

## **Licensing Sub Committee**

**Tuesday 4 January 2022**

### **PRESENT:**

Councillor Stoneman, in the Chair.  
Councillor Patel, Vice Chair.  
Councillors Corvid (fourth member) and Rennie.

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

The meeting started at 10.00 am and finished at 12.10 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.*

#### 15. **Appointment of Chair and Vice-Chair**

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

#### 16. **Declarations of Interest**

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

*(Councillor Corvid left the meeting after the conclusion of this item)*

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

There were no item's of Chair's Urgent Business.

#### 18. **Variation of Premises Licence - Spar 171 - 173 Pike Road, Efford, Plymouth, PL3 6HJ**

The Committee having:

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant as follows:
  - the existing premises licence hours were between 8am – 11pm Monday – Saturday and 10.30pm on Sundays. The application was to vary the opening time to 6am in line with the shops opening times and to change closing time on a Sunday to 11pm and to remove the restrictions in relation to Good Friday and Christmas Day. This was in line with other Spar shops. Experience suggested

that to have the alcohol sales time in line with opening hours also prevented problems with customers as refusing sales during opening hours was a potential source of conflict and tended to cause problems;

- the premises had been recently acquired and would be staffed by two experienced staff who have previously operated the branch in Devonport. The company itself has a wealth of experience in operating these stores;
- there had been no representations against the application from Responsible Authorities;
- in response to the concerns laid out in the representations:
  - need for the licence was not a relevant consideration for the committee in its decision making;
  - regarding the licence exacerbating existing problems with drugs and anti-social behaviour, the addition of hours was at the beginning of the day and also if it were a concern the Police or Environmental Health would have made representations;
  - with regards to potential abuse of its staff, this was a factor in retailing regardless of alcohol sales;
  - the notices advertising the application were displayed appropriately and evidence had been sent into the Licensing Officer to prove this;
  - there was no evidence about alcohol issues in the store and the extension sought will not lead to the concerns raised as it is only 2 hours at the start of the day, 30 minutes on a Sunday and the removal restrictions on a Good Friday and Christmas Day;
  - their business is a community food store and it is the only one in the immediate area. As they rely on the local community for their business the store would be unwise to do anything that would cause a problem for the local residents as it would affect business;
  - there was no causal link for the concerns mentioned in the representations and no evidence to support them;
  - all staff are individually trained and are re tested every six months. They have a challenge 25 policy and a refusal log. Their plans have been discussed in detail with the Police;

- referred the committee to paragraph 9.15 of the statutory guidance and paragraphs 54 and 55 of the Thwaite's case;

(c) considered the written representations from other parties as follows:

- there were existing problems with drug misuse in the area and the extension applied for would encourage more anti-social behaviour and late night disorder. Staff of the Coop, who used to operate the premises, have been verbally abused by alcohol fuelled customers in the past and the extension will not improve the situation. The extension will encourage more ASB and make the area more undesirable and frightening for residents and young children.

This was considered to be relevant under the crime prevention and prevention of public nuisance licensing objectives. It was noted that the extension related mainly to the morning hours and therefore the committee did not consider that the hours sought would lead to problems envisaged by the representation. It also noted that there had been no representation by any Responsible Authority. Therefore, the committee did not consider it appropriate to take any action to promote the licensing objectives in respect of this representation;

- the existing hours are entirely sufficient and there is no local need to extend the availability of alcohol. There is no benefit to the community by allowing this extension. This was not considered to be relevant as it did not relate to any of the licensing objectives.

(d) noted that there had been no representations from Responsible Authorities on any issue.

Agreed that having considered the representations as set out above and taken into account what was said by the applicant's representative as detailed above, the application would be granted as applied for subject to the conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

19. **Grant of Premises Licence - The Grosvenor Hotel, 7-11 Elliott Street, The Hoe, Plymouth, PL1 2PP**

The Committee having:

- (a) considered the report from Director for Public Health;
- (b) heard from the applicant and considered the response to the Notice of Hearing, as follows:
  - this was effectively a re-application for a premises licence as the previous owners did not renew the licence during the pandemic;

