

# Licensing Sub Committee

Tuesday 7 November 2017

## PRESENT:

Councillors Hendy, Dr Mahony and Rennie.  
Councillor Churchill as the 4<sup>th</sup> Member.

Also in attendance: Ann Gillbanks (Senior Lawyer), Frederick Prout (Senior Licensing Officer), Helen Rickman (Democratic Advisor) and Jamie Sheldon (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.*

### 39. **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.

### 40. **Declarations of Interest**

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

### 41. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 42. **Ms Amy Magee - The Clarence, 31 Clarence Place, Stonehouse, Plymouth - Temporary Events Notice 12 November 2017**

The Committee –

- Considered the report from the Office of the Director of Public Health

Heard from the Environmental Health Officer that –

- The premises previously went before the Licensing Committee on 1 August 2017 when the Committee took the decision to remove entertainment from the premises licence in accordance with s.177A Licensing Act 2003 removing any exemption for entertainment taking place without a licence.
- Details of complaints that had been received which led up to the decision to remove entertainment from the premises licence in August 2017.
- Since the hearing on 1 August 2017 the Premises Licence Holder and Designated Premises Supervisor has changed to the applicant.

- Nearby residents have contacted the Environmental Health department and expressed concerns since the change in management as the Clarence is intending to provide regulated entertainment. The residents are worried that any regulated entertainment would have unacceptable levels of noise that would cause a public nuisance.
- He has spoken with the manager of the Clarence to advise that Environmental Health would be making an objection to any application for regulated entertainment due to the short space of time that has passed since the review hearing
- The manager stated that structural changes to the pub would take place to minimise noise breakout before any application for entertainment was submitted. The department has not had any further contact with the pub manager regarding any alterations to mitigate any noise escape.
- The manager also stated that she would contact local residents and discuss any proposals to have regulated entertainment with them.
- On 24 October 2017 two applications for temporary event notice had been received, the first being a late notice applying for a party to take place on 3 November 2017 and the second being this application being considered
- The first application was refused by officers in accordance with their delegated powers to deal with late temporary event notices.
- The second application did not contain sufficient detail regarding the nature of the event and as it was now known whether the event would include amplified music, a band, or karaoke for officers to be able to reach a conclusion on the event.
- On the 6 November 2017 the Manager of the premises contacted the Environment Officer to advise that they had installed 2 layers of sound insulating board on the party wall with the adjoining property
- Despite leaving messages on telephone number provided on the application, there had been no contact until the 6 November from the Premises Licence holder or the Manager so the Officer considered it appropriate to refer the application to Committee for consideration.

Heard from the applicant, the Manager of the premises and performer of the event as follows –

- The Premises Licence Holder could not recall receiving any missed calls or messages and perhaps there had been a typing error made on the application form for the telephone number
- They presented the Committee with photographs showing the work that had been completed at the property which consisted of installing 2 layers of 30mm soundboard on the party wall with the adjoining property and installing a lobby at the entrance of the side door which had reduced the footfall from the front door as it was by the smoking area
- They had spoken to neighbours before applying for each Temporary Event Notice
- That the music would be kept to the rear of the building and that it was considered that the people at the far end of the bar would not be able to hear it
- That there will be one performer who would use a microphone and backing track accompaniment
- The intention was that patrons who had attended the Remembrance Parade could finish the afternoon at the premises with music as a celebration of old and new and not to cause any disturbance to the neighbours

In response to Members questions the following information was given –

- That Environment Officer had received no complaints of noise since the current Premises Licence Holder had taken over the licence
- That the Premises Licence Holder had not obtained independent certification in respect of sound containment works
- It was difficult to assess whether noise proofing would be successful unless an event took place or a noise assessment was carried at by Environmental Officers
- That the Premises Licence Holder and Manager wished to work with the Environmental Officers in setting sound levels
- That the event was to take place on Sunday afternoon for a period of 4 hours, with one singer using backing tracks from mini discs

Having heard from all the parties the Committee noted and took into consideration the following:

- That regulated entertainment has been removed from the premises licence at the hearing held on 1 August 2017
- That this was to be an afternoon event where there would be background noise which should help to alleviate any noise problems that may arise
- The efforts made by the Premises Licence Holder towards the reduction of noise
- That the applicants have had no reported problems with noise since they have taken over the licence
- The nature of the event being a single singer using a background tape with agreement that noise levels would be set with Environmental Health officers

The Committee agreed to grant the application.

#### 43. **Exempt Business**

There were no items of exempt business.