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LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 8 DECEMBER 2009

TIME: 11.00 AM

PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillors Mrs Bowyer, Dolan and Rennie

Fourth Member –

Councillor Delbridge

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 SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

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

3. DECLARATIONS OF INTEREST

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

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. VARIATION OF PREMISES LICENCE - CARPE DIEM, 50 NORTH HILL, PLYMOUTH (Pages 1 - 6)

The Director for Community Services will submit a report on the variation of a premises licence.

6. VARIATION OF PREMISES LICENCE - THE DAIRY, 25 BRETONSIDE, PLYMOUTH (Pages 7 - 18)

The Director for Community Services will submit a report on the variation of a premises licence.

7. REVIEW OF PREMISES LICENCE - DUCHY OF CORNWALL, 14 ANSTIS STREET, PLYMOUTH (Pages 19 - 24)

The Director for Community Services will submit a report on the review of a premises licence.

8. 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) 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 Sub-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.

Nil.

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CITY OF PLYMOUTH

Subject: Carpe Diem, 50 North Hill, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub 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:

An application has been received from Michelle Neale and Gemma Travis in respect of Carpe Diem, 50 North Hill, Plymouth for the variation of the premises licence under Section 34 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 and 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:

Application.

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 On the 21st October 2009 the licensing department received an application from Michelle Neale and Gemma Travis in respect of Carpe Diem 50 North Hill Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<u>(e) Live Music</u> Hours	<u>(e) Live Music</u> (Indoors) Hours Mon to Sun 12.00hrs to 23.00hrs
<u>(f) Recorded Music</u> (Indoors) Hours Mon and Tues 10.00hrs to Midnight Wed and Sat 10.00hrs to 02.00hrs Sunday 12.00hrs to 23.30hrs	
<u>(i) Provision of Facilities for Making Music</u> Hours	<u>(i) Provision of Facilities for Making Music</u> (Indoors) Hours Mon to Sun 12.00hrs to 23.00hrs
<u>(m) Supply of Alcohol for consumption ON the premises.</u> Hours Mon to Sat 10.00hrs to 02.00hrs Sunday 12.00hrs to 02.00hrs Non Standard Timings. From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	
<u>(o) Hours premises are open to the public</u> Hours Mon to Sat 10.00hrs to 02.30hrs Sunday 12.00hrs to 02.30hrs Non Standard Timings. From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	

1.3 Variation application.

The nature of the proposed variation is;
To include the provision of live music and the facilities for making music.

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health* – no representations

2.2 *Devon & Cornwall Constabulary* – no representations.

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

1 – letter of representation has been received from a resident living within the vicinity of the premises (Appendix 1).

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Skardon Place
North Hill
Plymouth
PL4

Head of Environmental Services
Department of Community Services
Plymouth City Council
Civic Centre
PL1 2AA

14 November 2009

Dear Sir

Carpe Diem, 50 North Hill, PL4 8HA
Facilities for Making Music and Live Music Added

I wish to object to the variation in this licence for the following reason.

Carpe Diem is a very small venue. It simply is not large enough to absorb live music. I have on several occasions had to go over to ask them to turn down their recorded music as we have been able to hear it while actually sitting in our lounge. The last time they had to turn the music down before they could hear me speak, it was deafening. I have reported this on two occasions. I believe the existing licence is for 'background music only' and while that definition may be difficult to measure it certainly cannot mean audible from our house.

The venue has already had a live band playing without licence and the entrance door wide open. Live bands in this day and age cannot play quietly. The guitarist just inside the door might as well have been playing on the pavement. The noise was again deafening. The premises is so small it gets hot. Even when the door was shut the music was audible from our house. And of course people come and go all the time so the door has to be opened.

Carpe Diem is a good venue but totally inappropriate for live music and I trust this application for variation will be turned down. The licence for 'background music' should remain and be adhered to.

Yours faithfully

CITY OF PLYMOUTH

Subject: The Dairy, 25 Bretonside, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub 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:

An application has been received from Mr Alex Warner in respect of The Dairy, 25 Bretonside, Plymouth for the variation of the premises licence under Section 34 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 and 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:

Application.

