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Licensing Sub Committee (Miscellaneous)

Tuesday 24 August 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Gordon, Vice Chair.
Councillors Drean and Wright. (Fourth Member)

Also in attendance: Debbie Bradbury – Lawyer and Peter Clemens, Senior Licensing Officer

The meeting started at 11.00 am and finished at 3.00 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Mrs Bowyer is appointed as Chair and Councillor Gordon is appointed as Vice Chair.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

3. CHAIR'S URGENT BUSINESS

There were no items of chair's urgent business.

4. VARIATION OF PREMISES LICENCE - MAXINES, 89-91 UNION STREET, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representations and heard from interested parties;
- (iii) heard from the applicant's solicitor and his witnesses that:
 - the premises licence holder had received no indication of concerns about noise from his premises; he did recall receiving a telephone call from a lady approximately two years ago concerning noise but the noise came from another establishment;

- when patrons came in and out of the premises the noise level was monitored in accordance with the requirements of the licence. The premises licence holder regularly crossed the road to check, at various times during the evening and early hours, that the level of music was not audible above the noise level of the traffic in the Union Street area;
- as a result of the Licensing Sub Committee findings on 11 December 2009 Mr McTighe took over as the designated premises supervisor of the premises and accepted all the conditions proposed by the Police;
- the CCTV system had been upgraded and since 11 December 2009 there had only been two or three requests for CCTV which had been dealt with either immediately or within 12 hours. A blind spot had also been rectified and a further CCTV camera added;
- there was no further history of aggravated problems occurring between 2.00 a.m. and close of business on Fridays and Saturdays;
- the new door security company that was put in place had worked efficiently in ensuring the door staff requirements were met;
- the operating schedule and the voluntary use of polycarbonate drinking vessels had been working well;
- four additional members of staff had obtained personal licences;
- the premises licence holder co-operated fully with all the responsible authorities and had the full club watch accreditation; he was also a member of PARC and where appropriate any incidents were logged through the club watch radio scheme;
- an incident occurred on 14 August 2010 and a letter dated 19 August 2010 from Devon and Cornwall Police thanked a member of Maxines doorstaff for their professional prompt assistance;
- an incident occurred between Saturday 6 and Sunday 7 February 2010. The premises licence holder and his staff contacted the Police and assisted in the arrest of offenders helping to prevent a number of officers receiving potentially serious injury. A letter dated 10 February 2010 was referred to which commended the premises licence holder and his staff for the action taken by them;

- a letter of reference dated 30 July 2010 had been provided by Councillor Sue McDonald who was in favour of the application;
 - the premises licence holder had to turn away patrons and has had to lay off four members of staff;
- (vi) considered representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

- a resident living opposite the premises considered the granting of the variation would cause a public nuisance due to noise during the early hours of the morning. He said he had contacted the proprietor several times to ask that they close the main door as it was propped open and music could be heard; this was considered to be relevant however there was no evidence to support the fact that noise was coming from these premises;
- with the smoking ban in force large groups of people would congregate outside the venue during the early hours to smoke and chat or shout; this was considered to be relevant however the applicant stated there was a smoking area at the rear of the premises and smoking was not permitted at the front of the premises;

b) **Prevention of Crime and Disorder –**

- a resident living opposite the premises was regularly woken by early morning/late night fights outside another licensed premises and he feared that the patrons of Maxines may encourage the antagonists or even partake in the violence if they were in an inebriated state; this was considered to be relevant however there was no evidence to support this;
- heard from Devon and Cornwall Police that on 11 December 2009 the Licensing Sub Committee heard evidence in support of a review of the premises following an incident of violent disorder that occurred on the premises on 15 November 2009;
- the evidence provided demonstrated concerns about management, a lack of control at the premises, issues with CCTV, previous assaults and problems with people queuing to enter the premises;

