

## CITY OF PLYMOUTH

**Subject:** Duchy of Cornwall, 14 Anstis Street, Plymouth.  
Variation of Premises Licence

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

**Date:** 12 March 2010

**Cabinet Member:** Councillor Peter Brookshaw

**CMT Member:** Director for Community Services

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

**Contact:** Telephone: (01752) 305465

**Ref:** ERS/LIC/PREM

**Part:** I

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### **Executive Summary:**

An application has been received from Victoria Inns Limited in respect of the Duchy of Cornwall, 14 Anstis Street, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

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### **Corporate Plan 2010- 2013:**

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

Not applicable.

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**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.

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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

None.

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**Background papers:**

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

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**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 18<sup>th</sup> January 2010 the licensing department received an application from Victoria Inns Limited in respect of the Duchy of Cornwall, 14 Anstis Street, Plymouth 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><u>(e) Live Music (Indoors)</u></b></p> <p>Hours            Mon – Thur 19.00hrs to Midnight            Fri &amp; Sat 19.00hrs to 01.00hrs            Sun 19.00hrs to 23.00hrs</p> <p>Seasonal Variations            24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.00hrs.            Public Holiday Sundays, time to be 10.00hrs to 23.59hrs</p>	<p><b><u>(e) Live Music (Indoors)</u></b></p> <p>Hours            Mon – Thur 14.00hrs to Midnight            Fri &amp; Sat 14.00hrs to 01.00hrs            Sun 14.00hrs to 23.00hrs</p> <p>Seasonal Variations.            24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.            Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(f) Recorded Music (Indoors)</u></b></p> <p>Days and Timings including Seasonal Variations as above.</p>	<p><b><u>(f) Recorded Music (Indoors)</u></b></p> <p>Hours            Mon – Thur 10.00hrs to Midnight            Fri &amp; Sat 10.00hrs to 01.00hrs            Sun 10.00hrs to 23.00hrs</p> <p>Seasonal Variations            24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.            Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(h) Anthing of a Similar Description to that Falling Within (e) or (f)</u></b></p>	<p><b><u>(h) Anthing of a Similar Description to that Falling Within (e) or (f) (Indoors)</u></b></p> <p>Hours            Mon – Thur 14.00hrs to Midnight            Fri &amp; Sat 14.00hrs to 01.00hrs            Sun 14.00hrs to 23.00hrs</p> <p>Seasonal Variations            24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.            Public Holiday time to be 10.00hrs to 01.30hrs</p>

<p><b><u>(i)Provision of Facilities for Making Music (Indoors)</u></b></p> <p>Days and Timings including Seasonal Variations as above</p>	<p><b><u>(i)Provision of Facilities for Making Music (Indoors)</u></b></p> <p>Hours  Mon – Thur 10.00hrs to Midnight  Fri &amp; Sat 10.00hrs to 01.00hrs  Sun 10.00hrs to 23.00hrs</p> <p>Seasonal Variations  24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.  Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(j) Provision of Facilities for Dancing (Indoors)</u></b></p>	<p><b><u>(j) Provision of Facilities for Dancing (Indoors)</u></b></p> <p>Hours  Mon – Thur 10.00hrs to Midnight  Fri &amp; Sat 10.00hrs to 01.00hrs  Sun 10.00hrs to 23.00hrs</p> <p>Seasonal Variations  24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.  Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(l) Late Night Refreshment (Indoors)</u></b></p>	<p><b><u>(l) Late Night Refreshment (Indoors)</u></b></p> <p>Hours  Mon – Thur 23.00hrs to Midnight  Fri &amp; Sat 23.00hrs to 01.00hrs</p> <p>Seasonal Variations  24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.  Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours  Mon to Thurs 10.00hrs to Midnight  Fri &amp; Sat 10.00hrs to 01.00hrs  Sun 10.00hrs to 23.00hrs</p>	<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours  No Change</p>

<p>Seasonal Variations. 24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.00hrs. Public Holiday Sundays, time to be 10.00hrs to 23.59hrs</p>	<p>Seasonal Variations. 24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs. Public Holiday time to be 10.00hrs to 01.30hrs</p>
<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours Mon to Thurs      10.00hrs to 00.30hrs Fri &amp; Sat            10.00hrs to 01.30hrs Sun                    10.00hrs to 23.30hrs</p> <p>Seasonal Variations. 24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs. Public Holiday Sundays, time to be 10.00hrs to 00.30hrs</p>	<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours No Change</p> <p>Seasonal Variations. 24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs. Public Holiday time to be 10.00hrs to 01.30hrs</p>

### 1.3 Variation application.

The nature of the proposed variation is;

To extend the hours and incorporate other regulated entertainment and entertainment facilities.

1.4 Representations have been received in respect of this application.

### 1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

## 2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – have made representation in relation to Public Nuisance and Public Safety (Appendix 1). The applicant has agreed to include the conditions on the licence therefore the representation has been withdrawn.

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 along with a number of signatories has been received from a resident living within the vicinity of the premises (Appendix 2).

