

Licensing Sub Committee (Miscellaneous)

Tuesday 16 November 2010

PRESENT:

Councillor Foster, in the Chair.

Councillor Browne (substitute for Councillor Mrs Nicholson), Vice Chair.

Councillor Wright (substitute for Councillor Gordon).

Apologies for absence: Councillors Mrs Bowyer, Gordon and Mrs Nicholson.

Also in attendance: Debbie Bradbury (Lawyer), Rachal Harris (Senior Environmental Health Officer) and Marie Price (Licensing Officer).

The meeting started at 12pm and finished at 3.35 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.

29. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Foster is appointed as Chair and Councillor Browne is appointed as Vice Chair for this particular meeting.

30. DECLARATIONS OF INTEREST

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

31. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

32. REVIEW OF PREMISES LICENCE - BORINGDON HALL HOTEL, COLEBROOK, PLYMPTON, PLYMOUTH

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered all written representations;
- (c) heard from a representative of Environmental Health;
- (d) heard from the premises licence holder's representative;
- (e) heard from the designated premises supervisor;

- (f) heard from interested parties;
- (g) heard from a representative of Environmental Health that –
- regular complaints had been received from nearby residents since 2008 relating to excessive noise from the tented marquee, which was a large aluminum framed structure lined with white canvas;
 - it was used all year round for weddings, salsa dancing lessons, parties, proms and corporate events; more complaints were received during the summer months and during the Christmas period;
 - unreasonable disturbance was experienced when live bands were used and more recently when DJ/disco events were held;
 - they had been advised that a noise limiter had been purchased for recorded music. It is not suitable for live music as it would damage the equipment and some equipment such as drums cannot be put through a limiter;
 - officers had met with the hotel owner and the Food and Beverage Manager on numerous occasions to attempt to reduce the impact of noisy activities on local residents;
 - officers had visited the premises during the evening on nine occasions between April 2009 and October 2010 and in their opinion had witnessed breaches of conditions of the premises licence on each occasion;
 - they recommended that the licence conditions are altered to remove permission for the live entertainment to be held in the marquee and that additional conditions were attached to the licence to control regulated entertainment such as DJ's/discos, salsa dancing, etc;
 - on 13 November 2010 there was a noise nuisance from loud music and the public address system at the premises;
- (h) heard from interested parties and considered written representations that –
- for the last three years noise levels coming from the marquee had been both intrusive and annoying;
 - there had been noise from live and recorded music;
 - windows needed to be kept shut to allow residents, including children to sleep;

- fireworks went off between 10.45pm and 11pm without warning and had woken children;
 - residents were unable to use their gardens due to the noise disturbance;
 - an intrusive PA system could be heard until at least midnight and often later and was a regular occurrence every Tuesday when there was a regular salsa night;
 - the management of Boringdon Hall Hotel had continually failed to engage with the local community or routinely monitor noise levels;
- (i) heard from the premises licence holder's representative that –
- there was a problem with the noise from live music and they had stopped taking future bookings for live acts;
 - it was necessary to retain recorded music and a DJ and these noise levels could be adequately monitored;
 - the cost to sound proof the marquee would be obscene and they could not afford to do this;
- (j) heard from the designated premises supervisor that –
- live music was difficult to control;
 - management would work with the Environmental Health to control the noise levels.

Members considered all the representations made under the prevention of crime and disorder licensing objective. They considered the recommendations of Environmental Health and felt that the addition of the conditions proposed would adequately resolve future concerns regarding regulated entertainment at the marquee.

Members considered the requested to hold live music at the marquee of bookings that had already been made. However, Councillors did not believe live music could be adequately controlled and did not feel this could be granted.

Having taken into account all the relevant representations made, the committee agreed to –

- (1) modify the conditions of the licence with the following new conditions added to the licence in respect of the marquee –

- the performance of recorded entertainment must be completed by 00.00 hours;
- the licensee/management will control the sound levels of the music/entertainment; a noise limiting device (the specification and design to be agreed with Environmental Health Service) must be fitted so that all regulated and recorded music is channeled through the device(s); the maximum noise levels will be set by agreement with the Environmental Health Service and will be reviewed from time to time as appropriate;
- all amplified sound sources from the premises will go through the noise limiter;
- a senior member of staff is nominated is nominated as the person responsible for the management, supervision and control of regulated entertainment; this person will be responsible for instructing performers on the restrictions and controls to be applied;
- 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; records of these checks must be kept and held at the premises so that they can be inspected by the responsible authorities;
- a nominated person to be available at all times when entertainment is taking place and who is responsible for cooperating and liaising with the police and responsible authorities;
- no further regulated entertainment to be held in the marquee until a suitable and appropriate noise limiting device to be fitted to the satisfaction of the Environmental Health Service in that it will ensure compliance with existing licensing conditions;
- there is to be no live music held in the marquee.

33. **REVIEW OF PREMISES LICENCE - DRAKES DRUM, 19 RADFORD PARK ROAD, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered all written representations;

- (c) heard from a representative of Devon and Cornwall Police;
- (d) heard from the premises licence holder;
- (e) heard from a representative of Devon and Cornwall Police that –
- they had serious concerns regarding the management of the premises and the designated premises supervisor's ability to uphold the licensing objectives in respect of the prevention of crime and disorder and protection of children from harm;
 - since June 2010 the police had been working with the management of the premises regarding the CCTV system; in this period there had been two offences of grievous bodily harm which when investigated identified problems with the ability of the system to download images of the offences;
 - the premises had failed two consecutive test purchases within a five week period when they sold alcohol to an underage person;
 - the premises were supplied with advice and a training package regarding sales to underage persons before the first failure on 21 August 2010 and again before the second failure on 18 September 2010;
 - the evidence showed that the management did not formally implement any training policies before either of the test purchase failures;
 - a test purchase was carried out on the premises on 13 November 2010 and no sale was made;
- (f) heard from the premises licence holder that –
- the CCTV issues had been dealt with, all cameras were working and replaced to monitor potential problem areas and the police had said they were satisfied;
 - all staff had been retrained and had watched the DVD with regard to underage drinkers;
 - the training log had been entered onto their permanent employee file which had been signed and dated;
 - after the first underage sale staff were spoken to and trained, however a record was not kept of this training which had now been addressed;

- a zero tolerance was operated in respect of underage drinkers, violence and drugs and extensive efforts had been made to ensure this did not happen on the premises;
 - the employee who made the first underage sale had previously checked ID prior to the underage sale, however they no longer worked at the premises;
 - in ten months since taking on the Drakes Drum, there had only been two issues of violence; these were both beyond their control;
 - they had at all times cooperated with the local police and had banned at least six people suspected of involvement with drugs and the police had been informed;
 - having spoken with local people, they said it was a much nicer, safer and friendly environment than it was before;
- (g) Councillors considered all the representations made under the prevention of crime and disorder and protection of children from harm licensing objectives and they believed that all concerns had now been addressed.

Having taken into account all the relevant representations made, the Councillors agreed to take no action as they do not consider it necessary to take any steps to promote the prevention of crime and disorder and protection of children from harm licensing objectives.

34. **EXEMPT BUSINESS**

There were no items of exempt business.