

REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



Date: 12 May 2020
Title of Report: Review 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
Contact Email: Licensing@plymouth.gov.uk
Your Reference: Bar 9
Key Decision: No
Confidentiality: Part I - Official

Purpose of the report:

An application has been received from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of Bar 9. First Floor, 32 Western Approach. Plymouth. PLI ITQ

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							

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Originating Senior Leadership Team member: [Click here to enter text.](#)

Please confirm the Strategic Director(s) has agreed the report? [Choose](#)

Date agreed: [Date.](#)

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

Date: [Date.](#)

1.0 INTRODUCTION

1.1 On the 10th March 2020 the licensing department received an application from the Devon & Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of Bar 9 situated at First Floor, 32 Western Approach. Plymouth. PLI ITQ.

1.2 Review application

Devon and Cornwall Police have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the Prevention of Crime and disorder, Public Nuisance and the Protection of children from harm. A Copy of this application has been served by on each of the responsible authorities and the holder of the premises licence.

A review of the licence is sought in relation to the prevention of crime and disorder, prevention of public nuisance and protection of children from harm. The grounds for the review are made based on the licensing objective and are summarised as follows:

Poor management of the premises. B) Reports of children under the influence. C) Breaches of the premises licence. D) Poor supervision and control of patrons attending the premises. E) Problems encountered to obtain CCTV footage following reports of incidents and crimes of assault, resulting in no footage supplied.

In accordance with review proceedings at 10.15hrs on 11 March 2020 a licensing officer from Plymouth City Council attended the premises and displayed the site notice at and around the vicinity of the premises.

At 10:35hrs the same day a similar notice was displayed on the public notice board at the Council House, Armada Way, Plymouth.

1.3 Licensable Activities.

<p><u>(f) Recorded Music (Indoors and Outdoors)</u> Sunday to Thursday 11:00am to 00:00 Friday and Saturday 11:00am to 02:00am Non Standard Timings: New Years Eve until 02.00 hrs the following day</p>
<p><u>(i) Late Night Refreshment (Indoors and Outdoors)</u> Sunday to Thursday 11:00pm to 00:00 Friday and Saturday 11:00pm to 02:00am Non Standard Timings: New Years Eve until 01.30 hrs the following day</p>
<p><u>(j) Supply of Alcohol for consumption ON and OFF the premises.</u> Sunday to Thursday 11:00am to 00:00 Friday and Saturday 11:00am to 02:00am Non Standard Timings: New Years Eve until 02.00 hrs the following day</p>
<p><u>(l) Hours Premises are Open to the Public</u> Sunday to Thursday 11:00am to 00:00 Friday and Saturday 11:00am to 02:00am Non Standard Timings: New Years Eve until 02.00 hrs the following day</p>

1.4 No further representations have been received in respect of this application.

2.0 RESPONSIBLE AUTHORITIES

No representations

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary 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: Paragraph 2.1, 2.2, 2.3, 2.5, 2.15, 2.16, 2.22 – 2.23, 2.27, 2.29, 10.10, 11.1 – 11.11, 11.16 – 11.23

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), Preventing Glass Injuries (Page 13), Public Nuisance (Page 16 – 18) and Licensing Conditions (page 19), Review of premises licence (Page 21-22) Safeguarding of Children (Page 42-43)

Also the representations (including supporting information) presented by all the parties.

4.2 The steps are :

- (a) to modify the conditions of the premises licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor from the licence;
- (d) to suspend the licence for a period not exceeding three months; or
- (e) to revoke the licence;

and for this purpose the conditions of the premises licence are modified if any of them is altered or omitted or any new condition is added.

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