



**Oversight and Governance**

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Please ask for Democratic Support  
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Published 17 September 2020

#plymlicensing

## Licensing Sub Committee

Tuesday 29 September 2020  
10.00 am  
Virtual Meeting

**Members:**

Councillors Hendy, Mrs Pengelly and Rennie.

**Fourth Member:**

Councillor Morris.

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. Review of Premises Licence: Royal Oak, Lake Road, Plymouth (Pages 1 - 30)**

The Director for Public Health will submit a report in respect of Royal Oak, Lake Drive, Plymouth for the review of premises licence, under Section 53A of the Licensing Act 2003.

**6. Review of Premises Licence: Lockdown Inn, Southway Drive, Plymouth (Pages 31 - 52)**

The Director for Public Health will submit a report in respect of Lockdown Inn, Southway Drive, Plymouth for the review of premises licence, under Section 53A of the Licensing Act 2003.

**7. 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.

# REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



Date:	29 September 2020
Title of Report:	Review of Premises Licence: Royal Oak, Lake Road, Plymouth
Lead Member:	Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	ERS/LIC/PREM
Key Decision:	No
Confidentiality:	Part I - Official

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## Purpose of the report:

An application has been received from Will Tomkins, Environmental Health Officer under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Royal Oak, Lake Road, Plymouth.

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## Recommendations and Reasons:

That Members consider this report.

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## Alternative options considered and rejected:

None.

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## Relevance to the Corporate Plan and/or the Plymouth Plan:

### Our Plan – A City to be proud of.

This report links to the delivery of the City and Council objectives and outcomes within the plan.

**A Growing City:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**A Caring Council:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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## Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

**Carbon Footprint (Environmental) Implications:**

None

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

**Background papers:**

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7
Application							

**Sign off:**

Fin	Click here to enter text.	Leg	35314/ag/9.9.20	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
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Originating Senior Leadership Team member: N/A

Please confirm the Strategic Director(s) has agreed the report? N/A

Date agreed:

Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only] N/A

Date:

**1.0 INTRODUCTION**

1.1 On the 11 August 2020 the licensing department received an application from Will Tomkins, Environmental Health Officer under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Royal Oak situated at Lake Road, Hooe, Plymouth.

**1.2 Review application.**

Environmental Health have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of a public nuisance. A Copy of this application has been served by Will Tomkins, Environmental Health Officer on each of the responsible authorities and the holder of the premises licence.

Environmental Health will say that complaints were received from local residents regarding a noise nuisance of amplified live and recorded music taking place in the beer garden of the Royal Oak, Hooe. Complaints also appeared in the media and online included a clip of the music audible on the opposite side of the park in Hooe.

They will further say they attended the premises to discuss the noise levels with Mr John Chambers the premises licence holder and also the Designated Premises Supervisor, and gave advice regarding the level of noise and the current Covid-19 guidance for public houses and performing arts.

The following weekend, the Licensing Manager visited the Royal Oak and witnessed the noise levels, taking a video clip of the music/singing from a live act which was audible on the south west coast path 50 metres away. Further complaints from nearby residents including video footage of the music was received which was clearly causing a significant nuisance.

In accordance with review proceedings at 1522 hrs on 11 August 2020 a licensing officer from Plymouth City Council attended the premises and the Premises Licence Holder and DPS were not present spoke to the bar person, Katy Musgrove, and requested the site notice be displayed at the premises. He then placed a notice on the drain pipe outside the premises.

At 1124hrs the following day a similar notice was displayed on the public notice board at the Council House, Armada Way, Plymouth.

**1.3 Licensable Activities.**

These premises have the following licensable activities and timings.

<p><b>(c) Indoor Sporting Events</b> Monday to Sunday 8.00pm to midnight</p>
<p><b>(e) Live Music (Indoors)</b> Friday and Saturday 5.00pm to 11.00pm (Suspended by Live Music Act 2012 &amp; and the Legislative Reform (Entertainment Licensing) Order 2014)</p>
<p><b>(f) Recorded Music (Indoors)</b> Monday to Sunday 10.00am to 11.00pm (Suspended by Live Music Act 2012 &amp; and the Legislative Reform (Entertainment Licensing) Order 2014)</p>
<p><b>(m) Supply of Alcohol for consumption ON and OFF the premises.</b></p>

Monday to Sunday 10.00am to Midnight

Non Standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

**(I) Hours Premises are Open to the Public**

Monday to Sunday 10.00am to 12.30am

Non Standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

1.4 Conditions attached to the licence (Appendix I)

## 2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon & Cornwall Police* – no representations.
- 2.2 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.3 *Trading Standards* – no representations
- 2.4 *Planning Officer* - no representations.
- 2.5 *Child Protection* – no representations
- 2.6 *Health & Safety Executive* – no representations.
- 2.7 *Health Authority (ODPH)* – no representations.
- 2.8 *Licensing Authority* – no representations.

## 3.0 OTHER PARTIES

We have received 6 letters in support of the application from residents within the vicinity of the premises and a local Councillor. We have also received 8 letters against the application.

## 4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is obliged to have regard to the application and any relevant representations.

The Committee should take such steps, if any, as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;

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

In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application:
  - 1.2 - 1.5, 1.9, 1.10, 1.12, 1.16, 1.17
  - 2.15 – 2.21
  - 11.1, 11.7, 11.9, 11.10, 11.10, 11.11 and 11.16 - 11.23
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
  - Licensing Hours (Page 12)
  - Designated Premises Supervisor (Page 15)
  - Public Nuisance (Page 19)
  - Licensing Conditions (page 22) and
  - Review of premises licence (Page 24-25)
- Also the representations (including supporting information) presented by all the parties.

4.2 The steps referred to above are :

- (a) to modify the conditions of the licence (which includes adding new conditions, any alteration or omission of an existing condition);
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

Members are made aware that any existing conditions relating to live or recorded music which are already on the licence are suspended between the hours of 8am and 11pm due to amendments made to the Licensing Act 2003. However on a review of a premises licence, section 177A(3) of the Act permits a licensing authority to lift that suspension. Also section 177A(4) of the Licensing Act 2003 would allow Members to add a condition to the licence relating to music as if it were regulated entertainment. If members were to do this then any condition would need to include a statement that section 177A of the Act does not apply to that condition.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.



**• ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****A Supply of alcohol**

Any existing conditions attached to existing justices licence ·

The authorised hours for the sale of alcohol do not prohibit:

1. during the first twenty minutes after the end of authorised hours the consumption of the alcohol on the premises;
2. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
3. during the first thirty minutes after the end of authorised hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
4. consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
5. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
6. the sale of alcohol to a trader or club for the purposes of the trade or club;
7. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
8. the taking of alcohol from the premises by a person residing there; or
9. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
10. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**B Conditions agreed with Environmental Health Authority**

1. Doors and windows will be kept shut during entertainment.
2. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
3. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property.
4. Management will control the sound levels of the music/entertainment.
5. Before 23:00 hrs

To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the façade of the nearest residential property.

