbing a local resident; this was considered relevant and special conditions were imposed.
  - (b) Prevention of Crime and Disorder:
    - Members heard no concerns.
  - (c) Public Safety:

- Members heard no concerns.
- (d) The Protection of Children from Harm:
- Members heard no concerns.

In the applicants operating schedule it stated that a noise limiter would be in place and set to a level as agreed with Environmental Health. This is removed upon the request of the applicant and the advice taken from the Environmental Health Officer.

Having taken into account all the relevant representations made, the members resolved to grant the application subject to the applicants operating schedule and the following special conditions:

- 1 the designated premises supervisor or other nominated responsible person is to be on the premises at all times while live music is taking place.
- 2 a contact number is to be provided to local residents upon request.
- 3 a designated responsible person is to liaise with the Environmental Health Department to set appropriate noise levels and adopt mechanisms as necessary.

**21. VARIATION OF PREMISES LICENCE - THE DAIRY, 25 BRETONSIDE, PLYMOUTH**

The Committee having –

- (i) heard from the applicant;
- (ii) considered written representations
- (iii) considered the report from the Director of Community Services;
- (vi) heard how Environmental Health had withdrawn their representation following the applicant's acceptance to a schedule of conditions;
- (v) heard how Devon and Cornwall Constabulary had withdrawn their representation following the applicant's acceptance to their recommended conditions;
- (vi) considered two representations received from interested parties living within the vicinity;
- (vii) heard representations in relation to
  - (a) Prevention of Public Nuisance:
    - noise from people congregating outside the premises to smoke and drink disturbing local residents; This was considered relevant, however, members are satisfied the applicant will resolve these concerns by having door staff, not allowing patrons to take drinks outside and encouraging patrons not to congregate outside longer than necessary;
    - noisy revellers, loutish behaviour, shouting, swearing and vomiting; This was considered relevant, however, it

was felt to be a general problem and there was no evidence to link this to the premise.

- (b) Prevention of Crime and Disorder:
  - Members heard no concerns.
- (c) Public Safety:
  - Members heard no concerns.
- (d) The Protection of Children from Harm:
  - Members heard no concerns.
- (e) Other Considerations:
  - Planners to consider the well-being of residents and there being enough establishments in the area; this was not considered relevant.

Having taken into account all the relevant representations made, the members resolved to grant the application as applied for subject to the conditions agreed with the Environmental Regulation Service and Devon and Cornwall Police.

22. **REVIEW OF PREMISES LICENCE - DUCHY OF CORNWALL, 14 ANSTIS STREET, PLYMOUTH**

The Committee having –

- (i) heard from the premises license holders representative;
- (ii) heard from the designated premises supervisor;
- (iii) heard from a representative of the Environmental Health Department;
- (iv) heard from a representative of the Devon and Cornwall Constabulary;
- (v) considered all the written materials submitted;
- (vi) considered the report from the Director of Community Services;

Members heard from a representative of Environmental Health how a review of the premises licence had been sought under the licensing objectives the prevention of public nuisance and public safety.

Members heard how complaints had been received from a local resident regarding noise at the premises and of patrons drinking in the street.

Environmental Health attended the premises on the 2 August 2009 and witnessed excessive noise at the premises. The nominated deputy did not consider the noise to be excessive and was unwilling to reduce noise levels as recommended. Live music continued, windows and doors remained open and patrons remained outside drinking.

Environmental Health attended the premises on 16 August 2009 and found regulated entertainment was taking place contrary to the premises licence. The nominated deputy of the premises became aggressive, swore and made threats to the officers and did not stop the entertainment.

On 21 August 2009 three male patrons outside the premises exposed themselves to two female Council Officers. When the Officers returned some 30 minutes later the nominated deputy was seen to be staggering around outside believed to be under the influence of alcohol.

Members heard how Environmental Health Officers had written to the Designated Premises Supervisor (DPS) and met with her at the Civic Centre on 1 October 2009. Since the review application things had improved significantly and there was no live music on weekends

Members heard from a representative of Devon & Cornwall Police how they have received a complaint of noise and of patrons using window sills.

On Thursday 13 August 2009 at 10.30 p.m. the Police witnessed a group of 30 people drinking in the street outside the premises. They were using the window sills of local properties for their glasses and cigarettes.

The Police received reports of the staff abusing and threatening Council Officers and the breach of licence conditions on 16 August 2009. They had also received a report of three male offenders in drink exposing themselves to female Council Officers.

The Police have met with the DPS and outlined what they expect. A letter was received from the DPS outlining things she will put in place. These are:

- notices of no glasses or bottles to be taken outside;
- a notice to be quiet and orderly when leaving the premises;
- windows and doors to be shut at all times when carrying out live music;

She says drug use is not tolerated at the premises.

The Police have received the acceptance of the premises license holder to a number of proposed conditions. They say the acceptance of these conditions satisfactorily addresses their concerns.

Members heard from a representative of the premises license holder that they have voluntarily actioned the following measures:

- the designated premises supervisor has enrolled on a BIIAB course to achieve the National Certificate for Designated Premises Supervisor.
- notices have been put up reminding customers not to create a nuisance or drink outside the pub. Patrons will not be permitted to take drinks outside and crowds will be discouraged. A robust staff training regime will be put in place to ensure these controls are adhered to in the absence of the DPS.
- windows and doors will be kept shut whilst amplified music being played.

Members heard from the DPS that her partner deals with orders, the cellar and labouring duties. She said training measures had been introduced ensuring all staff are fully aware of their responsibilities.

Having taken into account all the relevant representations made, the members have resolved to:

- (1) Modify the conditions of the licence – with the addition of the following conditions -
  - (i) to prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible one metre from the façade of the nearest residential

property.

- (ii) all regulated entertainment sources are to be channelled through a noise limiting device. Such a noise limiting device should be installed and set at a level agreed with the Environmental Health service.
- (2) issue an informal warning to the license holder that should she come before a future licensing sub committee the details of this committee will be brought to their attention.

23. **EXEMPT BUSINESS**

There were no items of exempt business.