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Licensing Sub Committee (Miscellaneous)

Tuesday 4 August 2009

PRESENT:

Councillor Lock, in the Chair.
Councillor Delbridge, Vice Chair.
Councillor Gordon.

Apologies for absence: Councillor Mrs Dolan

The meeting started at 11.00 am and finished at 3.00 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.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

It was resolved that Councillor Lock be appointed as Chair and Councillor Delbridge be appointed as Vice Chair for this meeting.

7. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

8. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

9. GRANT OF PREMISES LICENCE - PACE HARTLEY TEXACO - 257 MANNAMEAD ROAD, PLYMOUTH

The Committee having –

- (i) heard from the premises licence holder's representative;
- (ii) heard from a representative from Devon and Cornwall Police;
- (iii) heard from an interested party;
- (iv) considered written representations from interested parties who were not in attendance;
- (v) considered the report from the Director for Community Services;
- (vi) heard representations regarding –
 - a) Prevention of Crime and Disorder regarding –
 - reports of anti social behaviour in the local area, where there was evidence of damage by fires, littering and people loitering in the surrounding area;
 - major incidents, which occurred in the past, of crime and disorder and anti social behaviour which had been classed by the Police as the worst in the city at one time, however in the last 18 months problems had been improved dramatically due to robust policing in the area;

- the fear by local residents that the granting of the licence would lead to a return to the high levels of anti social behaviour that residents experienced in the past, which were linked to the consumption of alcohol by young people;
- b) Prevention of Public Nuisance regarding –
- the potential for the grant of the licence to lead to a return to young people to gathering in the local area and causing a nuisance
- c) Public Safety regarding –
- the sale of alcohol at the PACE garage which had the potential to cause drink driving;
 - the concern for the safety of women and anyone passing through the subway with drunken youths commandeering the area;
 - the possibility of bottles and cans being thrown on to the A38;
- d) Other representations regarding –
- the lack of requirement for another alcohol outlet in the area;

Resolved that –

- (1) with regard to the Prevention of Crime and Disorder, relating to –
- reports of anti social behaviour in the local area, where there was evidence of damage by fires, littering and people loitering in the surrounding area; was considered relevant however Members were of the opinion that this could not be attributed to these premises;
 - major incidents, which occurred in the past, of crime and disorder and anti social behaviour which had been classed by the Police as the worst in the city at one time, however in the last 18 months problems had been improved dramatically due to robust policing in the area; was considered relevant however Members were of the opinion that the history of the area could not be linked to this application;
 - the fear by local residents that the granting of the licence would lead to a return to the high levels of anti social behaviour that residents experienced in the past, which were linked to the consumption of alcohol by young people; was considered relevant and Members acknowledged that there was a fear by local residents but Members were of the opinion that these would be addressed by the conditions put forward by the applicant in their operating schedule and conditions agreed with the Police contained in the e mail dated 3 August 2009 addressed to the Licensing Department;
- (2) Prevention of Public Nuisance, relating to –
- the potential for the grant of the licence to lead to a return to young people to gathering in the local area and causing a nuisance; was considered relevant however Members were of the opinion that there was no evidence to link anti social behaviour with the premises;

(3) Public Safety, relating to –

- the sale of alcohol at the PACE garage which had the potential to cause drink driving; was considered relevant however Members were of the opinion that there was no evidence to suggest this would occur;
- the concern for the safety of women and anyone passing through the subway with drunken youths commandeering the area; was considered relevant however Members were of the opinion that there was no evidence to link this to the premises;
- bottles and cans being thrown on to the A38; was considered relevant however Members were of the opinion that there was no evidence to suggest that granting the licence would contribute to this;

(4) Other representations, relating to –

- the lack of requirement for another alcohol outlet in the area; was considered not relevant as Members were of the opinion as this did not link to any of the Licensing Objectives.

Therefore the licence is granted as applied for subject to the mandatory conditions contained in the Licensing Act 2003, the conditions contained within the applicant's operating schedule and conditions agreed by the Applicant and Police as detailed below:

- (5) between the hours of 23.00 and 06.00 hours and at the discretion of the staff member on duty sales can be made via the night hatch;
- (6) the police will be provided with a Pace senior manager contact telephone number;
- (7) Pace shall operate Challenge 25 whereby any customer wishing to purchase alcohol and appearing to be under 25 and unknown to the staff serving must be asked to produce either a photo driving licence, passport, or a PASS accredited proof of age. No identification no sale;
- (8) Pace will provide ultra violet based equipment to check suspect identification;
- (9) alcohol training for staff will include the legal age from which people may purchase alcohol beverages, recognizing the signs of proxy sale and how to assess whether a person is drunk.

10. **REVIEW OF PREMISES LICENCE - PEAR TREE, 7 DEVONPORT ROAD, STOKE, PLYMOUTH**

The Committee having –

- (i) heard from a representative from Devon and Cornwall Police that –
 - a) a serious incident occurred on 3 May 2009 in which a gentleman consumed a large amount of alcohol including vodka shots which were on a cheap promotion and slept in the public bar. He couldn't be roused and had had to be taken to hospital on the following day where he received surgery on his injured hand. It had been established that the Designated Premises Supervisor at time was not in day to day control of the premises and that certain licensing conditions were not being complied with;
 - b) the Police were now satisfied that all of the conditions on the premises licence were complied with;

- c) the current tenant Tina Archer had now signed up to Pub Watch and was being mentored by Mr Neil, an experienced publican, who was acting as the Designated Premises Supervisor until such time as she takes over as Designated Premises Supervisor which it was hoped would be within 2 months;
 - d) the Police stated that the way the premise was run in May 2009 was not satisfactory however with the new action plan put forward and with the current Designated Premises supervisor the premises were now being run correctly and the Police were satisfied with the proposal for Tina Archer to take over responsibility for the Designated Premises Supervisor in the near future;
- (ii) heard from the premises licence holder and their representative that -
- a) the gentleman concerned in the May 2009 incident was not personally going to the bar to buy drinks for himself as his friends were doing so for him;
 - b) in hindsight, the DPS at the time was at fault and said that he should never have taken on the premises in the first place as he was responsible for 80 other premises as a Business Development Manager;
 - c) the DPS at the time had intended to only be a temporary Designated Premises Supervisor whilst Tina Archer obtained her personal licence, however protracted lease negotiations caused the matter to slip;
 - d) it was highlighted that the Designated Premises Supervisor would continue to maintain communication with the Police in the future to make sure that the premises would be run correctly;
 - e) since the incident in May 2009 the premises no longer ran that particular drink promotion with vodka shots;
- (v) considered the report from the Director for Community Services;

The Committee, having considered all of the above, in particular that the Police had stated the Licensing Objectives were now being complied with, resolved that no action be taken against the licence on this occasion however due to the serious nature of the incident and list of failings brought by the Police, the Committee would issue a warning to the premise licence holder; this warning to remain on file and to be brought to the attention of the Committee if this licence is brought for review again.

11. EXEMPT BUSINESS

There were no items of exempt business.