

## Licensing Sub Committee

Tuesday 31 August 2021

### PRESENT:

Councillor Jordan, in the Chair.  
Councillor Rennie, Vice Chair.  
Councillor Salmon.

Apology for absence: Councillor Partridge.

Also in attendance: Sharon Day (Lawyer), Helen Prendergast (Democratic Adviser) and Marie Price (Senior Enforcement Officer)

The meeting started at 10.00 am and finished at 12.18 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.*

#### 1. **Grant of Premises Licence - St Anne's House, Jennycliff Lane, Plymouth PL9 9SN**

The Committee having –

- (a) considered the content of the report from the Director of Public Health and heard from one of the applicants, Mr Stoneman and the General Manager, Mrs Holgate;
- (b) taken the following verbal and written submissions from the applicants into account -
  - that the application would allow them to operate as a licensed wedding venue, holiday venue and coffee shop without having to apply for a TENS each time; it would also allow them to control the sale of alcohol on their premises as at present, guests brought their own alcohol with them;
  - their operation as an AirBnB was mainly for families;
  - the business model is to operate mainly as a wedding and holiday venue; under their planning conditions, they were allowed up to 28 weddings a year; they do not intend to operate as a public house, however they would like to open to the general public/walk in trade but that would only be at a time when there were no other guests on the premises and there were no weddings taking place; Mr Stoneman confirmed that they were 'pretty much' booked up as a holiday venue; he said that currently they get many people walking in from Jennycliff to come in for a cup of tea and a scone;
  - they had had 11 TENS over the last 12 months and had received very few noise complaints and there had been no issues with crime and disorder;
  - they have a procedure in place to deal with complaints but they have not had any noise complaints for St Anne's House from the Council's Public Protection Service and there have been no noise complaints from any neighbours; when asked about the reference to the noise from an event in support of St Luke's Hospice which was mentioned in one representation,

Mr Stoneman confirmed that he recalled that this was in April 2019; he said that the noise was from a stereo being used by workmen who were erecting equipment at the time and once they were aware of the problem, the music was immediately turned off; Mr Stoneman said that he lives on site and that all complaints come to him; the General Manager, Mrs Holgate had only been appointed in the last month; Mr Stoneman said the general noise referred to in the representations was from Jennycliff car park which was unsupervised and also from the football pitch;

- with regards to representations about potential problems from off sales, Mr Stoneman said there was an off licence about 200 yards away down the road from his premises and he suspected that this would be the place from which people would tend to purchase take away alcohol; in addition, the premises was a gated property and most of the alcohol is to be sold to guests staying at the house; the written response to the notice of hearing submitted by the applicants stated that they disagreed that patrons would purchase alcohol to consume at Jennycliff because their prices would be too high; the provision of take away alcohol is intended for visitors who may wish to take home a bottle of wine at the end of their visit;

all on sales will be required to be consumed within their licensable area and open vessels are not to be removed from the premises;

- regarding the hours of operation applied for, these were considered to be normal hours for a wedding venue; generally, when they have a wedding most people stay on the premises and they strictly enforce the requirement for any guests staying to be inside by 11pm; the extra hour until midnight they will be open to the public, will be as a winding down/drinking up period; Mr Stoneman explained that the premises had had to close for 18 months during lockdown however, had he had an alcohol licence he would have been able to trade during this period;
- in relation to music, they have a decibel restriction on their planning consent and the equipment they have has a noise limiter on it; they are also in the process of installing CCTV cameras which turned towards noise; they have been working with Environmental Health on their planning application regarding sound levels; Mr Stoneman has been in contact with the police about the CCTV and has acted on their requests for extra cameras to be installed;
- the maximum capacity for the premises is around 150 people;
- notices will be in situ asking patrons to keep noise levels down when leaving and also the noise levels of patrons will be monitored on a regular basis by a senior member of staff; during questioning Mr Stoneman confirmed that these checks will be carried out every couple of hours or so and more often in the evening; the checks will be conducted by walking around the premises;
- toilet facilities are based in the main house for guests and visitors;
- the only lights that are left on overnight are security lights that go along with the security cameras;
- in relation to the pool area, it was confirmed that 9pm is the latest time that children would be allowed in that area and they must be accompanied by an adult; as regards supervising the pool area when alcohol was being served, there will always be bar staff working there and the bar overlooks the pool; they would only allow plastic cups and cutlery in the pool area; the pool would only be open when they had families using their AirBnB facility; when they have weddings, it is covered over and becomes a solid dance floor;

