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LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 30 MARCH 2010

TIME: 10.00 AM

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

Members –

Councillors Mrs Bowyer, Gordon and Rennie

Fourth Member –

Councillor Mrs Nicholson

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. GRANT OF PREMISES LICENCE - TAPAS TO GO - UNIT 5, CHADDLEWOOD SHOPPING CENTRE, PLYMPTON, PLYMOUTH (Pages 1 - 12)

The Director for Community Services will submit a report on the grant 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: Tapas to Go, Unit 5, Chaddlewood Shopping Centre, Plympton, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 30 March 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 Mr Brandon Tyndall in respect of Tapas to Go, Unit 5, Chaddlewood Shopping Centre, Plympton, Plymouth for the Grant of a premises licence under Section 17 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 2nd February 2010 the licensing department received an application from Mr Brandon Tyndall for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Tapas to Go situated at Unit 5, Chaddlewood Shopping Centre, Plympton, Plymouth.

1.2 **Grant application.**

Small restaurant / bistro with alcohol to be consumed at tables both on the ground and first floors. The premises are situated on a small shopping complex with car park facilities.

1.3 **Licensable Activities.**

The following licensable activities and timings have been requested:

Live Music (Indoors)

Mon to Sun 10.30hrs to Midnight

Late Night Refreshment (Indoors)

Mon to Sun 23.00hrs to Midnight

Supply of Alcohol for consumption ON the premises

Mon to Sun 10.30hrs to Midnight

Hours Premises are Open to the Public

Mon to Thurs 10.30hrs to Midnight

Fri & Sat 10.30hrs to 01.00hrs

Sun 10.30hrs to Midnight

- 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 Devon & Cornwall Constabulary – have not made representations but advised the applicant to include conditions on the licence which he agreed to do (Appendix 1).

- 2.2 Environmental Health – have made representations relating to Public Nuisance (Appendix 2).

- 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

4 - letters of representation have been received from residents living within the vicinity of the premises (Appendices 3 – 6).

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. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

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.

**Re: Application for the grant of a Premises Licence – Tapas To Go,
Chaddlewood Shopping Centre, Plympton**

Conditions to be added to the above operating schedule as requested by the Police Licensing Department (Tim Brooks).

1. The CCTV system will have the capability of downloading the images to a recognised format.
2. The Police Licensing Department will be informed if the CCTV system is not working.
3. A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months to Police or any other responsible authority for inspection, if required. All relevant incidents will be reported to the police at the earliest opportunity.
4. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

UK Photo Driving Licence
Passport
PASS accredited card
5. Regular and documented training of staff in relation to the prevention of under age sales.

Memorandum



From: Public Protection Service Manager
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 15 February 2010
Our Ref: EH/764357
Investigating Officer: Phil Conday
Extn: 7890

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premise: Tapas To Go, Unit 5, Chaddlewood Shopping Centre, Plymouth
Name of Licensee: Mr Brandon Tyndall
Type of Application: Late Night Refreshment/Alcohol (On/Off/Both)/Entertainment Licence
Report Prepared By: Phil Conday

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
Name: Tapas to Go
Address: Unit 5, Chaddlewood Shopping Centre

Report By: Phil Conday **Date of Inspection:** N/A

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) **Doors and windows will be kept shut during entertainment.**
(To reduce noise break out, however this may have negative effects on levels of ventilation and temperature)
- 2) **A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/ entertainment and take action to reduce noise levels if they are found to be excessive/ distinguishable above background levels at the nearest residential property**
(To ensure levels of noise have not increased)
- 3) **Management will control the sound levels of the music/ entertainment.**
(This can be done by verbal agreement with performers, setting maximum levels on the amplifier/sound system or the installation of a sound limiter)
- 4) **Between 23.00hrs & 00.00hrs:**
To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise 1 metre from the facade of the nearest residential property.
(You should not be able to identify the tune above normal background noise although you may still be able to hear something)

Licensing Act 2003
Supporting Information for Committee Hearing following the Public Protection
Service Representation

Premise Name: Tapas To Go

This department has made representation based on the following information:

There is a need to control noise associated with any live music provision at the premises, due to the close locality of surrounding residential premises.

