

CITY OF PLYMOUTH

Subject: Carpe Diem, 50 North Hill, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 8 December 2009

Cabinet Member: Councillor Peter 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 Michelle Neale and Gemma Travis in respect of Carpe Diem, 50 North Hill, 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 21st October 2009 the licensing department received an application from Michelle Neale and Gemma Travis in respect of Carpe Diem 50 North Hill Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<p><u>(e) Live Music</u></p> <p>Hours</p>	<p><u>(e) Live Music</u> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>
<p><u>(f) Recorded Music</u> (Indoors)</p> <p>Hours Mon and Tues 10.00hrs to Midnight Wed and Sat 10.00hrs to 02.00hrs Sunday 12.00hrs to 23.30hrs</p>	
<p><u>(i) Provision of Facilities for Making Music</u></p> <p>Hours</p>	<p><u>(i) Provision of Facilities for Making Music</u> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>
<p><u>(m) Supply of Alcohol for consumption ON the premises.</u></p> <p>Hours Mon to Sat 10.00hrs to 02.00hrs Sunday 12.00hrs to 02.00hrs</p> <p>Non Standard Timings. From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sat 10.00hrs to 02.30hrs Sunday 12.00hrs to 02.30hrs</p> <p>Non Standard Timings. 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 include the provision of live music and the facilities for making music.

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 *Environmental Health* – no representations

2.2 *Devon & Cornwall Constabulary* – 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 (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.

Skardon Place
North Hill
Plymouth
PL4

Head of Environmental Services
Department of Community Services
Plymouth City Council
Civic Centre
PL1 2AA

14 November 2009

Dear Sir

**Carpe Diem, 50 North Hill, PL4 8HA
Facilities for Making Music and Live Music Added**

I wish to object to the variation in this licence for the following reason.

Carpe Diem is a very small venue. It simply is not large enough to absorb live music. I have on several occasions had to go over to ask them to turn down their recorded music as we have been able to hear it while actually sitting in our lounge. The last time they had to turn the music down before they could hear me speak, it was deafening. I have reported this on two occasions. I believe the existing licence is for 'background music only' and while that definition may be difficult to measure it certainly cannot mean audible from our house.

The venue has already had a live band playing without licence and the entrance door wide open. Live bands in this day and age cannot play quietly. The guitarist just inside the door might as well have been playing on the pavement. The noise was again deafening. The premises is so small it gets hot. Even when the door was shut the music was audible from our house. And of course people come and go all the time so the door has to be opened.

Carpe Diem is a good venue but totally inappropriate for live music and I trust this application for variation will be turned down. The licence for 'background music' should remain and be adhered to.

Yours faithfully