

# PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	19 November 2019
Title of Report:	Grant of Premises Licence
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:	Cornwall Gates Sports Bar
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of the report:

An application has been received from Curtis Whiteford Crocker Solicitors on behalf of Parkway (Sports and Social Club) Limited in respect of Cornwall Gates Sports Bar. 74 Normandy, St Budeaux, Plymouth. PL5 1SR for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

## Recommendations and Reasons:

That Members consider this report.

## Alternative options considered and rejected:

None.

## 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](#)

## 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:**

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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: Date.

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

Date: Date.

**1.0 INTRODUCTION**

1.1 On the 26<sup>th</sup> September 2019 the licensing department received an application from Whiteford Crocker Solicitors on behalf of Parkway (Sports and Social Club) Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Cornwall Gates Sports Bar situated at 74 Normandy, St Budeaux, Plymouth. PL5 1SR

**1.2 Grant application.**

These premises are currently run as a private members club and operate under a Club Premises Certificate. It is now in the process of being purchased and the new owner wishes to operate under a premises Licence. The premises is a terraced property over two storeys. There are two bars, a main bar and the snug bar. The property also contains a snooker room.

**1.3 Licensable Activities.**

The following licensable activities and timings have been requested:

<p><b><u>(e) Live Music (Indoors)</u></b> Monday to Sunday 10am to 11.45pm</p>
<p><b><u>(f) Recorded Music (Indoors)</u></b> Sunday to Thursday 10am to 12pm Friday and Saturdays 10am to 1am</p>
<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors and Outdoors)</u></b> Monday to Sunday 10am to 11.45pm</p>
<p><b><u>(j) Supply of Alcohol for consumption ON the premises.</u></b> Sunday to Thursday 10am to 12pm Friday and Saturdays 10am to 1am</p>
<p><b><u>(l) Hours Premises are Open to the Public</u></b> Sunday to Thursday 10am to 12pm Friday and Saturdays 10am to 1am</p>

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Plan of Premises (Appendix 2).

**1.6 Cumulative Impact Policy**

This application does not fall within an area to which the Cumulative Impact Policy applies.

**2.0 RESPONSIBLE AUTHORITIES**

2.1 *Devon & Cornwall Police* – has made representation relating to the prevention of crime and disorder and public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 3).

- 2.2 *Environmental Health* – has made representations relating to public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 4)
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.
- 2.8 *Health Authority (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations.

### **3.0 OTHER PARTIES**

Two letters of representations have been received that are attached to this report marked appendix 5 & 6.

### **4.0 CONSIDERATIONS**

4.1 The Committee is obliged to determine this application with a view to promoting 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 regard to:

- the guidance issued under section 182 of the Licensing Act 2003 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.14 – 2.15, 9.3,9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22) the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

*Continued from previous page...*

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Install CCTV on the premises;
2. Report any necessary crimes to the police;
3. Make sure staff undertaken relevant training; and
4. Have a no tolerance policy to disorderly behaviour.

b) The prevention of crime and disorder

We tolerate a no disorderly behaviour within our premises and we will report any crime that occurring on the premises to the police and any other relevant authority. We intend to have 24/7 CCTV recording up to 28 days of recordings to prevent and or detect crime.

c) Public safety

*Continued from previous page...*

We will install CCTV to protect the well-being of the public and users of the venue. We will also provide customers with the use of a telephone to book a taxi and will consider any schemes implemented by the public authority to protect our customers.

d) The prevention of public nuisance

We will have CCTV installed on the premises that will record 24/7 and we will ensure that good behaviour is observed on the premises and report all nuisances to the relevant authority.

e) The protection of children from harm

The managers and supervisors of the venue are DBS checked to ensure the protection of children.

