

## CITY OF PLYMOUTH

**Subject:** Bar 360 (previously The Pit) 34 Drake Circus,  
Plymouth.  
Variation of Premises Licence

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

**Date:** 13 April 2010

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

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

**Contact:** (01752) 305465

**Ref:** ERS/LIC/PREM

**Part:** I

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### **Executive Summary:**

An application has been received from 34 Drake Circus Ltd in respect of Bar 360 (previously The Pit) 34, Drake Circus, 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, 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 18th February 2010 the licensing department received an application from 34 Drake Circus Ltd in respect of Bar 360 (previously The Pit) 34 Drake Circus 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>(f) Recorded Music</u></b> (Indoors)</p> <p>Hours            Mon to Thurs 10.00hrs to Midnight            Fri &amp; Sat 10.00hrs to 01.00hrs            Sun 10.00hrs to 22.30hrs</p>	<p><b><u>(f) Recorded Music</u></b> (Indoors)</p> <p>Hours            Sun to Thurs 10.00hrs to 04.00hrs            Fri &amp; Sat 10.00hrs to 06.00hrs</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 22.30hrs</p> <p>Non Standard Timings.            From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours            Sun to Thurs 10.00hrs to 04.00hrs            Fri &amp; Sat 10.00hrs to 06.00hrs</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 23.00hrs</p>	<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours            Sun to Thurs 10.00hrs to 04.30hrs            Fri &amp; Sat 10.00hrs to 06.30hrs</p>

### 1.3 Variation application.

The nature of the proposed variation is;

To change the hours of the premises and to amend the times for the sale by retail of alcohol for consumption on the premises. Further to a meeting which took place on the 12<sup>th</sup> march 2010 between the applicant and Environmental Health, the applicant has informed us that he also wishes to amend his operating schedule (Appendix 1).

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 –have made representations relating to Public Nuisance and Public Safety (Appendix 2).
- 2.2 Devon & Cornwall Police - have made representation as they believe the application does not provide sufficient detail in the operating schedule to allow a realistic assessment of the impact the application would have on any of the four licensing objectives (Appendix 3).
- 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**

No letters of representation has been received from interested parties within the vicinity of the premises.

## **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.

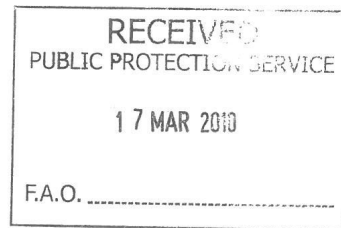
In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

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.

34 Drake Circus Ltd



FAO: Stephen Crooks  
Environmental Services  
Plymouth City Council  
Plymouth  
PL1 2AA

Tuesday 16<sup>th</sup> March 2010

Dear Mr Crooks

**Re: Meeting Friday 12<sup>th</sup> March 2010, 2pm. Present: David Hughes, Stephen Crooks, Steven Bartlett, Andrew Kelland, Mark Christie. Reference application for license variation Bar 360 (formerly the Pit bar), 34 Drake Circus, capacity 50 persons.**

Thank you very much for your time and what proved to be a very positive meeting to iron out some of the problems to move forward with the application. After further discussions it is clear that more diligence and explanation must be communicated to yourselves and other relevant parties to pursue this application further. In the form of having an extended operating schedule we can confirm the following:

1. Style and mood of any music or entertainment at the premises is to be classified as mellow and non aggressive with the emphasis being on background music.
2. Clarification that there will be no music after midnight feeding into the outside areas, and even up to that period will be very light background music.
3. After 4am we are wishing to take the music down a further notch so this is virtually non-existent/very low background level to bring the atmosphere to be more conducive and enhancement of a safer environment.
4. Also to ensure a strong winding down period we would accept a no entry after 5am, which will allow the premise to wind down in an orderly manner/fashion.
5. There will be no sales of alcohol during the last half hour of operation time of the premise. The only beverages accessible will be soft drinks including tea and coffee, which will also enhance the wind down of the premise.

As previously explained we are willing happy to implement any other further minor proposals that would help this application go through successfully. But we would remind all those involved that it is a very small bar with only a capacity of 50 persons and it is not envisaged, in our eyes to cause any problems to the surrounding areas. In fact by having a later opening would actually spread the capacity of the university business which is targeted in a more orderly manner.