- that they continue to implement the management controls recommended by the Police and have been in contact with the CCTV provider and have raised all issues mentioned in Appendix 3 of the report with them;
- with regards to public safety, all records on risk assessment and health and safety are up to date. Regular fire checks are carried out and records updated by trained staff members. They use industry guidelines with their housekeeping policy and current government guidelines which they will keep going such as hand sanitiser provided for guests and staff;
- in relation to public nuisance, on check-in guests are made aware of the area being residential, the need for consideration for residents and not to drink alcohol outside. There is also signage outside the front and back entrances;
- in respect of the protection of children from harm, as outlined in Appendix three of the report, they have allocated space in the lounge as a games area with games and books. Children are to be always accompanied by an adult throughout the hotel;
- of the staff employed, three of them have been with the hotel for over seven years and another three over three years. Three of the reception staff have a personal licence;
- two staff members live in the hotel and another two within 50 yards of the hotel;
- the hotel has been in operation for over 13 years and there have been no major incidents;
- the hotel has a very good relationship with the residents of Elliot Street and they take in deliveries for nearby residents and they hope to be able to work with the local residents in Elliot Street and the surrounding area;
- there was a change in ownership of the hotel two years ago. The new owners are looking at refurbishing sections of the hotel inside and outside;
- the idea was to serve light refreshments from 11pm onwards to a few small groups of friends who go to the theatre etc;
- one staff member who lives in the hotel is tasked with general maintenance for inside the hotel to make sure it is kept in good condition;
- regarding people leaving the building and causing a nuisance in the early hours of the morning then the only people that could be is

hotel guests checking out. Alcohol is only served until 11pm and so guests are not drinking into the early hours;

- there are smoking bins outside the hotel and guests are not allowed to take alcohol outside;
  - visitors who are not already guests will not be served alcohol after 11pm;
  - the hotel has been there for 13 years and is very much a central part of the Hoe and has many returning guests;
- (c) disregarded the letter in support of the application as this was effectively a representation submitted outside of the timescales laid out within Licensing Act 2003 and as such could not be considered as a relevant representation;
- (d) noted that conditions had been agreed with the Police but that there had been no other representations from Responsible Authorities on any issue;
- (e) considered the written representations from other parties as detailed below:
- there was concern around the potential for noise during the night and early hours from the smoking area, loud music, shouting and singing etc. if permission is given for the extension to 5am.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. However, the committee did not consider that the addition of an alcohol licence would lead to the problems envisaged given that the premises already operate as a hotel and are only going to be open to the public until 11pm. It was also noted that there had been no objections from any Responsible Authority. It was therefore not considered appropriate to take any action to promote the licensing objective in respect of this representation.

- the premises have no suitable outside space for smokers who congregate outside the main entrance on Elliot Street and opposite a number of flats so there is a potential for noise disturbance at all hours and it is not reasonable to expect residents to put up with this until 5am. Patrons should not be allowed to bring their drinks outside onto the street.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. It was noted that the management confirmed that the smoking area is outside the front of the hotel however they would not allow residents to take alcohol outside. Therefore, in light of the information provided and to prevent any problems with noise from the use of the smoking area it was appropriate to impose the following condition to promote the above licensing objective:

□ No alcohol may be taken out of the hotel into the smoking area

- problems could be caused if events are held into the early hours, as non-residents leave. There are already problems with shouting and noise when groups leave the Hoe after a BBQ or drinking session late at night, especially in the summertime.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. However, it was noted that the premises are closed to the public from 11pm onwards and the premises are not licenced for events beyond this time. Therefore, the problems envisaged in the representation should not occur and it was therefore not considered appropriate to take any action to promote the licensing objective in respect of this representation.

It was agreed that having considered the relevant representations as set out above and taken into account what was said by the applicant representative as detailed above, the application would be granted as applied for subject to the conditions agreed with the Police, conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

20. **Variation of Premises Licence - The Craft House, 5 Elliot Street, Plymouth, PL1 2PP**

The Committee having:

- (a) considered the report from Director for Public Health;
- (b) heard from the applicant and considered the response to Notice of Hearing as follows:
  - the bar itself had a capacity of 40 people. The hotel had a capacity of around 30 people which would mean that with a full hotel the most the bar could accommodate would be 10 non-members;
  - the premises is primarily a hotel and is it that which the variation to the premises licence seeks to build upon rather than be a detriment to it. Their best room is right above the bar and so it would not be wise for them to have events that affected that room. It was envisaged that it would be Friday and Saturday evenings when the hotel would be open to non-residents. They have no ambition to be a nightclub or pub as the hotel is their primary focus. They have no wish to throw people out or create rowdy bar. They are trying to achieve a venue where people can have a quiet drink. The owners live on site themselves;
  - the applicant believed that the application was relevant to the Council's corporate plan in that it would help unlock the City's potential by attracting visitors, utilising social and cultural offers and

creating opportunities for increased levels of employment. They would achieve this by offering a relaxed adult social hub for local residents, businesses and visitors alike to enjoy a drink in the bar but also to participate in planned craft workshops run by local makers and creators with the opportunity for a social drink during or after the workshop;

