

Licensing Sub Committee

Tuesday 11 August 2015

PRESENT:

Councillor Rennie, in the Chair.
Councillor Parker-Delaz-Ajete, Vice Chair.
Councillors Fletcher and Fry (fourth member).

Apologies for absence: Councillor Sam Davey.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.15 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.

1. 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.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

4. SUTTON HARBOUR, PLYMOUTH - GRANT OF PREMISES LICENCE

The Committee –

(a) considered the report from the Director for Public Health;

(b) heard from the applicant and the applicant's Solicitor as follows:

- this was an application made by the landowner to organise and deliver events in a safe, regulated manner in the waterfront area;
- it would provide a structure to control events within Sutton Harbour by contract with the event organisers so that they could be held accountable to Sutton Harbour, but that under the premises licence Sutton Harbour would have ultimate responsibility to the licensing authority, responsible authorities and other parties in respect of each of the events held; with a complaints line being established for every event

and all issues will be recorded in order that they might be addressed at the next event;

- prior to each event consultation would be carried out with the Event Safety Advisory Group, Police, Highways, Plymouth City Council Licensing and Environment officers and any other relevant responsible authorities to ensure that a fully risk assessed and conditioned document was drawn up to fully manage the particular event; which would address issues relating to stewarding, signage litter, site planning, barriers, and water safety provision;
 - that Sutton Harbour employed a full time marine employee whose role includes the management of marine environment; that there is a close working partnership with the Waterfront Partnership;
 - it was intended to hold children related activities, films, live music, plays and similar open air performances working with local groups to stage these events;
 - there was no application for alcohol being made as it this was to be an element of the event it would be expected that an event organiser would liaise with the Police and Environmental officers to make a temporary event notice for the specific event;
 - that there had been no representations made by the Police and other responsible authorities; and it was believed that concerns made by local stakeholders over noise would be mitigated by the conditions agreed with the Environmental Health Officers;
 - that for safety of children where necessary activity leaders would be DBS checked and safeguarding would be included in stewards briefing;
 - that the application was not for a huge increase in event activity but was about putting a structure in place so that events are well managed.
- (c) considered the written representations and representations made in person at the committee meeting under the following licensing objectives:

- **Prevention of Crime and Disorder:**
 - the area already has problems with noise and anti-social behaviour with night time revellers moving between the Barbican and the Oceana nightclub, the granting of this licence will only exacerbate the problem;
 - that resident regularly hears and sees drunken behaviour around Sutton Harbour in late evenings;
 - later in the day events will be attended by “fuelled-up” adults which will inevitably lead to crime;

- an increase in the number of people congregating and drinking alcohol is likely to lead to an increase in anti-social behaviour, as it has in other parts of the City;

All of these representations were considered relevant by the Committee but many were describing ongoing issues in the area which were not associated with the management of the premises being applied for. It was also noted that there was no representation in respect of this Licensing objective from the Police. In light of the conditions agreed with the Environmental Health Officers, with the conditions put forward by the applicant in the operating schedule and the details of the engagement with the Events Safety Advisory Group the committee considered that this would address these concerns for any events held;

- **Public Safety**

- recorded death in connection with the “Police blue boat” and student falling in water; the Committee noted that whilst these incidents were totally regrettable they were not considered relevant to this application as they were not related to the management of the premises licence applied for
- have seen drunks jump in water; the Committee considered this relevant but had no evidence of this being attributable to the current application but considered that the applicants representations regarding safety barriers to mitigate the risks of people falling into the harbour and the conditions attached to the operating schedule would mitigate this risk;
- no safety barrier around Sutton Harbour and increased footfall around Sutton Harbour can only increase the risk of somebody falling into harbour whilst intoxicated; the Committee considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;
- public safety for intoxicated customers at risk of falling into the Harbour late at night and for residents at risk of violence and assault from drunken customers around the area; the Committee considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;
- the proposed events are planned to operate around the Harbour on what is a public footpath at the edge of the water which is surely a public safety health hazard; the Committee

considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;

