



Barry Keel
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk/democracy

Date 15 July 2011

Please ask for: Helen Rickman, Democratic Support Officer
T: 01752 304022 E: helen.rickman@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 26 July 2011

Time: 10am

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

Members:

Councillors Browne, Lock and Rennie.

Fourth Member:

Councillor Mrs Dolan.

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.

Barry Keel

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. VARIATION OF PREMISES LICENCE - THE SKIVING SCHOLAR, 1 TAVISTOCK PLACE, NORTH HILL, PLYMOUTH PL4 8AU (Pages 1 - 14)

The Director for Community Services will submit a report on the variation of a premises licence.

6. REVIEW OF PREMISES LICENCE - KEYHAM VAULTS, 222 ALBERT ROAD, DEVONPORT (Pages 15 - 22)

The Director for Community Services will submit a report on the review of a premises licence.

7. GRANT OF PREMISES LICENCE - RIVER COTTAGE CANTEEN & DELI. UNIT 1 THE BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH PL1 3QQ (Pages 23 - 42)

The Director for Community Services will submit a report on the grant of a premises licence.

8. 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: The Skiving Scholar. 1 Tavistock Place, North Hill,
Plymouth. PL4 8AU
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 July 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price (Licensing Officer)

Contact: Tel: 01752 307081
e-mail: licensing@plymouth.gov.uk

Key Decision: No

Ref: ERS/LIC/PREM

Part: 1

Executive Summary:

An application has been received from Thompson and Jackson Solicitors on behalf of Gilwell Management Ltd in respect of The Skiving Scholar. 1 Tavistock Place, North Hill, Plymouth. PL4 8AU for the variation of the premises licence under Section 34 of the Licensing Act 2003 / club premises certificate under Section 84 of the Licensing Act 2003

Corporate Plan 2011 - 2014:

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

1. Informing and involving residents.
 2. Improving culture and leisure activities.
-

**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, 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	SD/7.7.1 1/12181	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 1 June 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Gilwell Management Ltd in respect of The Skiving Scholar. 1 Tavistock Place, North Hill, Plymouth. PL4 8AU for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<p><u>(e) Live Music (Indoors)</u></p> <p>Hours Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(f) Recorded Music (Indoors)</u></p> <p>Hours Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(g) Performance of Dance (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(i) Provision of Facilities for Making Music (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	

<p><u>(j) Provision of facilities for dancing (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(l) Late Night Refreshment (Indoors)</u></p> <p>Sun to Thur 11pm to 4am Fri and Sat 11pm to 5am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(o) Hours premises are open to the public</u></p> <p>Sun to Thur 9am to 4.30am Fri and Sat 9am to 6:30am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	

Existing operating schedule (Appendix 1)

1.3 Variation application.

The nature of the proposed variation is;

1. To vary condition C – Crime and Disorder to provide:-

- (a) A minimum of 3 staff will be present from midnight to close of business, seven days a week unless downstairs bar is closed, when a minimum of 2 will be present. If downstairs bar has more than 25 patrons then this will increase to 4 bar staff – 2 up and 2 down.

(b) Door Supervisors to be present every Friday and Saturday night from 10pm to close of business. One upstairs and one downstairs (when open). Additional Door Supervisors are to be in place during other days as required by numbers present.

2. To vary annex 3

(a) to amend door supervisor requirements as above and

(b) to amend to provide the DPS or Personal Licence Holder or suitably trained and supervised delegated member of staff to be present on the premises from 6pm to close of business whenever premises are open for business.

Additional steps taken to promote the four licensing objectives

The Prevention of crime and disorder

1. All staff have access to pub watch radio and can access CCTV when they are acting in a managerial or supervisory capacity.
2. All staff on duty have access to a senior duty manager if required at any time
3. Additional Door Supervisors can be arranged at short notice.

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health* – have made representation that there is a potential for increased noise activity from the variation of the conditions of the premises and that this could contribute further to the cumulative impact on the local community.. (Appendix 2)

2.2 *Devon & Cornwall Police* – have made representation that the variation of the conditions could lead to an increase in crime and disorder. (Appendix 3)

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

No letters of representation have been received

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;
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.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

ANNEX 1 - 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.

The Following Mandatory Conditions came into force on the 6th April 2010

- 1.(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.
2. 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).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The Following Mandatory Conditions came into force on the 01st October 2010

- 4.(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.