6. Use of Gardens, Play Areas and outside areas

The use of gardens and external play areas will not commence before the start of normal trading hours and will cease at 23:00 hours.

7. Regulated entertainment will cease at 23:00 hours to include karaoke, recorded music and live entertainment.

**C Steps taken in order to promote the four Licensing objectives**

1. Staff banned from drinking on duty.
2. Records maintained of any material incidents within or in immediate vicinity of premises.
3. Drugs warning notices on display.
4. Zero tolerance to drugs use and dealing.
5. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate.
6. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
7. Food available.
8. Specific staff training and supervision in assessment of customer consumption and condition.
9. CCTV system operating externally and partially internally.
10. No drinks hoarding.
11. Pro-active policy against “binge” drinking.
12. Zero tolerance to offensive conduct.
13. Regular glass collection.
14. Air-conditioning provided.
15. Regular dedicated cleaning of premises.
16. Limit on number in premises.
17. Freephone or similar taxi facility.
18. Nominated staff to deal with complaints from neighbours.
19. Full training for staff in law specifically relating to minors and alcohol and specific photo I/D proof of age requirements.

• **Annex 3 - Conditions attached after a hearing by the licensing authority**

Suitable signage be positioned at exits to request the co-operation of patrons in particular to make as little noise as possible when leaving the premise, and patrons would be asked not to stand around talking in the street outside of the premises, and asked to leave the vicinity quickly and quietly.

The outside storage facility not to be accessed after 23:00 hours on any day.

For the supply of alcohol Monday to Sunday 10:00 hours to 00:00 hours.

Opening Hours to be Monday to Sunday 10:00 hours to 00:30 hours.

Music activity other than recorded music to be restricted to Friday and Saturday and one other day, within one week, with the exception of Bank Holidays.

**Price, Marie**

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**From:** [REDACTED]  
**Sent:** 03 September 2020 21:11  
**To:** Licencing  
**Subject:** Fwd: Royal Oak Noise Pollution Ref 922348

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 3 September 2020 at 19:23:52 BST  
**To:** <licencing@plymouth.gov.uk>  
**Subject:** Royal Oak Noise Pollution Ref 922348

Dear Sirs

My address is [REDACTED]. We would like our representation to remain anonymous as we fear there may be repercussions. Unfortunately now more than ever before it seems a lot of people have no respect for the law and that is why I do not think you will get many representations regarding the loud music and sometimes unreasonable behaviour which stems from the Royal Oak Public House, Lake Road. I do have a few recordings but I am unable to attach these to this email, I am happy to forward to a mobile number by whats app if it can be secure.

Firstly I would like to point out that we bought our property realising that there was and has for many years been a public house at the end of the road. We have no objection to that and would wish the landlord every success with the business but would hope he would respect the residents, which in the past has not happened. It is good to see people socialising and enjoying themselves but they should leave the pub quietly not shouting arguing and swearing which often happens. For several weeks leading up to 1.8.2020 the pub played loud music from late afternoon into the evening.

On 1.8.2020 they had a female singer and it was like a concert going on, the volume was so loud you could not hear your television with all the windows closed and the volume up full. The vibration was also felt inside the property. Not only was the singer so loud and encouraging people to sing along there was no social distancing. The music started at 5.30pm and by 8.25 I had really had enough of it so I phoned the pub to ask them to turn the music down. I asked to speak to the landlord and was told he was not on the premises and I was speaking to the Manager but there were other licenced people on the premises. I said the music was too loud, could they turn it down. The person I spoke to would not give his name but said they had a licence for music and it was going off at 8.30 and put the phone down. The singer stopped and the backing music turned off at 9pm. The so called "music" was heard all over Hooe. Anyone trying to get to sleep would have had great difficulty.

My Partner also phoned, this time at 8.45pm and was also informed that the Landlord was not there but he was speaking to the Manager. He said that they had an outside music licence for live music and were allowed to play until 10pm. My partner queried the fact that they had an outdoor licence for live music as looking on the internet it did not appear that they had. The Manager said he knew what licence they had but the song being sung would be the last one. My partner asked for the Manager's name, he refused and put the phone down. The live music ceased at 9pm.

On Friday 7<sup>th</sup> August there was loud music playing but not as bad as the previous week.

On Saturday 8<sup>th</sup> August there was very loud music, again a female singer from 5.30-9pm.

Since the 8 August there has not been loud music playing but some nights (prior to this date and since) people leaving the pub get very loud shouting, swearing and arguing. On one evening we

were woken up late in the evening with people walking back and forth from bench seat by the lake to the pub shouting loudly , not happy about being chucked out of the pub for being “gobby” and saying I’m going sort “him” out, then a female voice saying “calm down” this went on for about 15-20mins. On 15<sup>th</sup> August again very noisy leaving the pub shouting to each other (10.55pm). Often continuing to the park to use the zip line late into the night. There have been occasions when people leave the pub and decide to urinate on the trees instead of using the pub toilets. I realise this is not the fault of the landlord, I am just trying to let you know what is happening here.

We are very concerned that if they do have a music licence whether indoor or outdoor they will not adhere to the licence but do whatever they want knowing that it is not a quick process to stop them. We feel that the residents of Hooe would have to put up with live music or very loud recorded music most if not every weekend and possibly also during the week. They have at times had music on week days.

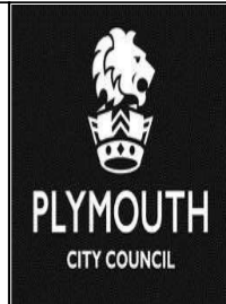
We would not play music in our garden loud enough to irritate other neighbours or patrons of the pub, but they seem to think it is Ok to do so and they cause a public nuisance.

It would be nice as residents of Hooe to enjoy our home without having to be subjected to music so loud that we can only describe the noise as being akin to a major music festival normally held at special events on large open spaces. Someone quoted on trip advisor that the music could be heard 1 ½ miles away.

We feel this is a residential area, mainly families and older residents not really suitable for very loud music concerts.

