

Licensing Sub Committee (Miscellaneous)

Tuesday 31 May 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Lock, Vice Chair.
Councillor Rennie.

Also in attendance: Sharon Day – Lawyer, Pete Clemens – Senior Licensing Officer.

The meeting started at 10.00 am and finished at 12.45 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.

55. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

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

56. **DECLARATIONS OF INTEREST**

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

57. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

58. **GRANT OF PREMISES LICENCE - PREMIERE BAR & GRILL (PREVIOUSLY STOP BY TAKEAWAY) 429A CROWNHILL ROAD, WEST PARK, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the representations from Environmental Health;
- (c) considered the written representations and heard from interested parties present (although the committee agreed that it would not admit a further written representation introduced by an interested party as it had not been served in response to the notice of hearing and therefore, in accordance with Regulation 18 of the Licensing Act 2003 (Hearing Regulations) 2005 this could only be introduced with the consent of all parties present. The applicant objected and therefore it could not be admitted);

(d) heard from the applicant's solicitor that:

- the conditions put forward by Environmental Health, save for condition 4, were accepted and that those conditions were sufficient to address the concerns raised by the three interested parties;
- that the applicant had experience in dealing with licensed premises as he has operated the premises known as Ice Warm in Saltash since February 2006;
- the library will be closed during the time when the premises are at its busiest;
- in respect of condition 4 put forward by Environmental Health, they had agreed to remove the requirement for waitress service however they were still requiring that food had to be consumed with alcohol in the outside area. The applicant stated that this had the potential to cause conflict with customers as they would have to be challenged upon entry and this may cause more problems than it would solve;
- the conditions put forward in the operating schedule demonstrated the applicant's commitment to address any potential problems;
- there had been no other representations from responsible authorities save for Environmental Health;

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

1) **Prevention of Public Nuisance –**

- the committee heard from Environmental Health that the premise was located close to residential properties and local amenities.
- they were concerned that the use of the outside area of the premise had the potential to cause public nuisance to local residents as the premise face a row of residential dwellings across the road.
- the particular concern was that when the traffic flow along the road dropped later in the evening, this would result in a drop in background noise levels and the potential for patrons in the outside area to cause a public nuisance would increase.
- in order to prevent public nuisance that could be caused Environmental Health had put forward six conditions which were detailed at appendix 2 in the report.

The committee considered that the representation from Environmental Health was relevant and were of the opinion that

conditions 1,2,3,5 and 6 were necessary to promote the licensing objective. The committee noted and agreed with the potential problems which condition 4 would create for the premises licence holder but also acknowledged what Environmental Health were saying with regard to increased potential for public nuisance with the use of the outside area. Members therefore considered that in order to further address the concerns raised by Environmental Health a special condition would be added that between the hours of 9am and 10.30pm patrons consuming alcohol in the external area must be seated at the tables and chairs provided by the premises licence holder.

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

- interested parties indicated that the granting of the licence would bring a lot of drunken people to the area (and youths) and that this in turn would cause a lot of trouble and the drunken people would behave in an anti social way;
- the concern expressed related to drunken people causing dangers to the elderly and children around the area as well as scaring them. This in turn had the potential to damage the businesses in the vicinity of the premises;

The committee considered that this representation was relevant under this licensing objective but it was noted that these were potential problems. Members felt that the conditions put forward in the applicant's operating schedule addressed the potential concerns raised by the interested parties.

3) **Protection of Children from Harm –**

- an interested party indicated that there was already a problem in the UK with too many teenagers drinking and that this should not be encouraged in the West Park area;

The committee considered this representation to be relevant under this licensing objective. However felt that the applicant's operating schedule had sufficient conditions in place to promote this licensing objective;

4) **Public Safety –**

No representations were received in respect of this licensing objective;

5) **Other representations –**

- an interested party expressed, that if people in the area wanted alcohol, there was already a couple of off licence corner shops in the area. This was not considered to be relevant as the representation related to the need for the licence and this was not a relevant consideration under any of the licensing objectives.

Agreed that having taken into account all of the above representations the application would 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 1,2,3,5 and 6 agreed with Environmental Health and the special condition mentioned above.

59. **EXEMPT BUSINESS**

There were no items of exempt business.