5. 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

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A Supply of alcohol

Any existing conditions attached to existing justices licence

1. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as ancillary to meals served in the premises

The authorised hours for the sale of alcohol do not prohibit:

1. during the first twenty minutes after the end of authorised hours the consumption of the alcohol on the premises;
2. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
3. during the first thirty minutes after the end of authorised hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
4. consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

5. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
6. the sale of alcohol to a trader or club for the purposes of the trade or club;
7. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
8. the taking of alcohol from the premises by a person residing there; or
9. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
10. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

B Regulated Entertainment

- Standard National conditions applying to the existing [public entertainment licence]
- Existing special conditions.

a) Capacity - 100

C Steps that have been taken to promote the four Licensing Objectives

1. Staff banned from drinking on duty
2. Records maintained of any material incidents within or in immediate vicinity of premises
3. Zero tolerance to drugs use and dealing
4. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate
5. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times
6. Food available
7. Specific staff training and supervision in assessment of customer consumption and condition
8. No cheap alcoholic drinks promotions, cut-price drinks, package deals
9. No drinks hoarding
10. Pro-active policy against 'binge' drinking
11. Zero tolerance to offensive conduct
12. Regular glass collection
13. Regular dedicated cleaning of premises
14. Nominated staff to deal with complaints from neighbours
15. CCTV and/or regular monitoring of external areas of premises at night
16. No entry to anyone under the age of 18 years
17. Warning notices in place in relation to under-age drinking
18. Full training for staff in law specifically relating to minors and alcohol and specific photo I/D proof of age requirements

Conditions that have been agreed with the Police Licensing Authority

Crime and Disorder

1. A minimum of four people including two door supervisors will be present from midnight to close of business. Two persons per bar. If we do decide to

close the basement bar, then we will send two home and two will remain upstairs, with two doormen.

2. A register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time and date of incident, time and date of hand on to police
3. During trading hours members of staff trained to view and download images from CCTV at request of Police will be available at premises
4. Police licensing department to be informed if CCTV system is not working

Public Safety

1. At least 30 minutes before last sale of alcohol the atmosphere will be adjusted to create a calm period prior to closure of the premises, examples of good practice are turning lights on and turning music off
2. The DPS or a nominated duty manager shall exit the premises at irregular intervals to ensure the level of noise emitting from the premises is kept to a level that ensures residents nearby are undisturbed

General

1. Police officers will be given all possible assistance in the course of investigations relating to the premises
2. All physical evidence relating to criminal offences will be preserved for Police Forensic
3. DJ's and live bands will remain in the basement bar and will play no later than 4am, then background music will be played to control noise levels

Conditions that have been agreed with the Environmental Health Authority

Public Nuisance

1. Doors and windows will be kept shut during entertainment
2. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly
3. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible
4. 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. Before 02.00am
Noise emanating from the premises will not be distinguishable above background levels one metre from the façade of the nearest residential property
6. After 02.00am until close
Total sound containment within the premises

ANNEX 3 - CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

28TH NOVEMBER 2006

Two dedicated door supervisors must work at the premises from midnight until close of business seven days a week.

At least one of the door supervisors must maintain a presence on the front door and be responsible for the effective screening of customers entering the premises.

The door supervisors on the front door must actively monitor and when necessary use the clubwatch radio.

CCTV cameras are to be located inside and outside of the premises. These cameras to be maintained in working order and the recordings retained for an appropriate period of time. The cameras were to be installed by 31st January 2007.

Suitable signage must be positioned at the exits to request the co-operation of patrons to make as little noise as possible when leaving the premises and be asked to leave the vicinity quickly and quietly.

05TH FEBRUARY 2008

The DPS or a Personal Licence holder to be present on premises from 1800hrs to close of business every day;

CCTV installed will comply to the UK Police requirements for digital CCTV systems. CCTV Cameras to be located inside the premises in all areas to which the public have access.

CCTV cameras to be located outside the premises to cover entire frontage of premises.

CCTV cameras will be maintained and kept clean at all times.

Clemens, Peter (DEVELOPMENT)

From: Harris, Rachael (DEVELOPMENT)
Sent: 20 June 2011 17:35
To: Clemens, Peter (DEVELOPMENT)
Subject: FW: Skiving Scholar

Hi Pete

This is the representation from Rhodr with regards to the Skiving Scholar.

Many thanks, Rachael

From: Morgan, Rhodri (DEVELOPMENT)
Sent: Monday, June 20, 2011 5:32 PM
To: Harris, Rachael (DEVELOPMENT)
Subject: Skiving Scholar

The location of the Premises is within a cumulative impact area and the application does not adequately address the concerns for further potential impact on the area.

The Cumulative impact policy was adopted to control various forms of and potential for alcohol-related public nuisance. The special policy was adopted due to the overall levels of crime, disorder and nuisance that was prevalent in the area resulting from licensed premises which continue operating until the early hours of the morning which cannot be linked to a particular premises. With particular regard to the anti-social behaviour and nuisance behaviour of patrons leaving licensed premises and their impact on the surrounding neighbourhood in the early hours of the morning. Responses from residents concerning the adoption of the special policy, strongly commented on how alcohol-related anti social behaviour and disturbance associated with the large numbers of patrons present in the vicinity of North Hill impacted on local residents.

The applicant has not demonstrated in the application how there will be no negative cumulative impact on one or more of the licensing objectives. The applicant has failed to address how the potential impact from the variation of Condition C - Crime and Disorder (a) & (b) and ANNEX 3 (a) & (b) as per application will not negatively impact on the licensing for public nuisance.

