



Barry Keel
Chief Executive

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www.plymouth.gov.uk/democracy

Date: 25 July 2011

Please ask for: Ross Johnston, Democratic Support Officer
T: 01752 307990 E: ross.johnston@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 2 August 2011

Time: 10am

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

Members:

Councillors Browne, Rennie and Wright.

Fourth Member:

Councillor Delbridge

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. GRANT OF PREMISES LICENCE - CLEOPATRAS, 8 (Pages 1 - 14) KEYHAM ROAD, DEVONPORT, PLYMOUTH, PL2 1QX

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

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

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CITY OF PLYMOUTH

Subject: Cleopatras, 8 Keyham Road, Devonport, Plymouth,
PL2 1QX
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 2 August 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: 1

Executive Summary:

An application has been received from Valerie Braddon and Nigel Braddon in respect of Cleopatras. 8 Keyham Road, Devonport, Plymouth 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 City and Council priorities. In particular:

- I. Delivering Growth
-

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

Not applicable.

**Other Implications: eg. 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/7.7.11/12 221	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 8 June 2011 the licensing department received an application from Valerie Braddon and Nigel Braddon for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the Cleopatras situated at 8 Keyham Road, Devonport, Plymouth.

1.2 Grant application.

Massage studio who wishes to sell alcohol to members. The premises are in a semi residential area.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Late night refreshment (Indoors)

Monday to Saturday 11pm to 5am

Sundays 11pm to 2am

Supply of alcohol (On the premises)

Monday to Sunday 6pm to 2.am

Hours premises are open to the public

Monday to Sunday 6pm to 6am

Since initially submitting the application the applicants have since removed the following licensable activities from their application. Recorded music, anything of a similar description to that falling within (e),(f) or (g), Provision of facilities for making music, provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description to that falling within I or J. It was also originally stated in the application that these activities will also only be provided for private functions & private functions have also been removed from the application. (Appendix 1)

1.4 Steps the applicant has taken to promote the four licensing objectives (Appendix 2).

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* – have made representation relating to the prevention of crime and disorder and the prevention of children from harm (Appendix 3)

2.2 *Environmental Health* – have made representation relating to the Prevention of Public Nuisance and Public safety (Appendix 4)

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 representations 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. 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.

CLEOPATRAS



TO WHOM IT MAY CONCERN

I wish to inform you that i made several errors on my application for a premises licence.

The hours will be between 6pm- 2am 7 nights a week, I am looking to be able to supply alcohol to our clients only.

After a meeting with 'me Prout' and Mr Morgan', I have agreed that i would follow the following terms:

Not have any ~~live~~ music.

The premises would not be used as a club

The bar area will have cctv fitted as soon as it has been decorated

No private functions

We already have age verification signs throughout the premises, also drug/ alcohol abuse signs located in the toilets(copies are enclosed)

I am still waiting for 'Challenge 25' posters to be sent to me by 'Debbie Lazenby'.

We are not allowed to put cctv cameras in the massage rooms by law.(basically the same rules as toilet cubicles)

We have not had any public objections.

I have been in business for 11 years and only once have we had to call the police.

I feel that if we were granted a premises licence that it would benefit my business but would also help to stop innocent women being harassed.

I already have a very strict age verification policy & employ a SIA doorman.

If there are any further details that you require please call me :

Yours Faithfully

PLEASE NOTE

**WE HAVE A STRICT
AGE VERIFICATION
POLICY ON THESE
PREMISES.**

**YOU MUST BE 18
YEARS OLD BEFORE
YOU WILL BE
PERMITTED ENTRY**

WARNING

DRUGS

THE MANAGEMENT OF THESE PREMISES HAVE A ZERO TOLERANCE APPROACH TO ILLEGAL DRUGS.

ALL STAFF HAVE BEEN INSTRUCTED TO REFUSE SERVICE TO ANYONE THEY EVEN SUSPECT IS UNDER THE INFLUENCE OF – OR IS IN POSSESSION OF ANY TYPE OF OF ILLEGAL SUBSTANCES.

THE POLICE WILL BE CALLED TO ASSIST ANY PERSONS WHO REFUSES TO LEAVE ON THESE GROUNDS OF REFUSED SERVICE.

ANTI-SOCIAL BEHAVIOUR

ANYONE WHO DISPLAYS ANY FORM OF VIOLENT, THREATENING OR UNACCEPTABLE BEHAVIOUR WILL BE REFUSED SERVICE AND ASKED TO LEAVE THESE PREMISES IMMEDIATELY.

IF YOU ARE CAUGHT SMOKING ON THESE PREMISES YOU WILL BE ASKED TO LEAVE.