Thank you for your attention to this matter. If you have any further queries please do not hesitate to contact us.

Yours Sincerely

Mr Steven Bartlett  
Licensee

CC: David Hughes (Environmental Services, Plymouth City Council) John McIndoe, Sgt Worthington (Charles Cross Police Station), Peter Clemens (Licensing Department, Plymouth City Council)

## Memorandum



**From:** Public Protection Service Manager  
**To:** HEAD OF LICENSING SECTION  
**FAO:** PETE CLEMENS  
**Date:** 15 March 2010  
**Our Ref:** EH.766017  
**Investigating Officer:** Stephen Crooks  
**Extn:** 4851

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

**Premise:** Pit, 34/36 Drake Circus, Plymouth, PL4 8AB

**Name of Licensee:** 34 drake Circus Ltd

**Type of Application:** ~~Late Night Refreshment/Alcohol (On/Off/Both)/Entertainment Licence~~  
(delete as necessary)

**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:** SRU: 766017  
**Name:** Pit  
**Address:** 34/36 Drake Circus, Plymouth, PL4 8AB

**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 and Public Safety**

- **Recommend refusal of application**



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

**Premise Name:** Pit, 34/36 Drake Circus, Plymouth, PL4 8AB

This department has made representation based on the following information.

The premises is situated within a cumulative impact area.

The proposed application is to extend the hours of operation of licensable activity at this music venue until 6am at the latest on Friday and Saturday evenings and 4am Sunday to Thursday. The concentration of Licensed Premises remains consistent in this area, and is strongly associated with the student night-time scene, predominantly operational as vertical drinking establishments.

Up to the time of submission of this representation, the applicant has not been able to demonstrate within their operating schedule, how there will be no negative cumulative impact on one or more of the licensing objectives. The operating schedule fails to address the potential impact from extended licensable activity at the premises, and consideration has also not been given to the potential impact of patrons departing at close of business. In particular there are cumulative effects of increased music activity, and noise and litter generated from patrons smoking in the outside designated area which has not been considered.

The current terminal hours for licensable activities at this premises in our opinion contributes towards a staggered dispersal scheme, reducing the potential impact of persons under drink leaving the vicinity during the early hours of the morning.

Businesses and persons living in the vicinity (including directly above the premises) are likely to be affected by the proposed application. It is also of concern that people living in the vicinity of the North Hill, Mutley and Greenbank areas will also be further inconvenienced by noise from large numbers of patrons moving between; venues, food businesses, ATMs, taxi stands, and again when travelling home.

Residents of the Mutley, North Hill and Greenbank have already raised complaints over the numbers of people returning home during early hours of the morning, citing complaints of; noise from people shouting and singing, vomit and food waste littering the streets, taxis engines idling, violence, and other incidents of crime and disorder.

This Authority participated in 'Week of Action' between 14<sup>th</sup> and 16<sup>th</sup> May 2009 as part of a joint operation with the Police. This was in response to continued concerns of residents living in the North Hill and Greenbank area. At this time it was noted that there was a high number of people moving through those areas. Specifically the Police identified that music noise reduced significantly after 3am.

I can confirm that a complaint has recently been received concerning a nearby Licensed Premises. The complaint alleges noise disturbance from music at the venue, and from patrons making noise when using the smoking area late at night.

The potential effect of increased noise activity in the vicinity will create further cumulative impact that may continue to impinge on both businesses and domestic properties in the area, which supports this Authorities recommendation to refuse the application.

Dear Mr Clemens

**Re: Application to vary the Premises Licence – Bar 360 PL4 8AB**

On 16<sup>th</sup> February 2010 the Licensing Office at Charles Cross Police Station received a copy of the application to vary the Premises Licence as detailed above.

The premises are located within a Cumulative Impact Area.

The police have examined the application in detail, liaison has taken place with Mr Kelland on behalf of Mr Bartlett and a letter has been received from Mr Bartlett specifying some additional intentions.

The police believe the application does not provide sufficient detail in the operating schedule to allow a realistic assessment of the impact the application would have on any of the four Licensing objectives.

Therefore we request the application be refused until such time a hearing is convened by Plymouth City Council Licensing Committee where representations can be made regarding the concerns of the Devon and Cornwall Constabulary.

Yours sincerely

D G McINDOE  
Alcohol Related Crime Reduction Officer  
Devon & Cornwall Constabulary