

# PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	30 May 2022
Title of Report:	Grant of Premises Licence
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Catherine Macdonald
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Moxy Hotel
Key Decision:	No
Confidentiality:	Part I - Official

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## Purpose of the report:

An application has been received from John Gaunt & Partners Solicitors on behalf of Hotel Co 51 UK Limited in respect of Moxy Hotel Junction of Bath Street and Millbay Road, for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

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## Recommendations and Reasons:

That Members consider this report.

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## Alternative options considered and rejected:

None.

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## 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](#)

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## Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

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**Financial Risks**Not Applicable

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**Carbon Footprint (Environmental) Implications:**No direct carbon/environmental impacts arising from the recommendations

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**Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

\* 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.

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**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) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title							
B	Equalities Impact Assessment (if applicable)							

**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)						
	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7
Application							

**Sign off:**

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Originating Senior Leadership Team member: <a href="#">Click here to enter text.</a>											
Please confirm the Strategic Director(s) has agreed the report? <a href="#">Choose</a>											
Date agreed: <a href="#">Date.</a>											
Cabinet Member approval: [electronic signature (or typed name and statement of 'approved by email/verbally')]											
Date approved: <a href="#">Date.</a>											

## 1.0 INTRODUCTION

1.1 On the 30<sup>th</sup> March 2022 the licensing department received an application from John Gaunt Partners Solicitors on behalf of Hotel Co 51 UK Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Moxy Hotel situated at junction of Bath Street and Millbay Road Plymouth.

1.2 Grant application.

This is a development site.

The premises are being developed into a new Hotel which will provide accommodation to guests being open 24 hours per day. In addition to providing the usual accommodation restaurant and bar facilities as would be expected with a hotel with meeting room facilities as detailed on the plans lodged with the application. Also Included in the licensed area is an external licensed area.

The matters of particular note are as follows:-

It is proposed the bar/restaurant/meeting room facilities will be open for licensable activities to Non-residents as follows:

Monday to Sunday 10:00 hours to 01: 00 hours the following morning.

In addition there will be certain extended hours request for Bank Holiday weekends and on other occasions such as New Year's Eve and the Christmas period as detailed in the application.

For residents and their bona fide guests, facilities (Including alcohol) will be available 24 hours a day as detailed.

There will be a request for live music and recorded music, limited Indoor sporting events, pre-recorded films and late night refreshment.

The appropriate drawings deposited with the application are as follows (**Appendix 2**):

Location plan - plan number P22-003-L-00-01/HB/1.

Plan showing the ground licensed area, internal and external and also upper floors being floors 1 to 5 - plan number P22-003-L-00-02/HB/1.

Please further note the appropriate fire safety precautions will be incorporated within the development in consultation with the Fire Officer and under the Building Regulation Approval process.

We do not anticipate the proposed development will adversely affect crime and disorder or public nuisance or any of the other licensing objectives,

It is proposed the development of this site will improve the area by providing jobs for the local community and the new hotel facility for this location.

It is proposed that the property will operate as part of the "Moxy" Hotel which is part of the Marriott brand of hotels.

It is understood that the premises do not fall within a Cumulative Impact Policy area.

## 1.3 Licensable Activities.

The following licensable activities and timings have been requested:

**(b) Films Indoors**Hours

Monday to Sunday 00:00 – 24:00

Generally will be entertainment on screens **and** t.v. screens and in addition on demand to rooms and for other functions.

Non Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(c) Indoor Sporting Events**Hours

Monday to Sunday 10:00 – 01:00

As stated in Part 3 above and restricted to traditional games In the presence of an audience, Including (but not limited to) darts, pool, snooker, dominos and similar.

Non Standard Timing

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(e) Live Music Indoors and Outdoors**Hours

Monday to Sunday 10:00 – 01:00

Live music and amplified voice as stated In part 3 above.

Non Standard Timings.

