

Responses to Notice of Hearing

Licensing Sub Committee Hearing 27/08/2025

Plymstock Inn - Premises Licence Variation Application

Appendix C – EHO Response

RESPONSE TO HEARING UNDER REGULATION 8 OF THE LICENSING ACT 2003 (HEARINGS) REGULATIONS

Re Application to Vary the Premises Licence – Plymstock Inn Premises number PA0476

- a. Plymouth City Council Environmental Health Authority consider the hearing to be necessary.
- b. The Environmental Health Authority will be represented at the hearing on 27th August 2025, by Mr W Tomkins, Environmental Health Officer.
- c. No permission is required for additional attendees.
- d. In summary the representations that the Environmental Health Authority wish to make to the Licensing Sub Committee are as follows. They are not intended in any way to limit the extent of any relevant representations to be made verbally at the hearing and must not be so construed but are set out as required by the regulations merely as a written summary.
 1. The evidence will show that complaints of disturbance have been received from local residents.
 2. Evidence will show that the licence holder of the premises had been made aware that complaints have been received and that improvements are required.
 3. Evidence from local residents will show that the existing premises licence conditions have been breached.
 3. The evidence is detailed in our representation along with the attached 4 recordings.

Applicant Jack Fry represented by Nick Semper

RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Licensing Officer a notice:-

- a) Stating whether you consider a hearing to be unnecessary;
- b) Stating whether you intend to attend and/or be represented at the hearing;

c) Requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

d) Include with your notice a written summary of the representations you wish to make to the licensing sub-committee in relation to your application and provide copies of any documents you intend to submit in support of your application.

A: The Hearing is necessary in order to resolve two final issues at which the applicant and EHO are still at variance.

B: The applicant, Jack FRY will attend, along with his Representative – Nick SEMPER of The Licensing Guys.

C: None identified at this time.

D: To follow later today.

Thank you very much. Please send us a copy of the Hearing Bundle

Kind Regards
Nick SEMPER
Director
TL Guys Ltd
t/a The Licensing Guys
W: 01432 700024

D: RESPONSE TO HEARING UNDER REGULATION 8 OF THE LICENSING ACT 2003 (HEARINGS) REGULATIONS

Re Variation Application - Premises Licence PA0476 Plymstock Inn

I have advised that the applicant is willing to accept the proposed conditions in Appendix C made by Environmental Health, with the exception of the following two condition(s)

Condition 1: The children's play area is to be closed to all customers at 19:00hrs.

Condition 4: No regulated entertainment will take place until a noise limiting device (the specification and design to be agreed with Environmental Health Service) is fitted so that all regulated, live, karaoke and recorded music (including the Juke Box) is channeled through the device(s). The maximum noise levels be set by agreement with the Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performance of live and recorded music. If the noise limiting device breaks down the council's Environmental Health Service must be informed as soon as reasonably practicable and in any event within 24 hours of the device breaking down. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. No performance of live and recorded music shall proceed if the noise limiting device is not in proper working order.

Points in Contention:

1. The children's play area is provided for the use by families with young children. It cost a very substantial figure to build and install, being

constructed in Germany and being compliant with all the necessary HSE and Insurance criteria to ensure its safety. Its use will only be during good weather and daylight permitting, and is bounded by the bedtimes of the very young children which will use it whilst supervised by their parents. Its use during evenings is therefore *de minimis* as it is extremely constricted due to the UK climate in any event.

