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Licensing Sub Committee (Miscellaneous)

Tuesday 29 September 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Reynolds, Vice Chair.
Councillors Delbridge and Rennie

The meeting started at 10.00 am and finished at 3.45 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.

14. APPOINTMENT OF CHAIR AND VICE-CHAIR

It was resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Reynolds be appointed as Vice Chair for this meeting.

15. DECLARATIONS OF INTEREST

The following declaration of interest was made during the meeting in accordance with the Code of Conduct from a Member in relation to an item under consideration at this meeting -

Name	Item	Interest	Reason
Councillor Mrs Bowyer	19, Grant of Premises Licence – Café Laila, 92 North Hill, Plymouth	Personal	Councillor Mrs Bowyer knew someone associated with the premises.

16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

17. REVIEW OF PREMISES LICENCE - WYNDHAM ARMS, 17 STOKE ROAD, PLYMOUTH

The Committee having heard –

- (i) from the Licensing Officer that the Premises Licence Holder was not present and had not responded to the notice of hearing. That attempts to contact the Premises Licence Holder by telephone had been unsuccessful and it was thought he was away from the premises at the present time;
- (ii) from Councillor McDonald on behalf of interested parties, that due to the ongoing problems with the premises that they would like the matter dealt with in the Premises Licence Holder's absence;
- (iii) from Environmental Health that they also wished the matter to proceed in the Premises Licence Holder's absence.

Resolved that the Committee considered all that was said and were particularly mindful of what residents said, however in making their decision the committee had to ensure they were fair to all parties. Therefore in light of there being a query over whether or not the premises licence holder actually received the Notice of Hearing and therefore was aware of the hearing date, the committee considered that it was in the Public Interest to adjourn the hearing to the next available date, to be no later than the 27 October 2009. At that time the hearing would go ahead even if the Premises Licence Holder did not attend.

18. **REVIEW OF PREMISES LICENCE - BERESFORD ARMS, 9 CUMBERLAND STREET, DEVONPORT, PLYMOUTH**

The Committee having –

- (i) heard from the premises licence holder that;
- to address problems a member of staff was now SIA trained and a member of staff was positioned at the front of house to deal with problems with drinking outside and people leaving the premises to ensure they leave quietly;
 - she had adopted a zero tolerance with drinks being taken outside and as well as violence and disorder; this would result in a lifetime ban;
 - she doesn't allow patrons to gather in groups outside as it can be intimidating;
 - she was working with another premises in the area to promote a community and family orientated entertainment pub to discourage lone male drinking and associated problems;
 - she was working towards developing a smoking area for patrons which would alleviate problems;
 - she expressed concern that any changes to frequency of live entertainment would result in her closing;
 - she confirmed that she had made enquiries regarding installing a noise limiter, fitted door closures and secondary glazing to limit noise escape;
 - she had the CCTV problem repaired and highlighted that the fault was not of her making. She had made arrangements for a security representative to train her staff and the downloading of images so that they could assist police if she was not on the premises; all staff must sign a book to confirm they had been trained;
 - she was happy to accept all conditions put forward by the Police and Environmental Health and welcomed the assistance given to her to address the problems;
- (ii) heard from a representative of Devon and Cornwall Police under the Crime Prevention Licensing Objective that –
- since the current management team has taken over there have been reports of disorder, noise nuisance and street drinking in the vicinity of the premises on the 6/09/09, 3/09/09, 22/08/09, 21/08/09, 25/07/09, 3/07/09, 24/05/09 and 16/05/09;
 - they had attended an incident involving disorder at the premises on the 6/09/09 and had attempted to view the CCTV at the premise; further investigations revealed that the CCTV was not working and has not been available to assist the Police;
 - the premise has changed its model and offers musical entertainment on a regular basis attracting larger numbers of customers to the premises and the vicinity;

- the police had put forward conditions to address the current problems and promote the licensing objectives;
- (iii) heard from a representative from Environmental Health under the Public Nuisance licensing objective that –
- complaints were received from local residents of noise disturbance from music, patrons, entertainment, patrons shouting, arguing and fighting;
 - there had been allegations that patrons were drinking in the road (and with this the concern that drinking vessels may be used as weapons), several incidents of anti social and violent behaviour associated with patrons from the premises;
 - there were several visits to the premises and noise was witnessed as being unacceptable due to the level of audibility;
 - breaches of the licence conditions were witnessed (conditions 1, 2, 7 and 9) which all deal with control of sound levels and regulated entertainment;
 - meetings took place between Environmental Health and the Premises Licence Holder and informal conditions were put forward to try and address management controls so that the issue of noise could be resolved. The informal conditions were found to be breached on several occasions including 19 June 2009, 27 June 2009, 10 July 2009 and 17 July 2009 in which music and bass were clearly audible from the front of the premises, the entrance doors were left open, patrons were seen to be drinking outside and no steps were taken to control the noise;
 - the Private Licence Holder and Designated Premises Supervisor need specific boundaries within which to operate and exert appropriate management controls to minimise noise and disturbance to the local neighbourhood;
- (iv) heard from an interested party that –
- (a) Public Nuisance Licensing Objective
- at times, there was very loud music at the premises until the early hours of the morning as well as people shouting, smoking and drinking;
- (b) Crime Prevention Licensing Objective –
- there had been fights in the street, loud shouting, more people outside drinking than inside;
 - incidents of patrons urinating in residents doorways;
- (c) Public Safety Licensing Objective –
- there were broken bottles and glass in the street and on the pavement;
 - there were people drunk in the street;