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(f) Recorded Music Indoors and Outdoors**Hours

Monday to Sunday 10:00 – 01:00

Recorded music with or without a DJ, during normal business hours or as part of functions and Including audience participation as specified In part 3 above.

Non Standard Timings.

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(g) Performance of Dance Indoors**

Hours

Monday to Sunday 10:00 – 01:00

Non Standard Timings.

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(i) Late Night Refreshment Indoors and Outdoors**

Hours

Monday to Sunday 23:00 to 01:00

Non Standard Timings.

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

**(j) Supply of Alcohol for consumption ON and OFF the premises.**

Hours

Monday to Sunday 10:00 – 01:00

Non Standard Timings.

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 02:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day New Year's Day,

New Year's Eve: 10:00 to New Year's Day - terminal hour as proposed

Residents and their bona fide guests will be entitled to be served alcohol **24** hours a day, **7 days a week**

An additional hour at the time of the Saturday into the Sunday of British summertime.

**(l) Hours Premises are Open to the Public**

Hours

Monday to Sunday 00:00 – 24:00

The premises are a Hotel which will be open 24 hours a day 7 days a week

Non Standard Timings.

- 1.4 The applicant has submitted an Operating Schedule (**Appendix 1**).
- 1.5 Site Plan/Hotel of the premises supplied by applicant. (**Appendix 2**).
- 1.6 Representations have been received in respect of this application (Appendix 3).

### **1.8 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* – no representations.

**2.2 *Environmental Health* -has made representations relating to public nuisance (Appendix 3)**

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**

No representations have been received.

## 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, 2.15 – 2.21, 8.41, 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: Public Nuisance (Page 10 & 19), Licensing hours pages 12 – 13, 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.



## Appendix I

**M**

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

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

I have undertaken my own risk assessment to take the following proposed steps.

The steps identified in relation to the four licensing objectives are:-

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

1. The use of doorstaff will be risk assessed on an ongoing basis by the licence holder or premises supervisor.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided or in hotel bedrooms.
3. Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. A CCTV system shall be fitted to the reasonable satisfaction of the Police with recording facilities. Recordings from the CCTV system shall be retained for a reasonable period and provided to a Police Officer upon reasonable request subject to Data Protection legislation.

**c) Public safety**

1. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
2. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
3. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

**d) The prevention of public nuisance**

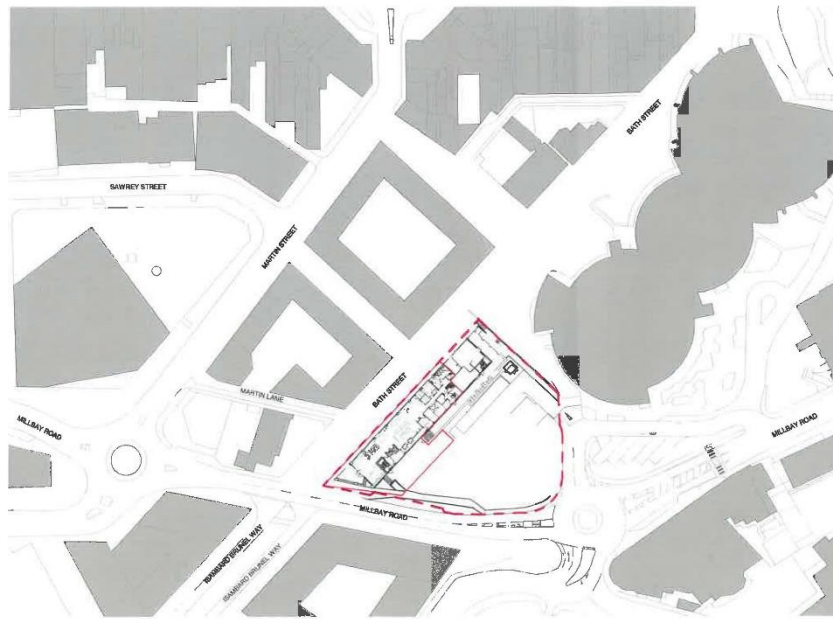
No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

**e) The protection of children from harm**

1. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
2. Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.

