

# Licensing Sub Committee (Miscellaneous)

Tuesday 8 March 2011

## PRESENT:

Councillor Mrs Bowyer, in the Chair.

Councillor K Foster, Vice Chair.

Councillors Wright and Delbridge (Fourth member, substituted Councillor Foster for agenda item 6)

Also in attendance: Debbie Bradbury, Lawyer and Pete Clemens, Senior Licensing Officer.

The meeting started at 10.00am and finished at 3.00pm.

*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.*

### 39. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Mrs Bowyer is appointed as Chair and Councillor Foster appointed as Vice Chair for this meeting.

### 40. DECLARATIONS OF INTEREST

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

### 41. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 42. VARIATION OF PREMISES LICENCE - THIRST, 142 VAUXHALL STREET, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the representations from interested parties;
- (c) heard that Environmental Health had put forward conditions to address their concerns which had been agreed by the applicant;
  - Environmental Health were not present at the hearing as they did not consider it necessary following the agreement;
- (d) heard from the applicant that:

- he had requested conditions in Annex 2 be removed and replaced with voluntary conditions as discussed with Environmental Health and the Police Licensing department that promote the four licensing objectives and make up the operating schedule;
- he had provided a signed agreement to the recommendations proposed by Environmental Health to be included in his operating schedule;
- his was an up-market establishment aimed at the high end of the market and provided a copy of his bar prices, he also said there were no drinks promotions;
- he said there was some confusion over the roof terrace as he was not intending this to be used and it did not form part of this variation application, he did however have a smoking area to the rear;
- he said he had used four Temporary Event Notice's staying open until 4am and had received no complaints;
- he said patrons were not permitted to take bottles and glasses from the premises and door and bar staff monitor the area for glassware;
- he said he had been open since November and had not had in that time any complaints;

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

(i) **Prevention of Public Nuisance –**

- access onto a roof space/terrace and the extension of hours would potentially increase noise to residents in the area and there had been an increase in noise late at night since the premises opened;
  - this was not considered to be relevant as the applicant informed members that the roof terrace would not be used and did not form part of this application;
- use of the outside space such as a roof terrace would be almost on a level with the windows of seven apartments in Discovery Wharf and adversely affect many other properties if used for music, customers to chatter and general comings and goings;
  - this was not considered to be relevant as the applicant informed members that the roof terrace would not be

used and did not form part of this application;

- Martins Lane and other local streets have been used as a public convenience and for vomiting and any increase in hours could only increase this nuisance;
  - this was considered to be relevant however members heard from the applicant that he did not believe that this was caused by his patrons and accepted he could only control his patrons while in the vicinity of the premises;
- the noise level from music and customers going between premises was already a concern and negatively impacted on the family's quality of life and an extension of the hours could only add to this problem;
  - this was considered to be relevant however members considered conditions agreed with Environmental Health would address these concerns and they have also added a special condition;
- there was already an unacceptable level of anti-social behaviour in the area and an extension of opening hours would only serve to make this worse;
  - this was considered to be relevant and members accepted there was the potential in the area for a cumulative impact of anti social behaviour, however members considered conditions agreed with Environmental Health and the special condition would address these concerns;
- smokers congregating on corners and pavements nearby and frequently drop litter;
  - this was considered to be relevant however members heard from the applicant that he had a designated smoking area and members heard no evidence to link this to these premises;
- groups of intoxicated people leaving various premises in the area already clash occasionally, usually leading to scuffles and often to shouting. This would increase if late-night drinkers leave other clubs and pubs to take advantage of the extra licensing hours;
  - this was considered to be relevant however members heard no evidence of this from the Police and the condition agreed with Environmental Health regarding

Friday and Saturday night entry to the premises would be restricted to 2.30am and no re-entry would be permitted would address these concerns;

- noise created by taxi's collecting and dropping patrons and potential noise from taxi queues;
  - this was considered to be relevant however members heard from the applicant that taxis were booked in advance on the premises and that patrons were advised to wait in the foyer area;
- (ii) **Prevention of Crime and Disorder –**
  - there would be an unacceptable increase in drunken disorder and an increase in criminal and anti social behaviour;
    - this was considered to be relevant and members added a special condition;
- (iii) **Protection of Children from Harm –**
  - there were no representations;
- (iv) **Public Safety –**
  - bottles and glasses were wantonly discarded and became broken glass, these would eventually be used as weapons by those in a drunken state with little awareness of normal acceptable behaviour;
    - this was considered to be relevant however members heard from the applicant that glasses and bottles were not permitted to be taken from his premises and after midnight he used polycarbonate receptacles;
- (v) **Other representations –**
  - there were already other late night drinking establishments in the area and there was no need for another especially until 4am;
    - *this was not considered to be relevant as it did not relate to the licensing objectives.*

Agreed that having taken into account all of the above representations the variation application is granted as follows:

- (1) subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule;

- (2) conditions agreed with Environmental Health that refer to the conditions to be added to the operating schedule for prevention of public nuisance (subject to the removal of Thursday from condition 1);
- (3) the operating hours and licensable activities on Monday, Tuesday, Wednesday and Thursday will be restricted to their current timings.

43. **GRANT OF PREMISES LICENCE - CAFE KISS, 7 NORTH STREET, BRETONSIDE, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the representation made by an interested party;
- (c) heard from the applicant that:
  - residents would not be affected by patrons of the café when entering or leaving their residential block and there was no resident living above the café;
  - an offer was made to meet with the residents in order to allay their fears;
  - the live music would be of a restricted nature and designed to enhance the atmosphere of the café;
  - performances would be a maximum of a trio but most likely a single artist and the music would not be of a sufficient volume to cause amplification through the underpass;
  - CCTV being installed inside and outside the café would make the area more secure for those passing by;
  - there had been no representation from the police;
  - the café/bar was designed to appeal to all age groups, including families;
  - the granting of the licence should not affect the parking problems of delivery drivers or access to the residents' car park. However, local taxi companies would be advertised;
- (d) considered representations under the licensing objectives as follows:
  - (i) **Prevention of Public Nuisance –**

- the premise was an integral part of a residential block and any live music would cause a nuisance. The underpass under Exeter Street acted as an echo chamber and amplified music;
    - this was considered to be relevant however members were satisfied that the applicant would monitor the noise levels to prevent any nuisance to be caused;
  - the parking in North Street was already chaotic with lorries struggling to deliver to other premises and cars at a nearby car park experienced considerable difficulty;
    - this was not considered to be relevant;
  - the underpass was in regular use and any pedestrians could be intimidated by drinkers leaving the premises;
    - *this was considered to be relevant however members did not believe that there was any evidence to support this;*
  - the police had been called out to attend two disturbances in North Street over the past six months;
    - *this was considered to be relevant however members had received no evidence to link this to these premises and there had been no representations from the police.*
- (ii) **Prevention of Crime and Disorder –**
- there was no representation;
- (iii) **Protection of Children from Harm –**
- there was no representation;
- (iv) **Public Safety –**
- there was no representation;
- (v) **Other representations –**
- there was no local need for yet another licensed premise as Bretonside was already saturated with bars and night clubs, some recently opened as a long established public house cannot find new tenants because of a lack of trade;
    - *this was not considered to be relevant as it did not relate to one of the four licensing objectives.*

Agreed 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.

44. **EXEMPT BUSINESS**

There were no items of exempt business.