

Licensing Sub Committee

Tuesday 30 May 2017

PRESENT:

Councillor Dr Mahony, in the Chair.
Councillor Churchill, Vice Chair.
Councillors Parker-Delaz-Ajete and Singh.

Apologies for absence: Councillor Rennie.

Also in attendance: Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer) and Helen Wright (Democratic Adviser).

The meeting started at 10.00 am and finished at 11.40 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.

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

Agreed that Councillor Dr Mahony is appointed Chair for this particular meeting and Councillor Churchill is appointed as Vice Chair for this particular meeting.

13. **Declarations of Interest**

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

(Councillor Parker Delaz-Ajete (Fourth Member) left the room)

14. **Chair's Urgent Business**

There were no items of Chair's urgent business.

15. **Application for the Variation of Premises Licence - Bar Rakuda, 10+11 Quay Road, Barbican, Plymouth, PL1 2JZ**

The Committee -

- (a) considered the report from the Office of the Director for Public Health;
- (b) heard from the applicant that -
 - the application was to extend the permitted hours on a Sunday for the sale of alcohol, late night refreshments, live music, recorded music from 00:00 hours to 02:00 hours to

bring the licensed hours into line with the licensed hours already in operation at the premises for the rest of the week and in line with the rest of the premises in the surrounding areas;

- the extension was mainly to cover the summer months to cater for the tourist trade, as during this time, the premises supplied food later into the light evenings;

(c) in response to representations raised by other parties and questions from Committee Members, the applicant explained that -

- he worked closely with the Council's Environmental Health officers to deal with concerns about the volume of music played in the outside area; in consultation with Environmental Health officers he had installed noise limiters on his music equipment and had repositioned the speakers approximately three months ago to point more into the bar area to limit noise travel; he had not been contacted by Environmental Health officers with details of any other problems;
- the music in the outside area of the premises finished at 23:00 hours; the variation would be indoors only between 00:00 hours and 02:00 hours on a Sunday, to conform with the licensed hours already in place for the rest of the week;
- his bar was not the only one in that block that had live music and neighbouring premises held live music events outside which were loud;
- he had been a licence holder for 35 years and had always worked with the authorities during that time;
- he had managers and security staff controlling noise and music was not played to the whole of the outside area but was directed to one side;
- other venues in the same block also had music and noise travels, it may be that performers could be seen in his premises as they were on a small raised stage but other venues further along held live music outside and had no stage, so it may be mistakenly assumed that the music was from his bar;
- noise can be generated from people walking past the bar as the main pathway was outside but not all were coming from this bar;

(d) written and oral representations under the Licensing Objectives from other parties -

- Prevention of Crime and Disorder -
 - anti-social behaviour was rife in this area and it would become worse if this and other bars were allowed to extend their hours;
 - if granted, other premises would likely to follow suit; this would be an inevitable increase in the number of drunken, noisy people in the streets, leading to more anti-social behaviour; an even greater police presence than was now the case would be required and for a long time especially on Fridays and Saturdays;
- the Committee considered these points relevant to the Licensing Objectives but had not heard evidence linking the behaviour to this premises licence;
- Public Safety -
 - residents and members of the public would be affected by the increase in noisy, drunken people and would be more likely to be victims of anti-social behaviour and petty crime;
- the Committee considered this point relevant to the Licensing Objectives but had not heard evidence linking this behaviour to the premises licence;
- Public Nuisance -
 - the other party attending Committee explained that she lived directly opposite and could not hear her TV with doors and windows open for the noise and could hear every word of music being played; she did not object to the music itself only the volume;
 - she could see the artists singing outside this venue and could hear music between 23:00 and 23:30 hours; she had not seen artists from other neighbouring bars; the volume from inside the premises after this time was still loud;
 - she had not noticed a difference in the noise in the last three months and had emailed the Council in 2010 to make a complaint about general noise and things had not changed at all; if noise limiters were in place they had made no difference;
- written representations from other parties under Public

Nuisance -

- live music and recorded music already caused a public nuisance and it could only get worse with extended hours;
- residents in the Barbican were already disturbed by music from Bar Rakuda and other venues until around midnight; an extension of this disturbance until 02:00 02.30am would be unacceptable; the Barbican is not Union Street it was an historic area with a lot of heritage and live music and drinking until the early hours lead to noisy people in the streets and more litter, not consistent with a residential, family-friendly area;
- Bar Rakuda's live and recorded music already caused considerable public nuisance in this mixed commercial/residential environment; at present their music generally did not finish until about 23:30; their music was also frequently accompanied by audience singing/shouting, further exacerbating the disturbance; for example, my lounge and bedroom windows were about 200m away from the bar, across the harbour and I regularly record music sound levels of 55 – 60dB (on uncalibrated equipment) at this distance; in consequence, it is impossible to watch television in the summer without closing all the windows and sleep before 23:30 was substantially disturbed; grant of this licence would render sleep impossible before 2:00am (02:00) contrary to the rights of local residents, including ourselves;

(e) the Committee considered these points relevant to the Licensing Objectives but not in relation to this particular case, as they had not heard evidence of noise from inside the premises causing a nuisance as the complaints were about the noise from the use of the outside area which was not the subject of this application for variation of extended hours for Sunday night; in the absence of representations by the Environmental Health officers, the Committee were not able to place any weight on the sound levels noted in this representation;

- Protection of Children from Harm -

- this was a mixed area with singles and families residing; if granted this licence would expose children to a poor night's sleep and anti-social behaviour; this was a significant problem and I could see it escalating out of control;

- given relative lateness of closure, prevent babies and children from sleeping where regular sleep disturbance was known to cause harm;
- extension of drinking and live music into the early hours is not consistent with providing a family-friendly environment.

The Committee considered –

- (f) these relevant to the Licensing Objectives but no evidence had been presented to attribute these problems with this premises licence;
- (g) all of these representations in the light of statutory guidance and the Council's Licensing Policy;
- (h) that the representations in the main were in respect of noise from the use of the outside area and considered that no direct evidence had been supplied to link these representations with this application; they also considered that the variation applied for would have no impact on the use of the outside area as licensable activities in this area finished at 23:00;
- (i) the lack of representations on Crime and Disorder from the Police and lack of representations on Public Nuisance from Environmental Health officers.

The Committee agreed to depart from its Licensing Policy in this instance, as it was satisfied that the applicant's current licence conditions were sufficient to control events so that they would not have a significant negative impact on the area in respect of this variation to hours on a Sunday and therefore agreed to grant the application.