

Licensing Sub Committee (Miscellaneous)

Tuesday 1 November 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Wright.

Fourth Member: Councillor John Smith

Also in attendance: Sharon Day (Lawyer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.35 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.

49. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

50. DECLARATIONS OF INTEREST

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

51. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

52. GRANT OF PREMISES LICENCE - STUDIO LOUNGE, 5 - 11 MILLBAY ROAD, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard that following agreement of conditions with the applicant which were shown at appendix 3 of the report, Environmental Health had withdrawn their representation;
- (c) considered the written representations and heard from interested parties present;

- (d) heard from the applicant that:
- (i) all conditions agreed with the police and environmental health had been included in the Operational Procedures Manual which the staff all signed monthly after they had read and refreshed themselves on it;
 - (ii) there was no intention to ruin the quality of the lives of the residents of Wesley Court, in fact the applicant hoped to enhance their quality of life and would be a good neighbour;
 - (iii) if any public nuisance did result they were at risk of losing their licence;
 - (iv) there was no substantial sound system in the premises and all music came from a simple iPod dock. The system had been tested at full volume and could not be heard in the offices upstairs, or past Studio Lounge with the doors closed. There was no facility to play music outside;
 - (v) whilst they empathised with the existing problems the residents were having they did not consider that Studio Lounge would exacerbate this problem;
 - (vi) it was intended to be a networking casual bar. They intended to have live music infrequently but believed that this would not be able to be heard in Wesley Court as they did not have any doors and windows except at the front which opened onto a busy noisy road. Those windows and doors were made from very thick glass which was sound proof;
 - (vii) due to the amount of money that had been spent on starting up Studio Lounge they were aiming to attract the business community, over thirties and people with a higher disposable income;
 - (viii) they would operate an over 21 policy for service in the bar. They wished to attract people who wanted to eat, drink and stay late for a chat. They did not have a dance floor although they would allow occasional function bookings;
 - (ix) the comments made by residents relating to Urban Brew were unfounded as they had only opened late on a handful of occasions and Temporary Events Notices (TENs) covered these openings and they never opened after hours as that would have risked their licence. Neither had they had any cause for the police to be called to the premises;
 - (x) there had been no representations about disturbance to guests from the two nearby hotels;

- (xi) no other residents had shown concern for the opening of these premises;
 - (xii) in response to the objections raised by interested parties they stated that the restrictions imposed by Environmental Health and the Police should address most of the concerns of residents. In addition patrons would have use of their car park, that it was unfair to ring fence their potential clients into the binge drinking culture as this was not the type of clientele they were wishing to attract. The premises merely wished to have the option to remain open until 1am but this did not mean that they would do so every night;
- (e) considered representations under the licensing objectives as follows:
- (1) **Prevention of Public Nuisance –**
 - (i) there may be noise disturbance to residents from the use of the outside patio area;
 - this was considered to be relevant however the conditions agreed with Environmental Health would address any potential problems;
 - (ii) there was a concern from residents that to grant the licence would exacerbate existing problems they experienced from other premises and Union Street such as excessive noise from parties, noise of shouting swearing and people urinating in the vicinity;
 - this was considered to be relevant however the committee accepted that the type of premises the applicant was seeking to run was not one that would add to existing problems which were outlined by the interested parties;
 - (iii) there may be noise from the dispersal of late night customers. Noise was more apparent in the early hours of the morning and it was suggested that people who had been drinking tended to behave more noisily than they would otherwise do;
 - this was not considered to be relevant as this was speculative and there was no evidence to support that this was likely to be a problem;
 - (iv) there would be noise from people returning to their cars in Gooseberry Lane which was next to the residential block and would disturb the sleep of residents;
 - this was considered to be relevant however the slamming of car doors and noise emitted from that

action could not be attributed exclusively to the patrons of the applicant as the parking area was accessible to the general public;

- (v) there was a potential for an increase of loud unruly people passing and also congregating outside the premises and using the local doorways as toilets and general unsociable behaviour. In addition there would be increased noise from cars and taxi cabs setting down and picking up passengers;
- this was not considered to be relevant as there were already existing premises in the area and the applicant had explained to committee that it was not her intention to increase footfall in the area as she hoped to benefit from patrons already in the vicinity;
- (vi) concern that noise from live music would affect residents of Wesley Court.
- this was considered to be relevant however committee were of the opinion that the conditions agreed with Environmental Health would address any potential problems that may arise;
- (vii) there was concern that the noise from the playing of music would disturb the residents sleep. One interested party stated this was a concern due to his experience of the applicant's premises at Royal William Yard, where he found the noise to be excessive;
- this was considered to be relevant but members disregarded any reference to Royal William Yard as it was not relevant to this application. Members took account of the information given by the applicant regarding the sound test carried out and also considered that the conditions agreed with Environmental Health would address any potential problems;
- (viii) there was a concern that allowing drinking into the early hours of the morning near to a residential block for the elderly and disabled would cause stress and anxiety with the fear of harm to persons and property due to drunken behaviour;
- this was not considered to be relevant as the committee had not been made aware of any actual reports of crime and therefore this was considered to be speculation with no evidence to support it;
- (ix) reference was made to existing noise problems experienced with other licensed premises in the area;

- this was not considered to be relevant as there were separate powers available to deal with problems from individual premises and was therefore not relevant to this application;
- (2) **Prevention of Crime and Disorder –**
- (i) no representations;
- (3) **Protection of Children from Harm –**
- (i) no representations;
- (4) **Public Safety –**
- (i) no representations;
- (5) **Other representations –**
- (i) there was no need for this licence as there were plenty of venues nearby in Union Street;
 - this was not relevant as it does not relate to one of the four licensing objectives.

Agreed that having taken into account all of the above representations the application be granted subject to mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicants operating schedule and conditions agreed with Environmental Health and the police.

53. **EXEMPT BUSINESS**

There were no items of exempt business.