

CITY OF PLYMOUTH

Subject: Maxines, 89 - 91 Union Street, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 24 August 2010

Cabinet Member: Community Services Street Scene Waste and
Sustainability
Councillor Michael Leaves

CMT Member: Director for 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 Foot Anstey Solicitors on behalf of Mr Neil McTighe in respect of Maxines 89 – 91 Union Street, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

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

1. Informing and involving residents.
 2. Improving 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 29th June 2010 the licensing department received an application from Foot Anstey Solicitors on behalf of Mr Neil McTighe in respect of Maxines 89 – 91 Union Street, 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>(f) Recorded Music</u> (Indoors)</p> <p>Hours Mon to Sun 10.00hrs to 08.00hrs</p> <p>Non Standard Timings. New Years Eve up to 24hrs</p>	
<p><u>(j) Provision of facilities for dancing</u> (Indoors)</p> <p>Hours Mon to Sun 10.00hrs to 08.00hrs</p> <p>Non Standard Timings. New Years Eve up to 24hrs</p>	
<p><u>(l) Late Night Refreshment</u></p> <p>Hours Mon to Sun 23.00hrs to 05.00hrs</p>	
<p><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></p> <p>Hours Mon to Sun 10.00hrs to 08.00hrs</p> <p>Non Standard Timings. New Years Eve up to 24hrs</p>	
<p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sun 10.00hrs to 08.30hrs</p> <p>Non Standard Timings. New Years Eve up to 24hrs</p>	

1.3 Variation application.

The nature of the proposed variation is;

The applicant would wish the condition preventing the admission of customers after 4am till close of business on Friday and Saturday nights to be removed.

Likewise the condition that there will be no re-entry of any customers who have left the premises after 04.00hrs under any circumstances.

All other aspects of the licence to remain the same.

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 Devon & Cornwall Constabulary – have made representation under the Prevention of Crime and Disorder objective (Appendix 1).

2.2 *Environmental Health* – 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 2).

9 – letters were received in support of the application 8 of which from residents living within the vicinity of the premises (Appendices 3 – 10).

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.

Our ref:

Your ref:

Licensing officer
Department of Development
Licensing Unit
Civic Centre
Plymouth PL1 2EW

Alcohol Related Crime Reduction
(Licensing) Office
Charles Cross Police Station
Hampton Street
Plymouth PL4 8HG

26 July 2010

Telephone: 01752 720464

Dear Mr Clemens/Ms Price

Re: Application to Vary the Premises Licence for Maxines, 89-91 Union Street, Plymouth.

On the 30th June 2010 the Devon and Cornwall Constabulary received an application to Vary the Premises Licence of the above named.

The variation of the Premises Licence is to remove two conditions set out in Annex 3 of the Licence. These were placed on the licence following an Expedited Review hearing on the 11th December 2009.

The two conditions are:

15. There will be no admission to customers after 04.00hrs to close of business.
16. There will be no re-entry of any customers who have left the premises after 04.00hrs under any circumstances.

The Devon and Cornwall Police seek to object to the removal of these conditions, as to do so, would undermine the licensing objective of the prevention of crime and disorder.

Yours sincerely

Mr F T Prout
Alcohol Related Crime Reduction (Licensing) Officer

Objction: Maxine's

Tuesday, 20 July, 2010 17:41

To: "Marie (DEVELOPMENT) Price" <Marie.Price@plymouth.gov.uk>

Devonshire House,
Union Street
Plymouth
Devon
PL1 3HE
01752



21st July 2010

Dear Sir/Madam,

I hereby wish to object to Maxine's Licensing restrictions being lifted.

I live opposite the venue in a diagonal direction and I fear that the lifting of these restrictions will cause a Public Noise Nuisance during the early hours of the morning. I also feel that there will be Crime and Disorder issues as there are already two venues very close by that operate early hours drinking.

The Crime and Disorder Issue is such that we are regularly woken by early morning/late night fights outside of Choo Choo's nightclub and I fear that patrons of Maxine's will view the situation as an opportunity to encourage the antagonists or even partake in the violence if they are in an inebriated state.

The Public Noise Nuisance Issue is more pressing to myself and my family. As I have mentioned before we live diagonally opposite Maxine's and our bedroom overlooks the Octagon Roundabout, therefore encompassing the venue. We have had to contact the proprietor several times to ask them to close the main door as it was propped open and we were able to name the song that was playing and even the artist. All this while lying in our beds after 11pm!! With the smoking ban now in force I feel that large groups of people will congregate outside the venue during the early hours to smoke and chat (or shout in some cases).

