

# CITY OF PLYMOUTH

**Subject:** Waterfront, 9 Grand Parade, West Hoe,  
Plymouth.  
Variation of Premises Licence

**Committee:** Licensing (Miscellaneous) Sub

**Date:** 19<sup>th</sup> October 2010

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

**CMT Member:** Director of Community Services

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**Ref:** ERS/LIC/PREM

**Part:** 1

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## **Executive Summary:**

An application has been received from St Austell Brewery Co Ltd in respect of the Waterfront, 9 Grand Parade, West Hoe, 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. Improving 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 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 26<sup>th</sup> August 2010 the licensing department received an application from St Austell Brewery Co Ltd in respect of the Waterfront, 9 Grand Parade, West Hoe, 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</u></b> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>	<p><b><u>(e) Live Music</u></b> (Both Indoors and Outdoors) Live (amplified and unamplified) music by solos, duos or groups.</p> <p>Hours Mon to Sun 12.00hrs to 24.00hrs Outdoors 12.00hrs to 22.00hrs</p>
<p><b><u>(f) Recorded Music</u></b> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>	<p><b><u>(f) Recorded Music</u></b> (Both Indoors and Outdoors) Amplified recorded music through equipment and speakers positioned inside the premises.</p> <p>Hours Mon to Sun 12.00hrs to 24.00hrs Outdoors 12.00hrs to 22.00hrs</p>
<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u></b> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>	<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u></b> (Both Indoors and Outdoors) Karaoke, quiz nights amplified and non amplified</p> <p>Hours Mon to Sun 12.00hrs to 24.00hrs Outdoors 12.00hrs to 22.00hrs</p>
<p><b><u>(i) Provision of Facilities for Making Music</u></b> (Indoors)</p> <p>Hours Mon to Sun 12.00hrs to 23.00hrs</p>	<p><b><u>(i) Provision of Facilities for Making Music</u></b> (Both Indoors and Outdoors) Musical instruments and / or karaoke machine, possibility of impromptu jamming or spontaneous playing of music</p> <p>Hours Mon to Sun 12.00hrs to 24.00hrs Outdoors 12.00hrs to 22.00hrs</p>

<p><b><u>(j) Provision of facilities for dancing</u></b> (Indoors)</p> <p>Hours  Mon to Sun 12.00hrs to 23.00hrs</p>	<p><b><u>(j) Provision of facilities for dancing</u></b> (Both Indoors and Outdoors) Discotheque and dance areas / floors</p> <p>Hours  Mon to Sun 12.00hrs to 24.00hrs  Outdoors 12.00hrs to 22.00hrs</p>
<p><b><u>(l) Late Night Refreshment</u></b>  (Indoors)</p> <p>Hours  Mon to Sun 23.00hrs to 01.00hrs</p>	
<p><b><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></b></p> <p>Hours  Sun to Thurs 11.00hrs to Midnight  Fri and Sat 11.00hrs to 01.00hrs</p> <p>Non Standard Timings.  New Year's Eve &amp; New Year's Day  The period between the standard finish time of the period starting on New Year's Eve and the standard start time on New Year's Day.</p> <p>The use of the outside area will not commence before the start of normal trading hours and will cease at 23.30hrs</p>	
<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours  Sun to Thurs 11.00hrs to 00.30hrs  Fri and Sat 11.00hrs to 01.30hrs</p> <p>Non Standard Timings.  New Year's Eve &amp; New Year's Day  The period between the standard finish time of the period starting on New Year's Eve and the standard start time on New Year's Day.</p> <p>The use of the outside area will not commence before the start of normal trading hours and will cease at 23.30hrs. There will be no outside regulated entertainment at any time.</p>	<p><b><u>(o) Hours premises are open to the public</u></b></p> <p>Hours  Sun to Thurs 07.00hrs to 00.30hrs  Fri and Sat 07.00hrs to 01.30hrs</p>

### 1.3 **Variation application.**

The nature of the proposed variation is;

To extend the provision of regulated entertainment (live music and recorded music and anything of a similar description) and the provision of entertainment facilities (making music and dancing) which is currently 12.00hrs to 23.00hrs to become 12.00hrs to 24.00hrs daily and to have the provision of this outdoors from 12.00hrs to 22.00hrs daily.

To extend the opening hours of the premises. The premises are currently open from 11.00hrs daily and they would like to open from 07.00hrs daily so that they may serve breakfast.

They also wish to extend the external area for the provision of regulated entertainment. Details of the current and proposed layout as provided by the applicant are at Appendix 37 and 38 respectively.

#### **Also requested is the removal of the following conditions**

**Annex 3 Section K.** Be removed following the legislative smoking ban.

**Annex 3A.** Be removed as the variation would change this clause.

**Annex 2 – No 19.** Due to change in legislation could this be amended to read “over 18s”.

1.4 Conditions currently attached to the licence Appendix 1.

1.5 Representations have been received in respect of this application.

### 1.6 **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 under the Public Nuisance objective (Appendix 2).

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**

- 3.1 33 - letters of representation have been received from residents living within the vicinity of the premises (Appendices 3 – 35). Some residents have sent in further letters and where applicable the appendices have been suffixed with the letters 'A' or 'B'
- 3.2 1 - letter of representation has been received in support of the application from a resident living within the vicinity of the premises (Appendix 36).

### **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.

R. Carton  
Manager of Public Protection Service