

CITY OF PLYMOUTH

Subject: Maxines, 89/91 Union Street, Plymouth
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 11 December 2009

Cabinet Member: Councillor Brookshaw

CMT Member: Director for Community Services

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Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Devon and Cornwall Constabulary under Section 53A of the Licensing Act 2003 for the Review of the premises licence in respect of Maxines 89 / 91 Union Street, Plymouth.

Corporate Plan 2009 - 2012:

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

1. Improving community involvement and engagement.
 2. Widening cultural and leisure opportunities.
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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 16th November 2009 the licensing department received an application from Devon and Cornwall Constabulary under Section 53A of the Licensing Act 2003 for a Summary Licence Review in respect of Maxines situated at 89 / 91 Union Street, Plymouth.

1.2 Review application.

Superintendent Boulting submitted a certificate together with an application for the review of the premises licence to the licensing authority signed by him on 16th November 2009 stating that the premises (Maxines) were associated with serious disorder.

Upon receipt of the application the Licensing Authority had to give consideration as to whether it was necessary for any interim steps to be taken pending the outcome of the review hearing. This decision had to be made within 48 hours, and could only be made by members of the Licensing Committee.

The interim steps that the licensing authority was able consider were:

- Modification of the conditions of the premises licence.
- The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence.
- Removal of the designated premises supervisor from the licence and
- Suspension of the licence.

In accordance with review proceedings at 09.52hrs on Tuesday 17th November 2009 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Neil McTighe and requested the site notice be displayed at the premises.

At 10.31hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

The licensing Sub Committee met on 18th November 2009 to consider whether it was necessary to impose interim steps pending the review of the licence. The police and premises licence holder were present at the meeting along with their legal representatives. The premises licence holder through his solicitor submitted a written representation to the committee.

Taking into account all the information available to the committee at that time, the committee decided that it was necessary to take the following interim steps.

- The hours during which licensable activities can take place at the

premises now cease at 00.30hours with the premises closing to the public at 01.00hrs. This is in addition to the following conditions being attached to the licence.

- From Sunday to Saturday 3 door supervisors will be employed from 23.00hrs until closing.
- The Premises Licence Holder will ensure a change of contractors for the supply of door supervisors from the firm that was employed on the 15th November 2009.
- The Premises Licence Holder or DPS must be on the licensed premises at all times when the premises is open to the public.
- The Premises Licence Holder or DPS must enter the required details of each door supervisor in the register of door supervisors and must sign the register against each entry.

Having considered interim steps the Licensing Authority must now review the licence and reach a decision within 28 days of receipt of the application.

2.0 Licensable Activities.

These premises have the following licensable activities and timings.

Playing of Recorded Music (Indoors)

Mon to Sun 10.00hrs to 08.00hrs

Non Standard Timings

New Years Eve up to 24 hours

Provision of Facilities for Dancing (Indoors)

Mon to Sun 10.00hrs to 08.00hrs

Non Standard Timings

New Years Eve up to 24 hours

Late Night Refreshment (Indoors)

Mon to Sun 23.00hrs to 05.00hrs

The Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Mon to Sun 10.00hrs to 08.00hrs

Non Standard Timings

New Years Eve up to 24 hours

The Opening Hours of the Premises

Mon to Sun 10.00hrs to 08.30hrs

Non Standard Timings
New Years Eve up to 24 hours

3.0 RESPONSIBLE AUTHORITIES

- 3.1 *Environmental Health* – no representations
- 3.2 *Devon & Somerset Fire & Rescue Service* – no representations.
- 3.3 *Trading Standards* – no representations
- 3.4 *Planning Officer* - no representations.
- 3.5 *Child Protection* – no representations
- 3.6 *Health & Safety Executive* – no representations.

4.0 INTERESTED PARTIES

11- letters of representation have been received in support of these premises 5 are from residents living within the vicinity of the premises and 1 from a business operating in the vicinity of the premises (Appendices 1-6).

5.0 CONSIDERATIONS

51 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

The committee must secure that, from the coming into effect of the decision made on the determination of the review the interim steps having effect pending that determination cease to have effect (except if they become steps to be taken under 5.2 above).

6.0 RIGHT OF APPEAL

- 6.1 An appeal may be made to the Magistrates Court within 21 days of the licence holder being notified of the licensing authority's decision. An appeal may be made by the premises licence holder, the chief officer of police and / or any other person who made relevant representations.
- 6.2 The decision of the licensing authority following the hearing will not have effect until the end of the period allowed for appeal or until the appeal is disposed of. Any interim steps taken will remain in force through this period.

Valletort
Stonehouse
Plymouth

To whomsoever
it May Concern

I Work as a groundskeeper
and On Weekends I like to
take my wife into Maxines
where we Meet up With friends.
We like drinking in Maxines
as it is always a good night and
never no trouble.

