

Licensing Sub Committee

Tuesday 2 August 2022

PRESENT:

Councillor Partridge, in the Chair.
Councillor Allen, Vice Chair.
Councillors Hulme, & Stoneman (Fourth Member).

Also in attendance: Ian Wills (Lawyer- Legal Services), Catherine Macdonald (Enforcement Officer- Intelligence and Licensing), & Elliot Wearne-Gould (Democratic Support).

The meeting started at 11am and finished at 12:30pm.

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.

6. Appointment of Chair and Vice-Chair

The committee agreed that Councillor Partridge was appointed as chair, and Councillor Allen was appointed as vice-chair, for this particular meeting.

7. Apologies

There were no apologies submitted for this meeting.

8. Declarations of Interest

There were no declarations of interest in relation to items on the agenda.

9. Chair's Urgent Business

There was one item of chair's urgent business:

The chair, Councillor Partridge, forwarded an opportunity for members of the Licensing Committee to shadow Sergeant Moore (Devon & Cornwall Police), to experience the enforcement and patrolling of the night-time economy.

10. Grant of Premises Licence - Brunel View, 7 Barne Road, St Budeaux, Plymouth, PL5 1EF

The committee having:

1. Considered the report from the Director for Public Health
2. Heard from the applicant as follows:

- The conditions of the Police/Fire Service and the PCC Environmental Health Department were accepted
- Brunel View used to be a working men's club - trading for 103 years. The applicants is a brand new business with new management and significant investment refurbishing the premises
- The intention is it will be an asset to the community by having a bar, restaurant and entertainment. It is also the intention to provide facilities for darts and pool teams and a venue for a book club. It is intended to be a family venue.
- All members of the staff (it is anticipated there will be 30 members of staff) will be trained to a high standard particularly in relation to Challenge 25 and recognising drunkenness. The business will join Pubwatch which will ensure people who are known to cause issues in licensed premises are excluded from the Brunel View. The Designated Premises Supervision (DPS) has a significant experience in running family restaurants/public houses (Frankie and Benny's and Weatherspoons)
- They take the issue of crime and disorder seriously and this commitment is demonstrated by the installation of a £80K CCTV system which covers the inside and outside of the premises
- In relation to door supervisors and security within the premises the business accepts the police condition (Para 7). In addition there will be a risk assessment by the DPS regarding the provision of security.
- In relation the garden – the Environmental Health suggested conditions were read out to the applicant. Those conditions were accepted.
- It was accepted there would be some noise from the beer garden. The applicant agreed the fence surrounding the garden could be 5 feet high – he explained any higher would not affect the noise being heard because the noise would travel upwards.
- There will be no outdoor music
- The noise will be contained from the bar and restaurant areas because there are lobby doors
- Anti-social behaviour will be taken seriously. There will be signage requesting customers to be respectful of neighbours when they leave the premises – customers will also be told to be quiet.
- The applicant has a zero tolerance to anti-social behaviour and quoted an example of complaints from residents regarding foul language from a contractor – he spoke to the contractor about it but did not rectify the issue so he was dismissed.
- The applicant has tried to engage with the local community and knocked on residents doors listens to concerns and objections – he has tried to address any concerns

- The applicant noted the concerns over street parking but stated that the premises is on a nearby bus route and it is planned for a local taxi company to provide a dedicated phone booking line to the premises
 - Regarding hours the applicant's prediction would be Monday – Thursday and Sunday nights would not be particularly busy so the premises is likely to close at 10.30pm. In respect of the rest of the week and busy days the intention will be to offer sales until midnight and the customers to have left the premises by 00.15hrs.
 - The applicant understood that the license can where appropriate be reviewed by the committee if there are issues.
3. Heard from other parties (local residents) making representations

PREVENTION OF CRIME AND DISORDER

There were concerns the previous licensed premises was characterised by there being fights/vomiting and criminal damage to cars. There was a concern that there would be an increase in drink driving in the area.

