

Licensing Sub Committee (Miscellaneous)

Tuesday 30 March 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Gordon and Mrs Nicholson (fourth member).

The meeting started at 10.00 am and finished at 11.45 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.

56. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Rennie be appointed as Vice Chair.

57. DECLARATIONS OF INTEREST

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

58. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

59. GRANT OF PREMISES LICENCE - TAPAS TO GO - UNIT 5, CHADDLEWOOD SHOPPING CENTRE, PLYMPTON, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered all written representations;
- (iii) heard from the interested parties present;
- (iv) heard that following the agreement of conditions with the applicant, the Environmental Health representation had been withdrawn;
- (v) heard from the applicant and his witness that:
 - he empathised fully with objections made by neighbouring residents;
 - he hoped that the facility he wished to create would be of value to the local community and he did not wish it to be a

nuisance in any way;

- he was happy to comply with recommendations made by Devon & Cornwall Police and Environmental Health and hoped this would show local residents and the committee members that he was a responsible person and willing to co-operate with concerned parties;
- he wished to alleviate concerns by clearly stating his intentions for the premises;
- it was his intention to open a small restaurant/bistro;
- he was a qualified chef and it had always been his ambition to do this and he never wanted to open a bar/nightclub;
- he would like diners at the restaurant to be able to be served alcohol for consumption with their meal at the table;
- he had made a request for live music to provide diners with an alternative 'background music' facility. He said he was thinking along the lines of an individual musician or singer. He said he did not intend to have live, noisy bands or a DJ as this was not the ambience he wished to create;
- his intention was to open and run a restaurant business providing the people of Plympton with a venue to dine at with their family and friends;
- the bar area had been reduced by 66% and only three types of beers and wines would be sold; there would also be no t.v. or sports;
- he was in the process of installing air conditioning;
- when the premises was operating, local residents may visit the premises to check the CCTV was in place;
- the rear door would only be used for deliveries and there were no deliveries until after 9am at weekends;
- a suspended ceiling had been installed and would contain noise;

(vi) heard and considered representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

- that late night loud music from a café that had recently closed

had kept a resident awake and this was worse in the summer when her windows were open and at weekends and bank holidays. This was considered to be relevant however there was no evidence to link this to these premises, Members felt the conditions recommended by Environmental Health and accepted by the applicant would alleviate any concerns;

- that when Unit 5 was known as Bar Code and Java Café the noise from live music and discos was nothing short of horrendous and the emanating base levels would make objects vibrate in a residents home and the sound of music could regularly be heard above the sound of the television. This was considered to be relevant however there was no evidence to link this to these premises. Members felt the conditions recommended by Environmental Health and accepted by the applicant would alleviate any concerns;
- lock ins and late night fights were regular occurrences waking up the whole family of a local residence. This was considered to be relevant however there as no evidence to link this to these premises and there had been no representation from Devon and Cornwall Police;
- the premises is in close proximity to a residential area. This was considered to be relevant however the conditions agreed with Environmental Health should alleviate any concerns;
- that residents were woken by the rowdiness of the people leaving Unit 5. This was considered to be relevant however there was no evidence to link this to these premises. The applicant had also stated only the front of the premises would be used for entry and exit;
- deliveries at 5.30am had previously woken a local resident and his family; this was considered to be relevant however this was alleged to be caused by a neighbouring premise, the applicant stated that his deliveries would take place after 9am at weekends;

b) **Prevention of Crime and Disorder –**

- that there had been damage to local residents' property from people leaving Unit 5 when it was Bar Code/Java Café including damage to a local residents fence. This was considered to be relevant however members considered there was no evidence to link this to these premises and there had been no representation from Devon and Cornwall Police;

- c) **Protection of Children from Harm –**
- children who were resident in the area had been woken by noise, lock ins and late night fights. This was considered to be relevant however Members considered there was no evidence to link this to this premises and Members believed the conditions recommended by Environmental Health and accepted by the applicant would alleviate these concerns;
- d) **Public Safety –**
- there were no representations;
- e) **Other representations –**
- there was already a pub and a community centre that sold alcohol in the centre; there was also a chip shop and a Chinese take away that was adjacent to Unit 5; this was not considered to be relevant;
 - properties will lose value and probably become unsaleable; this was not considered to be relevant

Resolved that having taken into account all of the above representations the application be GRANTED as follows:

- (1) Subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule and conditions agreed with Environmental Health and Devon & Cornwall Police.

60. **EXEMPT BUSINESS**

There were no items of exempt business.