- the Police suggested a number of conditions to remedy the concerns and these were accepted by the licensed premises holder;
- the records held by the Police indicated that the conditions were working very effectively and that as a direct result there had been a significant reduction in the reported crime and incident logs relating to the premises;
- the records show that in the eight months prior to 11 December 2009 there were 21 incident logs relating to Maxines, 16 related to assaults, fights or disorder, and the others related to missing persons and people wanted by the Police. The majority of these incidents were called in between 3.00 a.m. and 8.00 a.m. During the same period 14 criminal offences were recorded as having taken place at the premises, 5 of these happened after 4.00 a.m.;
- in the eight months following the hearing of 11 December 2009 there were only 4 incident logs relating to the premises, 3 of these related to violence and/or disorder, one was related to an assault on a door supervisor. Two incidents occurred after 4.00 a.m., one at 4.00 a.m. and the other at 4.30 a.m. During the same period seven offences had been recorded at the premises, four of these were violent offences; one was a drugs offence, one a theft and one criminal damage. It was noted that three of the violent offences were the result of one incident in which three men were the subject of criminal charges;
- prior to the implementation of the conditions the poor management of the premises created an environment resulting in serious violence. The current management techniques together with conditions 15 and 16 have had a positive impact on the licensing objective of the prevention of crime and disorder and their retention was necessary to continue to promote the effectiveness of the management of both the premises and licensing objectives;

c) **Protection of Children from Harm –**

- there were no representations;

- d) **Public Safety –**
- there were no representations;
- e) **Representations in support of the premises –**
- there were eight letters of representation received from interested parties living in the vicinity in support of the premises; these said residents were unable to enjoy the premises after 4.00 a.m. when they were unable to sleep and when they finished work;
 - there were not enough premises catering for the trade between 02.00 hours and 06.00 hours which put enormous pressure on those who do operate;
 - a local resident had never seen any major incidents stemming from Maxines and considered the premises to be professionally run; patrons felt safe in the premises;

Members considered that this application did fall within an area to which the cumulative impact policy applies however there was no relevant representation made regarding cumulative impact in respect of this application.

Members having heard all the evidence, believe the four incidents that occurred since 11 December 2009 have all, where related to Maxines, been dealt with professionally and responsibly.

Members believe the Premises Licence Holder has a good working relationship with the Police as demonstrated by the letter dated 10 February 2010 and 19 August 2010.

Members having considered all the evidence do not believe condition 15 and 16 remain necessary for the promotion of the prevention of crime and disorder objective.

The Committee agreed that having taken into account all of the above representations the variation application be GRANTED

- (1) Subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule.

5. **GRANT OF PREMISES LICENCE - ELBURTON METHODIST CHURCH, SPRINGFIELD ROAD, PLYMOUTH**

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representation from an interested party;

(iii) heard from the applicant that:

- on rare occasions this premises was let for various activities, in the past this has included charitable organisations;
- in the past he has had requests for concerts, barn dances etc but when the user was told they would need a licence they decided not to continue;
- he envisaged the premises would only be used 2-4 times a year if that; some years not at all;
- in the church he said there was a small platform that could be used for concerts;
- in the hall there was a stage that could be used for dances;
- he said he had spoken to the person who had made a representation, providing him with more information as to why they were requesting this premises licence;
- he said there was a triple layer of bricks between the church and neighbouring property;
- he was expecting to hold relatively quiet activities;

(vi) considered representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

- if granted an unacceptable amount of noise which was not directly attributable to the church and its congregation would invade the front room through adjoining walls; this was considered to be relevant however the applicant said the adjoining wall consisted of a triple layer of bricks and insulation and therefore there should be minimal noise to the adjoining property. He also said he envisaged relatively quiet activities;
- there were in excess of 10 properties that would be affected by noise coming from the church; this was not considered to be relevant as no representations had been made;
- there would be parking congestion caused by potential attendees at functions; this was not considered to be relevant;

- b) **Prevention of Crime and Disorder –**
 - there were no representations
- c) **Protection of Children from Harm –**
 - there were no representations
- d) **Public Safety –**
 - there were no representations;
- e) **Other representations –**
 - a residents house would become unsellable at anywhere near its current market value and there was a lack of necessity for yet another entertainment venue; these representations were not considered relevant as they do not relate to any of the four licensing objectives.

Members agreed that having taken into account all of the above representations the application be GRANTED.

- (1) Subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule.

6. **EXEMPT BUSINESS**

There were no items of Chair's Urgent Business.

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