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LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 19 JANUARY 2010

TIME: 10.00 AM

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

Members –

Councillors Mrs Bowyer, Rennie and Mrs Stephens

Fourth Member –

Councillor Reynolds

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. REVIEW OF PREMISES LICENCE - MELBOURNE INN, 224 CECIL STREET, PLYMOUTH (Pages 1 - 6)

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

6. 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.

CITY OF PLYMOUTH

Subject: Melbourne Inn, 224 Cecil Street, Plymouth
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 19 January 2010

Cabinet Member: Councillor Brookshaw

CMT Member: Director for 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 Devon and Cornwall Constabulary under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of the Melbourne Inn, 224 Cecil Street, Plymouth.

Corporate Plan 2009 - 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.
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**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 2 December 2009 the licensing department received an application from Devon and Cornwall Constabulary under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of the Melbourne Inn situated at 224 Cecil Street, Plymouth.

1.2 Review application.

Devon and Cornwall Constabulary have made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm. Copies of this application have been served by Devon and Cornwall Constabulary on each of the responsible authorities and holder of the premises licence.

The police will say they have serious concerns regarding the management of the premises and the DPS's ability to uphold the four licensing objectives.

In accordance with review proceedings at 11.41hrs on Thursday 3rd December 2009 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Paul Bailey and requested the site notice be displayed at the premises.

At 12.02hrs 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 Sun 07.00hrs to Midnight

Non Standard Timings

An additional hour on Sundays prior to a bank holiday.

New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

(F) Playing of Recorded Music (Indoors)

Mon to Sat 07.00hrs to 01.00hrs

Sun 07.00hrs to Midnight

Non Standard Timings

As above

(H) Entertainment of a Similar Description to that Falling within (E) (F) (Indoors)

Mon to Sun 07.00hrs to Midnight

Non Standard Timings

As above

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

Days and Timings including Non Standard Timings as above

(L) Late Night Refreshment (Indoors)

Mon to Sat	23.00hrs to 02.00hrs
Sun	23.00hrs to 01.00hrs

Non Standard Timings
As above

(M) The Sale by Retail of Alcohol for Consumption ON and OFF the premises

Mon to Sat	07.00hrs to 01.00hrs
Sun	07.00hrs to Midnight

Non Standard Timings
As above

The Opening Hours of the Premises

Mon to Sat	07.00hrs to 02.00hrs
Sun	07.00hrs to 01.00hrs

Non Standard Timings
As above

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Environmental Health* – no representations
- 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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