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LICENSING SUB COMMITTEE

Date: Tuesday 23 and Wednesday 24 October 2012

Time: 10 am

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

Members:

Councillors Mrs Bowyer, Gordon and Rennie.

Fourth Member:

Councillor Kate Taylor.

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, 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.

Bob Coomber
Interim Chief Executive

LICENSING SUB COMMITTEE

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. VENUE, 99 - 101 UNION STREET, PLYMOUTH, PL1 3NB - REVIEW OF PREMISES LICENCE (Pages 1 - 12)

The Director for Place will submit a report on the review of 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.

PLYMOUTH CITY COUNCIL

Subject: Venue, 99 – 101 Union Street, Plymouth, PL1 3NB
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 23 October 2012

Cabinet Member: Councillor Vincent

CMT Member: Director for Place

Author: Linda Perez

Contact: Tel: 01752 307983
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the Report:

An application has been received from Devon and Cornwall Police under Section 53A of the Licensing Act 2003 for the review of the premises licence in respect of Venue, 99 – 101 Union Street, Plymouth, PL1 3NB.

Corporate Plan 2012 – 2015:

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: 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	SD/I 2.10. 12/1 5829	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? No											

1.0 INTRODUCTION

1.1 On the 28 September 2012 the licensing department received an application from Devon and Cornwall Police under Section 53A of the Licensing Act 2003 for a summary licence review in respect of Venue situated at 99 – 101 Union Street Plymouth, PL1 3NB.

1.2 Review application.

Devon & Cornwall Police submitted a certificate together with an application for the review of the premises licence to the licensing authority signed by him on 28 September 2012 stating that the premises (Venue) were associated with both serious crime and serious disorder.

Upon receipt of the application the Licensing Authority had to give consideration as to whether it was appropriate for any interim steps to be taken pending the outcome of the review hearing. This decision had to be made within 48 hours and could only be made by members of the Licensing Committee.

The interim steps that the licensing authority was able to consider were:

- Modification of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence.
- Removal of the designated premises supervisor from the licence and
- Suspension of the licence.

In accordance with review proceedings at 2.50pm on 28 September a licensing officer from Plymouth City Council attended the premises and spoke to Mr Stefan Williams, nominated representative of the Premise Licence Holder of Venue. A copy of the application and certificate was served on Mr Williams and site notices were displayed on and near the premises.

At 3.25pm the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

The Licensing Sub Committee met on Monday 1 October 2012 to consider whether it was necessary to impose interim steps pending the review of the licence. The police and premises licence holder's representatives were present at the meeting.

Taking into account all the information available to the committee at that time, the committee decided that it was appropriate to take the following interim steps:

- Suspension of the licence.

Having considered interim steps the Licensing Authority must now review the licence and reach a decision within 28 days of receipt of the application.

2.0 LICENSABLE ACTIVITIES

These premises have the following licensable activities and timings.

(E) <u>Performance of live music (indoors)</u> Monday to Saturday 8pm to 6am Sunday 8pm to 3am Non Standard timings (New Years Eve 8pm to 2pm New Years Day)
(F) <u>Playing of recorded music (indoors)</u> Monday to Saturday 8pm to 6am Sunday 8pm to 3am Non Standard timings (New Years Eve 8pm to 2pm New Years Day)
(J) <u>Provision of facilities for dancing (indoors)</u> Monday to Saturday 8pm to 6am Sunday 8pm to 3am Non Standard timings (New Years Eve 8pm to 2pm New Years Day)
(L) <u>Late night refreshment (indoors)</u> Monday to Saturday 11pm to 6am Sunday 11pm to 3am Non Standard timings (New Years Eve 11pm to 5am New Years Day)
(M) <u>The sale by retail of alcohol for consumption On and Off the premises</u> Monday to Saturday 8pm to 6am Sunday 8pm to 3am Non Standard timings (New Years Eve 8pm to 2pm New Years Day)
<u>The opening hours of the premises</u> Monday to Saturday 8pm to 6am Sunday 8pm to 3am Non Standard timings (New Years Eve 8pm to 2pm New Years Day)

2.1 Conditions attached to the licence (Appendix I)

3.0 RESPONSIBLE AUTHORITIES

3.1 *Environmental Health* – no representations

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

3.3 *Trading Standards* – no representations

3.4 *Planning Officer* - no representations.

3.5 *Child Protection* – no representations

3.6 *Health & Safety Executive* – no representations.

4.0 OTHER PARTIES

No representations.

5.0 CONSIDERATIONS

5.1 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 appropriate 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.

5.2 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 5.2 (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.

The committee must secure that, from the coming into effect of the decision made on the determination of the review the interim steps having effect pending that determination cease to have effect (except if they become steps to be taken under 5.2 above).

