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#plymlicensing

LICENSING SUB COMMITTEE

Thursday 27 August 2015
10.00 am
Council House (Next to the Civic Centre), Plymouth

Members:

Councillors Mrs Bowyer, Sam Davey and Rennie.

Fourth Member:

Councillor Kelly.

Members are invited to attend the above meeting to consider the items of business overleaf.

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.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

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. APPLICATION FOR TEMPORARY EVENT NOTICE IN RESPECT OF PREMISES: ANGELS, 38 UNION STREET, PLYMOUTH (Pages 1 - 12)

The Director of Public Health will submit a report regarding an application for a Temporary Event Notice in respect of premises: Angels, 38 Union Street, Plymouth.

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.

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PLYMOUTH CITY COUNCIL

Subject: Mr. Lewis Jackson
Application for Temporary Event Notice in respect of premises
Angels, 38 Union Street, Plymouth

Committee: Licensing Sub Committee

Date: Thursday 27 August 2015

Cabinet Member: Councillor Philippa Davey

CMT Member: Kelechi Nnoaham (Office of the Director of Public Health)

Author: Frederick Prout (Senior Licensing Officer)

Contact details: Tel: 01752 304792.
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

A notification has been received from Mr. Lewis Jackson of 250 St Peters Road, Manadon, Plymouth. PL5 3HW in respect of Angels situated at 38 Union Street, Plymouth, PL1 3EY a Temporary Event Notice under Section 100 of the Licensing Act 2003.

The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

Not applicable

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

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.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - June 2014](#)

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Application										

Sign off:

Fin		Leg	2367 2/ag/ 19.8. 15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

1.0 INTRODUCTION

- 1.1 On the 14 August 2015, Mr Lewis Jackson of 250 St Peters Road, Manadon, Plymouth. PL5 3HW gave a temporary event notice under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of the notice was served on Devon and Cornwall Police and Environmental Health department
- 1.2 The notification is in respect of an event to take place at Angels situated at 38 Union Street, Plymouth. PL1 3EY – A copy of the premises licence is attached. (Appendix 1)
- 1.3 Nature of the event:
A nightclub, extending licensing hours of their premises licence on a bank holiday weekend.

The licensable activities intended within the notice are:
The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment
- 1.4 Devon and Cornwall Police have given notice to the Licensing Authority that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives of the prevention of crime and disorder and public safety. They have also served notice on Mr Lewis Jackson. (Appendix 2)
- 1.5 Plymouth City Council Environmental Health have given notice to the Licensing Authority that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objective of the prevention of public nuisance. They have also served notice on Mr Lewis Jackson. (Appendix 3)
- 1.6 Any person over 18 years of age, may give a Temporary Event Notice in respect of permitted temporary activities, intended to take place other than under a licence. This may include:
 - * The sale by retail of alcohol
 - * The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
 - * The provision of regulated entertainment
 - * The provision of late night refreshment
- 1.7 A temporary event notice must be given to the Licensing Authority the Police and Environmental Health department not less than 10 working days before the event takes place.
- 1.8 Only the Police and Environmental Health department are able to make objections in respect of a Temporary Event Notice on the basis of any of the four licensing objectives.

2.0 CONSIDERATIONS

- 2.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives.
- 2.2 The Committee may decide to allow licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises the committee may also impose one or more of the existing conditions on the notice insofar as such conditions are not inconsistent with the event if it considers that this is appropriate for the promotion of the licensing objectives.

2.3 In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's 7.31, 7.32 – 7.35 and 7.37 – 7.38.
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Temporary Event Notices [T E N's] (Page 24).
- Also the representations (including supporting information) presented by all the parties.

2.4 If the committee decides to impose conditions it must give notice to the premises user which includes a statement of conditions, alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing a counter notice.

R. Carton

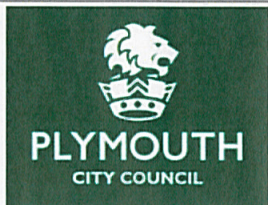
Manager of Public Protection Service

Office of the Director of Public Health, Plymouth City Council.

Licensing Act 2003
Premises Licence

PA0876

Local Authority



Environmental Services

Licensing Unit
 Civic Centre
 Plymouth. PL1 2AA
 Tel: 01752 307983 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Angels Gentlemans Club

38-40 Union Street, Plymouth, Devon, PL1 3EY.

Telephone 01752 261022

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- a performance of dance
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00
G. Performance of dance (Indoors)	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00
M. The sale by retail of alcohol for consumption ON the premises only	Monday and Tuesday	21:00	23:00
	Wednesday to Saturday	21:00	04:00
	Sunday	21:00	23:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday and Tuesday	21:00	23:00
Wednesday to Saturday	21:00	04:00
Sunday	21:00	23:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only



Licensing Act 2003

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ANNEXES continued ...

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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**Steps that have been taken to promote the Four Licensing Objectives**

1. All areas are monitored with CCTV
2. The entrance will be manned by door staff



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ANNEXES continued ...

