

Licensing Sub Committee

Tuesday 24 December 2013

PRESENT:

Councillor Rennie, in the Chair.
Councillor Parker, Vice-Chair.
Councillors Mrs Bowyer and K Foster (Fourth Member).

Also in attendance: Sharon Day, Lawyer, Fred Prout, Senior Licensing Officer, Rhodri Morgan, and Rachel Harris, Environmental Health Officers, and Katey Johns, Democratic Support Officer.

The meeting started at 10.00 am and finished at 11.15 am.

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.

39. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Parker is appointed Vice-Chair for this meeting.

40. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declaration of interest was made –

Name	Minute No.	Reason	Interest
Councillor Rennie	42 – Porters, 20-21 Looe Street, Plymouth	Applicant's Designated Premises Supervisor is known to him	Personal

(Councillor K Foster (Fourth Member) left the meeting
after consideration of this item).

41. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

42. PORTERS 20-21 LOOE STREET, PLYMOUTH - VARIATION OF PREMISES LICENCE

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard from the DPS on behalf of the premises licence holder that:

- He has been a publican for nine years, is an experienced landlord and employs experienced staff.
- He was applying for the variation because people were now coming out later in the evening and therefore he needed an extension to accommodate that. He stated that he didn't very often have live music and does not and will not have recorded music in the garden.
- He explained the level of acoustic insulation that had been put in the function room to prevent noise escape. The room has no windows and only has an emergency exit so there would be no noise escape.
- He had taken advice from the responsible authorities when he prepared his operating schedule and believed the conditions put forward would address any potential problems.
- There have been no reported problems within the last 14 months since he has been taking steps to address issues which existed when he first took over the pub.
- He doesn't encourage patrons to use the outside area
- He uses door staff on a risk assessed basis and uses the night net radio system.

(iii) considered written representations under the licensing objectives as detailed below from a local resident:

Prevention of Crime and Disorder

At present the premises has live music until 11pm on a Sunday and the noise from patrons can be heard for 40 minutes after the music has stopped. If the hours were extended until 11.30pm this disturbance would continue until after midnight. This was considered to be relevant however the committee considered that condition three of the operating schedule would address any potential problems but also noted that the premises opening times were not altering and they were already authorised to remain open until 12.30am every day.

Prevention of Public Nuisance

The effect of the function room serving alcohol until 11.30pm will increase noise levels up to and past midnight. The noise disturbance is not acceptable with loud live music going on until 11pm and then crowds leaving and hanging around premises smoking and shouting. If the hours are extended until 11.30pm the noise of people in the street will extend until after midnight. This was considered to be relevant. The committee took account of the acoustic measures put in place and the fact that there were no windows and only an emergency exit within the function room. The committee considered that the conditions within the operating schedule would address the concerns raised however they were concerned that condition 1 within the proposed operating schedule was not specific enough as it stood and therefore it was appropriate to amend that condition as follows:

1. The premises licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment. 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.

Protection of Children from Harm

No representations were received under this licensing objective.

Public Safety

No representations were heard – the representation listed by the party under this heading was not relevant to this licensing objective but was instead dealt with under the Prevention of Public Nuisance objective above.

The committee agreed that having taken into account all that was said by the Designated Premises Supervisor and the written representation from the other party, the variation application would be granted subject to the mandatory conditions with the Licensing Act 2003 and conditions consistent with the applicant's operating schedule subject to the amendment to condition one within the proposed operating schedule as follows:

- I. The premises licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment. 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.

43. **EXEMPT BUSINESS**

There were no items of exempt business.