TO OFFEND SOMEONE IS CHEAPER THAN LOSING OUR LICENCE.

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

NO IRRESPONSIBLE PROMOTIONS
 PROOF AGE, 25 CHALLENGE POLICY
 MEMBERS ONLY
 ALCOHOL SUPPLIED ON A MODERATE BASIS ONLY.
 18 + ONLY ALLOWED IN PREMISES.

b) The prevention of crime and disorder

MEMBERS ONLY
 C.C TV
 NO ALCOHOL SUPPLIED TO NONE MEMBERS OR
 ANYONE ALREADY INTOXICATED.
 JOIN A PUB WATCH SCHEME

c) Public safety

C.C.TV
 MEMBERS ONLY
 SIA DOORMAN FOR PRIVATE FUNCTIONS
 * ALL FIRE HAVE CHECKED + SUPPLIED ALL FIRE
 EQUIPMENT ETC. - * HAD ELECTRICAL SUR TEST DONE
 BY A & M ELECTRICS (* BOTH DID RISK ASSESSMENTS)

d) The prevention of public nuisance

ORDER TAXIS OR SUPPLY COURTESY CAR FOR CUSTOMERS
 ALL CLIENTS LEAVING WILL BE GIVEN A LOLLY-POP TO
 SUCK, NO EXCESSIVE ALCOHOL WILL BE SERVED.
 C.C.TV, PUB WATCH SCHEME, SIA DOORMAN,
 SECURITY BELL/ALARM ALREADY FITTED, ELECTRIC DOOR
 ENTRY (FRONT | REAR EXITS)

e) The protection of children from harm

NO CHILDREN ALLOWED IN THE PREMISES
 NO ALCOHOL ALLOWED OUTSIDE OF THE PREMISES
 CHALLENGE 25 policy
 PROOF OF AGE IS IN DOUBT.

Building safer communities together



DEVON & CORNWALL
CONSTABULARY

Our ref:
ec.lic.ob.cleopatras

Your ref:

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

Mr F T Prout
Licensing Office
Charles Cross Police Station
Hampton Street
Plymouth. PL4 8HG

06 July 2011

Telephone: 01752 720464

Dear Mr Clemens/Ms Price

Re: Application to Grant of a Premises Licence for Cleopatras, 8 Keyham Road, Devonport Plymouth PL2 1QX.

On the 8th June 2011 the Devon and Cornwall Constabulary received an application for the grant of a Premises Licence of the above named.

The premises are currently carrying out business as a massage studio and this will continue as such. The massage takes place in rooms contained within the proposed licensed area. The massage rates displayed at the premises state they include 'alternative massage'. There is no CCTV covering this area.

The application has also applied for regulated entertainment from which having a meeting with the applicant, she is not sure is required, although there has been no letter to withdraw it from the application. The effects of having an evening with music and dancing in one part of the area and allowing massage in rooms within the area the police believe will lead to possible crime and disorder.

The sale of alcohol to persons attending and later wishing to receive massage could also lead to crime and disorder.

With the massage studio part of the licensed area there are further dangers if underage manage to enter the premises.

A letter has been received to amend the retail sale of alcohol to 6p.m. to 2a.m. for all days of the week.

The Devon and Cornwall Constabulary therefore object to the application as the likely effect of a grant of licence will undermine the licensing objectives of S.4(2)a 'prevention of crime and disorder' and S4(2)d 'the prevention of children from harm'.

Fred.Prout@devonandcornwall.pnn.police.uk

www.devon-cornwall.police.uk



CUSTOMER SERVICE EXCELLENCE

SF 615

Yours sincerely



Mr F T Prout
Licensing Officer

Memorandum

From: Head of Public Protection Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 5th July 2011
Our Ref: EH.801694.RMO
Investigating Officer: Rhodri Morgan
Extn: 4851



LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Cleopatras

Name of Licensee: Valerie Braddon

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: Cleopatras
Address: 8 Keyahm Road, Plymouth, PL2 1QX

Report By: Rhodri Morgan

Date of Inspection: 21st June 2011

Public Nuisance & Public Safety

This Department recommends refusal for the application with regard to the provision of regulated entertainment and the supply of alcohol.

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

Premises Name: Cleopatras

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 and public safety.

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 current use of the premises as a massage studio could potentially lead to the Licensing Objective for Public Safety being undermined with regard to patrons attending the premises and later wishing to receive a massage.

Following discussions with the applicant, it was intimated that errors had been made on the application and although a letter has been received outlining a restriction in alcohol sales between 1800hrs and 0200hrs no mention is made of the withdrawal of regulated entertainment.