

# Licensing Sub Committee (Miscellaneous)

Tuesday 9 August 2011

## PRESENT:

Councillor Browne, in the Chair.  
Councillor Gordon, Vice Chair.  
Councillors Rennie and John Smith (fourth member).

Also in attendance: Debbie Bradbury – Lawyer, Pete Clemens – Senior Licensing Officer, Rachael Harris – Senior Environmental Health Officer.

The meeting started at 11.00 am and finished at 2.00 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 18. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

## 19. DECLARATIONS OF INTEREST

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

## 20. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business however under this item allegations against Councillor John Smith having brought the decision of the Choo Choo's item into disrepute was discussed. The panel confirmed that Councillor John Smith had not brought the decision of the Choo Choo's item into disrepute and

## 21. GRANT OF PREMISES LICENCE - PIZZA HUT, 642 WOLSELEY ROAD, ST BUDEAUX, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the representation made by a representative of Environmental Health;
- (c) heard from the applicant's representative that;

- the Trelawney Public House was purchased on 10 April 2010 and is run by himself together with his son and his daughter after he was asked by Piazza Hut to expand his business;
- he operates six other shops spread around the country including one in Mutley Plain; most of these had flats above;
- the Trelawney was not a good pub and late noise from this would have been far higher;
- they tend to use 50cc motorbikes when there is a lot of traffic but it is possible they would not use them at all at this premises as cars are preferred;
- 15-20% of his turnover is generated from 11.00pm to midnight opening;
- the flats above are all double glazed and 75mm insulation is on the external walls;
- there were no objections from any of the residents;

(d) considered a representation under the licensing objectives as follows:

1) **Prevention of Public Nuisance –**

- heard from a representative of Environmental Heath that the premise is situated in a residential area, with residential properties above, adjacent and behind it and there is a history of late night noise disturbance to local residents and this premise is likely to cause similar late night noise disturbance if trading after 11.00pm;
- the garage from which there is a proposed vehicular pizza delivery service is located at the rear of the unit in Trelawney Avenue where any late night vehicular movement is likely to disturb the residents in this street; this was considered to be relevant and special condition 1 was added to address the concerns;
- the mechanical extraction ventilation system that must be in operation throughout the trading period has the potential to be a source of noise disturbance to local residents and should therefore not be operated after 11.00pm; this was considered to be relevant however members did not believe sufficient evidence was produced to support this;
- late night access to the rear yard and bin storage area has the potential to be a source of noise disturbance to local residents; this was considered to be relevant and special condition 2 was added to address this;

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

there were no representations;

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

there were no representations;

4) **Public Safety –**

there were no representations;

Agreed that having taken into account the above representation the application be granted subject to conditions consistent with the applicant's operating schedule and the following special conditions.

Special condition 1 – no pizza delivery vehicles are to enter or leave the rear parking area after 11.00pm

Special condition 2 – no staff are to access the rear yard or bin storage area after 11.00pm.

22. **GRANT OF PREMISES LICENCE - BUDDIES FOOD BAR, SHERWELL ARCADE, PLYMOUTH**

Agreed that this item is adjourned to 23 August 2011 as it was considered necessary for the consideration of the application being made.

23. **EXEMPT BUSINESS**

There were no items of exempt business.