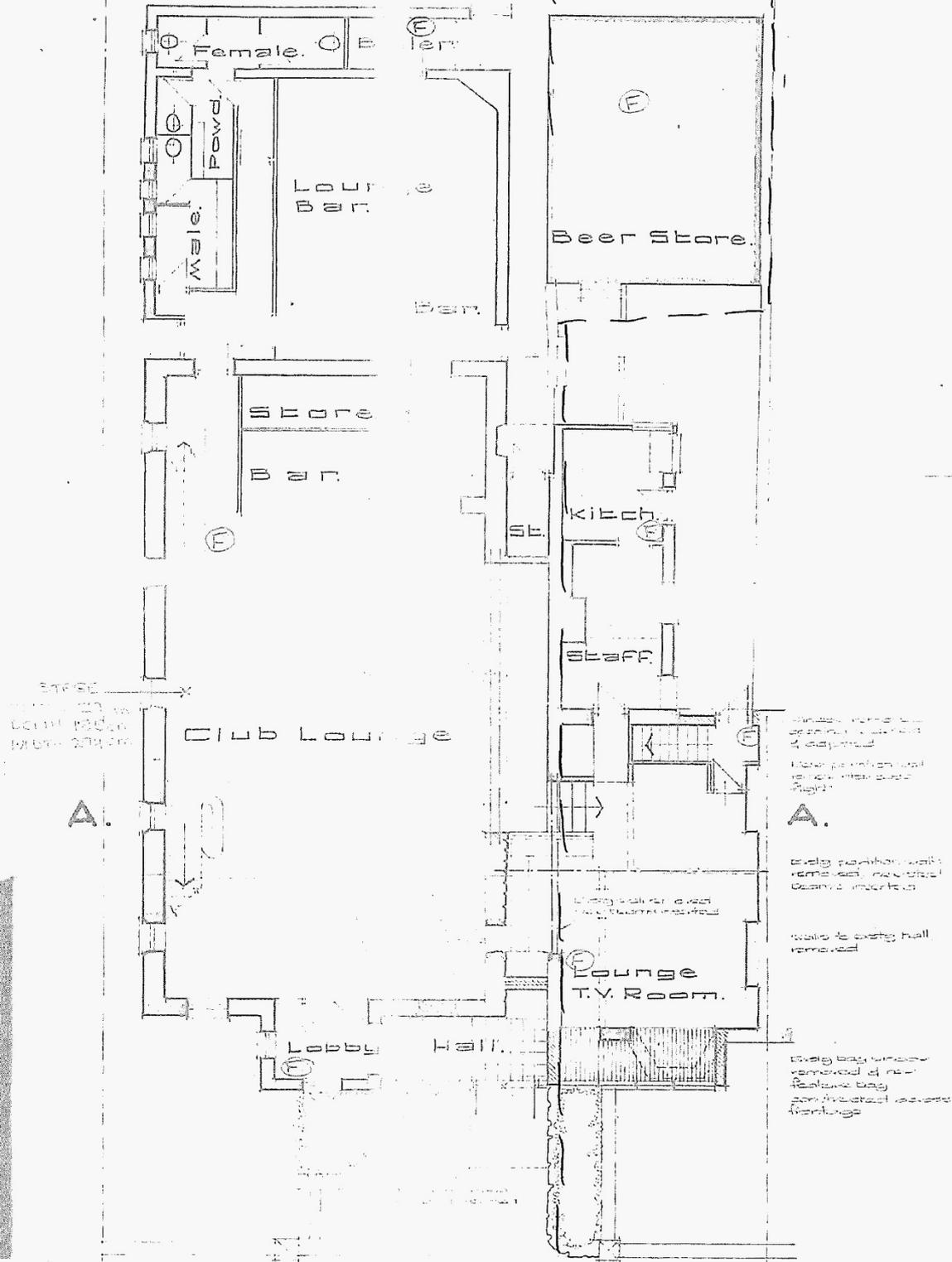
**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