I have a 2 year old Daughter and a teenage Daughter and I'm therefore up very early, normally between 5am and 6.30am. If the licensing restrictions are lifted I feel my sleep will be even more broken than it already is and this will affect my reactions and performance during the day. My husband and I are already having to nap during the day at weekends as we are being disturbed on a regular basis by another nearby venue. I don't think we could manage to function properly with any more disturbed nights!!

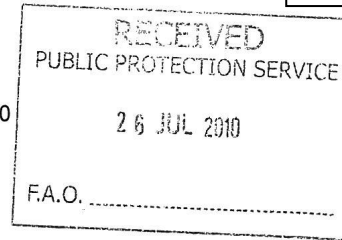
In short I feel that Maxine's license should be left as it is.

Thank you for your time,

Mrs

Flat
Phoenix Street
Plymouth
PL1 3DN

23rd July 2010



Dear Sir,

Maxines Night Club, Union Street Plymouth

I write in response to the notice recently placed in the Evening Herald regarding the above, and the decision whether or not to remove the 4am restriction on trading.

I am a resident of the area, and frequently attend Maxine's in the evening and early morning. I have always found this club to be well run, and most importantly safe. The owners run a very "tight ship", where there is rarely any evidence of confrontation or violence. I am confident that if there were, then it would be dealt with very quickly and professionally. I have found that this is not the case in other clubs in town, and I must say that most people that I talk to feel the same way.

From time to time I do attend clubs Maxines late at night and early in the morning, and the reasons that I go there are illustrated above. I do not feel comfortable in any other clubs, and friends that I may be with often comment on the feeling of security that they have there. Recently, having not initially been aware of the restriction, I have of course not been able to enjoy the premises, after 4 am, and this has very much curtailed the evening and spoiled it for us all.

I would also say that to me it makes much more sense to have a club open, with the associated controls and discipline, than to have groups of frustrated revellers with only limited places to go, and with other clubs not as well run as Maxines. This would of course be of benefit to local residents.

I hope that you will consider my remarks seriously, and return this valuable benefit to the local community and to Plymouth revellers generally.

Your sincerely

RECEIVED PUBLIC PROTECTION SERVICE
26 JUL 2010
F.A.O.

Phoenix Street
Plymouth
PL1 3NW

Dear Sir

I am writing with regards to the restriction of A ododc at maxines, I used to meet my friends at maxines every Saturday where we always had a fantastic time, Sadly this has stopped because many of my friends are like me and work as bar staff at other venues we do not finish working untill 4 am and after, I do not like socialising in any of the other venue's that are open at that time because I don't feel as safe at those places as I did in maxines. I was always looked after well and was always able to enjoy myself without any problems which I cannot say alot of the other venues in Union Street so I ask please drop this restriction on maxines.

Yours Sincerely

RECEIVED
PUBLIC PROTECTION SERVICE
26 JUL 2010
F.A.O.

Phoenix Street
Plymouth
PL1 3NW

Dear Sir,

I am writing with regard to the restriction of the 4^o Clock License at maxines. As a regular Customer I always enjoy my nite in the Club meeting up with friends and having fun, but the nite is cut short due to the 4^o Clock License and theres nowhere else to go after that I can be myself and feel safe and comfortable where I can socialise with good friends. I always have a fab time in maxines. Please may this restriction on maxines be dropped.

yours Sincerely

19th July 2010

Re : Neil Duncan McTighe – Maxines, 91 Union Street, Plymouth. PL1 3NB

I write regarding the above-named premises and the current conditions attached to the licence which prevents entry, or re-entry, after 04.00hrs.

As an operator of licensed premises in Union Street, The Clipper Inn, I would certainly want to see all those in the sector operating within the licensing objectives and in a responsible manner.

The current restrictions regarding the 04.00hrs stop on entry does not in my opinion work in the best interests of the area, nor the city's towards development in hospitality and leisure industry.

Union Street is presently recognised as the centre and main provider of licensed hospitality within the city's evening and night time economy after 2am. For a city of this size this hospitality facility is small and well contained geographically, advantageous for access and control. There are not, however, enough premises catering, nor being encouraged to trade between 02.00 and 06.00hrs which puts enormous pressure on those who do operate, for instance The Clipper Inn.

The demand for licensed hospitality during this period is established. The Clipper Inn currently has a capacity of 85 and, due to the lack of alternative venues, this can result in queues for entry and lead to frustrated users of the evening and night economy.

With plans to improve the visitor economy offered, through initiatives such as the Waterfront Partnership & improved marketing, the City Centre Company and its proposed appointment of an ENTE Manger by 2012 and the potential increase from major events such as the Olympics, Transat and World Cup, the demand for extended availability of venues will certainly increase.