Yours faithfully

Appendix 3

**LICENSING REPRESENTATION****Case reference: FS-Case-246157941**

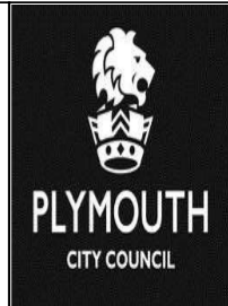
<b>Premises</b>	
<b>Name of the premises:</b>	Royal Oak
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	Royal Oak Inn Lake Road, Plymouth, Devon, PL9 9QY
<b>Representation</b>	
<b>In what capacity are you applying:</b>	Any other person

div&gt;

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
<b>Representation details</b>	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	A. The prevention of crime and disorder,B. Public safety
<b>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</b>	I live near the Royal Oak and throughout lockdown I have seen drinks being served from around the back of the premises. I have also seen groups gathered, including one Sunday afternoon gathering in May of at least 30 people on the walls and grass outside. There has been little or no attempt at enforcing social distancing. Myself and friends have reported incidents to the police on several occasions. Pubs have received huge taxpayer support including suspended rates and grants up to £25k so this is greed over public safety and totally irresponsible in a License holder.

<b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b>	Yes
<b>Provide reasons:</b>	I live locally and fear payback
<b>Number of documents in support of your representation uploaded:</b>	0
<b>Declaration</b>	
<b>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</b>	
<b>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</b>	
<b>Signed:</b>	
<b>Date:</b>	2020-09-05

# LICENSING REPRESENTATION



**Case reference: FS-Case-238113696**

Premises	
<b>Name of the premises:</b>	Royal Oak. Hooe
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	Royal Oak Inn Lake Road, Plymouth, Devon, PL9 9QY
Representation	
<b>In what capacity are you applying:</b>	Any other person

div>

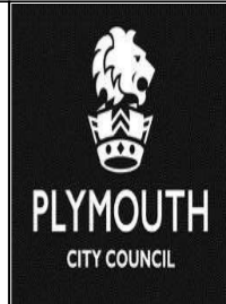
<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
Representation details	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance

<p><b>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</b></p>	<p>I have lived at this address for 14 years. The Royal Oak pub lies directly opposite me on the other side of Hooe Lake. There have been occasions in the past when music has been played, but I have never felt it necessary to complain about the noise.</p> <p>On Saturday evening August 1 2020 there was a lady with a microphone in her hand singing along to music whilst wandering between the tables. I don't know what was providing the backing music or where it was located. From my house I could see a large black box on the pub wall which I took to be a speaker. It was facing Hooe Lake and all the houses going up the hill. The music was VERY loud and intrusive and echoed all around the lake. I looked up online whether the Premises License was allowed outside music and saw that only indoor music was allowed. I rang the pub asking to speak to the manager to complain about the noise and whether in fact they should be having a live outdoor performance. I was told that they were doing nothing wrong and would turn it down but it continued at to be VERY loud. Loud music continued to be played when she had finished. At some stage in the evening the punters were singing loudly along to 'Sweet Caroline'.</p> <p>I also sent a message to our local police officer, PC1136.</p> <p>On Saturday evening August 8 2020 I rang the pub at 6.10 and 7.35 to again complain about the loud music and was told it would finish soon.</p> <p>I don't think that the publicans realise how noise reverberates around the bowl that Hooe Lake sits in. I appreciate that many people like to listen to the music. I understand that due to Covid, indoor live music activities are not permissible.</p> <p>But I question whether any of the punters who have been partaking of the free BBQ in the afternoon and then continuing drinking would even notice if music was being played or not.</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b></p>	<p>No</p>
<p><b>Number of documents in support of your representation uploaded:</b></p>	<p>0</p>
<p><b>Declaration</b></p>	
<p><b>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</b></p>	



<b>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</b>	
<b>Signed:</b>	
<b>Date:</b>	13/08/2020

## LICENSING REPRESENTATION



**Case reference: FS-Case-238757733**

Premises	
<b>Name of the premises:</b>	Royal oak
<b>With regard to the following application I want to:</b>	Support it
<b>Premises address:</b>	Royal Oak Inn Lake Road, Plymouth, Devon, PL9 9QY
Representation	
<b>In what capacity are you applying:</b>	Any other person

div>

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
Resrepresentation details	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance
<b>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</b>	Music very loud and vibrates round the village. You can also hear customer's singing and shouting during the music which i thought was not allowed during copid 19. I live a 5 minute walk from the royal oak but every Saturday evening can hear there live music. I work Saturday nights on the railway 21.30 to 09.30 and am unable to get any sleep before this due to the music being so loud. The music seems to be getting louder every weekend
<b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b>	Yes

<b>Provide reasons:</b>	dont want people in the village knowing where i live to avoid any repercussions and some of the people that drink in the royal oak are my friends
<b>Number of documents in support of your representation uploaded:</b>	0
<b>Declaration</b>	
<b>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</b>	
<b>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</b>	
<b>Signed:</b>	S
<b>Date:</b>	2020-08-15

**Price, Marie**

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**From:**  
**Sent:** 21 August 2020 20:43  
**To:** Licensing  
**Subject:** Royal Oak Pub Hooe - Noise Complaint representation for licensing sub-committee hearing 28th September 2020.

Dear Sir / Madam,

I am sorry that I have to write to you but I am compelled to do so to let you know about the impact of the actions of the Royal Oak Pub and its desire to play piped and live music in their beer garden.

The live music, which I guess as a reaction to the Covid 19 situation, has recently been played outside; the speakers are approximately metres from my house. This music has been played generally early evening on a Friday, Saturday and Sunday. It is so loud that even with the windows closed ( which is not desirable during this hot weather) can be heard everywhere in the house and in the lounge even with the TV at max volume it was impossible to hear. The piped music, which has been for the occupants of our house even more wearing and distressing, has generally been played from lunch time on a Friday, Saturday and Sunday to late evening depending on the weather this can also be heard in all parts of our house. As you can imagine if you chose to sit outside to enjoy the weather/garden you have no choice but to listen to the music. It has been incredibly distressing, stressful, wearing and frustrating that neighbours can be allowed to treat others in such a fashion. If we played incessant music at a high volume all day, I would fully expect the people in neighbouring properties to complain. I would be ashamed that my lack of consideration for them would cause them distress and alter my behaviour. Sadly, the landlord of the Royal does not share these morals.

We have contributed and worked for the community of Plymouth the whole of our working lives and were hoping to continue to enjoy living in our house, as we have done for the last 19 years. However recently I have for the first time felt like moving out of Plymouth. We have been forced to also think about avoiding being in our home during the times described above.