Appendix 2



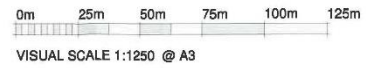
- LICENSED AREA
- - - OWNERSHIP BOUNDARY

Rev No.	Description	Date
1	ISSUED FOR LICENSING APPLICATION	16.03.2022

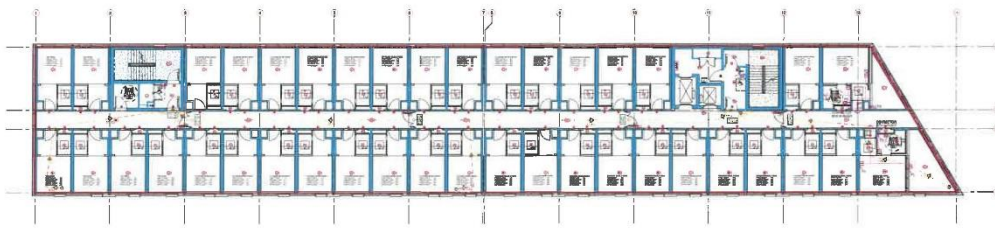
Drawing Title: LICENSING



**SITE LOCATION PLAN**  
Scale: 1 : 1250



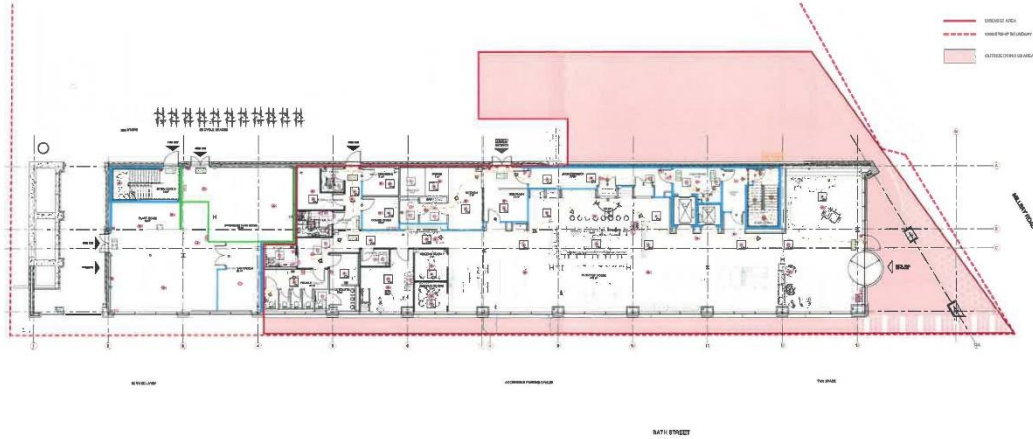
CLIENT	HOTEL CO B1
PROJECT	MOXY HOTEL - PLYMOUTH
CONTRACT	LOCATION PLAN
SCALE	1:1250 @ A3 DATE 09.02.2022
PROJECT NO.	P22-005
REV	HB L-00-01
	1



FIRST TO FIFTH FLOOR PLAN - LICENSING  
Scale: 1:100

**FIRE STRATEGY KEY**

- 1. FIRE RISK RATED AS LOW
- 2. FIRE RISK RATED AS MEDIUM
- 3. FIRE RISK RATED AS HIGH
- 4. FIRE RISK RATED AS VERY HIGH
- 5. FIRE RISK RATED AS EXTREMELY HIGH
- 6. FIRE RISK RATED AS UNCLASSIFIED
- 7. FIRE RISK RATED AS UNCLASSIFIED
- 8. FIRE RISK RATED AS UNCLASSIFIED
- 9. FIRE RISK RATED AS UNCLASSIFIED
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- 30. FIRE RISK RATED AS UNCLASSIFIED