I take the view therefore that this condition should be lifted and Maxine's should be permitted to remain open for business beyond 04.00hrs. Individual premises, operating past 02am daily cannot meet the current demand and the absence of other operators can place undue strain on individual premises. This is reinforced by police statements suggesting that groups and individuals are associated with the Clipper Inn when in fact they are not our customers; they just gravitate towards my premises as nowhere else is open.

Whilst I personally would like to see an extension of 24 hour licensing across the city, to all its recognised hospitality districts, I accept that this activity is best restricted to one contained and clearly defined geographical area at the present time so as to ease policing pressures, direct control and which has both immediate transport & takeaway food to hand. Multiple premises offering a night time facility in one area would surely offer an enhanced experience for both resident and visitor alike, when using our city's evening and night time economy in the Octagon Union Street area.

I trust my points will be taken into consideration when reviewing Maxine's operating schedule and also in relation to the district's other evening and night time operators and the potential to further development within the city's Hospitality License and Leisure Retail Sector in the future.

Yours faithfully,



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late, and have
been refused entry
not realising the
time. Please can you
consider this letter
when you review the
Restrictions on Maxines

RECEIVED
PUBLIC PROTECTION SERVICE
26 JUL 2013
F.A.O.

Flat
, Hobartst
Stone House
-PL1-3AG.

Dear Sir,

I am writing
to you in support of
Mr & Mrs McTighe
(Maxines) to lift their
4am restriction. I used
to stay till 8am and
always had a great
time, in all the time
I have been a customer
I have never seen any
major incidents like you
see in other venues,
I have always felt
quite safe in there.
On a few occasions
I have got there too
P.T.O.

Thankyou.

RECEIVED
PUBLIC PROTECTION SERVICE
26 JUL 2010
15 GUMBE HOUSE
UNION STREET
PLYMOUTH PLI 3 HD.
F.A.O.

~~I AM A NIGHT CONTROLLER~~
IN A LOCAL TAXI OFFICE AND MY
SHIFTS FINISH AT 04.00 I LIKE
TO HAVE A DRINK AFTER WORK
AND I DRINK REGULARLY IN MACHINES
I EVEN PLAY MACHINES FOR MACHINES,
MY PARTNER LIKES TO MEET ME
TO WIND DOWN AFTER WORK WHICH
WE NOW CANNOT DO WE WOULD LIKE
YOU TO EXTEND MR MOTTICHE'S
LICENSE UNTIL 0800

THANK YOU

RECEIVED
 EDGC BUBBLE PROTECTION SERVICE
 THE OCTAGON 16 JUL 2020
 UNION STREET
 LEAD. SHED

DEAR SIR

I WOULD LIKE TO TAKE
 THIS OPPORTUNITY TO ASK THE
 COUNCIL TO ALLOW THE
 RESTRICTION OF 4⁰CLOCK
 CLOSING OF MAXINE'S PUB ON
 UNION STREET, TO BE LIFTED,
 THE REASON FOR THIS REQUEST
 IS THAT I LIVE ON MY OWN
 AFTER MY WIFE DIED AND
 REGULARLY HAVE TIMES WHEN I AM
 IN NEED OF SOME COMPANY, WHEN
 UNABLE TO SLEEP AT ODD HOURS
 OF THE MORNING, I USED TO BE
 ABLE TO GO TO MAXINE'S AFTER
 4⁰CLOCK IN THE MORNING BUT
 FOR THE LAST 8 MONTHS THIS

HAS NOT BEEN THE CASE
 I COULD ALWAYS GO THERE
 FOR A CHAT WITH STAFF AND
 FRIENDS AFTER 4⁰CLOCK.
 I KNOW WHAT HAPPENED
 BACK IN NOVEMBER 2009 WAS
 NOT GOOD, BUT I HAVE NEVER
 EXPERIENCED ANYTHING LIKE
 THAT EVER HAPPENING WHILST
 I HAVE BEEN AT THE PUB,
 IN FACT MR MOTTIGHE AND
 HIS STAFF ARE VERY EFFICIENT
 AT STOPPING AND SOLVING
 ANY PROBLEMS THAT MAY ARISE,
 SO MAY I SAY PLEASE CONSIDER
 MY APPEAL FOR THIS RESTRICTION
 TO BE LIFTED

FIRST FLOOR FLAT
VALLETORT PLACE
STONE HOUSE PA1 3SP

RECEIVED
PUBLIC PROTECTION SERVICE
26 JUL 2010
F.A.O.

Dear Sir

I am writing this letter in support of larvae restrictions being lifted, I am a regular visitor to this pub always having a good time there and never seeing any trouble there, the staff and Mr McEighie are very professional in running the pub and they are always on hand if you need to speak to them, I feel that this restriction has affected their business a lot so I would therefore ask you to lift the 4 o'clock restriction