I would love the pub to thrive and be very much part of the local community. We have lived in the house for over 19 years and I grew up as a child next to the Dolphin pub on the Barbican, so all the noise of people enjoying themselves eating and drinking ( which is great), noise after 11pm as people very slowly make their way home, antics, parking on the pavement/yellow lines and various driving issues, drugs, declarations of undying love, relationship issues, fights and the odd individual urinating/vomiting on the street are familiar, not welcome or so great, but sort of expected to a point if you choose to live next to a pub! However, the noise of (piped) music from a sound system in the beer garden and the live music outside which has certainly never been an issue until recently is unbearable, a real nuisance and no one should have to tolerate it. I can appreciate piped music and the occasional live music internally as a form of entertainment for customers which they can choose to listen to or leave. However because of the location of the pub in a residential area and the fact that the pub often has its doors open even this has been an issue ( but not like it is now) in the past mainly because it was incredibly loud or went on really late. In all my experience, pubs with beer gardens rarely ever have music playing in them. The only one I can think of is situated well away from any residential housing.

I can supply recordings/photos of all the associated issues should they be required.

Yours Sincerely

From: PCC <donotreply@plymouth.gov.uk>

Sent: 03 September 2020 16:17

To: Tomkins, Will <Will.Tomkins@plymouth.gov.uk>

Subject: Councillor Enquiry - case allocated to you - case ref: FS-Case-245347456

Dear Colleague

A new Councillor Enquiry case has been allocated to you to investigate. Please click here to view the case and action as necessary.

Details of the case are below.

Councillor: Cllr Kathy Watkin

Enquiry details:

I am a ward councillor for Plymstock Radford Ward and live in Hooe, about 300 metres from the Royal Oak.

I have had various complaints about anti social behaviour, lack of social distancing and loud music from the pub on a number of occasions.

I understand that the pub was taken over by new management/ownership in February and good food was being offered by the pub as well as music on some nights. This provided a focal point and seemed like good news for the area to have a revamped community facility. It is regrettable that due to Covid19 it had to be closed shortly after it opened. However, when it did reopen there were concerns about activities in or around the pub not being socially distanced and litter from take -aways.

.

On Saturday August 1, the music was so loud, I could hear it loudly in my sitting room with the doors and windows closed. I had complaints from neighbours of the pub who informed me they had phoned the pub and asked for it to be turned down and they had been met with abuse.

The music stopped sometime between 8.30 and 9pm. Some residents were working from home and could not concentrate others were hoping for a quiet Saturday evening. The following week, again there was music. The volume was slightly lower, but could still be clearly heard from the back of my house. It stopped about 8pm.

I have no doubt that those in the pub enjoyed the music,, but a number of the residents of Hooe found it intrusive

There have also been parking issues. I have seen vehicles parked on Hooe Green and have had reports that vehicles have parked across the access to properties preventing people from getting to their own home. Although it is not known that customers of the pub are responsible, these incidents have taken place when the pub has been busy.

Since 8 August, I have not heard loud music from my house. Although I understand the landlord has made provision for social distancing, it is difficult for customers in a pub setting to comply. It is hoped that the noise and social distancing problems are temporary and the pub and its neighbours can coexist amicably in future.

Most of the complaints I have had, outside the immediate neighbourhood of the pub, related to the loud music on 1 and 8 August.

I would suggest that there is a condition on the licence restricting music ( including amplified music) being played other than inside the pub at any time.

The service standard for responding to Councillor Enquiry's is 5 working days, therefore the due date for a response to this case is 10/09/2020.

Kind regards

Plymouth City Council

## Customer feedback form - General comment

Please find below details of new customer feedback case re: General comment for Public Protection. Case ref: CF-Case-239351172

### Feedback details

I understand that The Royal Oak Pub in Hooe is having its licence reviewed due to complaints from some local residents. I live within     yards from this pub and I would like to make it clear that the music played at weekends has in no way been a nuisance. Indeed I am happy that the pub has made a healthy comeback under the present landlord, and I hope it continues to thrive.  
Yours sincerely,

### Preferred Channel

No response needed

### Customer Details

**Full name**

**Telephone Number(s)**

**Email Address**

**Full Address**

PAGE 1 of 2.

19 AUGUST 2020

HOOE  
PL9 9RS

Dear Sir / Madam,

A rare letter in which I've never done before so apologies if the contents are of limited use to the Royal Oak and the Support for our local pub here in the village of Hooe.

My wife and I live approximately up the hill from the Royal Oak, my wife has lived at our address for 40 plus years & myself since 2006. In which time we have had no real issue's with Royal Oak in particular with noise.

For years the pub has had many publicans but none until now has it been run so well and that is down to Lee, Claire and their team. Ultimately having a good pub, food & reputation following Lee & Claire from the fisherman's the custom will generate a 'following' and making the Royal Oak a popular destination, not taking into account it's location right on a lake!.

Considering the Royal Oak has kept to regulations stipulated by the Covid situation it is with much frustration that the current axes have had a notice placed on them! It is without question that live music will create noise especially when outdoors but at the time this was the only place in which they could play. This is a once a week and weather permitting event, not every day!.



2.

The Royal Oak has been in it's current location since 1799 and I'm fairly confident that it has been here a fair few years to the majority of houses that are now in the surrounding area of the Royal Oak!. Point is if you buy a house in or around a pub, aerodrome, road etc etc you must expect noise from time to time!.

Another frustration is the Royal Oak has a license to play music up until 2300hrs but Lee & Claire again have considered the locals and decided to play the music at a more 'social friendly time' for the locals, even putting on a free bar-b-que for the locals might I add!.

-So it seem's that a FEW 'locals' seem to want to deny the MASSIVE of the village having a fantastic pub plus a new finally in our village of Uxoe. I only hope that common sense & consideration to the village community and support for the Royal Oak is used in your decision?.

So on a final note I'd just like to reiterate that Lee, Claire and their team are doing a fantastic job complying to the regulations and finally giving the village a great pub with a great community vibe and atmosphere once again!

Yours Sincerely



18<sup>th</sup> August 2020

Dear Sirs

**Re: The Royal Oak Public House, Hooe, Plymouth**

My wife and I were appalled at the restrictions imposed on the Royal Oak. It seems that the official line is to socialise but do not enjoy yourself.

The Royal Oak has been a run down shambles for years. Now we have two vibrant people, in Lee and Clare, who have the pub and community at heart. The Royal Oak has become a community hub. They stick rigidly to all Covid recommendations.

During lockdown they started doing takeaways, which was invaluable to those in isolation and the elderly. This facility was taken away because of complaints by certain people. Live music has always been a feature at The Royal Oak with no complaints in the past so why suddenly is this a problem for some people? Who are these people? Have they an ulterior agenda to this persistent persecution of The Royal Oak.

