

Licensing Sub Committee

Tuesday 22 March 2022

PRESENT:

Councillor Rennie, in the Chair.
Councillor Patel, Vice Chair.
Councillors Allen and Stoneman (Fourth Member).

Also in attendance: Marie Price (Senior Enforcement Officer), Sharon Day (Lawyer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 10.45 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.

25. Appointment of Chair and Vice-Chair

The Committee agreed that Councillor Rennie was appointed as Chair, and Councillor Patel was appointed as Vice Chair, for this particular meeting.

26. Declarations of Interest

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

27. Chair's Urgent Business

There were no items of Chair's Urgent Business.

28. Grant of Premises Licence - The Catch situated at 47 Southside Street. The Barbican, Plymouth. PL1 2LD

The Committee having:

I. heard from the applicant as follows:

- the concerns of local residents have been factored into their plans for the business;
- no objections to the licence from any relevant authorities;
- they have adhered to all the licensing conditions from the Police;
- the premises is a food orientated venue, with a substantial food in the form of a table meal being made available when the venue is open;

- it is a premium seafood restaurant targeting the affluent and mature diners looking for something different;
- the plan is to offer a selection of premium wines and alcoholic beverages; they will not be providing discounted beverages, happy hours or any other offer that would encourage excessive drinking or problematic behaviour. The alcohol is to compliment the food;
- the premises previously operated as a shop/restaurant with similar opening hours to those proposed. It had, on occasion temporary event notices to provide alcohol for special events;
- the licensing objectives will be adhered to through effective, responsible training and management, supervision of staff and the premises;
- having the venue open and active in the later hours of the day will help elevate and discourage the mentioned antisocial behaviour within the Mitre Court gated entrance. Visible CCTV camera that have been installed will also help to discourage this;
- public safety is key to provide a safe working environment for their staff and customers and the public who are passing the venue. They would ensure that there would be a minimum of 1.5 meters of space between any tables used outside and the pavement edge to prevent the public having to walk on the road. Any A-boards would be positioned so as not to cause any obstruction and would ensure accessibility for all;
- music will be for background ambience only and they are very conscious of residents in the vicinity. They have installed a low decibel extraction system within the kitchen area to alleviate the need to have the front door open during busy times and to help reduce noise pollution from the venue;
- all customers using the venue will be asked to be respectful of the local residents and keep the noise to a minimum when outside the venue;
- the venture is in line with Plymouth's Ocean City vision as the produce will be promote local fishing boats and local seafood products catering to a more mature clientele;
- clients will be asked to smoke away from the premises on the pavement opposite as there is much more space there, to be respectful of residents and the area will be monitored to ensure that no nuisance is caused to neighbours;
- it is not envisaged that queues will form but if they did then clients phone numbers will be taken and an electronic system (open table) will be used to notify clients when their table is ready;

- the size of the venue is for 18 covers;
- Mr Baker outlined his 20 year experience of working in hospitality in high end venues;
- with correct supervision he did not believe that the venue would cause any additional issues in the area;

2. considered the written representation from the other party as follows:

Prevention of Crime and Disorder Licensing Objective:

- there is a community trigger currently in place regarding ASB in the vicinity of the new premises. The night time economy attracts street drinkers, rowdy behaviour and public urination in residents doorways and destruction of property. Having another alcohol outlet will exasperate an already out of control problem (footfall, crowds) having another establishment will cause further conflict with the residents that live and sleep in the area overnight and will add to current ASB problems. The gated entry to Mitre Court is located next to the premises and is an historic spot for public urination. Residents have used the 101 web chat services four times in February to report ASB. Reference was made to a Plymouth Live article which reported an Airbnb was used for a drug fuelled party which took place within Mitre Court which is situated behind the premises.

Members considered this representation to be relevant under this licensing objective. Members disregarded the reference to the news article about the Airbnb as this was not relevant to any of their considerations for this licence.

Members did not consider that the premises would add to the problems outlined in the representation for the following reasons:

- the problems regarding public urination would be mitigated by the installation of the CCTV at the premises which was a positive factor;
- the venue has only 18 covers and so is a small venue which will not cause a large increase in footfall or crowds. The booking system will ensure that queuing is dealt with effectively;
- the business is a food based business with alcohol being an accompaniment to the food;
- given nature of business and its target audience it would not contribute to existing problems in the area and will help to address some of the problems;

- there had been no representations from any of the Responsible Authorities;

Public Safety Licensing Objective:

- There was the potential for the obstruction of the pavement outside. Previous owners had tables and chairs outside which caused people to walk out into the traffic. The pavement is already narrow and if large crowds gather outside (smoking) it will cause pedestrians to walk into the road.

This was considered to be relevant under this licensing objective however the applicant had confirmed that if tables were placed on the pavement there would be 1.5m for pedestrians to pass by. With regards to smokers causing obstruction on the pavement outside the premises, this was not directly linked to the alcohol licence as even without an alcohol licence patrons of the restaurant would need to go outside to smoke. However, the committee had noted that patrons would be encouraged to smoke in the area over the road from the premises where there was plenty of room and that the area would be monitored by the premises. Therefore, given this, the size of the premises and the management of the booking system the committee did not consider that this licensing objective would be undermined;

Prevention of Public Nuisance Licensing Objective:

- Noise is already loud from neighbouring premises and can be clearly heard in the other party's property. Music can only be heard from establishments on The Parade and Quay Road and it already affects their sleep. Music noise echoes around the area. The close proximity of this premises will make matters worse with crowds gathering outside and music being played. The other party has a partner who suffers from autism and already struggles with the noise. The new licence will exasperate that. They have already spent £3000 on sound proofing. Due to the construction of the premises they believe that noise pollution will occur (they don't believe it will pass E1 building regulation). The property does not have any air conditioning, leading to the door being propped open and music from the property has previously been reported to PPS. The noise will cause them to be displaced from their home and it will affect their quiet enjoyment of the property. The Premises used to be a fudge shop with no issues in the 5 years the person has lived there. The issues have only arisen when the premises changed into an alcohol establishment serving food. It will not be in keeping with the immediate vicinity as most other businesses are shops and close at 6pm

This was considered to be relevant under this licensing objective, however the committee did not believe that licensing objective would be undermined for the following reasons:

- the playing of music was not a licensable activity in relation to this application and was therefore not taken into consideration. The committee also disregarded reference to whether the building would come up to building regulation standards as this was not linked to the licensing objectives;
- whilst whether not the premises was in keeping with the immediate vicinity was not strictly relevant to the committee's deliberations, it was noted that there were 3 other restaurants in the area rather than it being shops as mentioned in the representation;
- the applicant had taken measures to reduce the risk of noise breakout by the installation of a low decibel kitchen fan which would save the door being opened for ventilation.
- this was not a large venue as it only has 18 covers and the management have a booking system to prevent queues forming or problems with crowds;
- the clientele will be there for food rather than purely for alcohol;
- the last order for food will be at 9pm with the gradual dispersal of customers from then until 10pm which would avoid problems with dispersal and crowds.

Agreed, that taking into account the representations and all that was said by the applicant detailed above, the committee agreed it was appropriate to grant the licence as they were satisfied that to do so would not undermine the licensing objectives. It was considered appropriate to depart from policy in this case as given the size of the premises, business model and steps to be taken by the applicant to mitigate any potential problems and the fact that there had been no representations from any of the Responsible Authorities, the committee did not consider that granting the licence would add to the cumulative impact in the area. The licence is granted subject to the following:

- Mandatory conditions set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule;
- Conditions agreed with the police.

Exempt Business

There were no items of exempt business.