The potential effect of increased noise activity from the variation of the above conditions of the premises will in the opinion of this Department contribute further to cumulative impact on the local community. Taking this information into consideration, it is the recommendation of this Responsible Authority that the application be refused.

Rhodri Morgan
Environmental Health Officer
Public Protection Service
Plymouth City Council
01752 304851

Building safer communities together



DEVON & CORNWALL
CONSTABULARY

Our ref:
2BCU/Lic/55474/dr

Your ref:

The Licensing Officer
Licensing Department
Plymouth City Council
Civic Centre
PLYMOUTH
PL1 1AA

Licensing Department
Charles Cross Police Station
Hampton Street
PLYMOUTH
PL4 8HG

21 June 2011

Telephone: 01752 720473

Dear Mr Clemens

Re Application to vary the Premises Licence – Skiving Scholar, 1 Tavistock Place, PL4 8AU

On 31st May 2011 the Licensing Office at Charles Cross Police Station received a copy of the application to vary the Premises Licence as detailed above.

The application seeks to vary condition C attached to the premises licence – Crime and Disorder with regard to a reduction in bar staffing levels between midnight and close of business and Door supervision levels.

The application further seeks to vary conditions contained in Annex 3 attached to the premises licence with regard to door supervisor requirements and the provision of a DPS/Personal Licence Holder or suitably trained and supervised delegated member of staff to be present on the premises from 1800 hours to close of business.

The police received letters from Mr Bartlett in December 2010 regarding these proposals. Following a meeting and discussion the decision was made that the Devon and Cornwall Constabulary could not support a reduction in staff and door supervision. A letter explaining the reasoning behind the decision was sent to Mr Bartlett.

The Police object to the application as the proposals will have a likely effect of having an increase in crime and disorder and therefore not promote the licensing objective of S.4(2)a 'the prevention of crime and disorder'. There is currently evidence of crime and disorder at the premises and the removal of door supervisors trained to deal with these situations can only lead to an increase.

The police also believe the application to remove the existing conditions does not



demonstrate how the proposals will not negatively impact on all of the four licensing objectives.

The premises lie within a Cumulative Impact Area as defined in the policy adopted by Plymouth City Council.

Both the Licensing act and the Plymouth City Council Licensing policy require any application for a material variation within a cumulative impact area to demonstrate how the applicant intends to ensure that the variation will not impact on the promotion of the four licensing objectives.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

Therefore as stated the Devon and Cornwall Police wish to object to this application.

Yours sincerely



F T Prout
Alcohol Related Crime Reduction Officer
Devon & Cornwall Constabulary

Subject: Keyham Vaults, 222 Albert Road, Devonport
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 July 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price (Licensing Officer)

Contact: Tel: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

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 Keyham Vaults 222, Albert Road, Devonport, Plymouth.

Corporate Plan 2011 - 2014:

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

1. Informing and involving residents.
 2. Improving culture and leisure activities.
-

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

Not applicable.

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Other Implications: e.g. Section 17 of the Crime and Disorder Act 1998, 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	5.7.11/12 155/SD	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.1 On the 3 June 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 the Keyham Vaults situated at 222 Albert Road, Plymouth.

1.2 Review application.

Devon and Cornwall Police have made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm. 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.

The police will say they have serious concerns regarding the management of the premises and have experienced difficulties in obtaining CCTV images on a number of occasions. In addition both investigating and licensing officers are experiencing difficulties in contacting the premises licence holder (who is also the designated premises supervisor) by telephone.

In accordance with review proceedings at 10.21 am on Monday 6 June 2011 a licensing officer from Plymouth City Council attended the premises and spoke to the premises licence holder and requested the site notice be displayed at the premises.

At 11.11 am 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.

(E) Live Music (Indoors)	
Mon to Thurs	8 pm to 11.30 pm
Fri & Sat	8 pm to 2 am
Sun	7 pm to 10.30 pm
(F) Recorded Music (Indoors)	
Mon to Thurs	11 am to Midnight
Fri & Sat	11 am to 2am
Sun	Midday to 10.50 pm
(H) Entertainment similar to (E) & (F) (Indoors)	
Mon to Thurs	11 am to Midnight
Fri & Sat	11 am to 2 am
Sun	Midday to 10.30 pm
(J) Facilities for Dancing (Indoors)	
Mon to Thurs	11 am to Midnight
Fri & Sat	11 am to 2 am
Sun	Midday to 10.30 pm

(K) Facilities of a similar description to (J) (Indoors)	
Mon to Thurs	11 am to Midnight
Fri & Sat	11 am to 2 am
Sun	Midday to 10.30pm
(M) Sale of Alcohol for Consumption ON and OFF the premises	
Mon to Thurs	11 am to Midnight
Fri & Sat	11 am to 2 am
Sun	Midday to 11.30 pm
<u>Opening Hours of the Premises</u>	
Mon to Thurs	11 am to 12.30 am
Fri & Sat	11 am to 2.30 am
Sun	Midday to 11.30pm

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.

