



#plymlicensing



Democratic Support

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LICENSING SUB COMMITTEE

Tuesday 10 October 2017
10.00 am
Council House, Plymouth

Members:

Councillors Dr Mahony, Rennie and Singh.

Fourth Member:

Councillor Loveridge.

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

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. **Provisional Statement Application - Hotel 1620 (Former Site (Pages 1 - 14) of Former Quality Hotel), Cliff Road, Plymouth, PL1 3BE.**

The Director of Public Health will submit a report in relation to the provisional statement application for Hotel 1620 (Former Site of Former Quality Hotel), Cliff Road, Plymouth, PL1 3BE.

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.

PLYMOUTH CITY COUNCIL

Subject: Hotel 1620 (Former Site of former Quality Hotel)
Provisional Statement Application

Committee: Licensing Sub Committee

Date: 10 October 2017

Cabinet Member: Councillor John Riley

CMT Member: Dr Ruth Harrell (Office of the Director of Public Health)

Author: Marie Price (Licensing Officer)

Contact details: Tel: 01752 307981
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PROV STATE

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Henley Real Estate Development Limited in respect of Hotel 1620, Cliff Road, Plymouth, PL1 3BE. For the Application for a Provisional Statement under Section 29 of the Licensing Act 2003.

The Corporate Plan 2016 to 2019:

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 [The Corporate 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 - April 2017](#)

Background papers:

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

Sign off:

Fin		Leg	2900 5/ag/ 21.9. 17	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

1.1.1 On the 14th September 2017 licensing department received an application from Henley Real Estate Development Limited for the Application for a Provisional Statement under Section 29 of the Licensing Act 2003 in respect of Hotel 1620 situated at Cliff Road, Plymouth, PL1 3BE

1.2 General Description

Construction of a new Hotel. Entrance to the hotel is on the ground floor which incorporates reception, bar, restaurant, kitchen, outdoor terrace, toilets, gym, spa, offices, and access to lifts and stairs. The basement comprises of a kitchen and back of house staff areas and plant rooms. The first floor is a conference meeting and function area with an outdoor terrace. Floors 2-10 comprise of ten hotel bedrooms per floor. Floor 11 is a restaurant with kitchen and outdoor terrace

1.3 Schedule of Works.

Construction of a new 80 Bed, 11 storey Hotel

1.4 Licensable Activities

They have requested the following licensable activities and timings:-

<p><u>(i) Late Night Refreshment (Indoors and Outdoors)</u> Monday to Sunday 11:00pm to 05:00am</p>
<p><u>(j) Supply of Alcohol for consumption ON the premises.</u> Monday to Saturday 00:00 to 11:59pm</p>
<p><u>(l) Hours Premises are Open to the Public</u> Monday to Sunday 00:00 to 11:59pm</p>

1.5 The location of the premises is indicated on the attached plan (Appendix 1).

1.6 The applicant has submitted an Operating Schedule (Appendix 2).

1.7 The applicant has submitted Internal Plans (Appendix 3).

1.8 This application does not fall within an area to which the Cumulative Impact Policy applies.

1.9 Representations have been received in respect of this application.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police – no representation*

2.2 *Environmental Health – no representation*

2.3 *Devon & Somerset Fire & Rescue Service – no representation*

2.4 *Trading Standards – no representation*

2.5 *Planning Officer - no representation*

2.6 *Child Protection – no representation*

2.7 *Health & Safety Executive – no representation*

2.8 *Health Authority (ODPH) – no representation*

2.9 *Licensing Authority – no representation*

3.0 INTERESTED PARTIES

Two letters have been received that are attached to this report marked appendix 4 to 5.

4.0 CONSIDERATIONS

4.1 A Provisional Statement can be applied for by an applicant where the premises for which they apply are about to be built, being built or a major alteration or extension is planned. The procedure enables the applicant to have an assessment made as to the feasibility of the proposed development prior to obtaining a premises licence and therefore prior to incurring any substantial expenditure and costs.

On completion of the building, an application for the premises licence can be made. However there are restrictions on the making of representations in respect of the premises licence application as set out in section 32 of the Licensing Act 2003. This is designed to prevent representations being made in respect of matters that could have been raised at the earlier provisional application stage.

