

Licensing Sub Committee

Monday 29 July 2024

PRESENT:

Councillor Hendy in the Chair.
Councillor Stephens Vice Chair.
Councillor Ms Watkin.

Also in attendance: Councillor Nicholson (P), Councillor Nicholson (S), Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), Cathy Morley (Lawyer).

The meeting started at 10.01 am and finished at 12.56 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.

58. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Hendy as Chair and Councillor Stephens as Vice-Chair for this meeting.

59. **Declarations of Interest**

There were no declarations of interest.

60. **Chair's Urgent Business**

There were no items of Chair's urgent business.

61. **Variation of Premises Licence - Sir Joshua Reynolds**

The Committee having:

- a) Considered the contents of the Variation of Premises Licence Notice Report and written representations submitted to the Licensing Authority;
- b) Heard from the applicant as follows:
 - i) The applicant, Craft Union Pub Limited, owned 600 premises nationwide and was part of the Stonegate Pub Group which had 4000 pub worldwide and took over the Sir Joshua Reynolds Public House in May 2023, undertaking extensive refurbishment;
 - ii) The applicant also owned the Post Office Public House, located on the Ridgeway, Plympton. They had liaised exclusively with the police and Plymouth City Council Environmental Health before submitting the application in relation to the Sir Joshua

Reynolds Public House;

iii) The application was made with the Post Office Public House in mind, with the intention to reduce the hours at the Post Office Public House, if the increase of hours was granted. The Post Office Public House was approximately 1 minute walk from the Sir Joshua Reynolds Public House. The application was made to align the conditions in both public houses and alleviate the bottle neck at the end of the Ridgeway. It would also bring it into line with the Wetherspoons on the Ridgeway and reduce the strain on the Post Office Public House which was a smaller venue;

iv) The application in regard to the Post Office Public House could be done by minor variation, which would only take a couple of weeks. This would mean there was no overall increase in hours on the Ridgeway;

v) Live music at the Sir Joshua Reynolds Public House did not go beyond 2300 hours and occurred once a week. It attracted 60-100 people on a Saturday;

vi) The comprehensive list of new, robust conditions were agreed with the Responsible Authorities;

vii) A key issue that had been raised was the behaviour of people away from the Sir Joshua Reynolds Public House, and the applicant would agree a written dispersal policy to show how they would manage this;

ix) There would be total sound containment between 2300 hours and 0800 hours and late-night music would be strictly policed by the applicant. The staff would close the doors and windows when entertainment was taking place, and noise checks were taken outside with a meter;

x) There was no mechanical ventilation beyond opening windows and doors and the applicant advised there would not be music on when it would be necessary to have the doors/windows open and would end entertainment if they could not maintain a safe level of ventilation;

xi) The applicant had put in additional resource, including two security staff on the front door and one at the rear garden;

xii) There had been no representations from Responsible Authorities and no complaints made to the applicant since they had taken over. The police were overstretched in the area and so would have objected if there were issues with the application;

xiii) A number of issues contained in the representations pre-dated the applicant's ownership of the Sir Joshua Reynolds Public House and were not related to it;

xiv) The applicant was only aware of two occasions of anti-social behaviour by young people and these were not directly linked to the Sir Joshua Reynolds Public House. The police did youth walks to move young people along and the police had been the applicant's main source of guidance;

xv) There were no residential properties overlooking the Sir Joshua Reynolds Public House and the vast majority of the blocks were far away from the Ridgeway. There were a number of licensed premises on the Ridgeway;

xvi) Public causing anti-social behaviour in Plympton were not allowed in the premises and there was no evidence that they had come from the Sir Joshua Reynolds Public House. There was also no evidence in the complaints about noise and litter that they had originated from the Sir Joshua Reynolds Public House;

xvii) The applicant would be happy to remove Thursdays from the requested extension, and would do the same at the Post Office Public House to maintain parity;

xviii) The applicant would adhere to the mandatory condition regarding drinks promotions;

xix) If there were issues, the only option was to apply for a review of the licence under the Licensing Act 2003.