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| APPENDIX 3 |
|------------|

Clemens, Peter (DEVELOPMENT)

From:

Sent: 02 February 2010 19:50

To: Licensing (DEVELOPMENT)

Subject: Bar Code Cafe, Chaddlewood

It has been brought to my attention that Unit 5 Chaddlewood shopping Centre (Bar Code Cafe) has applied for a late night alcohol license and a live music license. I would like to strongly object to this. I live in Celandine Gardens, directly behind the shops. I was so pleased when the cafe closed recently as the late night loud music keeps me awake. It is obviously even worse in the Summer when I need my windows open.

Recently I received a letter from the council informing me that a property in Periwinkle Drive wanted to add a porch and how to object if I wished. I can't even see this road from my house but was still told of it. I wonder why you have not written to local residents affected by the license request from Barcode Cafe.

Please lodge my complaint and perhaps everyone in the locality should be informed by yourselves and given the opportunity to object

03/02/2010

Licensing Department,
Civic Centre,
Floor 6,
Armada Way,
Plymouth,
PL1 2AA.

03/02/2010

Ref: Unit 5 Chaddlewood Shopping Centre

Dear Sirs,

It has come to my attention that unit 5 Chaddlewood shopping centre, is applying for an alcohol license until 00:00 (mid night) seven days of the week and a license for live music.

I live approximately adjacent to the back of the above premises at Celandine Gardens.

From experience (when unit 5 was know as Bar Code and Java Cafe), the noise from Live music and 'Discos' was nothing short of horrendous and the emanating base levels would make objects vibrate in my house. I could regularly hear the sound of their music above the sound of my television. 'Lock ins' and late night fights were regular occurrences, waking up the whole family.

I am a shift worker and both my wife and me are also regular weekend workers normally wakening at 05:30 and I have three young children. We all have the right to a good nights sleep.

I sincerely hope that you think long and hard on allowing / declining these applications in such close proximity to a residential area.

Yours Sincerely

Celandine Gardens,
Plympton,
Plymouth,
PL7
01752

Periwinkle Drive
Plympton
Plymouth
PL7
Tel 01752

3 February 2010

Dear Sir

Ref: Objection to alcohol and live music licence unit 5 Chaddlewood Shopping centre.

I have seen a notice in the window of unit 5 Chaddlewood shopping centre for an application for an alcohol and live music licence,

From past experience when this unit was known as Bar Code/Java café at times the loudness of the music was unbearable, particularly at w/ends and bank holidays.

There was also a problem when the held so called lock ins leaving at any time between 1-4am.

My house is situated alongside the pathway that runs from Periwinkle Drive and the shopping centre, and when people were leaving at these times we would be awoken by the rowdiness of the people walking along the path.

I have also had damage to my fence during these times.

We already have a pub and a community centre that sells alcohol, in the centre, there is also a chip shop and a Chinese take away that is adjacent to unit 5.

I hope you take my objection to this application into consideration

Yours Sincerely,

Celandine Gardens
Chaddlewood
Plympton
Plymouth
PL7 2WS

To whom it may concern.

I am a resident at the above property. I have been informed that "Bar Code" which is situated at Unit 5, Chaddlewood Shopping Centre, will want to re-open its doors once again.

I strongly object to this. The last time "Bar Code" was up and running my life was a living hell. My bedroom faces directly toward this club and I had to keep my windows closed in the middle of summer. I didn't look forward to the weekends at all and now I am informed they are looking for a 7-day license. This is not fair at all. I spend a whole week working and then having no rest on weekends from being kept up! I still have to be a mum during the day. The noise level was horrendous. This is also, not to mention the riff raff that spewed out at all hours waking my daughter and myself up. She is three years old.

I am a single, working mother, who has MS (multiple Sclerosis) and my sleep is very precious to me. As one of my many symptoms I get extreme fatigue and I do not wish at any point to be woken up by a night-club and its revellers and take great precedence at my lifestyles upheaval for this simple fact. I have chosen Plympton, Chaddlewood for its family orientated area. A noisy night-club should not be in the middle of a family neighbourhood!

Should you allow this "Bar Code" to open just for the sake of some boozy revellers then I hope, along with the rest of my neighbours, we will take further action. This would be a direct discrimination against the likes of all other hard working family taxpayers and myself, a disabled woman with a young child.

Do what is right. Say No!

Yours Faithfully

Miss