4.2 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

The guidance issued under section 182 of the Licensing Act 2003 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1, 2.3, 2.15, 8.87-8.96, 9.3, 9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10

The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 11); Licensing Hours (Page 11), , Protecting children from harm (page 16), Public Nuisance (Page 17), Licensing conditions (page 20) the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

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 THE FOLLOWING CONDITIONS AS SET OUT IN PLYMOUTH'S POOL OF LICENSING CONDITIONS VERSION 8.4 ARE APPROPRIATE PROPORTIONATE AND NECESSARY

b) The prevention of crime and disorder

**MC1 TO MC7
CTV1,CTV2,CTV4,CTV5
RDA1
SM1 TO SM4**

c) Public safety

**SF1
L21
AC22**

d) The prevention of public nuisance

A COMPLAINTS PROCEDURE SHALL BE MAINTAINED BY THE HOTEL MANAGEMENT DETAILS OF WHICH WILL BE MADE AVAILABLE UPON REQUEST

e) The protection of children from harm

POA1,POA2,POA5,POA6,POA7

Checklist:

MC1

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.

MC2

Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

MC3

Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.

MC4

All staff shall be trained in the requirements of the Challenge 21 or 25 policies (delete as appropriate).

MC5

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

MC6

An incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.

MC7

All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.

CTV1

The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk <<http://www.informationcommissioner.gov.uk>>) regarding installation of CCTV is provided at the premises.

CTV2

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

CTV4

Images shall be retained for a minimum of 31 days

CTV5

The CCTV system shall be capable of downloading images to a recognizable viewable format.

RDA1

The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.

SM1

The Premises Licence Holder or nominated person shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.

SM2

The Premises Licence Holder or nominated person shall ensure that records are maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training. The records will be available for inspection by an authorised officer at all reasonable times. The records will be retained for at least 12 months.

SM3

The Premises Licence Holder or nominated person shall ensure that a senior member of the management team at the premises holds a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

SM4

The Premises Licence Holder or nominated person shall deliver a structured training programme at (regular intervals/annually/ _ monthly intervals) to all staff that deal with persons who are in the possession of / or incapacitated through the use of drugs or the combined effect of drugs and alcohol.

SF1

Adequate sanitary accommodation shall be provided at the premises in accordance with BS 6465-1:2006+A1:2009 Sanitary installations - Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances standard for sanitary provisions or any British Standard replacing or amending the same.

L21

Management lighting - In the absence of adequate daylight artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

AC22

A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment. (The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening windows and doors to ventilate the premises. Additional conditions are in place to prevent the opening of windows and doors to minimise noise breakout).

A complaints procedure shall be maintained by the hotel management. Details of which will be made available upon request.

POA1

The Premises Licence Holder or Designated Premises Supervisor shall ensure that all bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and then at least every six months. Training shall be signed and documented and training records will be kept on the premises and be made available to an enforcement officer on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

POA2

The Premises Licence Holder or Designated Premises Supervisor 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 an authorized enforcement officer on request.

