

Licensing Sub Committee

Tuesday 10 October 2017

PRESENT:

Councillor Dr Mahony, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Sam Davey and Loveridge (fourth member).

Apologies for absence: Councillor Singh.

Also in attendance: Catherine Fox (Lawyer), Marie Price (Licensing officer), Helen Rickman (Democratic Advisor) and Jamie Sheldon (observing Democratic Advisor).

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.

34. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Dr Mahony as Chair and Councillor Rennie as Vice Chair for this particular meeting.

35. **Declarations of Interest**

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

36. **Chair's Urgent Business**

There were no items of Chair's urgent business.

37. **Provisional Statement Application - Hotel 1620 (Former Site of Former Quality Hotel), Cliff Road, Plymouth, PL1 3BE.**

The Committee

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant as follows:
 - it seeks a provisional statement in respect of Hotel 1620 in respect of the following licensable activities:
 1. Late Night Refreshment (Indoors and Outdoors) Monday to Sunday 11pm to 05:00am
 2. Supply of alcohol for consumption ON the premises Monday to

Saturday 00:00 to 11.59pm

3. Hours premises are open to the public: Monday to Sunday 00:00 to 11:59pm

- the applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and having regard to the locality consider that conditions taken from Plymouth City Council's pool of licensing conditions version 8.4 are appropriate, proportionate and necessary to avoid any negative impact of those licensing objectives. It urged the committee not to impose any additional conditions should it grant the application;
- the applicant stated that the hotel is to be a high-end boutique establishment with 80 beds and offering fine dining, that is open to guests and local residents alike. Also on the site will be a block of 80 residential units;
- the hotel will be open 24 hours a day. Its business model is for it to provide local residents with a high quality dining experience. The design of the buildings exploits the wonderful view from both inside and outside. Its business model relies on its appeal to businesses and local residents as well as guests from further afield as somewhere to come for weekends away and special occasions and celebrations. It will rely on repeat business. It would not be in their interests to allow issues with noise nuisance or antisocial behaviour to arise as it will rely on its reputation to ensure repeat business;
- the hotel will have 2 distinct eating areas – (1) a formal dining area on the 11th and top floor in a panoramic restaurant with access on to the outside terrace that caters for lunches and dinners; and (2) a less formal brasserie area on the ground floor with access onto the ground floor terrace which will provide a more relaxed space and catering for breakfasts and lunches. Both the terraces will provide spaces for smokers and also for pre and post dinner drinks to enjoy the far reaching views, and at night the stars;
- the applicant responded to the representations against the sale of alcohol 24 hours a day 7 days a week. The hotel will be entitled to serve its residential guests only from 11pm to 5am in any event. It is seeking by virtue of this application for a late night refreshment licence, to avoid an unfair distinction between hotel guests and locals seeking to use the restaurant. It does not think they should be in the position of turning away locals from the restaurant and/or terraces when there are hotel guests enjoying the same;
- the brasserie downstairs is more likely the venue that non guests without a booking will graduate to. They will have a higher ratio staff to guests than say a bar or club and will be able to assess and exclude anyone that is not there for genuine reasons such as enjoying food and the view;

- the applicant understands the concerns of the residents and interested parties' centres on the potential for noise nuisance arising from use of these areas. The issue of noise and how to prevent and abate the same was considered at the Planning stage. The buildings (the hotel and the apartment block) themselves are tall and will block the majority of noise emanating from the lower terrace. The upper terrace is 35 metres high and noise will be dissipated by the height. The nearest existing residence is 20 metres below and will be protected from noise by the new hotel structure;
- the applicant does not plan on the 11th floor restaurant to be open much beyond 1.00am to 2.00am. It is envisaged that the terrace will be used for pre or post dinner drinks. The applicant gave the example of someone dining in the restaurant and then retiring to the terrace for drinks and cigars. There will be approximately 8 tables outside space will be limited and there will be minimal room for vertical drinking. The 11th floor will only house the restaurant and access to it will be by lift. Whilst it is planned for the 11th floor restaurant to be open to non-hotel guests for people to come and dine post theatre for example, it will not be open until 5am and the management can bar access by lift to the 11th floor to non-residents once it is shut. The management will also be able to prevent non-residents accessing it by stairs;
- whilst there is the possibility of bookings for large groups, say for a business event, there is a physical limit to how many people can fit on the terrace at any one time and the management will ensure that they monitor noise levels and behaviour and close the terrace if appropriate. The applicant assured the Committee that action will be taken at the time any issue arises and it will be referred to the management board the next day for future planning and resolution;
- careful management will be paramount to control of the situation. The hotel is to be a high end establishment and its alcohol prices will also be higher than other bars and clubs and so a deterrent to those that might be tempted to graduate there to continue drinking when other establishments close. It is not felt that it is somewhere that drinkers will accidentally drift into when other bars shut;
- the applicant accepted that there might be issues in the first few weeks of opening but once its profile as a high end fine dining experience with strong management is established they will resolve themselves;
- the 1620 residential units will have the same management company as the 1620 hotel. It is hoped that the residents will become regular users of the hotel as well as the other nearby residents. It is in the hotels interests to ensure that the residents are not upset and there are no issues with noise. By having the same management company the issues will be resolved quicker. If noise does become an issue and unforeseen problems occur the applicant is well aware that its licence could be reviewed, varied or revoked and so it will ensure that any issues are