c) Considered the representations from the objectors Councillor Patrick Nicholson and Councillor Sally Nicholson who were the Councillors for the ward where the premises was located:

i) The successful running of the pub was not opposed, and the Councillors wanted to work harmoniously with the applicant. The investment in the Sir Joshua Reynolds Public House was supported;

ii) The hours were inappropriate for the immediate community and Plympton as a whole as it was a quiet suburb and there had been a history of anti-social behaviour in the area from pubs. The increase in hours could exacerbate the current nuisance;

iii) Plymouth's night-time economy was focussed on other areas of the city and there had been a history of licensing issues on the Ridgeway and broader issues surrounding other premises;

iv) When leaving the Sir Joshua Reynolds Public House, the public would travel along various residential streets. Bus services ended at 2230 hours and the taxi service was non-existent. This would result in people walking through the residential streets;

v) The location of the Sir Joshua Reynolds Public House was at the end of the Ridgeway, also meaning that noise from the garden would resonate in the properties to the rear. The Sir Joshua Reynolds Public House was larger than the Post Office Public House and had a larger outdoor space;

vi) No evidence had been provided in respect of the noise containment;

vii) The police were focussed on supporting Plymouth's night-time economy and refused to increase their presence in the area as they were stretched. Dialogue with the police would have been welcomed but communication was difficult. Councillor Sally Nicholson reported that at a forum for another matter, the Chief Inspector of Devon and Cornwall Police expressed surprised that concerns had not been raised in

connection with this application. There had been no public scrutiny and there had not been the opportunity to formally comment on the proposal to reduce the hours at the Post Office Public House. The Councillors were disappointed that the applicant had not done more to build relationships with elected members;

viii) The Councillors expressed concerns about the running of the Post Office Public House and the applicant's track record of not dealing with issues in the area. Concern was expressed that whilst conditions were proposed to mitigate the issues, if the Post Office Public House was taken as an example, these would not be enforced by the applicant;

ix) The applicant took over the Sir Joshua Reynolds Public House in May 2024 but was closed for a substantial period, so it had not been running at full capacity;

x) The Sir Joshua Reynolds Public House had been a good local facility in the past;

xi) The sale of food until 0100 hours was not necessary for local people. Not was the sale of take-away alcohol;

xii) The increase in hours would have a great impact and the proposed withdrawal of Thursday's hours was welcomed;

xiii) The application was not properly advertised on signposted, however the Licensing Officer present confirmed that all requirements for the advertising of the application were complied with.

d) Considered the following licensing objectives:

Prevention of Crime and Disorder Licensing Objective:

I. The representations outlined concerns that if the variation was granted it would add to the anti-social behaviour already present in the Ridgeway. This was of particular concern due to the current level of policing in the locality, the other licensed establishments and the make-up of the area. Representations also included historic underage drinking, drug dealing, and vandalism.

The Committee determined that the representations by residents and the elected members concerning anti-social behaviour were relevant under this licensing objective. However, Members noted the following:

i) The police had not made representations on this application and the proposed conditions had been agreed with the police;

ii) No evidence of crime and disorder directly linked to the Sir Joshua Reynolds Public House had been provided;

iii) Many of the issues were historic or of a broader nature with were beyond the responsibility of the applicant;

iv) The applicant could not take responsibility for patrons beyond the Sir Joshua

Reynolds Public House;

v) Whilst the parties had all agreed that the local police are stretched, this was not the responsibility of the applicant and therefore was disregarded by the Committee. Members returned to the point that the police, as a Responsible Authority, have not made representations and the conditions had been agreed with the police;

vi) Members considered that the variation of the license set out below would not add to problems outlined in the representations for the following reason:

vii) The hours were increased but the proposed conditions, together with the additional conditions regarding drugs, are sufficient to ensure that this licensing objective is not undermined.