The Following Mandatory Conditions came into force on the 6 April 2010

I.(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.

2. 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).

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

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The Following Mandatory Conditions came into force on the 1 October 2010

4.(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.

5. 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

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ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A Conditions agreed with The Environmental Health Authority

Between Midnight and 2 am

Noise emanating from the premises will not be distinguishable above background levels one metre from the facade of the nearest residential property

B Steps that have been taken to promote The Four Licensing Objectives

1. We will continue to adhere to current PEL Conditions including door security.
2. All windows and doors will remain closed to minimise noise escape
3. Noise levels will be checked regularly both inside and around the outside of the premises
4. During the hours of 'topless barmaid' service, we will ensure that signs remain on the doors to advise patrons prior to entering the premises. Blackout blinds are always down to provide additional privacy
5. Proof of age is requested from anyone who appears to be under 18 years of age

Subject: River Cottage Canteen & Deli. Unit I The
Brewhouse, Royal William Yard. Plymouth. PLI
3QQ.
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 July 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price (Licensing Officer)

Contact: Tel: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from TLT Solicitors on behalf of River Cottage Canteen Plymouth Limited in respect of River Cottage Canteen & Deli. Unit I The Brewhouse, Royal William Yard, Plymouth. PLI 3QQ for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2011- 2014:

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

1. Informing and involving residents.
 2. Improving culture and leisure activities.
-

**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	5.7.11/12 156/SD	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 31 May 2001 the licensing department received an application from TLT Solicitors on behalf of River Cottage Canteen Plymouth Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the River Cottage Canteen & Deli situated at Unit 1 The Brewhouse, Royal William Yard, Plymouth.

1.2 Grant application.

The application is for a Restaurant, café and shop.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Live music (Indoors)

Monday to Saturday 6pm to 10:30pm

Sundays 10am to 10pm

Amplified and unamplified live music on no more than one occasion per week.

Non Standard Timings: From the end of permitted hours New Years Eve until the start of permitted hours New Years Day.

Recorded music (Indoors)

Monday to Saturday 9am to 11pm

Sundays 10am to 10pm

Recorded music within the premises on no more than one occasion per week.

Non Standard Timings: From the end of permitted hours New Years Eve until the start of permitted hours New Years Day.

Late night refreshment (Indoors)

Monday to Saturday 11pm to Midnight

Sundays 11pm to 11:30pm

Non Standard Timings: From the end of permitted hours New Years Eve until the start of permitted hours New Years Day.

Supply of alcohol (For consumption on and off the premises)

Monday to Saturday 9am to Midnight

Sundays 10am to 11pm

Non Standard Timings: From the end of permitted hours New Years Eve until the start of permitted hours New Years Day.

Hours Premises are Open to the Public

Monday to Saturday 8am to Midnight

Sundays 8am 11:30pm

Non Standard Timings: From the end of permitted hours New Years Eve until the start of permitted hours New Years Day.

1.4 Steps the applicant has taken to promote the four licensing objectives (Appendix 1).

1.5 Representations have been received in respect of this application.

1.6 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon & Cornwall Police* – no representations.
- 2.2 *Environmental Health* – have made representation relating to the Prevention of Public Nuisance (Appendix 2)
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no relevant representation under the terms of the Licensing Act 2003 was received however it is understood that conditions with respect to age restricted sales were agreed between child protection and the applicant. This is provided for information purposes only.
- 2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

4 letters have been received from residents living within the vicinity of the premises. (Appendices 3-6)

1 letter of representation has been received from three local councillors from the St Peter and Waterfront ward. (Appendix 7)

4.0 CONSIDERATIONS

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time

b) The prevention of crime and disorder

CCTV is installed and maintained at the premises.

c) Public safety

First aid kit on site.
Staff will be trained in legislation relevant to their job role.

d) The prevention of public nuisance

Regulated entertainment is limited to no more than one occasion per week.
Doors and windows will be closed during the provision of regulated entertainment except for access to and egress from the premises.
Customers requested to leave quietly.
Outside area to be closed for the consumption of food and drink at 22.00.

e) The protection of children from harm

A proof of age policy to be in place.

Memorandum



From: Head of Public Protection Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 27th June 2011
Our Ref: EH.800692.RMO
Investigating Officer: Rhodri Morgan
Extn: 4851

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premises: River Cottage Canteen & Deli
Name of Licensee: River Cottage Canteen Plymouth Limited
Type of Application: Alcohol (On/Off/Both)/Entertainment Licence/Late Night Refreshment
Report Prepared By: Rhodri Morgan

Recommendations

1. ~~That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION
Name: River Cottage Canteen & Deli
Address: The Brewhouse, Royal William Yard, Plymouth, PL1 3QQ

Report By: Rhodri

Date of Inspection: 23rd June 2011

The text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

The text in italics is for your information.