Yours faithfully

Appendix II

**Price, Marie**

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**From:**  
**Sent:** 14 August 2020 21:01  
**To:** Licensing  
**Subject:** Fwd: Royal Oak, Hooe  
**Categories:** Representation Royal Oak

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:**  
**Date:** 13/08/2020 13:03 (GMT+00:00)  
**To:** licensing@plymouth.gov.uk  
**Subject:** Royal Oak, Hooe

I fully support the Royal Oak . Pre lockdown I was a customer. Please do not jeopardize the business with alterations to their licence.

Sent from my Samsung Galaxy smartphone.

**Price, Marie**

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**From:**  
**Sent:** 22 August 2020 17:15  
**To:** Licensing  
**Subject:** Oak public house Hooe

To whome it may concern

The oak is a lovely family pub. COVID rules are adhered to.  
Do not understand why a notice has been served.  
Regards

Sent from my iPhone

**Price, Marie**

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**From:**  
**Sent:** 19 August 2020 09:33  
**To:** Licensing  
**Subject:** Royal Oak, Hooe

Email regarding the Royal Oak and stopping of music

My husband and I are regulars at the Royal Oak and have been for well over 20yrs, this is the first time the brewery have got it right with the right people to run it, Lee & Clare are lovely people who don't deserve all the hassle the Royal has had the last few months.

During lockdown they provided a take away service for food and drink - this was well organised only the side door was open, not allowed inside the pub or the use of toilets or beer garden, drinks and food in takeaway containers, there are several single and elderly people who live on their own who were really grateful for the take away food this was stopped because neighbours kept ringing police complaining of groups gathering on Hooe green drinking and eating, this had nothing to do with Lee or Clare they stuck to COVID rules once people left the pub it was down to individuals. Groups were gathering on the green but there was never any rubbish left and no hassle just friends / regulars meeting up sat apart but still people ringing up and complaining after all the complaints the Royal Oak didn't want the hassle even the police said to Lee he was doing nothing wrong.

Now it seems same neighbours complaining about music being played 2 hours on a Sat evening - it's a real shame because Lee & Clare for the last 4/5 weeks have laid on a free BBQ 12-5pm on a Sat followed by music thanking the regulars and visiting people for supporting them and its their way of thanking us and what a lovely thing to do, the music was for 2 hours and was finished either 8 or 9pm, no trouble just people enjoying themselves.

COVID restrictions were put in place, sign in, sanitise, one way system, numbers monitored, everyone seated and waitress service. It's a real shame because the Royal Oak went downhill for years but now it's the best it has ever been, Lee & Clare have transformed the pub both professionally, decor and they really care about the support they have been given but it seems being penalised for it.

It is a tough time for businesses at this present time not just for the pub but for the singers who want to earn a living

Kind regards

Sent from my iPad

**Price, Marie**

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**From:**  
**Sent:** 25 August 2020 15:36  
**To:** Licensing  
**Subject:** Royal Oak. Hooe.

To whom it may concern

In response to the complaints you have received from members of the public about noise from the above establishment.

I want to add my support to the Royal Oak. They run a very professional public house. They strictly enforce social distancing and have arranged live music events which have been a much needed and safe tonic to the last few months.

It is a shame that a few members of the community feel it necessary to complain about some people having fun in a safe setting which adhered to all guidelines.

I want to add my support to the team at the Royal Oak who do a superb job.

Yours sincerely

**Price, Marie**

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**From:**  
**Sent:** 17 August 2020 07:55  
**To:** Licensing  
**Subject:** The Royal Oak, Hooe, Plymouth  
**Categories:** Representation Royal Oak

Dear Sirs

Further to the notice that has been given to the above named pub I would just like to say that the landlord and staff have been doing everything they can to comply with the guidance issued. There is a book where we all have to sign in and there is hand sanitiser in place for people to use. There are signs to indicate which way we should go in and out and they monitor how many people they have on the premises. We sit in our bubbles and they are constantly monitoring that people are seated.

In relation to the music all they are doing is trying to bring happy times into people's lives. The singers have to make a living and is it really that big a deal that on a Saturday for a couple of hours there is music. I think the people complaining are in the minority and people I have seen and spoken to who live close to the pub actually enjoy sitting in their garden listening to the music.

They are trying to make a living and are doing their very best. They have made the pub a friendly and nice place to go which others have failed to do.

Could some sort of compromise be agreed in relation to the volume of the music?

Thank you for taking the time to read my opinions.

Yours faithfully

Sent from my iPhone

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# REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



Date:	29 September 2020
Title of Report:	Review of Premises Licence: Lockdown Inn, Southway Drive, Southway
Lead Member:	Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	ERS/LIC/PREM
Key Decision:	No
Confidentiality:	Part I - Official

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## Purpose of the report:

An application has been received from Will Tomkins, Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Lockdown Inn, Southway Drive, Southway, Plymouth.

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## Recommendations and Reasons:

That Members consider this report.

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## Alternative options considered and rejected:

None.

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## Relevance to the Corporate Plan and/or the Plymouth Plan:

### Our Plan – A City to be proud of.

This report links to the delivery of the City and Council objectives and outcomes within the plan.

**A Growing City:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**A Caring Council:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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## Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

**Carbon Footprint (Environmental) Implications:**

None

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

**Background papers:**

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7
Application							

**Sign off:**

Fin	Click here to enter text.	Leg	35314/ag/9.9.20	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
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Originating Senior Leadership Team member: N/A

Please confirm the Strategic Director(s) has agreed the report? N/A

Date agreed:

Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only] N/A

Date:

## **1.0 INTRODUCTION**

1.1 On the 10<sup>th</sup> August 2020 the licensing department received an application from Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of The Lockdown Inn situated at Lockdown Inn, Southway Drive, Southway, Plymouth. PL6 6QW

### **1.2 Review application.**

Environmental Health have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of public nuisance. A Copy of this application has been served by Environmental Health on each of the responsible authorities and the holder of the premises licence.

Environmental Health will say that since the re-opening of the Lockdown Inn on the easing of the COVID-19 restrictions the DPS of the Lockdown Inn, Mark Higgins, contacted Plymouth City Council Environmental Health to confirm the restrictions in place for having live music. On Friday 10th July they discussed the restrictions with Mr Higgins, namely that; Live music was permitted outside, audiences must be socially distant, and that any music must not be of a volume where patrons are not required to raise their voices. They also informed Mr Higgins that he must comply with his premises licence and ensure that any music should not disturb nearby residential properties. They referred Mr Higgins to the Government guidance documents for pubs and performing arts.

They will further say that since commencing entertainment in the pub carpark Plymouth City Council has received 5 complaints from local residents and 1 from the Plymouth City Council Ward Member regarding noise from the public house. On the 16th July they emailed the premises licence holder, Victoria Inns and the DPS, Mark Higgins, informing them that complaints had been received regarding the noise levels.