The police do not effectively address the anti-social behaviour in the area– they are not on patrol when people go home and only respond to 999 calls. There is already a serious problem in the area.

The hours of the license are too long and will encourage the customer to drink too much resulting in the anti-social behaviour.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- The concerns expressed by the parties were in relation to the Working Men's Club – the committee need to consider the concerns in relation to this application.
- The committee accepts the applicant's representations that management and staff will try to pre-empt any crime or disorder by ensuring alcohol is not sold to persons under 18 (they will use the Challenge 25 approach) and will not serve alcohol to person in a drunken state
- Where appropriate there will be door supervisor security on the premises
- CCTV will monitor behaviour within the premises and the close proximity outside
- There is an emphasis on the consumption of food rather than just drinking
- There will be signage requesting customers leaving the premises to be quiet and respecting the neighbours

- There have been no representations from the Responsible Authorities in respect of this licensing objective

PUBLIC NUISANCE

Noise was the main concern of the other parties.

The other parties outlined the premises is in a residential area and the noise (from speech and music) from the beer garden would be a nuisance for neighbours. The suggested four foot fence would not contain the noise – there need to be acoustic insulation (this was dismissed by the applicants).

There was also concern that music could be heard from within the building and from people leaving the premises. This is a residential area not Mutley Plain or Union Street

In addition the parties expressed concern the premises does not have a dedicated car park which will result in parking pressures for residents.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- Again the Committee determined that the concerns expressed by the parties is based on historic issues – the application for a premises licence is by a new owners and management.
- The applicant has accepted the conditions recommended by the Environmental Health department specifically in relation to no music must emanate from the premises between 23.00 and 08.00 and the restriction on the use of the beer garden
- The committee accepts the applicants offer for a five foot fence around the beer garden
- There are lobby doors to the main premises, bar and restaurant which will assist to contain the noise/music
- The music level are controlled by a restricted access console by the management of the licensed premises not the DJ or parties
- Noise from customers will be reduced by people showing signs of drunkenness not being served (as per staff training)
- If there is excessive noise staff/security will be available to remind customers to moderate noise

- There are no plans for music in the beer garden
- Signage will remind customers to limit noise in residential area
- CCTV will monitor customers behaviour
- Pubwatch will assist in preventing disruptive customers entering the premises
- The hours of opening and the selling of alcohol are appropriate for this type of establishment
- The parties accepted that the applicants could not do much about the street parking issue – the committee noted the premises were on a nearby bus route and there was plans for a dedicated taxi book phone line

PROTECTION OF CHILDREN

Representations were made the hours of the licence would mean children walking by after school would be subjected to foul language and smoke fumes from customers from the beer garden.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- The intention of the applicants was the premises would be community focused - it was a venue for people to chat over coffee and have a meal. it is not anticipated at 3.00pm there would be significant drinking
- Customers behaviour will be monitored by CCTV
- If customers are disruptive applicants have a zero tolerance to anti-social behaviour and they could be removed from the premises
- The staff training is focused on preventing anti-social behaviour

DECISION

Taking into account the representations and all that was said by the applicant detailed above, the committee agreed it was appropriate to grant the licence as per the application since it was satisfied that to do so would not undermine the licensing objectives.

The committee noted the representations from the other parties but for the reasons outlined determined the concerns were historic from the previous licenced premises and was reassured the this applicant has addressed those concerns by staff training, experience management, zero tolerance to anti-social behaviour, significant investment in CCTV and acceptance of the conditions recommended by the police and Environmental Health.

The licence is granted subject to the following:

- Mandatory conditions set out in the Licensing Act
- Conditions consistent with the applicant's operating schedule
- Conditions agreed with the police.
- Conditions agreed with Plymouth Environmental Health Department
- An additional condition that a five foot fence is erected to surround the beer garden to contain customer noise

The committee requested the Applicants consider using the “Ask for Angela” scheme to assist people who feel unsafe on a night out.

11. **Exempt Business**

There we no items of exempt business for this meeting.