Public Nuisance

1. **The Licence Holder or nominated person 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.**
2. **The performance of live entertainment will be limited to a maximum duration of 2 hours inclusive of any breaks**
3. **The supply of alcohol shall be by waiter or waitress service only and ancillary to the consumption of substantial food at tables. (Except for customers using the Deli facility)**
4. **Management will control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.**
5. **A telephone number will be made available and displayed in prominent locations in the Brewhouse and Clarence buildings for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by authorised officers or Police throughout the trading hours of the premises.**

6. A designated, de-lined and bordered smoking area will be allocated outside the premises.
7. Suitable receptacles will be provided for cigarette litter within the designated smoking area.
8. A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator and all drivers are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff will leave as quietly as possible, particularly at night and early in the morning.
9. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
10. Provision of mechanical ventilation and air conditioning systems will not allow noise breakout from the premises or cause a nuisance by its operation.
11. There will be kitchen extract systems taking smells and grease away from habitable areas.
12. Ventilation equipment will be regularly cleaned and maintained to control the levels of odour generated by the premises.

Licensing Act 2003
Supporting Information for Committee Hearing following the Public Protection
Service Representation

Premises Name:

This department has made representation based on the following information.

It is this Responsible Authority's opinion that, having considered the applicants operating schedule if the application were to be granted as applied, then there is potential for a negative impact on the licensing objective of public nuisance.

The proximity of these premises to residential properties gives this authority cause for concern in respect of the potential for noise nuisance that may affect local residents in the use and enjoyment of their properties. The outside area of the premises if granted as applied has the potential to cause a public nuisance to local residents.

The conditions submitted above are ones which in this authority's opinion are both reasonable and workable in controlling the potential public nuisance issues arising from the premises.

From:
Sent: Wednesday, June 22, 2011 8:28 PM
To: Clemens, Peter (DEVELOPMENT)
Cc: Planning Consents (DEVELOPMENT)
Subject: Brewhouse - River Cottage Licensing 08461 and Planning 11/00757/LBC applications

Good morning Mr Clemens and Miss Barrett

We apologise as our email is rather tardy as any objections to the above applications by River Cottage deli/cafe/bar at the Brewhouse, Royal William Yard, are due already, but as we are living in Arizona, USA at present to avoid the noise and smoke generated by Seco Lounge which is situated directly beneath our home, we were not aware of such applications having been filed or the urgency to object until last evening.

This application will subject the residents of the Brewhouse RWY to a continual flow of noise, smoke and general disturbance for most of twenty four hours a day, just as we owners/residents of homes in the Mills Bakery, RWY have been subjected to over the past year.

As you must be very aware, the patience and good humour of the residents of the Mills Bakery have been sorely tested by the unbelievable disruption to their lives by the noise generated by the installation and later the everyday running of the Seco Lounge and it's recent extension to the original premises, and more recently also the installation of the Prezzo restaurant. The whole area of the dockside fronting the Mills Bakery building is now covered with tables and chairs which are a hazard to the safety of residents, as emergency vehicles cannot gain speedy access as tables and chairs, plus the patrons, have to be moved to allow vehicles to enter, as we had horrendous experience of when our daughter hemorrhaged 10 days after surgery.

When and if River Cottage is permitted to have tables outside on the dock, this will also cause a safety hazard, and health hazard with continual noise and smoke inhalation.

The noise and smoke infiltrating our home in Mills Bakery from Seco Lounge has made it impossible for us to spend the summer months in our home and we have had to resort to buying a second home here so we are able to escape. Due to asthmatic problems inhalers have to be used by my husband and son-in-law when he visits due to the smoke spiralling up from tables directly beside the building, the walls of which act like a chimney, and normal levels of conversation are impossible in our home with headphones having to be worn to hear the TV or listen to music. Loud speaker commentary from the Monday night quiz night is clearly audible. An acoustic ceiling was never installed, just double levels of boarding which is not sufficient. At least it appears River Cottage will have to install acoustic soundproofing.

The noise generated beneath the homes in the Brewhouse will lower the quality of life of any owner residents.

Why should other residents have to undergo a life of misery such as we do, when we all paid a very high price for our homes and all pay extortionately high council tax, levied on the basis that we have sea views, which we do not, we look across the river and are situated in what is now an area of busy and noisy bars open from early morning to the small hours of the morning, and is

05/07/2011

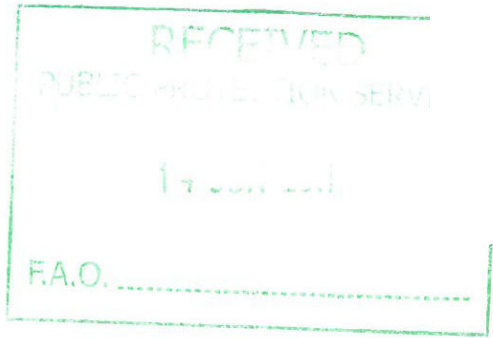
Page 2 of 2

becoming an undesirable area of the city instead of the idyllic and historic area of superb restoration that it could have been.