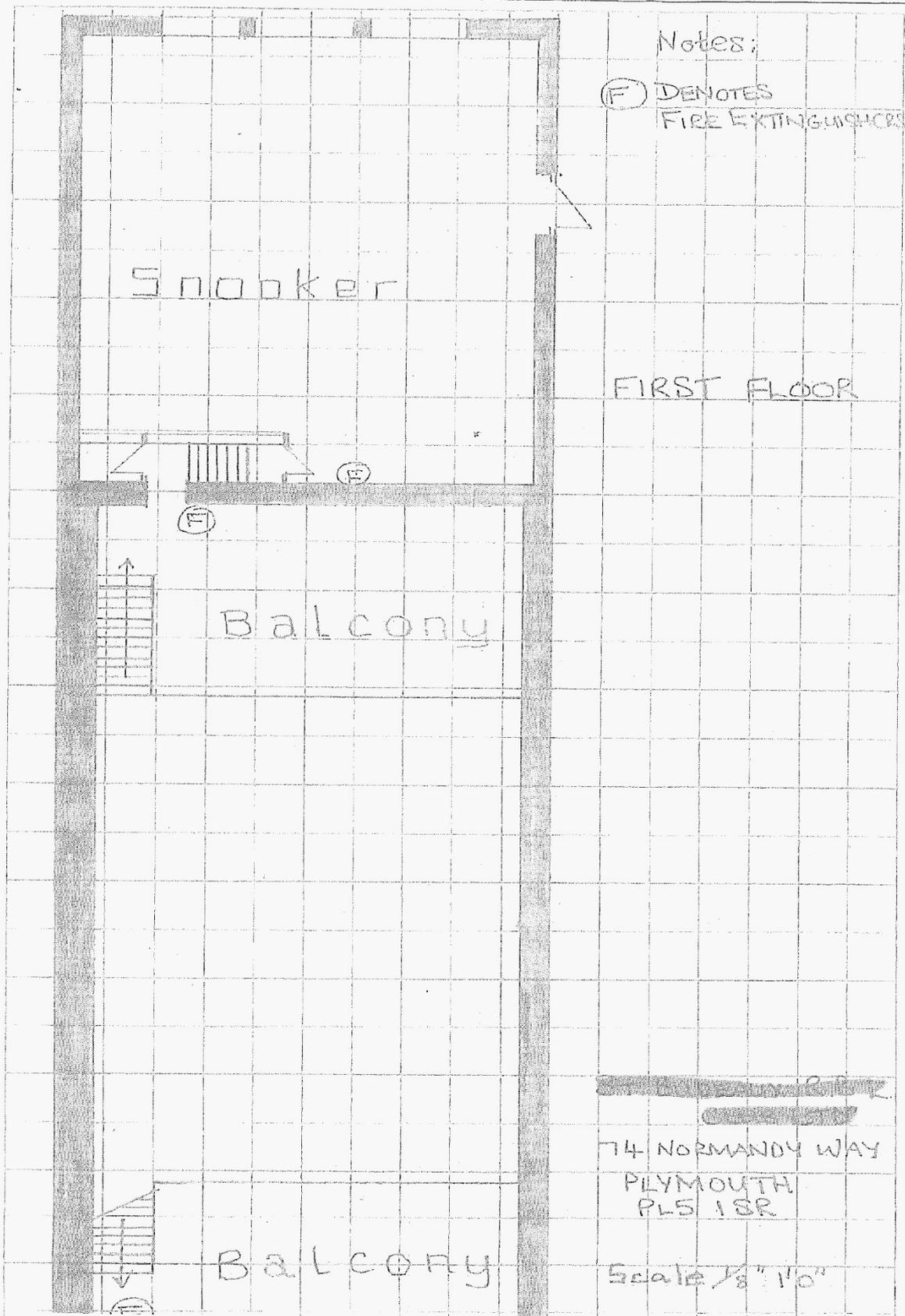


Appendix 2

F FIRE EXTINGUISHERS



G R O U N D F L O O R.



### **Suggested conditions Cornwall Gate Sports Bar**

#### **General**

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.
- Training 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 12 months.
- All staff shall be trained in the requirements of the Challenge 25 policies
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. 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.
- Patrons will not be allowed to stand outside the front of the premises drinking .

#### **The Prevention of Crime and Disorder**

- The Premises Licence Holder will ensure that a 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)) regarding installation of CCTV is provided at the premises
- The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
- The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
- Images shall be retained for a minimum of 31 days
- The CCTV system shall be capable of downloading images to a recognizable viewable format.
- At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.
- All drinks shall be served in toughened glass or polycarbonate containers.
- The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that any outside area included in the licence 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 area has on the surrounding community

#### **Door Supervisors**

1. The requirement for door supervisors and numbers required will be assessed by the Designated Premises Supervisor for all licensable activities other than In the case of 18<sup>th</sup> and 21<sup>st</sup> Birthday parties or events predominantly populated by youths aged between 18 and 21 years of age where door supervisors will be employed
2. All door staff shall be trained in the requirements of the Challenge 25 policies, the identification & recognition of drunks and the correct procedures to be followed when refusing service. Training shall be recorded in documentary form and those records will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority.
3. The number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 100 thereafter.

