

Licensing Sub Committee (Miscellaneous)

Tuesday 2 November 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Browne, Vice Chair.
Councillor Rennie.

Fourth Member – Councillor Wright

Also in attendance: Sharon Day – Lawyer, Pete Clemens – Senior Licensing Officer, Rhodri Morgan – Environmental Health Officer and David Hughes – Senior Environmental Health Officer

The meeting started at 10.00 am and finished at 2.00 pm.

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.

23. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Mrs Bowyer was appointed as Chair and Councillor Browne appointed as Vice Chair for this meeting.

24. DECLARATIONS OF INTEREST

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

25. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

26. GRANT OF PREMISES LICENCE - PREZZO, UNITS 16 & 17 MILLS BAKERY, ROYAL WILLIAM YARD, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the representations from Environmental Health;
- (iii) considered the written representations and heard from interested parties present;
- (iii) heard from the applicant in support of the application and additionally that the application was amended to remove recorded music as they only intended to have background music;

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

a) Prevention of Public Nuisance –

- that the proximity of the premises to residential properties was a cause of concern due to the potential for noise nuisance which may affect local residents in the use and enjoyment of their premises. However Environmental Health put forward conditions which in their opinion were reasonable to control the potential for public nuisance arising from the premises. Following discussions with the applicant it had been agreed to remove public safety condition 1 and the word dusk from public nuisance condition 1. This was considered to be relevant but having listened to the representations from both Environmental Health and the applicant Members felt that conditions 3 – 8 put forward by Environmental Health would be sufficient to address potential for public nuisance but felt that special condition 1 below more appropriately addressed any potential concerns regarding the use of the outside area.

Special condition 1. No tables to be allocated to customers after 2100hrs in the outside area and the outside area must be cleared by 2230 hours.

- Environmental Health suggested that late night refreshment outdoors should be refused due to the potential adverse effect that outdoor activities may have on local residents at night. This was considered to be relevant however this had now been addressed in the special condition above.
- Interested parties objected to the hours of operation of the premises due to the problems they experience with another premises in the same area. There were concerns that patrons would linger past the opening hours causing nuisance through loud talking, banging of car/taxi doors and high spirits, exacerbating problems that they already experience. This was considered to be relevant however Members considered that any potential problem had been addressed through the conditions agreed with Environmental Health.
- granting the licence would double the number of patrons coming and going which will add to noise problems. This would be made worse by the fact that the whole area was hard surfaced landscaping which amplifies the sound. Also noise was exaggerated across the water. This was considered to be relevant however Members considered that any potential problem had been addressed through conditions agreed with Environmental Health;

- noise from refuse bins being taken across the stone pavement late at night would cause disturbance to residents and make existing problems worse. This was considered to be relevant however Members considered that any potential problem had been addressed through conditions agreed with Environmental Health;
 - residents already find difficulty parking in the area and this will be made worse if the licence was granted. Whilst Members noted the concerns of Interested Parties this was not considered to be relevant.
 - concern that the outside seating area would be a source of noise late at night increasing the problems already experienced in the area from other licensed premises. This was considered to be relevant however Members considered any potential problems to be addressed through the special condition 1 above and the conditions agreed with Environmental Health;
 - concern that there would be light pollution as lights from another premises are left on all night causing problems. Whilst Members noted interested parties concern this complaint related to a separate premises and was therefore not considered to be relevant to this application;
 - due to poor transportation links most customers would travel by car or taxi. This would in turn lead to customers congregating outside the premises causing noise disturbance. This was considered to be relevant however Members were reassured by the arrangements the premises have in place for customers using taxis and felt that any potential problems were addressed in the conditions agreed with Environmental Health;
- b) Prevention of Crime and Disorder –
- No representations.
- c) Protection of Children from Harm –
- No representations
- d) Public Safety –

- concern that there would be minimal security to ensure the safe dispersal of clientele when extended hours will result in more drinking and increased risk of disruptive behaviour with the close proximity of the water creating a safety risk. This was considered to be relevant however Members did not consider that this posed a potential risk having taken account the fact that this was intended to be a restaurant and not a vertical drinking establishment;
- concern that as with another licensed premises in the area customers would drink alcohol away from the vicinity of the premises leaving glasses and bottles around the perimeter of the area. This would create a risk to families with small children who frequent the area. This was considered to be relevant and as put forward by the applicant Members considered that special condition 2 below would address this concern.

Special Condition 2: That the supply of alcohol shall be by waiter or waitress service only and ancillary to the consumption of substantial food at tables.

Agreed that having taken into account all of the above representations the application be granted subject to mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicants operating schedule, conditions 3 - 8 agreed with Environmental Health and special conditions 1 and 2 above.

27. **GRANT OF PREMISES LICENCE - DEVONPORT PARK PAVILIONS, DEVONPORT PARK, FORE STREET, DEVONPORT, PLYMOUTH**

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representations from interested parties;
- (iii) considered the representations from Environmental Health and heard that the applicant had agreed to the conditions they were putting forward;
- (iv) heard from the applicant that he agreed to the conditions put forward by Environmental Health and that he was no longer applying for off sales. He agreed that live music would cease at 2300hrs and the provision of facilities for making music would cease indoors at 2300hrs;
- (v) considered representations under the licensing objectives as follows:
 - a) Prevention of Public Nuisance –

- Environmental Health stated that the proximity of the premise to a residential properties caused concern for the potential for noise nuisance that may affect local residents in the use and enjoyment of their properties. Conditions were submitted which were considered suitable to address the potential public nuisance issues arising from the premises. This was considered to be relevant and members were satisfied that these conditions would address any potential problems;
 - Interested parties had concerns that there would be an increase in noise particularly late at night if the premise were to be open for such long hours and with the granting of entertainment on the licence. Noise would come from the entertainment and from rowdy behaviour. This would impact on elderly and vulnerable residents nearby. This was considered to be relevant and members considered that the conditions put forward by Environmental Health would address any potential problems.
- b) Prevention of Crime and Disorder –
- the park was already a gathering place for persons who use the park to sit and drink alcohol, behaving inappropriately and being verbally and physically abusive. This was intimidating to those using the park and may increase with the granting of the licence due to it being easier to obtain alcohol. This was considered to be relevant however members considered that this was addressed as the applicant was no longer applying for off sales and in addition a special condition was needed to control the sale of alcohol as follows:

Special condition: Alcohol is only to be supplied as part of a meal served at a table save where it is supplied as part of a pre booked function.
 - it was feared that incidents of vandalism would increase which caused distress for vulnerable residents nearby if the licence was granted (due to the ease of obtaining alcohol). This was considered to be relevant however members considered any potential problems were addressed through the removal of off sales from the application and the special condition above;
- c) Protection of Children from Harm –
- concern that the park was supposed to be a child friendly space and would not be so if children were subjected to witnessing drunken behaviour. This was considered to be relevant however members considered that this was addressed through the removal of off sales and the special condition above;

d) Public Safety –

- the safety of clients at care homes near the premises would be compromised by the granting of the licence. This was not considered to be relevant as there was no information provided to say in what way safety would be compromised;
- the safety of people in the park would be compromised with the granting of the licence. This was not considered to be relevant as there was no information provided to say in what way safety would be compromised;
- parking in the area was already limited and parking on the road to the pavilion may prevent emergency vehicles from gaining access to the residential home at the end of the road. This was not considered to be relevant as this was an issue to be enforced by other enforcement agencies.

Agreed that having taken into account all of the above representations the application be granted subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule, conditions agreed with Environmental Health and the special condition.

28. **EXEMPT BUSINESS**

There were no items of exempt business.