



Barry Keel
Chief Executive

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Date: 9 September 2011

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LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 20 September 2011

Time: 10am

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

Members:

Councillors Browne, McDonald and Wright.

Fourth Member:

Councillor Mrs Nicholson.

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 the 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. REVIEW OF PREMISES LICENCE - WILD COYOTE CAFE/BAR, 180 EXETER STREET, PLYMOUTH (Pages 1 - 16)

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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PLYMOUTH CITY COUNCIL

Subject: Wild Coyote Café / Bar, 180 Exeter Street, Plymouth.
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 20 September 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price (Licensing Officer)

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: None

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 Wild Coyote Café / Bar, 180 Exeter Street, Plymouth.

Corporate Plan 2011 – 2014:

This report links to the delivery of the City and Council priorities. In particular:
1. Delivering Growth

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

Not applicable.

**Other Implications: e.g. Community Safety, Health and Safety, Risk
Management and Equality, Diversity and Community Cohesion:**

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 & 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:

Fin		Leg	AG/12713/ 1.9.11	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 INTRODUCTION

On the 2 August 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 Wild Coyote Café / Bar situated at 180 Exeter Street, Plymouth.

1.2 Review application.

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

The police have concerns that the management of these premises has fallen below an acceptable standard and that has negatively impacted on the four licensing objectives. Two specific incidents have taken place that has resulted in criminal offences being recorded.

In accordance with review proceedings at 12.01pm on Wednesday 3 August 2011 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Mervyn Higman the premises licence holder and designated premises supervisor and requested the site notice be displayed at the premises.

At 2.41pm 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.

<u>(E) Performance of live music (Indoors)</u>	
Monday to Saturday	8.00am to Midnight
Sunday	11.00am to Midnight
Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day	
<u>(F) Playing of recorded music (Indoors)</u>	
Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day	
<u>(G) Performance of dance (Indoors)</u>	
Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day	
<u>(H) Entertainment of a similar description to that falling within E, F, or (G) (Indoors)</u>	

Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
<p>Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day</p>	
<p><u>(J) Provision of facilities for dancing (Indoors)</u></p>	
Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
<p>Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day</p>	
<p><u>(K) Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)</u></p>	
Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
<p>Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day</p>	
<p><u>(L) Late night refreshment (Indoors)</u></p>	
Monday to Saturday	11.00pm to 3.00am
Sunday	11.00pm to Midnight
<p>Non Standard Timings Until 5.00am on New Years Day</p>	
<p><u>(M) The sale by retail of alcohol for consumption ON and OFF the premises</u></p>	
Monday to Saturday	8.00am to 3.00am
Sunday	11.00am to Midnight
<p>Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day</p>	
<p><u>The opening hours of the premises</u></p>	
Monday to Saturday	8.00am to 3.30am
Sunday	11.00am to 12.30am
<p>Non Standard Timings On New Year's Eve from the end of standard hours to the start of standard hours the next day</p>	

1.4 Conditions currently attached to the premises licence (Appendix 1).

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

19 letters of representation were received in support of the premises but 13 have been rejected as they were from persons not living in the vicinity of the premises. The relevant 6 letters are attached (Appendices 2 - 7).

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:

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- (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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Any existing conditions attached to existing justices licence

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

1. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
2. the sale of alcohol to a trader or club for the purposes of the trade or club;
3. the taking of alcohol from the premises by a person residing there; or
4. 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
5. 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

A Steps that have been taken to promote the Four Licensing Objectives

1. CCTV system installed
2. Signs in place to encourage patrons to order your taxi before closing
3. Signs in place requesting patrons to think of others and leave premises quietly
4. Children not allowed in the premises after 21.00hrs
5. There will be no drink promotions
6. Ventilation and air conditioning units are provided
7. Zero tolerance to drug use and drink 'spiking'
8. Tables cleared on a regular basis
9. No front opening windows

B Conditions agreed with The Environmental Health Authority

Public Nuisance

1. Live Music Restricted to 00.00
2. Doors and windows will be kept shut during entertainment.
3. 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.
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. Management will control the sound levels of the music/ entertainment.