Public Nuisance Licensing Objective

I. The Committee heard representations from Councillor Patrick Nicholson and Councillor Sally Nicholson concerning issues falling within the Public Nuisance Licensing Objective. Members also considered the written representations made by local residents prior to the meeting and the representations made by the applicant in response at the meeting.

viii) Issues raised included: noise (from people leaving the Sir Joshua Reynolds Public House and from the premises itself), anti-social behaviour (including unruly behaviour at closing time) and mess (including litter, vomit, urine, bottles, cans, broken glass etc);

ix) The representations outlined concerns about the impact of the increased hours and variation of the license on local residents and the locality generally;

x) Members noted the impact that these issues had on residents. However, it also took into account the lack of evidence directly linking these issues to the Sir Joshua Reynolds Public House itself;

xi) Members considered the lack of transport (taxi and bus service) as a clear issue contributing to problems in the area, but disregarded this given it was beyond the control of the applicant. They considered it the responsibility of patrons to get home safely and without causing a nuisance;

xii) The Committee were concerned about the lack of mechanical ventilation and the impact this could have on noise nuisance from the Sir Joshua Reynolds Public House during periods of warm weather;

xiii) The Committee took time to consider the representations of both the applicant and local residents/elected members to reach a decision that ensured that the variation to the license would not undermine this objective and balanced the rights of all parties;

xiv) Members considered the increase in hours as requested as excessive. However, they were satisfied that the conditions proposed by the applicant, together with the

additional conditions and the hours granted (set out below), would sufficiently limit potential public nuisance whilst increasing the Sir Joshua Reynolds Public House's hours, and would positively promote this licensing objective. The reasons being:

- i) The hours granted were in line with other premises on the Ridgeway and should not add to any issues of public nuisance;
- ii) The conditions included in proposed conditions, together with a condition regarding a record of local complaints were sufficient to deal with the potential public nuisance that the applicant would be responsible for.

Protection of Children from Harm/Public Safety:

I. The Committee was satisfied that the other Licensing Objectives of Protection of Children from Harm and Public Safety would not be undermined by the granting of the variation as set out below due to the conditions attached to the license.

The license of the Sir Joshua Reynolds Public House was varied as follows:

Subject to the conditions below, the license was varied as follows:

Hours

Hours premises open to the public:

Sunday – Thursday 0900 hours to 0030 hours

Friday – Saturday 0900 hours to 0130 hours

Non-standard timings:

New Year's Eve From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year's Eve.

Supply of alcohol for consumption On & Off the premises:

Sunday – Thursday 0900 hours to 0000 hours

Friday – Saturday 0900 hours to 0100 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year's Eve.

Live music:

Monday – Saturday

2300 hours – 0000 hours

Sunday

2300 hours – 2330 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Recorded music:

Monday – Saturday

2300 hours – 0000 hours

Sunday

2300 hours – 2330 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Late night refreshment:

Sunday – Thursday

2300 hours – 2330 hours

Friday – Saturday

2300 hours – 0030 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Indoor sporting events:

Removed from the license.

Conditions

- 1) The current conditions attached to the license, as set out in Appendix C to the report, are removed and replaced by the conditions proposed by the applicant and agreed with the police, as set out in Appendix B to the report, save for the following conditions which remained in place.
 - i) Doors and windows to be kept shut during entertainment taking place after 2300 hours;
 - ii) Drugs warning notices in place;
 - iii) Zero tolerance to drug use and dealing;
 - iii) Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
- 2) The license remained subject to the mandatory condition set out in the Licensing Act 2004.
- 3) The license was also subject to the following additional condition:
 - i) a record (which may be kept electronically) must be kept at the premises and contain details of any complaints of noise nuisance and/or anti-social behaviour connected to the premises by local residents. Such records would be made available for inspection by a Responsible Authority on request.

Whilst not a specific condition, the Committee would encourage the applicant to consider the installation of air conditioning in the premises to help contain the noise and avoid potential for noise nuisance in warm weather.

The Committee agreed to grant the variation of the premises license for Sir Joshua Reynolds Public Hours:

- Subject to the conditions set out above.