- capacity of the two way traffic highway fronting Mariners Court is used to the limit. If events of any sort are permitted on the car spaces taking the attention of pedestrians who use the road as a walkway it has the potential to make an already dangerous and existing danger go from bad to worse; the Committee considered the representations regarding the use of the roads was not a licensing objective however it had been recognised in the applicant's submission that any events would include consultation for routes for emergency vehicles with the events safety advisory group;
- a large part of the area to be licenced is used by vehicles which inevitably present a serious danger to pedestrians; the Committee considered the representations regarding the use of the roads was not a licensing objective however it had been recognised in the applicant's submission that any events would include consultation for routes for emergency vehicles with the events sports safety group;
- although no alcohol will be sold at the events, this still does not prevent drunk people from congregating at these events and causing a nuisance, putting the public in danger, as well the potential for damage to the residential properties similar to previous incidents in Mariners Court where the pedestrian gates had to be locked to that drunk people couldn't damage cars on their way through; the Committee considered this to be relevant but had no evidence of this being attributable to the current application but were satisfied that the conditions put forward in the operating schedule would address concerns relating to the potential nuisance described. The Committee also noted the helpful nature of the applicant towards consideration of use of plastic drinking vessels at appropriate events;
- **Prevention of Public Nuisance**
 - the residents of Sutton Harbour already have noise disturbance and issues and problems with litter and the remains of takeaway containers and empty or broken bottles in the area; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;

- a resident has observed drunks urinating and couples performing sex acts in the street; the Committee considered this was a matter for the Police therefore was not relevant to their considerations under the Licensing Act objectives;
- residents already have problems with noise disturbance as night clubbers go home so do not want more noise in the daytime; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- music, public speaking etc. is clearly audible from the Barbican causing residents to close windows and vacate outdoor space in hot weather so music and entertainments immediate outside of homes would be unbearable and a serious health risk to the elderly; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- the application is likely to cause a nuisance to residents due to both noise and the likely disruption of vehicular access; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- the likely increase of take-way food litter would exacerbate the existing problems posed by seagulls and rats; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- **Protection of Children from Harm**
 - increase in disturbance to young children could be detrimental to their education and provide exposure to possible antisocial behaviour; the Committee considered this was relevant however confirmed that the potential impact on children as a result of loss of sleep would be covered by the conditions

agreed with Environmental Health Officers . that the events would be held on a maximum of 24 days in a year and , would end by 10pm and would generally be arranged to be held over the school holidays and weekends;

- potential for children to be exposed to observing drunks urinating and couples performing sex acts in the street; the Committee considered this was a matter for the Police therefore was not relevant to their considerations under the Licensing Act objectives;
- potential for danger to children being encouraged to run around the water edge, which is unprotected and possibly obscured from view by temporary structures; the Committee considered this was relevant and that it was adequately addressed in the conditions in the applicant's operating schedule and would be risk assessed as part of consultation for each event;
- adults, including vulnerable elderly and children of school age are resident in the area. The unrestricted noise generated would have a detrimental effect of the health of the former and, as has been demonstrated in many national studies, the resultant loss of sleep has the potential to significantly affect the learning performance of children; the Committee considered this was relevant however confirmed that the potential impact on children as a result of loss of sleep would be covered by the conditions agreed with Environmental Health Officers. that the events would be held on a maximum of 24 days in a year and , would end by 10pm and would generally be arranged to be held over the school holidays and weekends;

(d) the following matters appeared in the representations but were disregarded by the committee as they do not relate to any of the licensing objectives:

- the sex acts taking place on the Barbican;
- comments regarding impact upon highways in the area;
- that the Barbican was turning into Union Street;
- reference to the recent MTV event;
- reference to the application being made for the benefit of Sutton Harbour Company profits.

The Committee considered all of these representations in the light of statutory Guidance and the Council's Licensing Policy.

The Committee agreed to depart from its Licensing Policy in this instance as they were satisfied that the applicant had included within the operating schedule sufficient conditions to control events so that they would not have a significant negative impact on the area. In making this decision the Committee also took note of the lack of representations on Crime

and Disorder from Police and the agreement of conditions with the Environmental Health officers.

The Committee agreed to grant the application subject to the mandatory conditions contained in the Licensing Act 2003, the conditions consistent with the applicant's operating schedule and the special conditions agreed with Environmental Health and set out below. In addition the application is also granted with the applied for starting hour of 10.00am but is subject to the terminal hour for all the licensable activities applied for being reduced from 11.00pm to 10.00pm seven days a week:

Special conditions:

1. Where the event will attract 500 or more people the Licensing Authority will be advised at least 6 weeks prior to the commencement date and an operating schedule must be provided. The operating schedule must be agreed with the Licensing Authority at least one week prior to the event taking place. This agreed operating schedule will be deemed to be the conditions attached to the licence for that event.
2. The performance of regulated entertainment will be limited to 24 days in a calendar year.
3. The performance of regulated entertainment must cease between 10.00pm (22:00hrs) and 9.00am (09:00hrs).

5. **EXEMPT BUSINESS**

There were no items of exempt business.