Between 23.00hrs & 00.00hrs

6. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise 1 metre from the facade of the nearest residential property.

Between 00.00hrs and 02.00hrs

7. Noise emanating from the premises will not be distinguishable above background levels 1 metre from the facade of the nearest residential property.

After 02.00hrs until 08.00hrs

8. Total sound containment within the premises

C Conditions that have been agreed with The Police Licensing Authority

Crime and Disorder

- 1) Whenever the designated premises supervisor is not at the premises another responsible person will be nominated by the designated premises supervisor as being the person to manage the premises.
- 2) The premises licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend meetings of any pubwatch scheme for the area within which the premises are located (if relevant).
- 3) A digital CCTV system that covers the public areas inside the premises will be maintained in good working order at all times including facial recognition either at the entrance or exit point. The images recorded will be of good quality and will be retained for 14 days and made available to the authorities on request.
- 4) A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
- 5) The Police Licensing Department will be informed if the CCTV system is not working properly.
- 6) Door Supervisors will be employed any day of the week that the premises remain open after 23.30 hrs until close.
- 7) At least 2 door supervisors for the first 100 patrons and one for every 100 patrons thereafter.

Public Disorder

1. No open bottles or other vessels will be permitted to be taken from the premises.
2. There will be regular glass collection made in all areas of the premises
3. A good selection of soft drinks will also be sold at the premises.
4. A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months for the police or any other responsible authority for inspection if required. All relevant incidents will be reported to the police at the earliest opportunity

Public Nuisance

1. At least 15 minutes before the last sale of alcohol the atmosphere will be adjusted to create a calm period of wind down. An example will be the turning up of lights and switching off of any background music.
2. The DPS will ensure that the level of noise emitting from the premises is kept to a minimum so as to not disturb the residential neighbours.

Protection of Children

1. Any person who looks or appears to be under the age on 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable

UK photo driving licence

Passport

PASS card (proof of age standards scheme)

2. Proof of age checks will take place inside the premises by staff whenever they have doubt about a person's age.
3. Notices obtained from Police publicising the Challenge 21 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times
4. Children under the age of 18 years will not be allowed entry when any entertainment of an adult or sexual nature is taking place.

General

1. No irresponsible drinks promotions or all inclusives
2. No drinks hoarding
3. Police Officers will be afforded all possible assistance in the course of their investigations that relate directly to the premises.
4. All material evidence resulting from a criminal incident will be preserved for Police forensic examination.

Alma Street
Cattedown
Plymouth
PL4 0NL

Date 13th August 2011
Head of Environmental Services
Department of Community services
Plymouth City Council
Civic Centre
Plymouth PL1 2AA

Dear Sir,

I live in a shared house at the above address, my self and other tenants of this house use the Wild Coyote, which is just around the corner from us,

After work we like to go to the bar, for a couple of beers, listen to some music, have a chat, or just read a news paper.

In the past the bar had been run rather badly, and had been in a run down state with all kinds of riff raff in and out of the place.

Mervyn has tidied the bar up, cleaned ,and painted the bar out, and made the necessary changes to turn it into what it is now, a decent bar with decent people you can have a sensible conversation with.

Before Mervyn took the bar over, conversation with decent people, was almost impossible, as there were no decent people to converse with, Mervyn and his wife have made all this possible, in quite a short period of time.

I work away from home and to relax in the evening, with some like minded people after a hard days work is quite rewarding.

From time to time my wife and family come to visit, if I cant get away for the week end, and I have brought them to the bar where they have been made welcome, I have no fear for their safety, but I would not have taken them there before Mervyn and his wife Greta took over.