It's a nice Sociable place where
everyone gets On and Enjoys
themselves.

I myself have never witnessed
no trouble inside Or Outside
and shall Continue to drink there.
yours Sincerely:

25.11.09.

VAUXHALL ST,
BARBICAN,
PLYMOUTH,
PL4

DEAR SIR / MADDAM,

I HAVE WORKED FOR MAXINES FOR ABOUT 17 YEARS AS A BARMAN, AND HAVE LOVED AND ENJOYED IT BECAUSE IT IS A FRIENDLY AND TROUBLE FREE PUB, I BEG YOU TO RECONSIDER THE RESTRICTIONS YOU ARE PUTTING ON THE PUB BECAUSE MYSELF AND SEVEN OTHER STAFF WILL BE UNEMPLOYED, YOURSELF THE COUNCIL AND THE POLICE DO A GOOD JOB KEEPING PUBS AND CLUBS RUNNING SMOOTHLY. I DONT THINK MYSELF AND OTHERS SHOULD SUFFER BECAUSE OF SILLY DOOR STAFF WHO ARE JUST BULLIES, I THANK YOU FOR

②

TAKING TIME FOR READING THIS LETTER, AGAIN I BEG YOU TO RECONSIDER THE RESTRICTIONS.

THANK YOU.

UNION ST
PLYMOUTH PL1 3NB
24TH NOVEMBER 09.

The LICENCING COMMITTEE
HEAD OF ENVIRONMENTAL SERVICES
PLYMOUTH CITY COUNCIL
CIVIC CENTRE PLYMOUTH PL1 2AA.

Dear Sir/Madam,

We are writing in connection to the application for a late licence for the premises known as Maxines on the Octoqar in Union Street.

We understand that the licence was restricted to 1a.m and there is an application to extend the hours.

We wish to fully support this application. As we are all aware the current economic situation is having a serious impact on the survival of small businesses.

Union Street is already struggling with the detrimental impact of properties that remain unused or closed for the foreseeable future.

We feel that it is essential to support and enable Maxines to operate to its full extent as it is beneficial to the prosperity of all the surrounding business.

We hope you will view the application favourably
Yours faithfully.



Neswick Street. Stonehouse
Plymouth. PL5

25 November 2009

Licensing Committee
Plymouth City Council
Civic Centre. Plymouth.

Sirs.

It is with deep regret that my wife and I see our favourite night club highlighted in the local paper. I would like you to consider my request that you support the continued opening of this popular nightspot.

We use Maxine's at least once a week and never use any other nightclub.

We are not young people we are in our 50s.

We go to this club because we feel safe and secure, we are always welcome.

Mr Mrs McTighe speak to us at least once during our visit to make sure that we are enjoying ourselves and can they be of further service.

We are always put at ease by the pleasant atmosphere that this club generates, the staff are always pleasant and accommodating we are always served with a smile and thank you is the norm.

During the many occasions that we have frequented Maxine's since its opening never have we witnessed unpleasantness, threatening behaviour or abuse of customers and staff alike.

It is an extremely popular night club because of the virtues already mentioned and that is down to our popular host and hostess that will not allow drugs, smoking, verbal or physical abuse or any other behaviour that appears to be the norm in other licensed clubs and pubs.

We hope that whatever is causing you concern over this nightclub can be swiftly dealt with so that Mr and Mrs McTighe can get back to what they do best, running the best nightclub in this city, if all nightclubs in this city were operated like Maxine's then there would be no problems in any of them.

Yours Sincerely

24.11.09

ADELAIDE ST
STONEHOUSE
PLYMOUTH
PL1-

To whom it may concern,

I am writing concerning the allegations against the public house named Maxime's. As an ex licensee myself and a personal licence holder I am aware of what running a pub entails, and I have always found Maxime's to be very welcoming with a friendly environment, and have never witnessed any trouble inside or outside the premises,

yours Sincerely

CARGO APARTMENTS

MILBAY.

FLAT , Hobart St
Milbay plymouth

Dear

SIR OR MADAM,

I AM EMPLOYED AS A CARER,
WHO WORKS LATE HOURS.

ON MY WAY HOME FROM LATE SHIFT
I USUALLY POP INTO MAXINES WHERE
I CAN RELAX AND UNWIND AFTER THE
STRESS OF WORK.

I FIND THE STAFF AND THE CUSTOMERS
IN MAXINES ALWAYS FRIENDLY AND I
HAVE NEVER FELT ANY ANOMISITY OR
IN A SITUATION THAT COULD TURN
VOLITILE.

I WILL CONTINUE TO BE A CUSTOMER IN
MAXINES AND FEEL IT WOULD BE UNFAIR
TO RESTRICT THE LICENCE OR SHUT IT
DOWN.

Yours

SINCERLY .