4. The Designated Premises Supervisor shall ensure door supervisors are properly briefed and trained to manage queues in a safe and efficient manner. Briefings and training shall be recorded in documentary form and those records 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 12 months.
5. Door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
6. All door supervisors display their SIA badge in an approved method (i.e. arm display badge holder) at all times.
7. The Designated Premises Supervisor shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose:
  1. Full name,
  2. SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),
  3. Date
  4. The time they began their duty
  5. The time they completed their duty.
  6. The full details of any agency through which they have been allocated to work at the premises if appropriate
8. The register shall be available for inspection at all reasonable times to any officer of a responsible authority or a police constable.
9. This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer to establish the particulars of all door staff engaged at the premises during the period of not less than 12 months prior to the request.
10. All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

#### **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 premises.
  
- 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.
  
- Illumination is provided in the exterior areas of the premises that are accessible to the public.
- No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public

#### **The Protection of Children from Harm –**

- The Premises Licence Holder or Designated Premises Supervisor shall ensure that all bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of

alcohol and then at least every six months. Training shall be signed and documented and training records will be kept on the premises and be made available to an enforcement officer on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

- All staff shall be trained in the requirements of the Challenge 25 policies. The types of acceptable identification and refusing service to any person who appears to be under-age.
- Challenge Under 25 signage is to be clearly displayed in the premises

Appendix 4

[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

**From:** [REDACTED]  
**Sent:** 04 October 2019 15:54  
**To:** Tomkins, Will <[Will.Tomkins@plymouth.gov.uk](mailto:Will.Tomkins@plymouth.gov.uk)>  
**Subject:** #DPS:9G:EyBui:H# RE: OFFICIAL: New Application, Cornwall Gate Sports Bar Ref: 913582



Thank you, Mr Tomkins. That is agreed.

Kind regards,

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Anthony Dyke  
**Solicitor & Partner**

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**This email was sent for and on behalf of Curtis Law LLP**

**From:** Tomkins, Will <[Will.Tomkins@plymouth.gov.uk](mailto:Will.Tomkins@plymouth.gov.uk)>  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** OFFICIAL: New Application, Cornwall Gate Sports Bar Ref: 913582

Dear Mr Carwithen & Mr Dyke,

Following your licence application for the Cornwall Gate Sports Bar, Normandy Way, PL5 1SR I consider the following condition to be relevant under the licencing objective for the Prevention of Public Nuisance.

1. Between the hours of 23:00 and 08:00 there must be total sound containment within the premises.

Please confirm by return email if you are happy for this condition to be added to the premises licence or supply an alternative condition.

Should you require any further information or advice please do not hesitate to contact me.

Regards

**Price, Marie**

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**From:** Winter, Darren  
**Sent:** 28 October 2019 21:12  
**To:** Licensing  
**Subject:** Cornwall Gates Sports Bar

Good evening

I am making a representation against the premises license for Cornwall Gates Sports Bar.

The city council's website shows that representations are being taken until 28th October 2019.

This site is within a residential area surrounded by houses and families. It would be inappropriate for a Sports Bar in a residential area. The previous club was members only and had a smaller clientele. Despite this, there were still complaints to myself about, noise, disruption to parking (there is little available to residents let alone a Sports Bar and its patrons), and public order such as anti social behaviour from drinkers late at night after closing.

Many children live around the current site, and I have received complaints about inappropriate behaviour witnessed by them.

Families have complained their vehicles have been damaged by drinkers either damaging their cars by hand, or by collision when using vehicles possibly under the influence of alcohol.

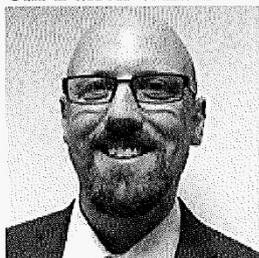
This situation would be exacerbated further by an all comers Sports Bar.

Refusal of this license will ensure that we as a licensing authority have adequately prevented increased crime and disorder. Ensured public safety, the prevention of further nuisance, and shielded children from an increase of inappropriate behaviour in a residential area.

Yours

Darren

Cllr Darren Winter



**Price, Marie**

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**From:** [REDACTED]  
**Sent:** 18 October 2019 16:18  
**To:** Licensing  
**Subject:** Cornwall Gate sports bar

Dear Authority,

I would like to state in no uncertain terms that i do not approve of extending the licensing hours for the club.

We already suffer with late night revellers leaving and having loud chat for 10 minutes whilst they get in their cars, wait for taxis or stager home. They smoke outside, the smoke comes in our windows and with loud conversations and cackling laughter, can be very difficult for our young foster children to sleep.

The parking is also very difficult, with no consideration for the locals.

It is a residential area, and should not have extended hours to make these problems worse.

I have complained on numerous occasions in the past with no effect.

With respect

[REDACTED]

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