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 On the 22nd October 2009 the licensing department received an application from Mr Alex Warner in respect of The Dairy 25 Bretonside, Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<u>(e) Live Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 23.00hrs	<u>(e) Live Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 02.00hrs Non Standard Timings New Years Eve 24hours
<u>(f) Recorded Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 23.00hrs	<u>(f) Recorded Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 02.00hrs Non Standard Timings New Years Eve 24hours
<u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u> (Indoors) Hours Mon to Sun 11.00hrs to 23.00hrs	<u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u> (Indoors) Hours Mon to Sun 11.00hrs to 02.00hrs Non Standard Timings New Years Eve 24hours
<u>(i) Provision of Facilities for Making Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 23.00hrs	<u>(i) Provision of Facilities for Making Music</u> (Indoors) Hours Mon to Sun 11.00hrs to 02.00hrs Non Standard Timings New Years Eve 24hours
<u>(k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</u> (Indoors) Hours Mon to Sun 11.00hrs to 23.00hrs	<u>(k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</u> (Indoors) Hours Mon to Sun 11.00hrs to 02.00hrs Non Standard Timings New Years Eve 24 hours

	<p><u>(l) Late Night Refreshment</u> (Indoors)</p> <p>Hours Mon to Sun 23.00hrs to 02.00hrs</p> <p>Non Standard Timings New Years Eve 24 hours</p>
<p><u>(m) Supply of Alcohol for consumption ON the premises.</u></p> <p>Hours Mon to Sun 11.00hrs to 23.00hrs</p>	<p><u>(m) Supply of Alcohol for consumption ON the premises.</u></p> <p>Hours Mon to Sun 11.00hrs to 02.00hrs</p> <p>Non Standard Timings New Years Eve 24 hours</p>
<p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sun 11.00hrs to 23.00hrs</p>	<p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sun 11.00hrs to 02.00hrs</p> <p>Non Standard Timings New Years Eve 24 hours</p>

1.3 Variation application.

The nature of the proposed variation is;
To extend the hours of operation.

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – have made representation in relation to the Prevention of Public Nuisance and Public Safety (Appendix 1). The applicant has agreed to include all the conditions on the licence therefore the representation has been withdrawn.

2.2 Devon & Cornwall Constabulary – have made representation in relation to Prevention of Crime and Disorder (Appendix 2). The applicant has agreed to include this condition on the licence therefore the representation has been withdrawn.

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

2 - letters of representation have been received from residents living within the vicinity of the premises.

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Memorandum



From: Public Protection Service Manager
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 10th November 2009
Our Ref: EH.757895
Investigating Officer: Stephen Crooks
Extn: 4851

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premise: The Dairy, 25 Bretonside , Plymouth, PL4 0BB

Name of Licensee: Alex Warner

Type of Application: ~~Late Night Refreshment/Alcohol (On/Off/Both)~~ Entertainment Licence
(delete as necessary)

Report Prepared By: Stephen Crooks

Recommendations

1. ~~That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Schedule Ref: EH/745846

Name: The Dairy

Address: 25 Bretonside , Plymouth, PL4 0BB

Report By: Stephen Crooks

Date of Inspection: 02/11/09

The Text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

The text in italics is for your information.

Public Nuisance

1. **A winding down period shall be established at least 30 minutes before closing time to create a mood change.**
(To have a calming effect on the patrons prior to leaving to reasonably control the quiet manner in which patrons leave the vicinity. Typically, music will be turned down and lights may be turned up.)
2. **In the absence of the DPS you shall have a nominated deputy in place who understands the restrictions of the premises licence. A nominated deputy will be empowered to address any problems identified by a representative of a Responsible Authority.**
(The nominated person shall have ultimate control of music/ sources of noise and should have an understanding of their responsibility to reasonably uphold the requirements of the four licensing objectives.)

Public Safety

1. **Door staff who are suitable trained shall be provided on the premises during busy periods to reduce the potential for overcrowding.**
(Door staff should be registered with the Security Industry Authority. Door staff will also be able to ensure that doors remain closed during regulated entertainment in order to further promote the licensing objective to prevent a public nuisance.)

Licensing Act 2003
Supporting Information for Committee Hearing following the Environmental
Regulation Service Representation

Premise Name: The Dairy

This department has made representation based on the following information.

This premises is situated in an area with mixed residential and commercial use. Complaints from local residents currently exist against this establishment and others in the vicinity, although no major problems have yet been identified.

The conditions requested designed to help further control the likely affect of extending the hours of operation to include regulated entertainment. They are intended to work in harmony with those conditions already situated on the premises licence.

With reference to the Dairy and the application to vary a premises licence, the police wish to make the following representation:

Prevention of Crime and Disorder

Whenever the premises remains open after midnight on Friday and Saturday nights a minimum of two door staff will be employed from 2300hrs until close of business.

Kind regards

Fred Prout

*Devon and Cornwall Constabulary
Alcohol Related Crime Reduction (Licensing) Officer
Charles Cross Police Station
Hampton Street
Plymouth
PL4 8HG*

Tel:01752 720464

APPENDIX 3

Discovery Wharf
Sutton Harbour
Plymouth
PL4 0RB

Tel: 01752

Head of Environmental Services
Environmental Regulation Services
Civic Centre
Plymouth
PL1 2EW

20th October 2009

Ref: The Dairy, Bretonside

Dear Sir

I refer to the application for a License to be granted to allow the sale of alcohol in the above premises from until 2.00am. I object in the strongest possible terms to this application.