GROUND FLOOR PLAN - LICENSING DRAWING  
Scale: 1:100

**REVISIONS**

NO.	DATE	DESCRIPTION
1	01/01/2018	ISSUED FOR CONSTRUCTION
2	01/01/2018	ISSUED FOR CONSTRUCTION
3	01/01/2018	ISSUED FOR CONSTRUCTION
4	01/01/2018	ISSUED FOR CONSTRUCTION
5	01/01/2018	ISSUED FOR CONSTRUCTION
6	01/01/2018	ISSUED FOR CONSTRUCTION
7	01/01/2018	ISSUED FOR CONSTRUCTION
8	01/01/2018	ISSUED FOR CONSTRUCTION
9	01/01/2018	ISSUED FOR CONSTRUCTION
10	01/01/2018	ISSUED FOR CONSTRUCTION
11	01/01/2018	ISSUED FOR CONSTRUCTION
12	01/01/2018	ISSUED FOR CONSTRUCTION
13	01/01/2018	ISSUED FOR CONSTRUCTION
14	01/01/2018	ISSUED FOR CONSTRUCTION
15	01/01/2018	ISSUED FOR CONSTRUCTION
16	01/01/2018	ISSUED FOR CONSTRUCTION
17	01/01/2018	ISSUED FOR CONSTRUCTION
18	01/01/2018	ISSUED FOR CONSTRUCTION
19	01/01/2018	ISSUED FOR CONSTRUCTION
20	01/01/2018	ISSUED FOR CONSTRUCTION

**CUMMING**  
HOTEL DESIGN  
LICENSING DRAWING

## Appendix 3

<b>Licensing Act 2003 Environmental Health Representation</b>	
<b>From:</b>	<b>Unit Manager, Public Protection Service</b>
<b>To:</b>	<b>Head of Licensing Section</b>
<b>FAO:</b>	<b>Marie Price</b>
<b>Date:</b>	<b>28<sup>th</sup> April 2022</b>
<b>Schedule Ref:</b>	<b>TC/937153</b>
<b>Investigating Officer:</b> Will Tomkins	<b>Extension Number:</b> 4740
<b>Application Details: 937153</b>	
<b>Premises: Moxy Hotel</b>	
<b>Name of Applicant:</b> Hotel Co 51 Limited	
<b>Address:</b> Junction of Bath Street/Millbay Road, Plymouth, , PL1 3LT	
<b>Type of Application:</b> Alcohol (Both)/Entertainment Licence/ Late Night Refreshment Licence	
<b>Date of Inspection:</b> N/A	
<b>Representation</b>	
This department would like to make the following representation:	
<b>I consider the application to undermine the following licensing objectives:</b>	
(please delete as appropriate)	
The Prevention of Public Nuisance	
<b>The likely effect of granting the licence as applied will undermine the licensing objectives because:</b>	
<i>(How will the application undermine one or more of the four licensing objectives - under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)</i>	

**The Prevention of Public Nuisance;**

The application is for the service of alcohol 24 hours a day and the provision of regulated entertainment until 1am. The applicant has not agreed any conditions with this department as stipulated in Plymouth City Councils Licensing Policy. The Licensing Policy states that;

“Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.”

**Recommendations**

**I therefore recommend that this application is granted subject to the following conditions being included:**

*(Explain why the conditions are necessary and how they address the concerns outlined above)*

**In accordance with Plymouth City Councils Licensing Policy I consider the condition below to be necessary;**

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

This condition ensures that any entertainment is at such a level to entertain hotel guests and not have any impact on any surrounding properties or residents. This is in accordance with the licensing objective for The Prevention of Public Nuisance.

The condition is easy to monitor by both the applicant and the enforcing authority in the event of any noise complaints.