- they opened at the end of September 2021 and feel they have already started to make a strong case for being a favoured hotel destination within the city. As a result they are already looking for additional staff members;
- they are applying for earlier licensing hours, the ability to serve non-residents and for off-sales to both residents and non-residents because their aim is to promote local businesses by either selling their products in the bar (wine, beers, spirits) whether through on or off sales or by running craft workshops, such as ticketed painting and making workshops which will be available to both staying guests and non-guests. Therefore, by having a venue which can allow for social drink to be consumed either on the premises or for takeaway, they will be able to promote the small business and creators more effectively;
- earlier licensing hours are for guests of a local event e.g. wedding day, graduation day who may want to consume a drink slightly earlier in the day;
- in direct response to the objections:
  - no suitable smoking area - there is a segregated, gated outside area on their premises to the side of their entrance accessed through a small gate - it contains tables and chairs and a cigarette bin. Guests are told that this is the area and are encouraged to use it. It is also published on their business terms and conditions on their website as well as being on the guest registration form. Smoking is not promoted on the premises and they don't sell tobacco products or any accessories. As they are an existing hotel they cannot control which of their guests are smokers. However, their experience at present is that most of their guests are non-smokers. They do not envisage that their customers will be consuming copious amounts of alcohol and then going into the smoking area and being noisy but if that happened the management would be asking patrons to keep the noise down;
  - off sales mean entering and leaving more frequently causing noise, and litter: The inclusion of off sales is aimed primarily but not limited to the desire to sell gift hampers. It was hoped it would allow guests and non-staying visitors to drink more sensibly knowing that they can leave and take a drink home

with them. They do not intend to become known as the local pub or the local off licence. The aim is to create a calm and mature social venue. Drinks are primarily bought from small/micro-breweries or distillers and as such their prices will be no match for pubs or supermarkets in the vicinity of Elliot Street. In their discussions with the Police, they report that the police felt that their prices were not something that would work for party goers or street drinkers and so there is no need for a no single can sales condition;

- selling to non-residents is again to allow people to sample the local products on sale, at home. They would be able to take home unfinished wine or to purchase hampers on sale that may contain alcohol;
- in relation to the concern about litter, they keep the immediate area clear of rubbish and actively checking the exterior of the premises for litter and disposing of it correctly;
- concerns about the impact from late night events, and no adverse noise from loud music or singing: They have not applied for late night entertainment and would not do so unless through a temporary event notice. The area has only recently had more residential properties and this is because of the properties deregistering as businesses. There are two other aparthotels/hotels in Elliot Street. The main revenue for the Craft House is through room sales and therefore it would be counter to their own interests to pursue extra bar sales to the detriment of the room sales;
- they live in the hotel themselves (at the front of the premises) and have not been disturbed by noise from people leaving the Hoe;

(c) disregarded the three letters in support of the application as these were effectively a representation submitted outside of the timescales laid out within Licensing Act 2003 and as such could not be considered as a relevant representations;

(d) considered the following written relevant representations:

- there was concern around potential for noise during the night and early hours of the day regarding permission for off sales until 1am. Additionally, off sales could mean people are entering and leaving more frequently causing more noise and litter in the area.

This was considered to be relevant to licensing objective of Prevention of Public Nuisance. The committee did not consider that the problems envisaged would occur given the business model to be operated by the applicant and therefore it was not considered

appropriate to take any action to promote the licensing objectives in respect of this representation;

- there is no suitable smoking area at the premises and patrons congregate outside the front of the premises opposite flats which would create noise problems. Patrons should not be allowed to take drinks outside.

This was considered to be relevant to the licensing objective of Prevention of Public Nuisance. However, it was noted that the smoking area is to the side of the premises. Additionally, the premises already operates as a hotel and given that the main variation is the addition of hours in the morning and the addition of off sales, the committee did not consider that the problems envisaged in the representation would occur. The management had also been clear that if any problems did occur they would address them. Taking all of this into account the committee considered that it was not appropriate to take any action to promote the licensing objectives in respect of this representation;

- there was a concern about the impact from late night events and that there is no loud music or singing etc.

This was considered to be relevant to the licensing objective of Prevention of Public Nuisance however, the premises were not licensed for late night events and so the committee considered that it was not appropriate to take any action in respect of this representation;

- (e) noted that conditions had been agreed with the Police but that there had been no other representations from Responsible Authorities on any issue.

Agreed that having considered the relevant representations as set out above and taken into account what was said by the applicant as detailed above the application would be granted subject to the conditions agreed with the Police, conditions consistent with the operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

## 21. **Exempt Business**

There were no items of exempt business.