

## CITY OF PLYMOUTH

**Subject:** Barbican Theatre, Castle Street, The Barbican,  
Plymouth.  
Variation of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 13 October 2009

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director of Community Services

**Author:** Peter Clemens  
e-mail: licensing@plymouth.gov.uk

**Contact:** (01752) 305465

**Ref:** ERS/LIC/PREM

**Part:** I

---

### **Executive Summary:**

An application has been received from Rent A Role Drama Service Ltd in respect of the Barbican Theatre, Castle Street, The Barbican, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

---

### **Corporate Plan 2009- 2012:**

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
  2. Providing more and better culture and leisure activities.
- 

### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

Not applicable.

---

**Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

---

**Recommendations and Reasons for recommended action:**

That Members consider this report.

---

**Alternative options considered and reasons for recommended action:**

None.

---

**Background papers:**

Application.  
Licensing Act 2003.  
Guidance issued under Section 182 Licensing Act 2003.  
Council's Licensing Policy.

---

**Sign off:**

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

## 1.0 BACKGROUND

1.1 On the 21<sup>st</sup> August 2009 the licensing department received an application from Rent A Role Drama Service Ltd for the variation of an existing licence under Section 34 of the Licensing Act 2003.

### 1.2 Details of variation

<b>Current Licensable Activities</b>	<b>Variation Application</b>
<p><b>(a) <u>Plays</u></b> (Indoors )</p> <p>Hours            Mon to Sat 10.00hrs to Midnight            Sun 11.00hrs to 23.30hrs</p> <p>Non Standard Timings            Good Friday. 11.00hrs to 23.30hrs            Christmas Eve. 10.00hrs to 24.00hrs            New Years Eve. From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	
<p><b>(b) <u>Films</u></b> (Indoors)</p> <p>Hours            Days and Timings as above including non standard timings.</p>	
<p><b>(e) <u>Live Music</u></b> (Indoors)</p> <p>Hours            Days and Timings as above including non standard timings.</p>	
<p><b>(f) <u>Recorded Music</u></b> (Indoors)</p> <p>Hours            Days and Timings as above including non standard timings.</p>	
<p><b>(g) <u>Performance of dance</u></b> (Indoors)</p> <p>Hours            Days and Timings as above including non standard timings.</p>	
<p><b>(i) <u>Provision of facilities for making music</u></b> (Indoors)</p> <p>Hours            Days and Timings as above including non standard timings.</p>	

<p><b><u>(j) Provision of facilities for dancing</u></b> (Indoors)</p> <p>Hours Days and Timings as above excluding non standard timings.</p>	
<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours Days and Timings as above excluding non standard timings.</p>	<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours Mon to Sat 10.00hrs to 01.00hrs Sun 11.00hrs to Midnight</p> <p>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.</p>
<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours Mon to Sat 10.00hrs to 00.30hrs Sun 11.00hrs to Midnight</p> <p>Non Standard Timings Good Friday. 11.00hrs to Midnight Christmas Eve. 10.00hrs to 00.30hrs New Years Eve. From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours Mon to Sat 10.00hrs to 01.30hrs Sun 11.00hrs to 00.30hrs</p> <p>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.</p>

**1.3 Variation application.**

The nature of the proposed variation is;

To extend the terminal hour for the retail sale of alcohol until 01.00hrs each weekday and until midnight on Sundays.

1.4 Representations have been received in respect of this application.

**1.5 Cumulative Impact Policy**

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted.

## **2.0 RESPONSIBLE AUTHORITIES**

- 2.1 *Devon & Cornwall Constabulary* – no representations.
- 2.2 *Environmental Health* – no representations.
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.

## **3.0 INTERESTED PARTIES**

1 – letter of representation has been received from a resident living within the vicinity of the premises supported by a further 7 signatures from residents (Appendix 1).

## **4.0 CONSIDERATIONS**

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.

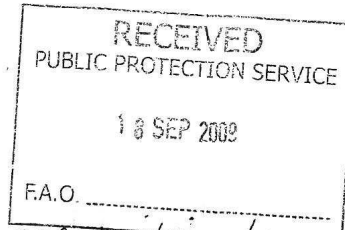
In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

10th September 2009



Dear Sirs,

We are writing to you in order to bring to your attention a situation which is causing us a great deal of concern.

We are all tenants in the block of council flats nos. Castle Street.

As you may be aware, we are exactly opposite the Barbican Theatre. Most of us have lived here for many years and until recently have had no cause for complaint.

However, over the past few months we have had to endure increasing noise and commotion caused by customers who are drinking outside the Theatre on tables and chairs put there solely for this purpose.

As if this is not bad enough, we now understand that an application for an extension of drinking hours has been made by the Theatre and if this is granted, then it will only serve to worsen an already annoying state of affairs.

We would therefore ask you to review these facts very carefully, hopefully with a view

to putting an end to these unacceptable circumstances.

Thank you.

We are:

\_\_\_\_\_ ( )

MRS. ( )

MR. ( )

MR ( )

( )

( )

( )

N.B. We would also like to bring to your attention that the theatre bins are for some unknown reason now situated at the front of the theatre directly underneath our flats. They now attract both seagulls and vermin and are a complete eyesore.