POA5

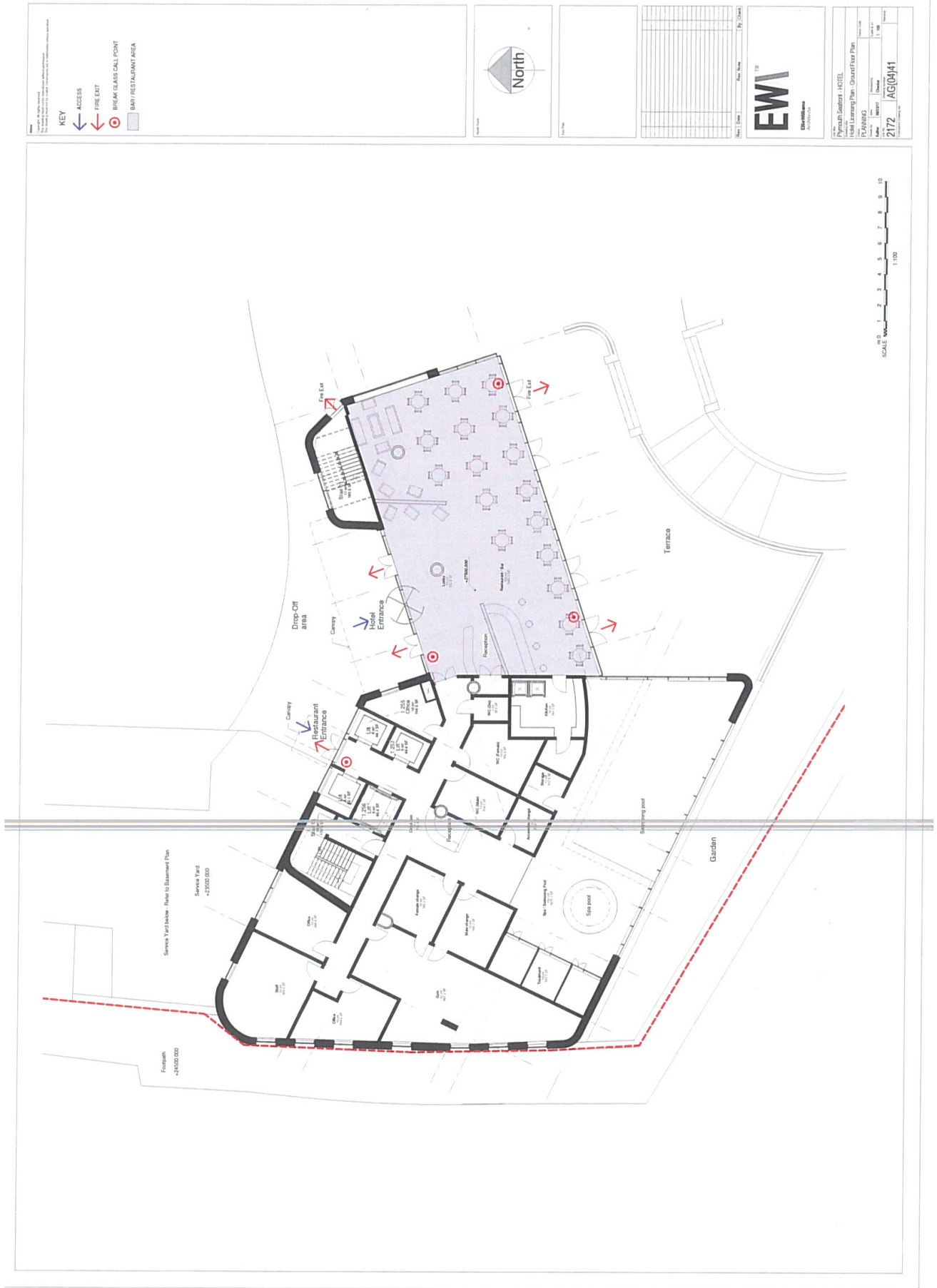
A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

POA6

The Premises Licence Holder or Designated Premises Supervisor shall have a written age verification policy in relation to the sale or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18s and will specify a Challenge 21 / 25 (delete as appropriate) proof of age requirement before sales of alcohol are made as approved by the Plymouth City Council Trading Standards responsible authority.

POA7

The Licence Holder or Designated Premises Supervisor shall ensure that new bar staff, supervisors and managers receive induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. Training shall be signed and documented and training records be made available to an enforcement officer on request.



-----Original Message-----

From:

Sent: 14 September 2017 12:29

To: Licensing

Subject: 063193 Hotel 1620

Dear Sir or madam

I wish to object to the above licensing application.

Whilst I do not have any problem with refreshments being served until 23.59 either indoors or outside, I do object to late night refreshments being served both indoors and outdoors until 5 AM.

This is a residential area and I feel having people sitting outside of the hotel up until 5 AM in the morning could prove to be disruptive to the neighbours potentially disturbing their asleep, could cause a negative feeling about the hotel and could also encourage antisocial behaviour across the neighbouring parks and Hoe.

Yours Faithfully