We object strongly to this application for licensing and also planning.

Your sincerely
Lesley and Terence Marshall
23 Mills Bakery
RWY and
6606 E Telegraph Street
Yuma, Az 85365

Plymouth City Council Licensing Authority
Floor 10
Civic Centre
Armada Way
Plymouth
PL1 2AA



10th June 2011

REF: Application by River Cottage Canteen Deli Ltd for Live and Recorded Music at The Brewhouse, Royal William Yard, PL1 3QQ

Dear Plymouth Licensing Authority,

I am writing as an owner of Flat [redacted], Royal William Yard, PL1 3PA. I note the application above for live and recorded music at this venue in the Brewhouse and would like to oppose this application for the following reasons:

It will destroy the peace of the Royal William Yard especially in this part of the Yard – my flat overlooks this venue
The residents living nearby do not want music – whether it be [redacted] to be allowed at this venue [redacted] s for music every night of the week to a late [redacted] 1 would interrupt the normal lives for residents.

[redacted] to add that there are already 2 other cafes in a different part of the yard (ie Prezzi's and The Seco Lounge) so don't see the need for another alcoholic beverage license to be

se, please don't hesitate to get in touch,

[redacted] yours sincerely,



Dear Sir/Madam

We are writing to make representation regarding application 028461 under the Licensing Act 2003. We are an Interested Party who will be living in the direct vicinity of the premises.

We are concerned about the following points on the grounds of the Prevention of Public Nuisance and of Health and Safety

Opening Hours: Appropriateness within residential area

Our main objection is that the areas to be affected are, first and foremost, residential. We would question therefore the appropriateness of premises being open up until midnight. From experience of other developments on site this will mean late night drinkers disturbing residents in the early hours of the morning.

Live/recorded music

We also object to the application for the ability to play live/recorded until midnight. Monday to Saturday. This is unacceptable in a residential block. Sound proofing to all flats on site is not adequate. Even at conversational levels. From our experience of previous food/drink outlets within Brewhouse we know that the building is not able to contain the noise of recorded music let alone live music. We are also aware that when PCAD students were in the area now proposed for River Cottage and playing recorded music that too travelled throughout the building.

Residents are bound by the terms of their lease not to use/play any music beyond eleven o'clock at night. They are also required not to make noise to the annoyance of other residents at any time.

We are extremely concerned therefore that there seems to be no provision whatsoever for any sound proofing in the plans that we have seen.

Internal noise of clearing up/removal of waste

There have been many issues elsewhere on site regarding noise when staff have been clearing up beyond midnight. As residents we are bound by the lease to make no noise to the annoyance of other residents at any time.

We would want to know what steps will be taken to minimize disturbance to residents when waste is being removed. We would also want to know when such activity is scheduled to take place. In this instance we know that Seco has taken steps to minimize noise by using rubber wheeled trolleys.

We would again raise our concerns that there seems to be no provision whatsoever for any sound proofing in the plans that we have seen.

Outside drinking/seating

We are also objecting to the proposal for an outside seating area. No numbers are given specifying regarding how much seating is anticipated. There is no mention either of how behaviour is to be controlled there.

The proximity of the outside area will result in noise and cigarette smell coming into apartments and we object on the grounds of the public health and nuisance problems that this will cause.

There also seems to be no sign of an application being made for tables to be placed outside. The area shown in the proposals is on land that is public realm in any case.

Serving of alcohol without food

There seems to be no requirement for alcohol to be served with substantial food (as was stipulated for Prezzo restaurant which recently opened in the Royal William Yard). It would seem highly likely therefore that River Cottage Canteen will be simply used as a late night drinking and music venue. This is we feel unacceptable in a purely residential area.

We are also aware of instances in nuisance behaviour arising elsewhere on site which have involved the security team from the Royal William Yard. There is no provision in the proposals for how such behaviour - should it occur - is to be managed.

Smells from kitchen

We can also speak from our experience of the two food establishments that were on the Brewhouse site. Food smells permeated the entire building throughout the day. The development has applied for food to be served up until midnight. This will cause unacceptable disturbance to residents we feel.

Deliveries/Staff and customer entrance.

We will be living directly above the proposed entrance for deliveries and for staff/customer access. We would like to know where the parking is to be for deliveries and where staff/customers will park to gain access to the building. There are no parking facilities in the immediate vicinity of the proposal for outside traffic. The courtyard area of Brewhouse and the area outside Clarence are reserved for residents' parking only. The thoroughfare that runs alongside Brewhouse and to Clarence is designated as a private one and parking is not allowed upon it.

We would also want to know when deliveries are scheduled and that they would be done to minimal disturbance to residents.