- with regard to the concern about the area having narrow lanes and no pavements, Mrs Holgate stated that most guests will not be leaving the property as they will be staying on site; however, whenever anyone books a wedding and has guests who will not be staying it will be suggested that they book a mini bus or pre book a local taxi;
  - the premises has adequate on-site parking with provision for around 30 – 40 cars;
- (c) taken the following representations from other parties into account as detailed below -

- concerns that the off sale facility will lead to people purchasing alcohol and then having a 'private party' on Jennycliff (an area that is popular with families); this could lead to littering and anti-social behaviour in the area; whilst this was considered to be relevant to the licensing objectives of prevention of public nuisance and prevention of crime and disorder, the Committee did not consider that granting the licence would undermine these licensing objectives having taken into account the applicants' business model with regards to the pricing of alcohol to deter casual take away of alcohol, that the intention of the off sale provision was for guests to be able to take a bottle home after a visit and that there was another off licence within walking distance of the property;
- the on and off sales of alcohol will create additional noise and anti-social behaviour in the property grounds and that the noise from the premises would continue well after midnight as customers purchase refreshments and alcohol to take away; this was considered to be relevant under the licensing objective of prevention of public nuisance; in light of the fact that the applicants had confirmed that the maximum capacity was 150 people and given that the premises were situated in a quiet residential area and that noise travelled much more easily at night, the Committee considered that it was appropriate to impose the conditions below to ensure that noise from patrons did not create any problems for local residents, thus ensuring the promotion of the licensing objective; the conditions would also give the applicant the control over his patrons that he said he wanted during his submissions;

Condition -

- any outside bar must stop serving at 10.30pm;
- at 10.30pm the management must start encouraging the patrons to move inside, so as to ensure that the grounds are clear of patrons by 11pm;
- the issue of an alcohol licence may encourage people to shortcut through the estate and engage in undesirable inebriated behaviour; the lack of immediate public transport or access to the bus routes would exacerbate this; whilst the Committee considered that this was potentially relevant under the licensing objective of prevention of public nuisance, the Committee did not consider that granting the licence would undermine this licensing objective given the business model and layout of the premises;
- there is no street lighting and no pavements on the roads in the area, cars regularly drive up the narrow one way piece of road fast and others have also been seen trying to drive the wrong way down the one way street on exiting the premises; this would pose a risk to life for inebriated pedestrians and the drivers; this was considered to be relevant under the licensing objective of public safety; it was therefore considered appropriate to impose