resolved effectively and quickly;

- the applicant will work with the Residents' Associations and the Hoe Conservation society at all stages and has already had meetings with the Hoe Conservation Society. It recognises that guests and locals alike need a good experience to ensure repeat visits and bookings. It recognises the need to run the best operation it can;
- (c) written representations from Responsible Authorities: there were no written representations received from any Responsible Authorities;
- (d) representations from other parties:

Prevention of Public Nuisance:

- the Hoe is a heavily populated residential area with many workers and retired people and as such is not a suitable area for a completely unrestricted licence for alcohol sales 24/7 in the outdoor areas of the Hotel namely the outside area at ground floor level and the 11th floor terrace as this will cause a noise nuisance; This was considered to be relevant under this licensing objective;
- the cafes on the sea front are already converting into alcohol premises and applying for late night licenses which to date have had some form of restrictions placed on them with respect to the lateness of licence, the number of nights in the week/occasions and strict control over the level of noise permitted and how it is to be measured and the penalties for exceeding;
- the issue of noise nuisance was considered to be relevant under this licensing objective. Plymouth City Council's licensing policy recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and staggered licensing hours can reduce issues and each application is to be judged or
- the various hotels on the Hoe that have function rooms are all indoor and cause very little issue for the local residents to date. The application should be refused to require the hotel owner to liaise with the local Councillor and the local resident bodies to propose a compromise solution that will allow some outdoor events under restrictions;
- concerns as to late night noise levels and anti-social behaviour are relevant considerations under this licensing objective. However, the Applicant at this stage is not proposing any outside events and indicated that whilst in the future they may offer weddings these will be based on the first floor conference area. The applicant was clear that relevant applications will be made at the appropriate juncture;

Prevention of Public Nuisance and Crime and Disorder:

- representations against late night refreshments both indoors and outdoors from midnight to 5am. It is a residential area and people sitting outside the hotel until 5AM could prove to be disruptive to the neighbours potentially disturbing their sleep and could encourage antisocial behaviour across the neighbouring parks and Hoe; this was considered to be relevant under this licensing objective;

The committee have taken into account all relevant representations;

It has considered the statutory guidance and its own licensing policy;

It considers that the action detailed below is appropriate and proportionate to promote the licensing objectives in light of the relevant representations and all that was said by the applicant;

It accepted the reassurances given by the Applicant that a high standard of management control will be put in place to monitor the situation on each and every day of operation. It accepted as genuine the Applicant's assurances that it will consult with and work with the Residents' Associations and Hoe Conservation Society to resolve in a timely manner, any issues that do arise. However, it felt that the conditions contained within the proposed operating schedule attached to the Application would not of themselves be sufficient. It concluded that the amendment to the proposed condition MC4 and the 2 additional conditions set out below would offer protection to the residents and abate any nuisance arising from noise or anti-social behaviour.

Taking account of these representations the licence is granted for:

A) Late night refreshment indoors and outdoors 11pm to 05:00 am

B) Supply of alcohol for on premises – Mon – Sunday 00.00 to 11.59pm

subject to:

- the mandatory conditions of Licensing Act 2003;
- the conditions put forward by the applicant as amended below;
- the following additional conditions from Plymouth City Council's pool of licensing conditions;

i. Amendment to condition MC4 as contained within the operating schedule to read " All staff shall be trained in the requirements of the Challenge 25 policies"

ii. MMC7 – The premises licence holder or nominated person shall ensure a telephone number is made available and displayed in a

prominent location within the hotel foyer for local residents to contact in case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken from the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises;

iii.NC2- To prevent noise from the terraces being intrusive, noise emanating from the premises, so far as it is reasonably practical, will not be distinguishable above other background noise one metre from the façade of the nearest residential property.

38. **Exempt Business**

There were items of exempt business.