

# Licensing Sub Committee

**Wednesday 24 January 2024**

## **PRESENT:**

Councillor Rennie in the Chair.

Councillor Allen Vice Chair.

Councillors Rennie, Salmon and Stephens (fourth member).

Also in attendance: Councillor Raynsford, Rosie Brookshaw-Williams (Democratic Advisor), Cathy Morley (Lawyer), Marie Price (Senior Enforcement Officer), and Ian Wills (Senior Lawyer),

The meeting started at 10.04 am and finished at 12.39 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.*

#### 44. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Allen as Vice-Chair for this meeting.

#### 45. **Declarations of Interest**

No declarations of interest were made.

#### 46. **Chair's Urgent Business**

There were no items of Chair's urgent business.

#### 47. **Exempt Business**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 1/2/3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

#### 48. **Grant of Premises Licence - Floss Bars Ltd**

The Committee:

- I. Considered the report from the Director of Public Health and policy and guidance referred to therein, written and oral representations from the applicant

and written and oral representations from the complainant;

2. Considered the fact that the hearing involved the discussion around the complainant's personal health information which was sensitive data. As a result, the matter would be heard in private in accordance with regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005 as the public interest in hearing the matter in private outweighed the public interest in hearing the matter in public. The outcome could be reported without the identity of the applicant being known and this would satisfy the public interest in this case;
3. Were satisfied that to grant the application would not undermine the Prevention of Crime and Disorder or the Prevention of Public Nuisance Licensing Objectives for the reasons set out below and therefore the application would be granted subject to the following:
  - i) Mandatory conditions set out in the Licensing Act;
  - ii) The conditions were consistent with the applicants operating schedule;
  - iii) Conditions agreed with the Policy and Environmental Protection.
4. The additional conditions were imposed by the Committee:
  - i. Maximum of six people allowed to be present in the smoking area at the front of the building;
  - ii. Alcohol to be served only at the table;

Whilst not being a specific condition the Committee encouraged the applicant to contact the Plymouth City Council Environmental Protection department to prevent noise nuisance.

*(Please note there is a confidential part to this minute)*

*(At the end of this item the Committee agreed to return to a Part 1 meeting)*

#### 49. **Grant of Premises Licence - Cawfee**

The Committee having:

- a) Considered the report from the Director of Public Health and policy and the guidance contained therein;
- b) Considered what was said by the applicant both verbally and in writing as follows:
  - i) The application was to service alcohol with food and there would be no binge drinking or bar facilities;
  - ii) The plan was to encourage art events and there would be some DJ 'House' music;

- iii) CCTV had been installed;
  - iv) The time the courtyard was available to customers had been agreed with the police;
  - v) A decibel metre would be monitoring noise at a maximum level, which would be agreed with an Environmental Protection Officer;
  - vi) Staff would be trained under the Challenger 25 system and there would be no underage drinking;
  - vii) The applicant accepted there was noise from the Drum and Bass event but believed the reporting of the event was not accurate and had been exaggerated;
  - viii) There would be a capacity within the premises of 30-40 persons and approximately 25 persons in the courtyard;
  - ix) The applicant would agree to the use of the courtyard to be limited to 9.30pm Sunday to Thursday and on Friday and Saturday night to 10.00pm.
- c) Considered written and oral submission from the other party as follows:
- i) There were concerns over the noise from the premises as it was a residential area which included children and residents of poor health;
  - ii) There were three flats above the premises;
  - iii) The area was known for drug use and the premises could potentially be a venue for the purchase/use of illegal drugs;
  - iv) The premises would affect the Backpackers business;
  - v) There could be disorder from the narrow entrance and exit and it could be a flash point for violence;
  - vi) There had not been any noise nuisance since the last Drum and Bass session.
- d) Considered the Prevention of Crime and Disorder Licensing Objective regarding whether further licensed premises would lead to further drug use, increased violent crimes and anti-social behaviour. The committee considered this representation to be relevant under this licensing objective but did not consider this particular premises would add to the problems:
- i) The premises were limited to a maximum of 65 people and the premises would not be a bar or nightclub;
  - ii) The serving of alcohol would be with food and therefore would potentially limit the amount of alcohol consumed;

- iii) The risk of excessive drinking would be proportionately addressed by a condition that would be the only serving of alcohol at the table and vertical drinking would be prohibited;
  - iv) The applicant committed to complying with the conditions as outlined in police representations in respect of training to not serve underage persons who had drunk to excess;
  - v) There was no evidence from the police that the premises would be used in illegal drug activity;
  - vi) There was no evidence that the premises would increase the risk of violence;
  - vii) The committee noted that the police had made no representations opposing the granting of the licence subject to their specific conditions being incorporated into the operating schedule;
- e) Considered the Prevention of Public Nuisance Licensing Objective. There were representations that noise from the courtyard would be a public nuisance to neighbours, in particular children. It was also a concern that noisy events such as the Drum and Bass event would cause excessive noise. The objective was considered as part of the Cumulative Impact Assessment test. The Committee considered these representations to be relevant under this licensing objective but members did not consider these particular premises would add to the problem:
- i) The Committee noted that the applicant agreed to the use of the courtyard will be restricted to 9.30pm Sunday to Thursday and 10.00pm on Friday and Saturday, and in the Committee's opinion this was reasonable;
  - ii) The Committee imposed conditions regarding use of the courtyard to those times to provide certainty to the house the courtyard could open;
  - iii) The Committee noted the applicant did not intend to have further Drum and Bass events;
  - iv) There had not been any other events which caused excessive noise identified since the last Drum and Bass event;
  - v) The Committee noted that there had been no objections to the granting of the licence from the Environmental Protection Team;
- f) Having taken 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 they were satisfied that doing so would not undermine the licensing objectives. It was considered appropriate to depart from the policy in this case as given steps taken by the applicant to mitigate any potential problems, and the fact there had been no representations from any Responsible Authorities, the Committee did not consider that the granting of the licence would add to the cumulative impact in the area;

g) Therefore, the Committee agreed to grant the licence subject to the following conditions:

- Mandatory condition set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule
- Conditions agreed with the Police and Environmental Protection Department;

And the following additional conditions:

- The use of the courtyard was limited to 9.30pm Sunday to Thursday and 10.00pm Friday to Saturday;
- The serving of alcohol was limited to table service;

Whilst not being a specific condition the committee would encourage the applicant to contact the Environmental Protection department to agree a decibel limit for noise from the premises to prevent potential noise nuisance under the Environmental Protection Act 1990.