

Licensing Sub Committee

Tuesday 28 July 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete (substitute for Councillor Fry), Vice Chair.

Councillors Sam Davey and Kelly (fourth member).

Apologies for absence: Councillor Fry.

Also in attendance: Sharon Day (Lawyer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer)

The meeting started at 10.00 am and finished at 11.31 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.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

7. DECLARATIONS OF INTEREST

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

8. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

9. CAFFEINE CLUB, 45 TAVISTOCK PLACE, PLYMOUTH, PL4 8AX

The Committee –

- (a) considered the report from the Director of Public health;
- (b) heard from the applicant as follows:
 - These premises are situated next door to the Caffeine Club and will allow for any overspill from that premises to be catered for. They had not applied for an extension for Sunday to Wednesday as there was no demand on those days. The applicant also stated that he did not intend to use the extended opening hours during the university holidays when there were fewer students in Plymouth;
 - The premises are to be eco-friendly, supplying organic foods and drinks.

It will be seated patrons only although patrons will be allowed to take away any unfinished drinks and food. There will be no alcohol sales after 2 am. The premises will be a wind down place and the atmosphere will be relaxed. WiFi will be available as this is what the patrons will want;

- The new application will actually reduce the capacity of the premises; This is because at present it is a vertical drinking establishment and so can cater for more than the 100 the new licence will be limited to;
 - There will be CCTV in place;
 - Whilst patrons can take away unfinished food and drinks, they will not be a take-away premises. Any drinks will be in branded eco-friendly cups. There are other take-away premises in the area and the applicant believed that these premises contributed to litter problems in the area;
 - The smoking area was contained within the boundary of the premises;
 - The applicant confirmed that he considered it was reasonable that door supervisors were present from midnight to 5 am and that cleaning take place after the close of business;
- (c) considered written and verbal representations received from other parties under the licensing objectives listed below:

Prevention of Public Nuisance:

- That residents in the area already suffer with noise disturbance almost every night from drunk young people and students, especially on a Friday and Saturday night and stated that it would be good to have a peaceful night once in a while. In addition fast food wrappers are dropped every day.

This was considered to be relevant under this licensing objective however the committee did not consider that granting the licence would add problems in the area due to the nature of the venue in that its focus was away from an alcohol driven environment. Additionally in relation to problems with litter the applicant had confirmed that cleaning would take place after the close of business.

- There are significant issues and ongoing problems of rubbish in the area. With the number of theme nights in the area and increased number of people who will come into the area this will be a real issue. An increase in litter and rubbish in the Cumulative Impact Policy (CIP) area will mean residents who use mobility scooters and walking aids will have to avoid and dodge the bins, vomit, broken glass, discarded rubbish, fast food litter. Information accompanied a representation of a survey ('the 2010 survey') undertaken in 2010 showing that litter was considered an issue by residents at that time.

This was considered to be relevant under this licensing objective however the committee accepted that the premises were not going to be a take-away venue and did not believe that granting the licence

would add to existing problems in the area. In the event that there were litter issues from this premises this would be easy to identify from branded cups used, and may be able to be used as evidence in any review proceedings.

- In 2014/15, 155 formal complaints were registered against licensed premises and extending this licence in a CIP area would mean more noise, more people and more issues. The representation stated that noise complaints usually started from 10 pm until the crack of dawn depending on how well the area was policed and how quick people dispersed.

This was considered to be relevant under this licensing objective and in light of the fact that extra hours were being added it was possible that more people may come to the area. However the applicant had explained that the capacity of the premises was actually reducing as it was moving from a vertical drinking establishment to a seated premises.

Prevention of crime and disorder

- There was alarm at the number of late licences in the area. Issues around rowdiness, anti-social behaviour and people who are drunk walking home were issues raised by residents at the 'Have your Say' meeting. There was also a report of a streaker being seen. There had also been complaints about people using the area as a mobile urinal. The application may bring an influx of people to the area. Whether or not they are granted entry, their presence will exacerbate existing problems. Sherwell Arcade has problems with people hanging around and causing issues, with peak times for trouble flaring up being between 1 am and 4 am. Granting the application will add to existing problems in the Cumulative Impact Area and also will affect the areas that people pass on their way home.

This was considered to be relevant under this licensing objective however the committee did not consider that the premises were responsible for existing problems in the area or that granting the licence would add to those problems. The committee considered that as these were intended to be wind down premises they would help to alleviate problems. The committee also took account of the fact that there had been no representations from any responsible authority on this point.

Protection of Children from Harm

- It was reported that the young people from Mount Street Primary school had photos of broken glass, food litter, vomit, sanitary towels and discarded condoms along their route to school.

This was considered to be relevant under this licensing objective

however the committee did not believe that granting the licence would cause an increase to these issues. The premises were not a take-away premises and therefore there should not be any issues with litter. Additionally the premises were intended to be a wind down premises which may help to alleviate problems.

Public Safety

- There is a potential for an increase of people in the area to have a negative impact where people who may or may not have been drinking may become confrontational.

This was considered to be relevant under this licensing objective however as the applicant had agreed that door staff would be present until 5 am they would be able to deal with any problems as they would be monitoring the outside area. Also this would not be an alcohol led establishment.

- Due to the cuts in the Police service there are concerns for public safety. In particular as the premises are in a cumulative impact area, the increase of patrons in the area may mean more people carrying glass bottles from home or another club and discarding them before entering the CIP area. The representation stated that the 2010 survey showed that vandalism, graffiti and damage to property were a very big or fairly big problem.

This was considered to be relevant under this licensing objective. However this area would already have a large amount of people within it and the committee did not believe that granting the licence would encourage people into the area. Door staff will be present and the type of venue should help to alleviate drink related problems.

(d) the committee did not take the following representations into account as they were not relevant to any of the licensing objectives:

- There is already sufficient provision of licensed premises in the area and there is no need for an extension to another bar.
- Information was included in a representation mentioning the effects of alcohol misuse on individuals and sections of society and the implications for long term public health and wellbeing.
- There may be problems with an overspill of people from this premises which would cause issues for other premises both inside and outside of the CIP area.

The Committee in reaching its decision took account of all the relevant representations, all that was said by the applicant, statutory guidance and their own licensing policy. In respect of their own licencing policy the Committee noted that representations had been received

which brought the cumulative impact policy into effect. In reaching their decision the Committee noted that in light of the representations received, the applicant's operating schedule was not sufficient to demonstrate that there would be no negative cumulative impact on the licensing objectives. However they considered that modification of the conditions suggested by the applicant and an additional condition would address the concerns identified in the representations and that these were matters to which the applicant had agreed during the hearing.

The Committee therefore agreed that the application would be granted subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule (including those agreed with Environmental Health) and subject to the matters mentioned below:

- (1) The condition contained in the applicant's operating schedule relating to door supervisors would be amended to read as follows:

There will be at least 1 member of door staff on a Thursday, Friday, Saturday and bank holiday Sunday nights between the hours of midnight and 5 am. This will ensure the safety of patrons, monitoring of the outside area, consideration to the local residents and litter.

- (2) An additional condition that the immediate outside area of the premises is to be clean and tidy at the close of business.

10. **EXEMPT BUSINESS**

There were no items of exempt business.