2. The Noise Nuisance Licensing Objective urges the Committee to “focus on the effects of **licensable activities** at the specific premises”. Children playing in a play area is NOT a licensable activity.
3. We would agree to close the play area at 9pm as most families should have finished their meals by this time however we feel the earlier time is too restrictive and there is very little evidence to show this has been causing any significant problem during sensitive times. In any event Staff would monitor this area whilst it is open to ensure that the noise of children playing is kept to a minimum.
4. You will note in the comprehensive and thorough Officer Report briefing at Para 1.3 on p5: *The majority of the conditions in annex 2 are outdated and would require an update however the removal of condition S177A(4) of the Licensing Act 2003 in annex 3 which was imposed at a review hearing on 4th April 2017 will therefore mean that any new or existing conditions applied in relation to entertainment and public nuisance will no longer apply between the hours of 08:00hrs and 23:00hrs for the licensable area (Inside and out). This will also mean that the current outside area conditions would no longer apply.*
5. You will also note that the additional conditions imposed under s177A(4) were imposed in 2017 following a history of noise nuisance at these premises under a previous management regime. In 2025 that history is indeed historic, has nothing to do with this applicant and his current management of the premises, so therefore cannot be held to his detriment.
6. To date the applicant has provided no regulated entertainment i.e. live or recorded music whatsoever – simply background music to dinners.
7. The premises capacity is set at ONLY 80 covers. Moreover, under the exemptions of the Live Music Act(s), Live and Recorded Music to audiences of less than 500 between 08:00 and 23:00hrs daily are no longer licensable activities and are therefore outside the scope of the Committee.
8. The premises are being run with the target audience of families and diners. The applicant is not seeking to operate as a live music venue but would like some live music now and again for advertised events. Consequently, we maintain that the imposition of a noise limiter would have financial implications on the business, and the risk does not justified it for a smaller venue such as our own.

9. The applicant appreciates the concerns of the residents and would not wish to negatively impact their lives or the licensing objectives. He maintains that the agreed conditions and those amended conditions proposed in the operating schedule before the Committee would ensure that there will be no negative impact. He has agreed to a lot of conditions based on the previous history of the premises yet has no wish for the same problems to occur in future. He is an experienced and respected licensee. A few problems were reported when the premises initially opened and they did receive noise complaints. He immediately put in steps and training to rectify this and has ensured that all the existing licensing conditions on our current, outdated premises licence were adhered to and all staff complied, pending any relaxation afforded by this Variation application.

For all the above reasons, we respectfully maintain that we believe Conditions 1 & 4 above to be disproportionate and overly burdensome conditions on premises where there is no need for such conditions (p1.17) disproportionate as to what is intended to be achieved (s9.43), that the imposition of a noise limiter is both disproportionate, inappropriate and excessively expensive (p2.23 and p9.44).

Above Citations in brackets reference specific paragraphs of s182 Guidance of Feb 2025.

Appendix F Response

Unfortunately, due to being out of the country, we will be unable to attend this meeting. We also have no one who would be able to represent us on this occasion.

We do believe the meeting is necessary, as we do not agree with the proposed terms submitted by the applicant.

I believe my representation provided earlier provides a comprehensive overview of the situation and challenges we have faced living next door to the pub since the change in management. The only prior comment I would like read out, if possible would be the below;

We have read over carefully the supplied documents by the licensing team, paying particular attention to the comments made by Will Tomkins from Environmental health. We believe the suggested new license terms made by him adequately protect ourselves as residents, whilst providing the pub with a slightly later usage time on weekends. We do regret that the pub has neither engaged with us as residents nor with environmental health concerns suggesting alternative conditions.

It is undeniable that the venue is very popular, and as a consequence of this the play park and outside area are very well used. We firmly expect, and accept that during the daytime there is some background noise, however, the new regulations suggested by environmental health ensure that as residents we can live in harmony with the pub and still enjoy our own home, whilst the pub is still able to have a thriving business.

We would like to request, in the strongest possible manner, that the committee agree to the change of license, however, only with the full new conditions provided by Will Tomkins in his representation.

I hope the above is okay and that this can be read alongside my full representation provided earlier, as we are unable to attend.

Please do let me know if you need anything further. Thank you again for all your assistance.

Appendix G Response

Marie Price

From:
Sent: 15 August 2025 10:24
To: Licensing
Cc: Marie Price
Subject: RE: Licensing Sub Committee Hearing - Plymstock Inn - Premises Licence Variation Application

This is to inform you that I will be attending the meeting.

Regards