

Licensing Sub Committee

Tuesday 19 November 2019

PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Mrs Pengelly (Fourth Member) and Ms Watkin.

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

The meeting started at 10.00 am and finished at 12.00 pm.

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.

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

Agreed that Councillor Rennie is appointed as Chair and Councillor Parker-Delaz-Ajete is appointed Vice Chair.

29. **Declarations of Interest**

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

30. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

31. **Grant of Premises Licence - Cornwall Gates Sports Bar, 74 Normandy, St Budeaux, Plymouth PL5 1SR**

The Committee

(a) considered the report from the Director of Public Health;

(b) heard from the applicant and DPS as follows:

(b1) written representations from the applicant:

- it was in the best interest of the local community that the licenced premises remained available in the locality. The Bridge End Club as currently constituted did not have the financial resources to continue to operate as a club. Whilst it was not proposed that the premises remain a members-only club, it was nonetheless noteworthy that the premises had been a social gathering point for a very long time for residents of the area;

- the proposed licensee did not propose to alter to any significant extent the demographic of patrons who chose to gather socially at the premises, but simply offer a more convivial atmosphere for those attending along with a wider range of social activity than had been previously offered;
 - the proposed licensee was happy to alter the requested licensing hours to those currently held by Bridge End Social Club – this was to reduce the sale of alcohol to a terminal hour of 12 midnight;
 - the proposed licensee had carried out certain due diligence research and respectively contended that the two objections filed did not adequately represent the views of the majority of residents of the area. Evidence was provided detailing the level of support that the proposed licensee had in the proposed assumption of occupation of this premises application and the proposed service to be provided to the community;
 - it was intended that the proposed licenced premises would be used (in addition to a licenced gathering place at which persons may watch sport if they so wish) for the following events which would occur regularly in any community:
 - Wakes;
 - Birthday parties
 - Children’s parties
 - Christmas parties and
 - Other events such as bingo
- (b2) representations made by the applicant at committee and in response to questions from Members –
- the applicant was a joint licence holder and DPS at the Parkway Sports and Social Club and had 20 years’ experience in operating licenced premises. Together with his 3 fellow directors the management of the premises will be covered for all aspects and times of the day;
 - all staff at the premises would be fully trained in Challenge 25 and “ask Angela” procedures and sign to confirm training. This was repeated every 6 months and at staff meetings to discuss issues. The aim was to get all staff trained up and holding personal licences;
 - it was intended that the opening hours applied for would allow for dispersal of patrons to take place in an orderly fashion and not force people out onto the street at the same time. The applicant was willing to close the bar at midnight on Friday and Saturday to allow for this dispersal;

- it was intended to operate the premises along the model of the premises that the applicant currently operated providing the local community with a range facilities for sports/ card games/snooker tables/bingo facilities for the local community. There was a lack of accessibility to snooker tables in this part of the city;
 - the petition that was provided to support the application was left on the bar at the Parkway Sports and Social Club and signed by patrons of that club. They were supporting the principle of a local amenity;
 - it was not intended to turn the premises into a sports bar attracting people from out of the area, merely to offer the facility to watch sports on sky as this is an area where some of the residents may not be able to afford to have sky at home;
 - the applicant would work with the gentleman making the representation to address the issues caused by people smoking outside the premises, and would place signs up to ask patrons to leave in an orderly fashion;
 - there was no intention of putting on live music events, just music from the juke box;
 - the committee considered these representations to be relevant to the licensing objectives but had some concerns about the management of dispersal of patrons at the end of the evening and the impact on the licensing objective of public nuisance. They considered that this would be addressed by additional conditions as set out below;
- (c) representations from the responsible authorities as follows:
- the Devon and Cornwall Police made a representation relating to crime and disorder and public nuisance; this was withdrawn prior to the hearing as the applicant agreed additional conditions (shown in appendix 3 of the report);
 - Environmental Health made a representation relating to public nuisance which was withdrawn prior to the hearing as the applicant has agreed to additional conditions (shown in appendix 4 of the report);
- (d) representations from other parties:
- heard from other parties as follows:
 - written representation by local ward councillor under the licensing objectives of prevention of crime and disorder, public nuisance and protection from children from harm as follows –
 - the site was within a residential area surrounded by houses and families. It would be inappropriate for a Sports Bar in a

residential area. The previous club was members only and had a smaller clientele. Despite this, there were still complaints to the Ward Councillor about noise, disruption to parking, and public order such as anti-social behaviour from drinkers late at night after closing;

- many children lived around the current site and the Councillor had received complaints about inappropriate behaviour witnessed by them. Families had complained their vehicles had been damaged either by drinkers damaging their cars by hand, or by collision when using vehicles under the influence of alcohol;
- written representation by other party – under the licensing objective of public nuisance and protection of children from harm. Detailing how this person already suffered with late night revellers leaving and having loud chats outside for 10 minutes whilst they get in cars or wait for taxis or stagger home, and noise from taxis, and door slamming and tooting of horns;
- patrons smoke outside and the smoke comes in our window and this, together with the loud conversations, makes it difficult for the young children to sleep – he had moved the children to the back room to alleviate this but there were still problems with people smoking outside.
Parking was very difficult, with no consideration for the locals. At the committee meeting confirm that he would welcome being able to contact the applicant if there were any problems with patrons of the premises;

Members considered these representations to be relevant to the licensing objective of public nuisance and protection of children from harm and considered that these concerns would be addressed by additional conditions;

In considering all of the above, the Committee Members had concerns about the application for a closing hour of 1am on a Friday and Saturday in so far as the need to require a full hour for dispersal of patrons could lead to the potential for patrons to hoard drinks prior to the close of the sale of alcohol;

Members were concerned about the potential impact on the noise made by patrons and that this would just be moved to a later hour, which would have an adverse impact on the local community and the interested party;

The Committee were also concerned about the impact of patrons smoking had upon the neighbouring property and whilst not a condition, strongly recommend that the applicant should work with the local residents to agree the siting of a smoking shelter as soon as the premises are opened;

The Committee considered that given the applicant's explanation of his application for the opening hours to extend a further hour after the close of sale of alcohol

on a Friday and Saturday that this should be reflected in the hours for the rest of the week, to ensure a consistent approach to dispersal;

The Committee considered that taking into consideration all that was said, the written representations of the applicant, interested party and the conditions agreed to be placed upon the premises licence by the two Responsible Authorities that it was appropriate for the promotion of the licensing objectives TO GRANT the application subject to the following:

- 1. The hours for supply of Alcohol for consumption ON the premises should be:
 - a. Sunday to Thursday 10am to 11pm;
 - b. Friday and Saturday 10am to 12pm;
- 2. The following conditions should be added to the licence in addition to the conditions agreed with the Police and Environmental Health:
 - a. The Mandatory Conditions under the Licensing Act 2003;
 - b. Door supervisors – The Premises Licence Holder/DPS or nominated person will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and immediate vicinity of the premises at times when door supervisors are not present;
 - c. The premises licence holder/DPS or nominated person shall ensure that customers do not hoard alcohol drinks at any time;
 - d. The Premises Licence Holder/DPS or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly;
 - e. The Premises Licence Holder/DPS or nominated person shall ensure a telephone number is made available in the premises for local residents to contact in the 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 following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.

32. **Exempt Business**

There were no items of exempt business.