6.0 RIGHT OF APPEAL

6.1 An appeal may be made to the Magistrates Court within 21 days of the licence holder being notified of the licensing authority's decision. An appeal may be made by the premises licence holder, the chief officer of police and / or any other person who made relevant representations.

6.2 The decision of the licensing authority following the hearing will not have effect until the end of the period allowed for appeal or until the appeal is disposed of.

R. Carton
Manager of Public Protection Service

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.

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.

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
- 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 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

- a) Capacity - 500

C Conditions agreed with The Environmental Health Authority

- I. After 02.00hrs until 06.00hrs
Total sound containment within the premises

D Steps that have been taken to promote the four licensing objectives

- I. Under 18 year olds not admitted

E Conditions added by Police Licensing Authority at the Minor Variation April 2012

Prevention of Crime and Disorder

All staff will be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. All staff training will be recorded in documentary form that will be available for inspection at the time of a request by a member any responsible authority. The records will be retained for at least 12 months.

All staff shall be trained in the requirements of the Challenge 21, the identification & recognition of drunks and the correct procedure to be followed when refusing service, entry to the premises or the safe ejection from the premises.

Training will be given before starting work and repeated at least every 6 months and will be recorded in documentary form that will be kept at the premises and be available for inspection at the time of request by a member of any responsible authority. The records will be retained for at least 12 months.

An incident book shall be maintained to record any activity of a violent, criminal or anti social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. It will be available for inspection at the time of request by a member of any responsible authority. The records will be retained for at least 12 months.

The number of door supervisors employed shall be in accordance with the following ratio:

A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 100 thereafter and will employ a sufficient number of door supervisors to ensure a safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.

The Premises Licence Holder, Manager and/or DPS will ensure door supervisors are properly briefed and trained to manage queues in a safe and efficient manner.

The Premises Licence Holder, Manager and/or DPS will ensure door supervisors do not allow any drinking vessel, glass or bottle to be taken from the premises.

The Premises Licence Holder, Manager and/or DPS will ensure to preserve and retain all evidence relating to criminal offences.

Door Supervisors shall actively co-operate with police in the execution of their duty and provide evidence by written statements to assist in any criminal investigations.

The Premises Licence Holder and the DPS will remain and the DPS will maintain a register of door supervisors employed at the premises. The register will detail the day, time and date the door supervisor commenced duty, full name legibly written, SIA licence number, the name of the employer, the time duty ends and the name of the person in charge of the premises on that date. The register will be kept at the premises and be available for inspection at the time of request by a member of any responsible authority. The records will be retained for at least 12 months.

All drinks shall be served in plastic/paper/polycarbonate containers, with the exception of bottles.

Frequent collection of glasses and bottles will be undertaken at regular intervals to ensure there is no build up of empties in and around the premises.

The Premises Licence Holder will ensure that a CCTV system which is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document regarding installation of CCTV.

The CCTV will cover all areas of the premises to which the public have access including any outside areas and ejection routes.

Images will be retained for a minimum of 14 days.

The system will be capable of downloading images to recognisable viewable format.

At all times the premises are open for business a member of staff will be present who is capable of operating the system and downloading images at the request of police or a member of a responsible authority.

The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

The Premise Licence Holder or nominated person shall notify the Police Licensing Team, on any occasion when the CCTV or radio system is inoperative during trading and shall then notify them when measures have been taken to restore the system.

Any radio equipment supplied for use by Clubwatch/Pubwatch or any other organisation will be maintained in good working order. During the times Door Supervisors are employed any such radio will be held by the door supervisor managing the main entrance to the premises.

Door Supervisors will be trained in the correct use of the radio equipment.

The Premises Licence Holder, DPS or nominated person shall ensure that there will be a written Drugs Policy made in consultation with the Police Licensing Team. The policy will include details of the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises, and agreed procedure for the handling and retention of any article seized.

The Prevention of Public Nuisance

Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect the needs of local residents and to leave the premises and the area quietly.

To prevent entertainment being intrusive, noise emanating from the premises will not be distinguishable above other background noise one metre from the façade of the nearest residential property.

The Protection of Children from Harm

The Licence Holder or nominated person shall have a written age verification policy in relation to the sale or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 and will specify a Challenge 21 proof of age requirement before sales of alcohol are made.

All bar staff supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS training pack available at www.swercots.org.uk/NPOANS <<http://www.swercots.org.uk/NPOANS>> or equivalent, prior to undertaking the sale of alcohol and then at least every six months. Training shall be signed and documented and training records will be kept on the premises and be made available to an enforcement officer on request.

The Premise Licence Holder shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorised enforcement officer on request.

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