### **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.

## Memorandum



**From:** Public Protection Service Manager  
**To:** HEAD OF LICENSING SECTION  
**FAO:** PETE CLEMENS  
**Date:** 01<sup>st</sup> February 2010  
**Our Ref:** EH.763364  
**Investigating Officer:** Stephen Crooks  
**Extn:** 4851

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**LICENSING ACT 2003**  
**ENVIRONMENTAL HEALTH REPRESENTATION**

**Premise:** Duchy of Cornwall, 14 Anstis Street, Stonehouse, Plymouth, PL1 5JT  
**Name of Licensee:** Victoria Inns Limited  
**Type of Application:** Variation of Premises Licence  
**Report Prepared By:** Stephen Crooks

### Recommendations

- ~~1. That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

**LICENSING ACT 2003**  
**ENVIRONMENTAL HEALTH REPRESENTATION**

**Schedule Ref:** EH. 763364

**Name:** Duchy of Cornwall

**Address:** 14 Anstis Street, Stonehouse, Plymouth, PL1 5JT

**Report By:** Stephen Crooks

**Date of Inspection:** N/A

The Text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

*The text in italics is for your information.*

**Public Nuisance**

1. **Percussion instruments shall not be used at the premises as part of any live regulated entertainment set.**  
*(To reduce noise and bass intrusion from music on neighbouring residential properties)*
2. **Access and egress of patrons via the door opening onto Frederick St East (accessed from the corridor by the toilets) shall not be permitted, except in the event of an emergency.**  
*(To reduce noise breakout)*

**Public Safety**

1. **A suitable air management system must be present and maintained on the premises in order to control the indoor temperatures during regulated entertainment: when doors and windows must remain closed.**  
*(Regard must be had for the soundproofing of the proposed works as set out in Estimation Ref: SWV 460 as provided by SWV Solutions to prevent noise breakout in line with the Licensing Objective for the prevention of a public nuisance. Any such air management system should be installed by no later than 31<sup>st</sup> March 2010)*



**Licensing Act 2003**  
**Supporting Information for Committee Hearing following the Environmental**  
**Regulation Service Representation**

**Premise Name:** Duchy of Cornwall

This department has made representation based on the following information.

The close proximity of the premises to residential properties on Anstis Street and Frederick Street East in particular gives this Authority cause for concern in respect of the potential for noise disturbance on local residential dwellings.

Noise breakout from the premises (as previously has been witnessed) has contributed towards sound reverberation in the Streets outside the premises, causing distinct noise vibration and echo which have enabled the sound to travel further. The ability to reasonably control indoor temperatures would negate the need to keep windows and doors open, and would therefore help reduce the negative effects of the music noise in the community.

Complaints concerning noise disturbance and public safety issues have been raised by residents in the vicinity. Officers from this Authority have witnessed noise emanating from the premises that have been in breach of current licence conditions on several occasions. The proposals put forward have been designed to reduce the potential negative impact of noise activity on the community, and will work in conjunction with the current licence conditions. This should provide the Designated Premises Supervisor with a more ridged framework within which to operate.

This Environmental Health Department has been working with the business to reduce the previously identified noise disturbance issues. A noise limiter has been installed and levels are currently in the process of being set.

Frederick Street Residents.  
Frederick Street East  
Stonehouse.  
Plymouth.  
PL1 .

3<sup>rd</sup> February 2010.

Head of Environmental Services.  
Department of Community Services  
Plymouth City Council  
Civic Centre  
Plymouth.

Dear Sir or Madam

Re: Application for Entertainment Licence.  
Duchy of Cornwall  
14 Anstis Street  
Stonehouse  
Plymouth.

I am writing to you as the representative of the Frederick Street Residents. We wish to raise our objections to the granting of this licence. We feel that by granting this licence the quality of our lives would be severely affected. We already suffer the consequences of the patrons actions. Which usually involves loud and abusive language, fighting and scuffles outside the pub and general Anti-Social behaviour associated with the consumption of alcohol. With extended opening hours we feel that this problem will be exacerbated and we feel that many sleepless nights will follow for the residents. We also feel that this noise and disturbance will not end at the times stated with people not dispersing from the vicinity. A large number of the residents are elderly and have no wish to suffer this disturbance in an otherwise quiet street. The Licencees of these premises tend to leave the empty aluminum beer barrels outside of the pub. We have experienced the noise created by patrons rolling these barrels around in moments of high spirits. We are afraid that it is only a matter of time before one is thrown and significant damage will be caused. We believe that leaving these items outside of the premises, highlights the irresponsibility of the managers and staff. This also represents an obstacle on the pavement for the elderly residents to negotiate.

These are the grounds on which we serve notice to Plymouth City Council. Namely that our quality of life will be undermined. That our properties could suffer damage and that we would have to contend with Anti- Social behaviour on many nights of the week.

I have also enclosed a petition from the people who also object to the proposed granting of this licence.

Yours faithfully

NEIGHBOURS OF FREDERICK STREET

ADDRESS	SIGN.
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