This is the case we believe now for deliveries to Seco.

We would want to know if it is envisaged that deliveries will drive to the delivery entrance itself. To do so would mean passing directly past residents who live on the ground floor. From our experience elsewhere we know that for refrigerated goods being delivered this means that engines are kept running. The exhaust

fumes from general delivery traffic beneath and alongside flats is not acceptable on health grounds.

We would also suggest that there is a safety issue here since the area that vehicles would be using is for pedestrian use and for residents coming into and out of Brewhouse.

Taxis

There will inevitably be a significant increase in taxi traffic wishing to access the area. This will increase noise in the general area (taxi engines running/noise as people leave the proposed development) especially late at night. We would raise objections to this - again on the grounds of public nuisance. We also query the use of a residential courtyard area for taxi pick ups/drop offs.

Parking facilities/traffic movement

We would again point out that the areas within the immediate vicinity of the proposed development are solely for residents only and that no parking is permitted at any time on what is a private thoroughfare. The parking here is monitored by a parking company.

Current parking space for residents and visitors to the Royal William Yard is not adequate. This has led to indiscriminate parking in the main thoroughfare through the Yard, despite a long-standing agreement to the contrary between Urban Splash and Plymouth City Council. Pedestrian areas have been blocked meaning that wheel-chair users have been obliged to negotiate the main thoroughfare and its speed bumps. Other cars have blocked fire service/emergency vehicle access areas.

The opening of another attraction is likely to exacerbate this situation and cause overspill parking into the neighbourhood surrounding the Royal William Yard. Before permission is granted for yet another commercial venue, provision needs to be made for sufficient parking space.

From:**Sent:** Monday, June 20, 2011 5:43 PM**To:** Licensing (DEVELOPMENT)**Subject:** Licensing Application 028461 River Cottage Canteen & Deli

Dear Sir/Madam,

I am writing to make representation regarding application 028461 under the Licensing Act 2003 as an Interested Party living in the vicinity of the premises.

I am concerned about the following points on the grounds of the Prevention of Public Nuisance:

1. Outside Seating Area:

I am objecting to the outside seating apparently proposed which seems to anticipate large amounts of seating (of an unspecified number) both immediately next to the Brewhouse building, and all along the glass wall next to the waterfront. Because of the prevailing wind, cigarette smoke and noise is going to be blown towards the apartments, which will cause considerable public health and nuisance problems. Also because of the nature of the environment then sound tends to echo around the stone walls and off the water causing a disturbance to a large number of local residents. As a result I urge that the outside seating be controlled with respect to how far it spreads along the waterfront to the neighbouring building of Clarence and that it is closed by 11pm at the latest and guests are quietly dispersed by that time. This is in line with the condition of the Brewhouse and Clarence lease that no loud noise should be heard after 11pm.

2. Opening Hours:

I do not believe it is appropriate in an otherwise purely residential area of the Royal William Yard for premises to be open up until midnight, which will mean late-night drinkers disturbing residents in the early hours and staff clearing up well after midnight. The resident's lease explicitly forbids loud music coming from apartments after 11pm. The same lease says there should be no noise at all causing a nuisance to other residents at any time. Combined with the outside seating area this nuisance will affect many residents not only those immediately adjacent to the premises if the premises closing time is midnight.

3. The serving of alcohol without food:

Without the requirement that alcohol can only be served with substantial food (as was stipulated for Prezzo restaurant which recently opened in the Royal William Yard), it is highly likely that River Cottage Canteen will be used as a late night drinking and

music venue, in what is an otherwise purely residential area. It is not in keeping with the name "Canteen & Deli" to have what is basically a late night bar. This is not acceptable for the reasons as stipulated above.

Yours faithfully,

Price, Marie (DEVELOPMENT)

From: Penberthy, Chris (CLLR)
Sent: 23 June 2011 19:39
To: Licensing (DEVELOPMENT)
Cc: McDonald, Susan (CLLR); Tuffin, Ian (CLLR)
Subject: River Cottage Canteen and Deli - application 028461

Dear Sirs

I am writing on behalf of all three local Councillors from St Peter and the Waterfront ward with regard to the above license application. A number of local residents have spoken to us about concerns they have regarding this.

As ward Councillors we want to ensure that the use of redeveloped buildings within the Royal William Yard is economically viable, in sympathy with the historic nature of the site and is appropriate to a mixed use environment. We would therefore welcome River Cottage being part of the local economy and offer to members of the public.

With both planning and licensing applications for River Cottage use of Unit 1 and Brewhouse currently going through their process with the Council we have had a number of meetings with local residents, officials from both departments over recent weeks. Today I have also had a very useful meeting with one of the River Cottage joint Managing Directors and their licensing solicitor in order to talk about local concerns with both of their current applications and the potential for resolving these. As a result of this meeting we will be having further contact and have agreed to try to convene a meeting between River Cottage and members of the Royal William Yard Residents Association to talk about their plans and approach as well as giving further opportunities for residents concerns to be addressed.