the following condition to promote this licensing objective -

Condition -

- the premises licence holders must ensure that signs are placed at the exit to their property reminding -
  - ◇ drivers to turn right on exit;
  - ◇ pedestrians to take care on exit and be aware of traffic on the road;
- there were no toilets indicated on the plan of the venue and as alcohol is being supplied toilets should be too because the public toilets at Jennycliff car park are closed in the evening; this was considered to be relevant to the licensing objective of prevention of public nuisance however, the Committee was satisfied that there was sufficient toilet provision on the premises;
- limited parking is available at the property and it is possible that the venture will attract many cars; the car park at Jennycliff is often completely full on a summer's day, so there is a risk of people resorting to on street parking in the area; parking on verges would endanger public safety and hinder emergency vehicles trying to pass; this was considered to be relevant to the licensing objectives of prevention of public nuisance and public safety; however, the Committee was satisfied that the applicants have sufficient parking provision on site; additionally, any problems with parking in that area would be dealt with under other legislation;
- closing at midnight has the potential for noise to increase dramatically; the residents of Stamford Close are subject to motorbikes and cars racing around the area; a late night venue for food and drink will attract more people and cause additional sleepless nights for local residents; the potential increase in traffic from the venue and leaving after midnight could exacerbate the current disorder caused by cars; whilst this was considered to be relevant under the licensing objectives of prevention of public nuisance and public safety, the Committee did not consider that granting the licence would undermine the licensing objectives given the conditions contained within the operating schedule that there would be signage asking patrons to leave quietly and the additional conditions within this decision;
- the premises are located next to Stamford Close housing estate (82 properties, seven properties were within a few metres of the house and garden), the nearest house is 50m away; noise from its operation as an AirBnB is sometimes intrusive even though the numbers of guests is relatively small; the measures in the operating schedule will not be sufficient to protect the current peaceful environment even if they are adhered to; St Luke's hospice is nearby and is deserving of respect for the patients need for a calm environment; there will be noise caused by the erection of the bar in the pool area; there have been existing problems of noise from people's voices with the use of the area by AirBnB guests; the second external bar will mean that noise from patrons will also cause noise problems, as it will bring patrons round to the front of the building; residents mentioned praying for rain so as to keep the noisy neighbours indoors; there had been problems in the past with loud music, raucous screams, loud partygoers and fireworks going off at all hours disturbing sleep; this was considered to be relevant to the licensing objective of prevention of public nuisance however, the Committee considered that the conditions detailed above to address potential issues with noise would ensure the promotion of the licensing objectives;

- late night refreshment being provided on and off the premises between 11pm and midnight would cause excessive noise levels; there had already been issues with guests of the property playing music and partying outside at 12.30am; this was considered to be relevant to the licensing objective of prevention of public nuisance however the Committee considered that the conditions above would address potential issues with noise and would ensure the promotion of the licensing objectives;
- the opening hours will cause excessive vehicle and foot traffic noise issues; whilst the Committee considered that this was potentially relevant under the licensing objective of the prevention of public nuisance, the Committee did not consider that granting the licence would undermine this licensing objective given the applicants' intended business model;
- children are at a higher risk of harm when alcohol is consumed; they are at risk in close proximity to the swimming pool which is enclosed and therefore not visible to anyone who is not poolside; this was considered to be relevant to the licensing objectives of protection of children from harm and public safety; the Committee considered that in order to ensure the promotion of these licensing objectives it was appropriate for the following condition to be imposed -

Condition: When the pool bar is in use and the pool is not covered by solid flooring (temporary for otherwise) -

- a member of staff must be present and able to monitor the pool, and
- life-saving equipment must be easily available in the pool area and the member of staff must be trained in the use of that equipment;

- granting the licence could lead to public disorder and increased crime and disorder within the locality, as a result of over saturation of establishments in the area; there are currently six establishments within walking distance of St Anne's House; whilst this was relevant to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder, the Committee noted that there were no representations from the Responsible Authorities on this point and there was no evidence of any current problems of this type in the area;

(d) disregarded the following as not being relevant to any of the licensing objectives -

- how the house would cope with the variety of demands put on it as a wedding venue and an AirBnB;
- alcohol consumption in the grounds was reasonable provided there was not the addition of music; midday would be a more appropriate time for alcohol sales to start;
- the erection of the marquee would be against the Council's decision to refuse a similar application;
- animal welfare issues;
- the use of the bistro not being for the sole use of bistro guests;
- no application had been made for it to be changed to a hotel;
- it was a Grade Two Listed Building and the use was not complimentary to the building;

- the alcohol licence would bring in the provisions of the Live Music Act which would cause noise problems for neighbouring residents; on this point the Committee noted that the Live Music Act did not allow licensed premises to cause a noise nuisance and so any music played was still subject to other controls such as statutory nuisance and public nuisance; additionally, if problems did occur the premises licence could be reviewed.

The Committee agreed that the licence would be granted subject to all the conditions detailed above, conditions consistent with the applicants' operating schedule and the mandatory conditions contained with the Licensing Act 2003.