

Licensing Sub Committee

Thursday 27 August 2015

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Bowyer, Vice Chair.
Councillors Sam Davey and Kelly (Fourth Member).

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

The meeting started at 10.00 am and finished at 12.00 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.

6. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Rennie is appointed as Chair and Councillor Mrs Bowyer 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. **APPLICATION FOR TEMPORARY EVENT NOTICE IN RESPECT OF PREMISES: ANGELS, 38 UNION STREET, PLYMOUTH**

The Committee –

- (a) considered the report from the Office of the Director of Public Health;
- (b) heard from the applicant's representative that –
 - the application for the Temporary Event Notice (TEN) was for Sunday 30 August 2015 for the hours of 11pm – 4am which represented the licensed hours of operation for the Friday and Saturday opening under the premises licence;
 - with regard to the Environmental Health objection about alleged complaints of noise from the premises they considered that this noise was taking place at 6am and that it could not be attributed to Angels as they close at 4am and can provide CCTV evidence to show that the

premises had been cleared of all patrons at that time;

- they contested the notice of objection supplied by the Police (dated 18 August) as being factually incorrect as this stated that the application was a late TEN application when it was a standard TEN. Also that the premises had been opened for longer than the time suggested by the Police. Also that the Police stated in their objection they had been unable to arrange a meeting with the DPS but this did in fact take place as originally scheduled;
- he questioned why the Police had failed to make an objection to the initial appointment of the DPS upon the transfer of the premises licence and yet were making the current representations against this application;
- with regard to the problems with CCTV, officers attended the premises and were shown the CCTV footage of an incident taking place outside the premises; members of staff were unable to download the footage at the time however provided telephone numbers of both the DPS and his representative (present at the Licensing committee) – no contact was made by the Police however this is still available;
- the DPS co-operated with the Police as he identified the person involved in the incident;
- he challenged why the Police had not contested a previous application for a late TEN when they were considered to be a problem premises;
- an action plan was offered detailing to use of plastic beakers instead of glass, from 2am three doormen would be employed, no baseball caps would be allowed as they would interfere with identification on CCTV, all customers were required to sign in providing their name and address and someone would always be on the premises to download CCTV;
- although the Police had suggested that the condition relating to the signing in book could be removed if they made an application for variation, but the DPS considered that he wished to keep it in place so he knew who was inside the premises;
- changes had been made to take account of the Environmental Health objection of extra sound proofing, speakers being moved away from the direction of nearby homes and volume being reduced;
- licensing officers visited the premises last Friday but did not provide feedback to the DPS as to whether there were any issues with noise from the premises;
- he confirmed that they had been opened for four weekends and they had not been made aware of any trouble other than the one incident in the lobby for which access had been allowed to the Police to view

CCTV footage;

- this application was for one night only with a capacity of 100 people when some of the other premises in the area have capacity limits ranging from 700-900 people as part of their premises licence;

(c) heard from the Police that –

- with regard to the comment that the Police had made no objection to a late TENs application made by the previous licence holder it was confirmed that the Police did not consider the premises to be a problem at that time;
- with regard to the action plan outlined to Committee during this hearing, this had not been presented to the Police for consideration so this was the first time they had been made aware of it;
- the premises have been open for two weekends, on the first weekend there was a complaint of noise that extended past the premises opening hours;
- on the Saturday night there was a complaint of fighting and subsequent disorder involving the same people in another area of Union Street; Officers attending reported that they could view the CCTV but no one was present who could download it;
- on 18th August 2015 the Police Licensing Officer met with the Premises Licence holder and DPS. During this meeting it became clear that he had no knowledge of the premises licence nor the conditions therein;
- the DPS failed to convince the Police that he was in full control of the running of the premises deferring several questions regarding Public Liability Insurance to his business partner;
- with regard to the CCTV issue he stated that the System had been replaced by his business partner and they could not work it. He has since replaced it with the original system;
- expressed concerns that the signing in book was not being properly managed and that no ID checks were being taken as some guests were signing in using fictitious names and comments;
- the Police are not assured that the DPS is actually managing the premises and that the business partner and his associate were linked with other problem premises;
- the Police were concerned that the DPS was not present at the meeting to be able to alleviate their concerns;