Given this background, and the deadline for comments on the application, we are writing to raise objections about a number of areas of the application. However, we would hope that these can be addressed through the processes that we have agreed with River Cottage today. We might therefore wish to supplement this response in the light of this ongoing activity.

Our objections fall predominantly within the licensing objective of prevention of public nuisance.

- The premises in question has no extraction/ventilation system and is sited in a prominent position within a Grade 1 listed building. We therefore believe that a license allowing late night refreshment would be inappropriate as the preparation of food would produce unacceptable air quality within the premises and mean that all ventilation would be through windows and doors directly beneath residential units. However, following conversations with Planning, Building Control and then with River Cottage to alert them to this issue and our subsequent meeting of today we understand that River Cottage will be resolving this.

Subject to both appropriate Listed Building Consent being gained from Planning and

approval from Building Control of the appropriate extraction and ventilation system proposed and installed we would withdraw this objection.

- The premises in question has no sound insulation and is in a building containing 77 residential apartments. We therefore believe a license allowing any performance of live or recorded music would be inappropriate as this would create substantial nuisance in both residential and communal areas of Brewhouse. However, following conversations Planning, Building Control and then with River Cottage to alert them to this issue and our subsequent meeting of today we understand that River Cottage will be resolving this.

Subject to both appropriate Listed Building Consent being gained from Planning and approval from Building Control of the appropriate nature of the sound insulation proposed and installed we would withdraw this objection.

- Given the residential nature of the building in which the premises are sited, we believe that the exception from the end of permitted hours New Years Eve until the start of permitted hours New Years Day is unacceptable and would cause disturbance to residents sleep and quiet enjoyment. This exception specifically relates to:
 - Playing of recorded music;
 - Performance of live music with or without amplification;
 - Late night refreshment (indoors);
 - The sale by retail of alcohol for consumption ON the premises.

Should River Cottage curtail this requested non standard timing we would withdraw this objection.

- In addition to the above point, we believe that the exception from the end of permitted hours New Years Eve until the start of permitted hours New Years Day for the sale by retail of alcohol for consumption OFF the premises is unacceptable and has the potential to cause disturbance to residents sleep, not only in the immediate vicinity but in the wider area as this would enable people to drink anywhere in the locality. This could also have an impact on crime and disorder.

Should River Cottage remove this requested non standard timing we would withdraw this objection.

There are a number of other areas of concern that have been raised with us, and we wish to reflect these in our objection. Following today's meeting we anticipate exploring these with River Cottage over the coming weeks.

- We understand the application includes provision of refreshments and alcohol sales in an outside seating area both immediately adjacent to the building and along the sea wall. We would like some clarity about:
 - The number of customers that will be able to be seated in these areas in order to avoid overcrowding;
 - How these areas will be defined in order to stop the whole quayside becoming an outside seating area and to ensure there is easy access along the quayside for members of the public, residents and emergency services;
 - Whether drinks in these areas will be available as a bar service or whether they

- will be waited service;
 - How use of these areas will be controlled and managed;
 - The potential for the seating areas immediately adjacent to the building to be designated as no smoking tables in order that cigarette smoke does not enter the apartments immediately above them and cause nuisance to residents.
- We acknowledge that River Cottage will need deliveries to be made on a daily basis and will need to remove waste. We believe that in order not to disrupt residents in the courtyard through which these will be made:
 - A condition limiting the hours of delivery/collection should be applied, possibly from 9-5 (Monday - Friday) and 10-4 (Saturday - Sunday);
 - There should be agreement that delivery/collection vehicles will not use the Brewhouse Courtyard, but will offload/load from Main Street.
 - Through the nature of its activities River Cottage will increase taxi traffic. This has the potential to create substantial additional traffic and noise in the immediate area, which is currently a quiet residents only parking zone and not a through route. The potential for designated drop off and collection points, booking services, non use of horns, not leaving engines running, etc should be explored and a workable solution agreed.
 - The licence application is, by its nature, broad in brush-stroke and non-descriptive. There is therefore a perception that these could lead to public nuisance. Because of this there are concerns about how a number of licensed activities will occur:
 - How much the premises will be a bar, and how much trade will be food driven;
 - The nature and frequency of live performances and the playing of recorded music.
 - The costs of maintenance and management of the Brewhouse courtyard, including street lighting, are met exclusively by the residents of Brewhouse. Agreement on safety issues relating to lighting needs to be arrived at as this provides a route for both members of the public and the River Cottage staff.

Whilst not all of these issues will be easily resolved as a permitted use condition, many can be addressed through this. We would hope that through dialogue between River Cottage, residents and ourselves we are able to agree a way forward on these.

If we are able to arrive at resolutions that we believe should be acceptable to both residents and River Cottage we will withdraw these objections.

Kind Regards

Chris

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