To close the bar, or to change the management, at this point in time, would be a great tragedy after all the hard work that Mervyn and Greta have put into the place.

I would like to think that the council have the incite and wisdom to let the currant management remain to continue their good work.

Many thanks for taking the time to consider my comments .

Yours sincerely

Alma Street
Cattedown
Plymouth
PL4 0NL

13/08/11
Head of Environmental Services
Department of Community services
Plymouth City Council
Civic Centre
Plymouth PL1 2AA

To Whom this may concern

I have lived at the above address for a couple of years now, and I have been using the wild coyote bar even longer, when it was the 180 club and Natalie's, I have seen owners and managers come and go, and none of them have done as much as Mervin has to improve the bar, there were fights on a regular basis, drugs being dealt and taken quite openly.

Mervin has a zero tolerance to drugs and violence, I have personally seen Mervin confront two drug dealers, and shown them the door never to return.

This man is an asset to the community and should be helped and encouraged to continue with the good work he is doing

Yours Sincerely

Exeter Street
Cattedown
Plymouth
PL4 0NQ

14th August 2011
Head of Environmental Services
Department of Community Services
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

With Ref;

To the review of the licence for the Wild Coyote Bar Exeter street Plymouth.

I live in the same street as the Wild Coyote and I can honestly say that I have never been affected by anything happening at the pub.

I never use to use the pub before the new landlord came here but after seeing the work that's been going on I have become a customer.

Some of my neighbours also go in now and its nice to see every one getting on so well.

The pub had a bad reputation in the past but I think that element no longer come into the pub

Its better than it was before and with this in mind I would like to add my support to the landlord

Yours Faithfully

Embankment Road
St Judes
Plymouth
PL4 9JB

15th August 2011
Head of Environmental Services
Department of Community Services
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

With Ref; to the review of the licence for the Wild Coyote Bar

I am a local who has been using the bar for a number of years now, apart from when it was closed. I have seen many changes at the bar over the years, and not all for the better,

Ever since Mervyn took the bar over things have improved greatly, the place is run better, cleaner, and with next to no trouble, compared to what it was like prior to, and for these reasons I would like to add my support

Yours Respectfully

**Embankment Road
Cattedown
Plymouth
PL4 9HY**

**Head of Environmental Services
Department of Community Services
Plymouth City Council
Civic Centre
Plymouth PL1 2AA**

Hi my name is [redacted] and my partner and I, on our way home from work, three or four times a week, often pop into the Wild Coyote for a couple of drinks.

We have got to get to know Mervyn fairly well as we are in the same business here in Plymouth.

I can honestly say, and I speak for my partner that, Mervyn runs a pretty tight ship and keeps the house in an orderly fashion.

If Mervyn has made a few mistakes, then he is no different from the rest of us, and these should be looked upon as a learning curve.

I have not given a phone number but if you feel you need to contact me you have my address.

ALMA STREET
PLYMOUTH PM4 0NL

To WHOM IT MAY CONCERN.

I am writing this letter regarding Mr Mervin Highman the landlord of the Coyote public house on Exeter Street. Myself I am a resident of the area and drink regularly at the Coyote. I have known Mervin since he had taken charge of the premises and feel compelled to say that I find him to be a warm and friendly person who treats all his customers in a fair manner and on the odd occasion if there is a problem he has dealt with it swiftly and eventhandedly.

I hope that who ever you are you will take time to listen to Mervin carefully and then you might find that he is an asset to the community always aware of his surroundings and has spent his own time and money cleaning the street and council flower beds himself something the council has not done properly since I have been here.

To be honest with you whatever has happened I can assure you Mervin is a good man and definitely not a racist for me myself is of mixed race and would not frequent myself anywhere that I did not feel comfortable in.

Mervin as with the regulars of the Coyote have become good friends who care about my welfare and are always willing to help me when needed.

If you need to speak to me you can contact me at the above address or telephone me on

Yours Sincerely

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