

## **Licensing Sub Committee**

**Tuesday 17 May 2016**

### **PRESENT:**

Councillor Mrs Bowyer, in the Chair.  
Councillor Morris, Vice Chair.  
Councillor Kelly.

Also in attendance: Kristin Barnes (Democratic Support Officer), Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer), Bev Gregory (Technical Support Officer, Licensing).

The meeting started at 10.00 am and finished at 11.00 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.*

### 32. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Mrs Bowyer is appointed as Chair and Councillor Morris is appointed as Vice Chair for this meeting

### 33. **DECLARATIONS OF INTEREST**

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

### 34. **CHAIR'S URGENT BUSINESS**

There was no Chair's urgent business.

### 35. **Application For Variation of Premises Licence**

The Committee -

- (a) considered report from the Office of the Director for Public Health;
- (b) heard from the applicant's legal representative that:

The application was to extend the terminal hour for all current licensable activities from 3am to 4am seven days a week and opening hours from 3am to 4.30am seven days a week and also to add to the list of notable days for non-standard timings in accordance with the report for a trial period of 6 months.

In addition there was an application to remove condition six under Annex 2 of the premises licence on the basis that the condition relates to the previous operator:

*6. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines.*

The following submissions were made in respect of the application:

- The primary purpose of the application was dispersal, it had been noted by the applicant that when customers leave at 3am they do not disperse but stay in the area. Allowing patrons to stay in the venue for an additional hour would allow for a more gradual dispersal.
- Stonegate have used temporary event notices to extend the closing time on occasions and the experience from this is that people stay in the venue longer and have a more gradual dispersal.
- Stonegate are committed to working with the Police, other Responsible Authorities and the Licensing Officers and the request for the variation to be on a trial basis of 6 months was made on advice from Police during the pre-application consultations.
- There were no objections from Responsible Authorities and the Police licensing officer was very complimentary about the premises' management
- If the application is granted, the hours will revert back to the present times unless the applicant proactively pursues an application to make the variation permanent and careful monitoring will take place over the next 6 months to monitor customer dispersals.
- With regard to cumulative impact the company promotes the licensing objectives and use door staff above the levels recommended by the Council. The applicant uses toughened glassware and through the joint experience of the Area Manager and Designated Premises Supervisor have driven up standards.
- £285,000 had been invested in refurbishing the premises which has resulted in a layout which allows better internal supervision from the bar.
- The Premises License holder has an excellent reputation in other challenging areas for promoting licensing objectives.
- With regard to the representation made by the Other Party, the applicant has not been made aware of issues directly or by any Responsible Authority and would say that the representation is speculative and not based on evidence.
- The Designated Premises supervisor is a former Chair of Club Watch and is now Chair of Best Bar None and attends Pub Watch meetings and sits on Evening and Night-time Economy meetings and is very involved in improving Plymouth's night time economy.

- The following answers were given in response to questions by Members of the Committee:
- There had been a total of 8 Temporary Event Notice's granted over the past 12 months where the hours had been extended in line with the current application.
- The occupancy numbers for the premises were 300 upstairs and 400 downstairs.
- Two Door staff were employed on Sunday to Thursday nights; 6 Door staff on a Friday and 8 Door Staff on a Saturday.
- Current dispersal approach is to quieten the music and start to encourage people to leave at about 3.15am and it would be proposed to use the same approach but move forward by an hour if the application is granted.
- At present the premises open at 10pm on weekdays and 9pm on the weekend with some promotional classes being held during the daytime hours;

(c) considered that no written representations have been received from Responsible Authorities;

(d) considered 1 written representation from Other Parties:

Under the Licensing Objective of Prevention of crime and disorder:

- The granting of the 4am extension will have an adverse effect on anti-social behaviour due to the business having an aggressive pricing policy allowing consumers to drink "more for their money"

Increased drinking time would lead to further intoxication that would impact on bars and clubs in the area who would have to deal with this once Popworld has closed.

The current licensable hours were a "happy medium" but granting an extension to 4am will only increase anti-social behaviour that impacts behaviour falling onto other premises.

Government cutbacks on police authority have impacted upon the other party, their security staff and bar staff having to deal with increased anti-social behaviour will before the police get involved which is unfair to all.

This representation was considered to be relevant by the Committee but it was noted that there was no specific evidence provided by the Other Party linking the observations to these premises, and, there were no representations on this point from the Police or other Responsible Authorities.

- (e) noted that there was no evidence of reported problems during the times where the Temporary Events Notices had been in effect, and that the application for variation would allow for the monitoring of the dispersal of customers and its effect upon the cumulative impact of the area.
- (f) noted the submissions made with regard to the provision of Door Staff and the policy to allow people to disperse more slowly from the premises and that the management were working with the Police, other Responsible Authorities and Licensing Officers

Having listened to all that was said today the Committee consider that the application for variation to licensable and terminal hours could be **GRANTED** subject to the following conditions as being proportionate and addressing the representations and therefore have decided to depart from its own special policy:

I. As the premises are in a cumulative impact area the variation of the permitted terminal hour for licensable activities of 04.00am and for opening hours of 04.30am Monday to Sunday, shall be permitted for a period of six months from the date of this variation and thereafter the said hours shall revert to those permitted prior to this variation unless the licence holder shall make a further application for a variation which shall be accompanied by a statement showing the impact of the variation on the cumulative impact area policy.

Members **REFUSED** the application to remove condition 6 of Annex 2 of the premises licence as they consider that it was appropriate for this condition to remain on the licence as the current variation was for a temporary period only and in addition Members would wish to see a continued liaison with the local neighbours.

36. **Application Grant of Premises Licence**

The Committee heard that the hearing for the grant of a premises licence in respect of the Co-op at Frogmore Avenue has been dispensed with following the withdrawal of the representation received.

37. **EXEMPT BUSINESS**

There were no items of exempt business.