The area of Sutton Harbour/Bretonside now a predominantly residential area already well supplied with a great number of restaurants/bars. The noise, loutish behaviour, shouting, swearing, vomiting etc as people move in and out of these establishments already being experienced is extremely intrusive and to add yet another layer (to 2.00am) is not desirable or necessary and I strongly urge you to consider the entitlement of the many people living in the area to have some quiet enjoyment of their residency.

I hope that for once the planners might consider the well being of the residents living in proximity to these premises, surely there are already more than enough establishments in the area providing this sort of 'entertainment'.

Yours faithfully

APPENDIX 4

Discovery Wharf
15 North Quay
Plymouth
Devon
PL4 0RB

03 November 2009

Enviromental Services
Department of Community Services
Civic Centre
Plymouth
PL1 2AA

Dear Sir/Madam

Re 2am Licence for the 'Dairy' Bar & Nightclub Bretonside

I would like to object to the proposed application for a 2am Licence Extension for the above premises, on the grounds that it will cause noise disturbance at a very late hour.

People congregating outside the premises to smoke and drink will also impact on our ability to get a good night's sleep.

I have been a resident at Discovery Wharf for the last six years. There are more and more of these late night establishments operating in the area. Late night revellers are generally very noisy and have no respect for local residents. The increase in vehicle volumes also add to the general disturbance and noise.

Hoping you will be sympathetic to the above comments and reject this application.

Yours faithfully

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Subject: Duchy of Cornwall, 14 Anstis Street, Plymouth
Review of Premises Licence

Committee: Licensing Sub 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:

An application has been received from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of the Duchy of Cornwall, 14 Anstis Street, Plymouth.

Corporate Plan 2008 - 2012:

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

1. Improving community involvement and engagement.
 2. Widening cultural and leisure opportunities.
-

**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 and 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.

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 On the 23rd October 2009 the licensing department received an application from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of the Duchy of Cornwall situated at 14 Anstis Street, Plymouth.

1.2 Review application.

The Environmental Health Department have made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to Public Safety and the Prevention of Public Nuisance. Copies of this application have been served by Environmental Health on each of the responsible authorities and holder of the premises licence.

The Environmental Health Department received a complaint from a local resident concerning noise from regulated entertainment emanating from the premises. Environmental health officers during out of hour's visits also witnessed noise disturbance emanating from the premises.

In accordance with review proceedings at 10.06hrs on Monday 26th October 2009 a licensing officer from Plymouth City Council attended the premises and spoke to Pauline Mildren and requested the site notice be displayed at the premises.

At 10.26hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

(e) Performance of Live Music (Indoors)

Mon to Thurs	19.00hrs to Midnight
Fri and Sat	19.00hrs to 01.00hrs
Sun	19.00hrs to 23.00hrs

Seasonal Variations

24th and 26th December each year, times to be 10.00hrs to 01.00hrs.

Public Holiday Sundays time to be 10.00hrs to 23.59hrs

(f) Playing of Recorded Music (Indoors)

Days and Timings including Seasonal Variations as above.

(l) Provision of Facilities for Making Music (Indoors)

Days and Timings including Seasonal Variations as above.

(m) The Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Mon to Thurs	10.00hrs to Midnight
Fri and Sat	10.00hrs to 01.00hrs
Sun	10.00hrs to 23.00hrs

Seasonal Variations

24th and 26th December each year, times to be 10.00hrs to 01.00hrs.
Public Holiday Sundays time to be 10.00hrs to 23.59hrs

The Opening Hours of the Premises

Mon to Thurs	10.00hrs to 00.30hrs
Fri and Sat	10.00hrs to 01.30hrs
Sun	10.00hrs to 23.30hrs

Seasonal Variations

24th and 26th December each year, times to be 10.00hrs to 01.30hrs.
Public Holiday Sundays time to be 10.00hrs to 00.30hrs

2.0 RESPONSIBLE AUTHORITIES

- 2.1 Devon and Cornwall Police – have made representation in relation to the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In August of this year the police began to receive reports that groups of people as many as 30 in number were drinking outside the premises and using neighbours window sills as tables for their glasses, there were also reports of loud music and excessive noise.

On the 17th August this year a licensing officer from the Devon and Cornwall Police met with the designated premises supervisor for the premises and raised concerns about the premises.

On the 3rd November this year the police licensing department received information that on the 25th October a group of people were drinking outside the premises several of whom appeared to be drunk.

- 2.2 *Devon & Somerset Fire & Rescue Service* – no representations.

- 2.3 *Trading Standards* – no representations

- 2.4 *Planning Officer* - no representations.

- 2.5 *Child Protection* – no representations

- 2.6 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;

- the prevention of public nuisance;
- the protection of children from harm.

4.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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