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Date: 1 July 2011

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LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 12 July 2011

Time: 10 am

Venue: Council House, Plymouth (next to the Civic Centre)

Members:

Councillors Browne, Mrs Nicholson and Rennie
Fourth Member – Councillor John Smith.

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.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Please note that, due to the nature of this Committee we may need to send "to follow" documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

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Chief Executive

LICENSING SUB COMMITTEE (MISCELLANEOUS)

AGENDA

PART I – PUBLIC MEETING

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. REVIEW OF PREMISES LICENSE - CHOO CHOO'S, 71 (Pages 1 - 8) UNION STREET, PLYMOUTH

The Director for Community Services will submit a report on the review 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel 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.

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CITY OF PLYMOUTH

Subject: Choo Choo's, 71 Union Street, Plymouth
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 12 July 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price, Licensing Officer (Pubs and Clubs)

Contact: Tel: 01752 307981
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Ref: ERS/LIC/PREM

Part: 1

Executive Summary:

An application has been received from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Choo Choo's, 71 Union Street, Plymouth.

Corporate Plan 2011 - 2014:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Delivering Growth

www.plymouth.gov.uk/corporateplan.htm

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: e.g. 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	DJB/ 1203 3/21. 06.1 I	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 23 May 2011 the licensing department received an application from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Choo Choo's situated at 71 Union Street, Plymouth.

1.2 Review application.

Devon and Cornwall Police have applied for a review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder and public safety. A copy of this application has been served by Devon and Cornwall Police on each of the responsible authorities and the holder of the premises licence.

On the 21 June 2010 Devon and Cornwall Police designated Choo Choo's a problem premise due to the number of violent and public order situations that had taken place at the premises since opening on the 28 May 2010. Large scale public disorder on 19 June 2010 made it necessary for the police to make a formal request of the manager to close the premises.

Since that date erratic management has meant that on several occasions improvements have been made which do alleviate the problems identified, unfortunately these improvements have never become permanent and the problems of violence and anti social behaviour regularly reappear.

In accordance with review proceedings at 14.15hrs on Tuesday 23 May 2011 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Stefan Williams the designated premises supervisor and requested the site notice be displayed at the premises.

At 14.44hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

Exhibition of Films (Indoors) Mon to Sun 10.00hrs to 06.00hrs
Performance of Live Music (Indoors) Mon to Sun 10.00hrs to 06.00hrs
Playing of Recorded Music (Indoors) Mon to Sun 10.00hrs to 06.00hrs
Provision of Facilities for Dancing (Indoors) Mon to Sun 10.00hrs to 06.00hrs
Late Night Refreshment (Indoors) Mon to Sun 23.00hrs to 05.00hrs
Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Mon to Sun	10.00hrs to 06.00hrs
Opening Hours of the Premises	
Mon to Sun	10.00hrs to 06.30hrs

1.4 Conditions currently attached to the licence (Appendix I).

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Environmental Health* – no representations
- 2.2 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.3 *Trading Standards* – no representations
- 2.4 *Planning Officer* - no representations.
- 2.5 *Child Protection* – no representations
- 2.6 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

4.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

ANNEX I - MANDATORY CONDITIONS

- 1.** The first condition is that no supply of alcohol may be made under the premises licence: -
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- 2.** The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 3.**
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- 4.** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

- 5.** The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

Exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Steps that have been taken to promote the four licensing objectives

1. There are 10 CCTV Cameras with digital DVR Hard Drive and Monitor (with capacity up to 16 cameras) - Location as shown on plan - 28 day retention.
2. Any person looking or acting drunk will not be permitted into the premises or served by staff.
3. Zero tolerance to drug use and dealing with displayed warning notices and notification to Police of any suspicion of drug dealing with random searches.
4. Maintenance of CTV, Warning Notices and adequate lighting within premises to provide quality of images.
5. Sunday to Thursday
2 door staff from 22.00hrs
Up to 50 occupancy - 2 doorstaff
Between 50 and 75 occupancy - 3 doorstaff
Between 75 and 100 occupancy - 4 doorstaff
Friday & Saturday
Up to 02.00am each night when open at least 2 door supervisors on duty
After 02.00am when open at least 4 door supervisors on duty
6. At least one door supervisor to maintain an active and visible presence on the front outer door and to be in possession of and actively monitor and use 'clubwatch' radio
7. All supervisors at entrance to the premises to wear high visibility jacket when provided by Police
8. All incidents of disorder inside the premises and outside if directly related to the premises to be reported to the Police if possible via CCTV Control at the earliest opportunity.
9. Regular glass collection with monitoring to dissuade 'binge' drinking,
10. Tables and dance floor to be kept clean, dry and tidy and plastic bottles to be used for alcoholic drink.
11. Toilets regularly cleaned and checked
12. Capacity: maximum occupancy 100 persons
13. No open bottle or drink containers will be taken from the premises
14. No sound from music to be audible 6 metres from fabric of nearest dwelling.
15. Windows to be kept shut during entertainment as will doors except for access and egress.
16. A senior member of staff will assess the impact of any noisy activities on neighbouring premises at the start and periodically during the activity/entertainment and take action to reduce noise levels if found necessary.
17. Patrons are asked to leave as quickly and quietly as possible at closing time and signs are displayed to that effect in the premises.
18. No persons under the age of 18 years will be permitted to enter the premises.

20. Any person looking under the age of 21 years will be asked to show identification.
21. A valid passport, photo driving licence or proof of age standards scheme (PASS) will be accepted as proof of identification.
22. Random drug searches will be undertaken as a condition of entry

Conditions that have been agreed with The Environmental Health Authority

Public Safety

1. Suitable signage at the exit to request the so-operation of patrons, in particular to make as little noise as possible when leaving the premises.
2. Free drinking water will be available at all times.

Public Nuisance

1. A member of staff will be positioned at exits particularly at closing times.
2. Entrances will be provided with lobbies with automatic door-closers. The lobbies are in use throughout the time of entertainment
3. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
4. At the designated location by the rails opposite the club, 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.
5. Management will control the sound levels of the music/entertainment.

After 02.00hrs until 08.00hrs

Total sound containment within the premises