On the 8th August 2020 they completed noise monitoring at The Lockdown Inn between 16:00 and 17:00. Live and recorded music was playing from a stage set up in the beer garden of the pub. The music from the Lockdown was clearly audible at the junction of Goodwin Avenue and Pendeen Crescent, 85 metres from the premises. They walked down Longstone Avenue and the music was audible where the footpath joins Southway Drive 185 metres from the premises. 5 videos were taken of the noise from nearby locations. They approached the public house and asked to speak to the DPS Mr. Higgins, the security staff on duty was unable to hear me and had to come very close to my face to speak to me. This concerned me due to the current social distancing restrictions in Public Houses and my personal safety.

Mr Higgins was made aware they were there and spoke in Longstone Avenue. Mr Higgins had difficulty hearing the officer due to the volume of the noise and they had to ask him to step away from them to ensure social distancing was maintained. They informed him that several complaints had been received, that the volume was too loud and that he should contact them on Monday to discuss. They explained that they could not stop the event in progress as they were lone working and that it would not be safe for them to do this. Mr Higgins stated that he would reduce the volume.

The volume of noise witnessed on the 8th August 2020 would constitute a public nuisance. Mr Higgins had been provided advice and guidance in the noise levels that

are acceptable for the prevention of public nuisance. He had also been provided with guidance on the additional noise controls required in the COVID-19 guidance. From the evidence obtained on the 8th August none of this guidance had been adhered to.

In accordance with review proceedings at hrs on 10<sup>th</sup> August 2020 a licensing officer from Plymouth City Council attended the premises and spoke to Sam Holloway and requested the site notice be displayed at the premises.

At 16:12hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

### 1.3 **Licensable Activities.**

These premises have the following licensable activities and timings.

<p><b>B. Exhibition of films (Indoors)</b></p> <p>Monday to Saturday 11:00 to 23:00 Sunday 12:00 to 22:30</p>
<p><b>E. Performance of live music (Indoors)</b> Monday to Sunday 12:00 to 22:00</p>
<p><b>F. Playing of recorded music (Indoors)</b></p> <p>Monday to Thursday 12:00 to 23:59 Friday and Saturday 12:00 to 02:00 Sunday 12:00 to 22:30</p> <p><i>Seasonal Variations:</i></p> <p>24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 12:00 hrs to 02:00 hrs. Every Bank Holiday from Thursday to Monday, times to be 12:00hrs to 02:00hrs. New Years Eve that does not fall on a Friday or Saturday open until 02:00hrs. Karaoke to cease at 23.00hrs</p>
<p><b>G. Performance of dance (Indoors)</b></p> <p>Monday to Saturday 10:00 to 23:00 Sunday 10:00 to 22:30</p>
<p><b>H. Entertainment of a similar description to that falling within E, F, or G (Indoors)</b></p> <p>Monday to Thursday 12:00 to 23:59 Friday and Saturday 12:00 to 02:00 Sunday 12:00 to 22:30</p> <p><i>Seasonal Variations:</i></p> <p>24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 12:00 hrs to 02:00 hrs.</p>

Every Bank Holiday from Thursday to Monday, times to be 12:00hrs to 02:00hrs.

New Years Eve that does not fall on a Friday or Saturday open until 02:00hrs.

Live music and Karaoke to cease at 22.00hrs

**I. Provision of facilities for making music (Indoors)**

Monday to Thursday 12:00 to 23:59

Friday and Saturday 12:00 to 02:00

Sunday 12:00 to 22:30

*Seasonal Variations:*

24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 12:00 hrs to 02:00 hrs.

Every Bank Holiday and from Thursday to Monday, times to be 12:00hrs to 02:00hrs.

New Years Eve that does not fall on a Friday or Saturday, times to be 12:00hrs to 02:00hrs

Karaoke to cease at 23.00hrs

**J. Provision of facilities for dancing (Indoors)**

Monday to Thursday 12:00 to 23:59

Friday and Saturday 12:00 to 02:00

Sunday 12:00 to 22:30

*Seasonal Variations:*

24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 12:00 hrs to 02:00 hrs.

Every Bank Holiday and from Thursday to Monday, times to be 12:00hrs to 02:00hrs.

New Years Eve that does not fall on a Friday or Saturday, times to be 12:00hrs to 02:00hrs

**K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)**

Monday to Saturday 10:00 to 23:00

Sunday 10:00 to 22:30

**L. Late night refreshment (Indoors & Outdoors)**

Monday to Thursday 23:00 to 23:59

Friday and Saturday 23:00 to 01:00

*Seasonal Variations:*

24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 23:00 hrs to 02:00 hrs.

Every Bank Holiday and from Thursday to Monday, times to be 23:00hrs to 02:00hrs.

New Years Eve that does not fall on a Friday or Saturday, times to be 23:00hrs to 02:00hrs

**M. The sale by retail of alcohol for consumption ON and OFF the premises**

Monday to Thursday 10:00 to 23:59

Friday and Saturday 10:00 to 01:30

Sunday 10:00 to 23:00

*Seasonal Variations:*

24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 10:00 hrs to 02:00 hrs.

Every Bank Holiday from Thursday to Monday, times to be 11:00hrs to 01:30hrs.

New Years Eve that does not fall on a Friday or Saturday, times to be 11:00hrs to 01:30hrs.

**Premises Opening Hours**

Monday to Thursday 10:00 to 00:30

Friday and Saturday 10:00 to 02:00

Sunday 10:00 to 23:30

*Seasonal Variations:*

24th and 26th December of each year, when falling on a day other than Friday or Saturday, times to be 10:00 hrs to 02:00 hrs.

Every Bank Holiday from Thursday to Monday, times to be 10:00hrs to 02:00hrs.

New Years Eve that does not fall on a Friday or Saturday open until 02:00hrs.

1.4 Conditions attached to the licence (Appendix 1)

**2.0 RESPONSIBLE AUTHORITIES**

2.1 Devon & Cornwall Police – no representations.

2.2 Devon & Somerset Fire & Rescue Service – no representations.

2.3 Trading Standards – no representations

- 2.4 *Planning Officer* - no representations.
- 2.5 *Child Protection* – no representations
- 2.6 *Health & Safety Executive* – no representations.
- 2.7 *Health Authority* – no representations.
- 2.8 *Licensing Authority* – no representations

### **3.0 OTHER PARTIES**

We have received 2 letter in support of the review from resident within the vicinity of the premises. We have also received 1 letters against the application.

