

Licensing Sub Committee

Monday 11 November 2024

PRESENT:

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

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), and Ian Wills (Senior Lawyer).

The meeting started at 10.01 am and finished at 10.43 am.

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.

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

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

72. **Declarations of Interest**

There were no declarations of interest.

73. **Chair's Urgent Business**

The Chair informed the Committee there would be a two minute silence held at 11 am for Armistice Day.

74. **Grant of Premises Licence: No 36 Wine & Cocktail Bar**

The Committee having:

a) Heard from the applicant as follows:

- i) The applicant had managed a carpet shop in Elburton Village for over ten years;
- ii) The applicant wanted to open a wine bar where people could have a quiet drink without loud music, and this had local support;
- iii) The bar would have 20 people maximum. The applicant envisaged the bar being used by locals who wanted a quiet place to drink or a group having somewhere to undertake a past time such as a knitting club whilst enjoying a glass of wine;
- iv) The bar would sell wine, cocktails, beers and water and there would not be any

drink promotions;

v) Planning permission had been granted;

vi) The applicant had spent a considerable amount of money converting the premises;

vii) The applicant accepted the conditions required by the Police and Environmental Health. In particular he understood the importance of Challenge 25 and maintain up to date and accurate records;

viii) The Designated Premises Supervisor (DPS) would be a family member and would be supported by a manager of a neighbouring business who also had a DPS. Both the applicant and his family members were undergoing DPS training;

ix) The applicant confirmed the opening hours and sale of alcohol (if the applicant was granted) would be between 12 noon and 2300 hours, seven days a week;

x) The applicant highlighted that there were a number of licenced premises in the immediate area and the local public houses had longer opening hours than this application;

xi) The applicant outlined that his business would not increase crime in the area because his business model is not to attract 'yobs'. He wanted a premises where patrons could relax, which was not loud and was safe. He would tell people to quieten down if there was too much noise;

xii) There would be music but it would be in the background, and there would be no bands or late-night entertainment;

xiii) Regarding the outside space in front of the premises the number of customers sat outside would be limited and there would be signs with the number of customers who could sit outside displayed as the applicant didn't want to annoy his neighbours;

xiv) Regarding the protection of children, the applicant outlined that he was the father of four children and took the safety of children seriously and couldn't see his premises causing harm to them;

xv) Deliveries could be made at the rear of the premises or if needed in the carpet shop across the road. Alcohol would not be stored on the carpet shop premises;

xvi) The applicant confirmed that he respected the welfare of people in the vicinity of the premises and would manage the premises to ensure there would be no trouble. He was aware that if there were concerns by relevant authorities or the local community, officers would try and resolve matters informally but if this was unsuccessful the licence could be reviewed by the Committee;

b) Taken into account the written representation objecting to the licence;

c) Reminded itself to consider representations in respect of the Public Nuisance, Crime and Disorder and Protection of Children Licensing Objectives.

The Committee disregarded:

- d) The applicant had spent a considerable amount of money on converting the premises;
- e) There was local support for the wine bar.

The Committee took into account:

- f) There were not objections from relevant authorities or the local primary school;
- g) This was a relatively small premises where alcohol would be served at the table and the applied opening hours were between 12 noon and 2300 hours;
- h) There were other licensed premises in the immediate area with later licensing hours;
- i) The premises was not in a Cumulative Impact Assessment Area;
- j) The applicant accepted and agreed to the suggested conditions by the Police and Environmental Health;
- k) The relevant provisions under the Licensing Act 2003; S182 Licensing Act Guidance (December 2023) and the Plymouth City Council Licensing Policy;
- l) The decision of the Licensing Sub Committee was considered on the facts unique to this application;
- m) The decision needed to be evidence based and appropriate to the promotion of the Licensing Objectives and was proportionate to what was intended to be achieved (9.34 S182 Guidance (December 2023)).

The Committee considered the Prevention of Crime and Disorder Licensing Objective:

- n) The objection had highlighted if a premise licence was granted this would increase crime in the area, cause parking issues and there would be a risk to drivers;
- o) The Committee found that the application did not undermine this Licensing Objective because it was satisfied that the mandatory conditions and the conditions agreed with the Police would address any concerns. The Committee was reassured that the applicant would ensure Challenge 25 measures and recognise the indicators of drunkenness and there was no evidential link that there would be any increase in crime or drink driving;
- p) The Committee noted paragraph 2.1 of the S182 Guidance that the Police were the main source of guidance on Crime and Disorder and they had raised no objection to the application on the basis the conditions they had outlined were agreed.

The Committee considered the Prevention of Public Nuisance Licensing Objective:

- q) The objector had outlined there would be an issue over noise in the area if the application was granted;
- r) The Committee was satisfied this Licensing Objective was not undermined because it was a small bar. The application had outlined to the Committee his intention was to prevent excessive noise and there would be no loud music or bands playing.
- s) An accredited DPS staff member would be employed to manage the premises, and there were a number of other licensed establishments in the area who had later permitted hours and the intention of the application was to work with the local community;
- t) The Licensing Sub Committee noted there were no objections from the Environmental Health Department.

The Committee considered the Prevention of Harm to Children Licensing Objective:

- u) The objector raised the granting of the licence would undermine the Licensing Objective because the premises was situated close to a school and there was 'extra possible harm to children on what was already one of the busiest roads in the area';
- v) The Committee found there were no specific examples for the potential for the alleged undermining of this Licensing Objective;
- w) The local primary school had not opposed to the application, there were a significant number of licensed premises in the area, the proposed application with the maximum customer capacity would not significantly affect any harm to children and the applicant was committed to preventing any underage drinking (Challenge 25) and the opening hours of the premises would ensure there was not additional 'foot flow' along the pavement, increasing the risk of harm to children.

The Committee agreed to grant the Premise Licence in respect of No 36 Wine and Cocktail Bar.

- i) Supply of alcohol for consumption ON and OFF the premises – Monday to Sunday between 12 noon and 2300 hours;
- ii) Hours the premises was open to the public – Monday to Sunday between 12 noon and 2300 hours.

The licence was subject to the mandatory conditions and the conditions agreed between the applicant and Devon and Cornwall Police and Plymouth City Council Environmental Health Department.