(d) Protection of Children from Harm Licensing Objective –

- there were allegations of underage drinking, which the complainant substantiated from seeing the same youths attending school the following morning;

(vi) considered the report from the Director for Community Services;

Members having considered all of the representations made to be relevant and felt that problems highlighted by Environmental Health, the Police and interested parties would be addressed by the conditions put forward by Environmental Health and the Police subject to the revision of condition 3 as it duplicates the Police condition 4 which would also be slightly amended. Therefore the Conditions to be applied to the licence were as follows:

Conditions from Environmental Health –

- 1 Doors and windows will be kept shut during entertainment.
- 2 Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
- 3 Management will take steps to control levels of noise if found to be excessive.
- 4 Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
- 5 The terminal hour for live entertainment shall be brought forward to 23:00hrs.
- 6 The Designated Premises Supervisor or a Nominated Deputy should have a full understanding of the conditions attached to the premises licence, and must be present at the premises at all times during regulated entertainment.
- 7 A noise limiting device shall be installed and will operate at a level set in conjunction with Environmental Health. All regulated entertainment must be played through the limiting device. The device shall be operational by the 30 November 2009.

Conditions from Devon and Cornwall Police –

- 8 whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises;
- 10 CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems';
- 11 CCTV cameras to be kept clean and maintained at all times;
- 12 CCTV images will be retained for a minimum of 31 days;
- 13 the CCTV system will have the capability of downloading images to a recognized format;
- 14 a register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time, date and location of incident, time and date of hand on to Police;
- 15 during trading hours, members of staff present who are trained to view and

download images from CCTV at request of Police;

- 16 the Police Licensing department will be informed if the CCTV system is not working;
- 17 a daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief of circumstances, action taken and person dealing. The logbook will be made available for up to six months for Police or any other responsible authority for inspection, if required. All relevant incidents will be reported to the Police at the earliest opportunity;
- 18 no open bottles or other vessels will be permitted to be taken from the premises at any time;
- 19 any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
- UK photo driving licence
Passport
PASS accredited cards;
- 20 notices obtained from Police publicizing the Challenge 21 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times;
- 21 regular and documented training of staff in relation to the prevention of under age sales

19. **GRANT OF PREMISES LICENCE - CAFE LAILA, 92 NORTH HILL, PLYMOUTH**

(Councillor Reynolds was appointed as Chair for this item and Councillor Rennie was as appointed as Vice Chair as Councillor Mrs Bowyer left the room due to a personal interest.)

The Committee having –

- (i) heard from the applicant that;
- (a) she had amended her application and instead intended to supply alcohol from 11.00am to 23.00pm Monday to Sunday and the premises would close at 23.30pm;
- (ii) heard from a representative from Environmental Health;
- (iii) heard from a representative from Devon and Cornwall Police;
- (iv) heard from interested parties who made a representation;
- (v) heard from Councillor Ricketts as representative for an interested party;
- (vi) considered written representations;
- (vii) considered the report from the Director for Community Services;
- (viii) heard representations regarding –
- a) Prevention of Crime and Disorder regarding –

- the potential increase in crime and disorder, criminal damage, vandalism and littering;
 - a lack of parking for delivery vehicles
- b) Prevention of Public Nuisance regarding –
- the potential for excessive noise from patrons;
- c) Public Safety regarding –
- the lack of pavement space to the front of the premises making it difficult for pedestrians to pass;
 - the health and safety of inebriated patrons crossing the junction;
- d) Other representations regarding –
- the establishment not being beneficial to residents;
 - there being no need for this type of premises;

Resolved that –

- (1) with regard to the Prevention of Crime and Disorder, relating to –
- the potential increase in crime and disorder, criminal damage, vandalism and littering; was considered relevant however Members believed there was no evidence this would add to the negative cumulative effect in the area with the supply of alcohol ceasing at 11.00pm and the premises closing at 11.30pm;
- (2) Prevention of Public Nuisance, relating to –
- the potential for excessive noise from patrons; was considered relevant however the opening hours would be until 23.30 hours and the supply of alcohol for consumption on the premises would be until 23.00pm. Members did not consider this would add to the negative cumulative impact of noise from patrons and Environmental Health had confirmed there had been no complaints linked to the premises;
- (3) Public Safety, relating to –
- the lack of pavement space to the front of the premises making it difficult for pedestrians to pass; was considered relevant however Members felt that the additional staff would monitor the situation and direct smokers to the rear of the premises which was a designated smoking area;
 - the health and safety of inebriated patrons crossing the junction; was not considered relevant;
- (4) Other representations, relating to –
- the fact that the establishment was not beneficial to residents; was not considered relevant;

- the fact that there was no need for this type of premises; was not considered relevant

Having taken into account all of the relevant representations made, Members resolved to grant the application subject to the conditions proposed by Environmental Health and Devon and Cornwall Police and agreed by the applicant and the following special condition:

A telephone number be made available to local residents, upon request

Councillor Mrs Bowyer declared a personal interest in this item and left the room for the deliberation of this item.)

20. **EXEMPT BUSINESS**

There were no items of exempt business.

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