### **4.0 CONSIDERATIONS**

- 4.1 In making its decision the Committee is obliged to have regard to the application and any relevant representations. The Committee should take such steps, if any, as it considers appropriate for the promotion of the licensing objectives, which are:

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

In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application:
  - 1.2 - 1.5, 1.9, 1.10, 1.12, 1.16, 1.17
  - 2.3, 2.4, 2.5, 2.14, 2.25, 2.16, 2.17, 2.18, 2.20, 2.21 and 2.26
  - 11.1, 11.7, 11.9, 11.10, 11.10, 11.11 and 11.16 - 11.23
  - 15.36 - 15.44, 15.55 and 15.56.
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
  - Licensing Hours (Page 11)
  - Designated Premises Supervisor (Page 13)
  - Protecting Children from Harm (page 16)
  - Public Nuisance (Page 17 – 19)
  - Licensing Conditions (page 20) and
  - Review of premises licence (Page 22-23)
- Also the representations (including supporting information) presented by all the parties.

- 4.2 The steps referred to above are :

- (a) to modify the conditions of the licence (which includes adding new conditions, any alteration or omission of an existing condition);
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;



(e) to revoke the licence;

Members are made aware that any existing conditions relating to live or recorded music which are already on the licence are suspended between the hours of 8am and 11pm due to amendments made to the Licensing Act 2003. However on a review of a premises licence, section 177A(3) of the Act permits a licensing authority to lift that suspension. Also section 177A(4) of the Licensing Act 2003 would allow Members to add a condition to the licence relating to music as if it were regulated entertainment. If members were to do this then any condition would need to include a statement that section 177A of the Act does not apply to that condition.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Steps taken to promote the four licensing objectives:****Conditions changed following Minor Variation 14 May 2015**Prevention of Crime and Disorder

All staff shall be fully trained to perform their role - the Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff receive induction training prior to the sale of alcohol and then trained at least every 12 months in the contents of the premises licence including times of operation, licensable activities and all conditions.

Training of staff 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 3 years.

The Premises Licence Holder will ensure that 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) <http://www.informationcommissioner.gov.uk>) regarding installation of CCTV that is provided at the premises.

The CCTV equipment shall be maintained in good working order, shall cover all areas of the premises to which the public have access and include facial recognition either at entrance or exit point.

Images shall be retained for a minimum of 14 days and CCTV system shall be capable of downloading images to a recognizable viewable format.

A refusal register will be kept for any person refused service. The record will contain the time and date, the reason, the person (if known), the action taken and details of the person responsible for the management of the premises at the time of the incident.

An incident book shall be maintained to record any activity of any violence, criminality or anti-social behaviour. 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.

A list of banned individuals is to be recorded in the incident book with name, description of individual, length of ban and reason.

The refusals register and 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.

There will be a drug prevention policy in place which staff will be trained in the contents of the policy.

The Condition in (Annex 3) has been amended to: The requirement to employ SIA registered Door Supervisors from 22.00hrs should the premises be open after midnight to be

modified and the use of Door Supervisors to be dependent on the venues event risk assessment.

#### Public Safety

The Designated Premises Supervisor and/or responsible person shall not allow any open drinking vessel, glass or bottle to be taken from the licensed area.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

#### Prevention of Public Nuisance

The Designated Premises Supervisor and/or responsible person shall ensure that outside areas of the premises 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 areas have on the surrounding community.

Clear signage is to be on display by the exits requesting that patrons leave the premises quietly and respect the local residents.

#### Protection of Children from Harm

All staff shall be trained in the requirements of the Challenge 21 policies.

A notice shall be displayed at the counter advising customers that they will be required to prove their age when challenged by staff for proof of age.

#### **Conditions agreed with Environmental Health**

##### The Prevention of Public Nuisance

- I. Doors and windows will be kept closed whenever regulated entertainment is carried on in any event after 23.00hrs. to reduce breakout of noise.

2. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
3. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
4. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property.
5. Management will control the sound levels of the music/entertainment before midnight.
6. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 meter from the façade of the nearest residential property.
7. Between 00.00hrs and 2.30hrs. Noise emanating from the premises will not be clearly distinguishable above background levels 1 meter from the façade of the nearest residential property.
8. The outside area shall not be used by patrons after 23.00hrs for the purpose of an external drinking area.
9. At least 15 minutes before the last sale of alcohol the atmosphere will be adjusted to create a calm period of wind down. An example will be the turning up of lights and switching off of any background music.
10. The outside areas will be closed and cleared of customers after the hours of 23.00hrs.
11. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
12. The placing of bottles into receptacles outside the premises is only permitted to take place between the hours of 09.00hrs and 17.00hrs to minimise the disturbance to nearby premises.
13. All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.
14. The premises has a waste collection contract with Plymouth City Council for the removal of waste weekly.
15. Patrons will be asked not to stand around talking in the street outside the premises or any car park, and asked to leave the vicinity quickly and quietly.

16. A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator and all drivers are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as signal of their arrival or leave engines idling unnecessarily. In addition, staff will leave as quietly as possible, particularly at night and early in the morning.

- **ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**(The below condition is amended in Annex 2 following minor variation on 14 May 2015)**

The Condition in (Annex 3) has been amended to: The requirement to employ SIA registered Door Supervisors from 22.00hrs should the premises be open after midnight to be modified and the use of Door Supervisors to be dependent on the venues event risk assessment.

**Price, Marie**

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**From:**  
**Sent:** 24 August 2020 20:30  
**To:** Licensing  
**Subject:** Noise Complaint Ref: 922750, Lockdown Inn

[licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

Office of the Director of Public Health  
Head of Public Protection Service  
Plymouth City Council  
Windsor House  
Plymouth  
PL6 5UF

Noise Complaint Ref: 922750, Lockdown Inn

Dear Sir/Madam

I am writing to you after complaining to the council regarding the noise emanating at weekends from the Lockdown Inn in Southway.

I am located approximately a quarter of a mile from the Inn and was able to hear every word being announced on their PA system at a high volume.

I am not a kill joy but the volume level was ridiculously loud and totally unnecessary.

The pub is supposed to be entertaining the patrons and not all those living in Southway and Derriford.

The high level of noise has been coming from the pub for a number of weekends now with little consideration for the surrounding residents. The PA noise on the 8<sup>th</sup> August convinced me that the pub was totally inconsiderate to the suffering of those who live nearby to the Inn.

On the 8<sup>th</sup> we were at home enjoying the weather in our back garden.

From the moment the pub started up the PA system we struggled to talk to each other whilst sat on the patio.

We enjoy listening to the bird song in the garden but this enjoyment was also ruined by the high volume from the PA system.

Eventually we gave up trying to enjoy the garden and went indoors however we could still not escape the noise even with the double-glazed windows closed.