- the Police had concerns about granting the TEN application as there was a sporting event being held in Plymouth earlier on the day TEN application and that the supporters of such events were linked to higher levels of anti-social behaviour;
- the management of the premises at this early stage has not proved effective in engaging with the licensing objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder;
- the police contend that the issue of the Temporary Event Notice will have a negative impact on the Licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety;

(d) heard from the Environmental Health Officer that -

- the premises had been closed for 11 months and re-opened on the 7 August; complaints were received by Environmental Health from local residents regarding noise from loud music, with the first complaint being received on 7th August 2015;
- complaints have specified that the level of music has been intrusive, preventing sleep and has been disturbing within their property, even with windows kept closed;
- when contact was made with the DPS to discuss the noise complaints, the DPS appeared to have an inadequate understanding of the conditions attached to Premises License with regard to Public Safety and Prevention of Public Nuisance;
- Environmental Health has given advice on noise containment and controls, however, complaints of noise still continue. Officers were concerned about the lack of engagement by the DPS and lack of response to advice;
- there have been no previous complaints about noise from music whilst the premises have been unoccupied, and Environmental Health currently do not have any complaints regarding other similar nightclubs in the area. However, since Angels has re-opened as a nightclub, complaints of noise have been received occurring until 6am and Environmental Health is currently investigating these complaints;
- it was believed on a balance of probabilities that the noise complaints were attributed to this premises as there had been no such complaints whilst it had been closed and there were no current complaints regarding the other licence premises in the area;
- the continued nature of complaints, and lack of engagement from the DPS, suggests that the management of the premises has been inadequate with regard to preventing public nuisance. Environmental

Health are therefore of the opinion that the issue of the Temporary Events Notice will be likely to have a negative impact on the licensing objective for the Prevention of Public Nuisance.

In response to questions raised by Members it was reported that –

- the DPS representative was unable to comment as to whether or what checks were in place to ensure the signing in book was monitored;
- the DPS was on the premises during all licensable opening hours however he also had a full daytime job;
- the DPS representative contested that he was running the premises as he had a fulltime job elsewhere;
- the DPS representative denied that he had links with some of the problem premises attributed to him by the Police;
- the DPS representative said that the sporting event and their clientele had nothing to do with the Angels Club;
- the DPS representative refuted the comment that noise was attributed to these premises at 6am and offered CCTV evidence to be able for inspection to prove this;

Members accepted that –

- the CCTV is now operating and that footage can be downloaded if requested by responsible authorities;
- that there have been no recorded incidents of disorder since the upgraded CCTV had been installed but Members noted that this was installed last weekend;
- Members noted that the action plan had been presented by the DPS representative today but also noted that this had not provided to the Police or EH prior to this meeting;
- that the previous owners of the premises had been granted a late TENs application; and accepted that the Police considered that this was due to the fact that the premises were not considered a problem at that time;

Members had concerns that –

- representations were made by the Police and Environmental Health so say that the DPS had an inadequate knowledge of the licence conditions and procedures and therefore would be unable to effectively manage the premises for the additional hours applied for;
- the Police had indicated they had concerns about the DPS business partner

and legal representative's involvement in the running of the premises;

- the requirement to keep a signing in book was a condition of the licence however this was not being effectively managed;
- the DPS had no knowledge of the day to day running of the premises;
- the DPS was not in attendance at the committee;
- complaints had been received about noise when in fact the premises had only been operating for three weekends so far.

Having regard to the objection notices provided by the Police and Environmental Health and representations made by the DPS representative the Committee considered that the event would undermine the licensing objectives of Crime and Disorder and the Prevention of Public Nuisance and should not take place so it is agreed to give a counter notice in respect of the application.

10. **EXEMPT BUSINESS**

There were no items of exempt business.