3. Persons under the age of 18 years will not be admitted
4. Proof of age requirements if age is a doubt:
 - Photographic Driving Licence
 - Student ID Card
 - Employers ID card
 - Military ID Pass

Minor Variation 27 November 2012

Wednesday evening a maximum occupancy of 200 customers

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY 21ST AUGUST 2012

Special conditions

1. A designated smoking area is to be provided which is monitored by CCTV and supervised by a nominated person.
2. No person under the age of 18 years shall be admitted to the premises. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - UK Photo driving licence
 - Passport
 - PAAS accredited cards
3. All staff employed at the premises shall be trained in the requirements of the Challenge 21 policies. The identification and recognition of drunks and the correct procedure to be followed when refusing service.
4. The Licence Holder or nominated person shall ensure that bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol.

Training shall be signed and documented and training records to be made available to a member of any responsible authority on request.
5. The 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 any responsible authority on request.
6. The training will be repeated at least every 4 months for all staff and will be recorded in documentary form that 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.
7. A minimum of two SIA registered door supervisors are to be on the premises at times when the premises is open;



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ANNEXES continued ...

Conditions agreed with Environmental Health**Public Safety**

1. The maximum capacity of the venue (which includes members of the public, staff and performers) shall be limited to a maximum of 100 persons at any given time during trading hours.
2. The licence holder or nominated person shall take steps to ensure that they have a suitable system in place that accurately indicates the number of customers (including staff and contractors) on the premises at any time.
3. A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment.

The Prevention of Public Nuisance

4. The Licence Holder or nominated person will control the sound levels during regulated entertainment.
5. The Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take any action to ensure compliance with existing licensing conditions.
6. 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.
7. All doors shall be maintained in good order and where appropriate acoustically sealed to minimise noise breakout.

Noise containment

8. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the facade of the nearest residential property.

Conditions volunteered by the applicant**Noise:**

1. Enhanced soundproofing to ensure that noise transmission from within the club to external areas will be below that permitted by Noise Legislation.

Security, Customer Control and Premises Management**CCTV Control**

1. CCTV 16 Channel AVTECH AVC798ZBD with a 100 Gigabyte Hard Drive to ensure recording capacity over 28 continuous days.
2. The system will be fully available to the Police and any other authority with an authorised



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ANNEXES continued ...

access to the system as appropriate.

3. Cameras sited at strategic points to ensure clear site of head and shoulder view of all customers entering the premises, leaving the premises, the private booths, the dance floor, the bar, the rear exit and seating areas accordingly.

4. The system will be managed strictly by the premises Manager only.

5. Names and addresses of all patrons will be recorded on entry in keeping with the principles of a member's only club. This is addition to full identity checks for all patrons.

6. Direct private telephone line to local taxi company ensuring clients are not milling around premises entrance, clients will be informed of the arrival of there taxi.

Public Protection Service Manager



Prout, Frederick

From: David.MCINDOE1@devonandcornwall.pnn.police.uk
Sent: 18 August 2015 07:41
To: Prout, Frederick
Cc: Licensing
Subject: Late Temporary event application - Angels

Dear Mr Prout,

With regard to the above application the police would object to the issue of this notice, The reasons are that the premises opened less than a week ago yet there has already been one complaint of excessive noise, one complaint of fighting and subsequent disorder by those involved after which the DPS was unable to operate the CCTV. He also stated he has never seen the Premises licence and was unaware of the conditions contained therein. The police have tried to arrange a meeting with the DPS but at this moment in time he is unavailable. Therefore the Police feel this person is not fully conversant with his responsibilities and the management of the premises to date is not capable of fully engaging with the licensing objectives specifically the prevention of Crime and Disorder and Public Safety.

Kind Regards

Mr D McIndoe
Licensing Officer
Devon and Cornwall Constabulary
Charles Cross Police Station
Hampton Street
Plymouth
PL4 8HG
Tel. 01752 720473
Fax 01752 720487
Email David.McIndoe@devonandcornwall.pnn.police.uk
All correspondence should be sent to The Licensing Department (West), Launceston Police Station, Moorland Road, Launceston, Cornwall. PL15 7HY
email: licensingwest@devonandcornwall.pnn.police.uk
tel: 01566 771309
fax: 01566 771388

Contact Devon & Cornwall Police on 101@devonandcornwall.pnn.police.uk
Textphone 18001 101 for the deaf, hard of hearing or speech impaired
Always call 999 in an emergency

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Prout, Frederick

From: Conday, Phil
Sent: 18 August 2015 14:16
To: Licensing; Prout, Frederick
Cc: 'lew.jacks28801@plymouth.gov.uk'
Subject: Angels, 38 Union Street, Plymouth - Temporary Events Notice

Dear Licensing

Thank you for providing Environmental Health with a copy of the Temporary Events Notice, submitted by Mr Jackson Lewis for Angels, 38 Union Street, Plymouth.

It is the intention for Environmental Health to object to the granting of the Temporary Events Notice, requested for the period of 30/08/2015 to 31/08/2015. This Department has received recent complaints from local residents regarding excessively loud and intrusive music emanating from Angels. The complaints of noise are currently being investigated by officers of this department. The granting of this T.E.N. until 04:00 hours is likely to cause significant public nuisance to local residents given the ongoing nature of these complaints.

Yours sincerely

Phil Conday
Environmental Health Officer
Public Protection Service
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