It is also worth noting that besides the very high-volume from the PA system the DJ was totally unprofessional in their verbal presentation.

We were also exposed to laughing, screaming and shouting into the microphone.

This is a residential area so I would expect the council to manage licence approval with a degree of consideration and responsibility to those people who live in the area. Clearly this has not been the case.

If people want to listen to loud music in residential areas why don't they broadcast on wifi /Bluetooth and have the patrons wear headphones, rather than inflict the noise on everyone in the vicinity.

Thank you

**Price, Marie**

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**From:**  
**Sent:** 23 August 2020 13:47  
**To:** Licensing; Price, Marie; Downie, Dave; Drean, Jonathan  
**Subject:** Submission re Lockdown Pub  
**Attachments:** Video.MOV

Submission re Lockdown Pub

I have lived in this house in Derriford for 23 years and never had cause to complain about noise from social events either private or commercial from the Southway area. However, this changed in July this year when I heard loud music on a Sunday afternoon even at the back of our house which faces away from Southway.

By going on to the Derriford Community Facebook page I confirmed that this loud music was coming from the newly opened Lockdown Pub in Southway. Complaints were being made by other residents on the page regarding the volume of the music.

Our local councillors stepped in to investigate and I understand that officers from Environmental Health attended the pub and discussions were had with the landlord. The next outdoor event after the Landlord's discussion with Environmental Health officers was on Saturday 8th August when again we were subjected to an extremely high level of noise. This was at a significantly higher level of decibels than the music played in the first incident in July. It was clear that it was from the outdoor event using loudspeakers for music and Announcements at the Lockdown Pub. Again complaints were made by other residents and confirmed the noise as coming from the Lockdown pub.

Unwanted noise at this level is a recognised stressor and certainly on this occasion interfered with any quiet enjoyment of our property on an otherwise peaceful sunny afternoon. The uncertainty that it may be repeated caused an additional high level of stress.

After complaints were made known regarding the second occasion the Landlord made a comment on Facebook which I believe was inflammatory in its effect in that he said that '*it is with a heavy heart*' that he was discontinuing any further outdoor events for the foreseeable future. The responses to this on the community Facebook sites showed that people were beginning to take sides on this issue and an unnecessary division with an unpleasant tone was beginning to appear between residents of Southway and Derriford when in fact the very simple remedy would have been to take steps to lower the volume of his events when the Landlord learnt of the stress he was causing his neighbours

I have added To this email screenshots relating to complaints about the noise levels and also a video taken on the day from Moorland View in Derriford. Other screenshots referring to other complaints about antisocial behaviour on other occasions have been sent to Councillor Downie

Yours Sincerely

Video taken from Moorland View on 8th August

Screenshots of some of the complaints on the community pages;

01:31

91%

# Derriford Communit...



Conversation starter · 3 Aug ·

Hi does anybody know if the live music from lockdown pub is going to continue every Sunday . I can t believe it's allowed to be so loud . Can hear every word the guy was singing whilst sat in my living room with doors and windows shut .

I like listening to music but to have it at that volume is nt fair on residents . I live by Roborough surgery.

1

19 comments

Like

Comment

Have you contacted the council? If it's too loud it becomes an enviro... See More

View 10 previous replies...

noits outdoors. Just watched the video. Its th... See More

Write a comment...



shared a photo.

Admin · 3 d ·







Derriford



Community Noticeboard

20 Jul ·

Does anyone know what was going on yesterday afternoon with the loud music? I think it was probably in the valley. I've noticed it before. Not sure now if it was last Sunday or earlier.

Like

Comment

View previous comments...

· 3 w

We heard it on Upland Drive. My daughter couldn't get to sleep.

Like Reply ...

1

· 3 w

Presumably they are allowed to disturb our Sunday afternoons then?

Like Reply ...

· 3 w

Could hear it in Moorland til late afternoon. I wondered where it was coming from. It sounded like a fete with loudspeaker music



Write a comment...





| · 3 w

Thank you. It's very loud considering we can hear it on Moorland View. I had my headphones on and could still hear it. Wouldn't mind if it was a one off, but appears this may not be the case

Like Reply ...

☕ · 3 w

I live in Farnley close and it was that loud I could hear every word that was being sung not just by the singer but my the customers at the pub whilst I was sat in my living room .

I had to close my doors and windows to hear tv and still had to turn volume up . I rung the pub to ask how long it would be on for I was told noise travels and that they were under the accepted noise level for music in pubs .

This is going to be a regular event I have put in a complaint on Plymouth gov website for noise disturbance.

I think the volume was nt acceptable considering it's near a residential area.



Write a comment...



Appendix 4

**LICENSING REPRESENTATION****Case reference: FS-Case-241131424**

<b>Premises</b>	
<b>Name of the premises:</b>	Lockdown Inn
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	The Lockdown Bar, Grill & Function Room Southway Drive, Plymouth, Devon, PL6 6QW
<b>Representation</b>	
<b>In what capacity are you applying:</b>	Any other person

div&gt;

<b>Name:</b>	Mrs Kay Scoble
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
<b>Representation details</b>	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance

<p><b>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</b></p>	<p>If the review is passed, and the Lockdown is no longer allowed to have live music, it will likely be the beginning of the end for this promising venue. I was fortunate enough to have sung there recently on a Sunday afternoon. There were lots of families there, and so many people told us that they had only come to the Lockdown BECAUSE they heard the music. They came, they ate, and they said they had every intention of going back. My impressions from the locals were that the pub has breathed new, positive life into an area which has, historically, had issues with the clientele of the former social club. There were no complaints about the volume, and, even when you were sat close to the PA system, normal conversation was possible, with no need for raised voices.</p> <p>Outdoor music is a very short term solution to the COVID crisis, and with socially distanced music now permitted indoors, it is unlikely to be a recurring issue. From conversations I have had with the staff, they have a coherent plan for all-seated, socially distanced gigs, and this will prevent the need for outdoor gigs going forward.</p> <p>I also have concerns that social media shows an almost concerted campaign by a very small number of disgruntled locals, who had issues with a SINGLE afternoon of music, to get the pub shut down. This is being encouraged by a local councillor, who is only going on hearsay - surely this is against whatever oath he took as a councillor? It's not his place to rabble rouse, and I find the evidence of his involvement, which has been widely shared on various social media platforms, disconcerting to say the least.</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b></p>	<p>No</p>
<p><b>Number of documents in support of your representation uploaded:</b></p>	<p>0</p>
<p><b>Declaration</b></p>	
<p><b>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</b></p>	
<p><b>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</b></p>	
<p><b>Signed:</b></p>	<p>Kay Scoble</p>
<p><b>Date:</b></p>	<p>23/08/2020</p>