

CITY OF PLYMOUTH

Subject: The Skiving Scholar. 1 Tavistock Place, North Hill,
Plymouth. PL4 8AU
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 July 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price (Licensing Officer)

Contact: Tel: 01752 307081
e-mail: licensing@plymouth.gov.uk

Key Decision: No

Ref: ERS/LIC/PREM

Part: 1

Executive Summary:

An application has been received from Thompson and Jackson Solicitors on behalf of Gilwell Management Ltd in respect of The Skiving Scholar. 1 Tavistock Place, North Hill, Plymouth. PL4 8AU for the variation of the premises licence under Section 34 of the Licensing Act 2003 / club premises certificate under Section 84 of the Licensing Act 2003

Corporate Plan 2011- 2014:

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.

Other Implications: e.g. 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.

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	SD/7.7.1 1/12181	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 1 June 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Gilwell Management Ltd in respect of The Skiving Scholar. 1 Tavistock Place, North Hill, Plymouth. PL4 8AU 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>(e) Live Music (Indoors)</u></p> <p>Hours Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(f) Recorded Music (Indoors)</u></p> <p>Hours Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(g) Performance of Dance (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(i) Provision of Facilities for Making Music (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	

<p><u>(j) Provision of facilities for dancing (Indoors)</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(l) Late Night Refreshment (Indoors)</u></p> <p>Sun to Thur 11pm to 4am Fri and Sat 11pm to 5am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></p> <p>Sun to Thur 9am to 4am Fri and Sat 9am to 6am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	
<p><u>(o) Hours premises are open to the public</u></p> <p>Sun to Thur 9am to 4.30am Fri and Sat 9am to 6:30am Non Standard Timings: New Years Eve: from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	

Existing operating schedule (Appendix 1)

1.3 Variation application.

The nature of the proposed variation is;

1. To vary condition C – Crime and Disorder to provide:-

- (a) A minimum of 3 staff will be present from midnight to close of business, seven days a week unless downstairs bar is closed, when a minimum of 2 will be present. If downstairs bar has more than 25 patrons then this will increase to 4 bar staff – 2 up and 2 down.

(b) Door Supervisors to be present every Friday and Saturday night from 10pm to close of business. One upstairs and one downstairs (when open). Additional Door Supervisors are to be in place during other days as required by numbers present.

2. To vary annex 3

(a) to amend door supervisor requirements as above and

(b) to amend to provide the DPS or Personal Licence Holder or suitably trained and supervised delegated member of staff to be present on the premises from 6pm to close of business whenever premises are open for business.

Additional steps taken to promote the four licensing objectives

The Prevention of crime and disorder

1. All staff have access to pub watch radio and can access CCTV when they are acting in a managerial or supervisory capacity.
2. All staff on duty have access to a senior duty manager if required at any time
3. Additional Door Supervisors can be arranged at short notice.

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. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health* – have made representation that there is a potential for increased noise activity from the variation of the conditions of the premises and that this could contribute further to the cumulative impact on the local community.. (Appendix 2)

2.2 *Devon & Cornwall Police* – have made representation that the variation of the conditions could lead to an increase in crime and disorder. (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 have been received

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.

ANNEX 1 - MANDATORY CONDITIONS

- (1) The first condition is that no supply of alcohol may be made under the premises licence: -
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Following Mandatory Conditions came into force on the 6th April 2010

- 1.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The Following Mandatory Conditions came into force on the 01st October 2010

- 4.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a

holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A Supply of alcohol

Any existing conditions attached to existing justices licence

1. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as ancillary to meals served in the premises

The authorised hours for the sale of alcohol do not prohibit:

1. during the first twenty minutes after the end of authorised hours the consumption of the alcohol on the premises;
2. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
3. during the first thirty minutes after the end of authorised hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
4. consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

5. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
6. the sale of alcohol to a trader or club for the purposes of the trade or club;
7. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
8. the taking of alcohol from the premises by a person residing there; or
9. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
10. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

B Regulated Entertainment

- Standard National conditions applying to the existing [public entertainment licence]
- Existing special conditions.

a) Capacity - 100

C Steps that have been taken to promote the four Licensing Objectives

1. Staff banned from drinking on duty
2. Records maintained of any material incidents within or in immediate vicinity of premises
3. Zero tolerance to drugs use and dealing
4. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate
5. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times
6. Food available
7. Specific staff training and supervision in assessment of customer consumption and condition
8. No cheap alcoholic drinks promotions, cut-price drinks, package deals
9. No drinks hoarding
10. Pro-active policy against 'binge' drinking
11. Zero tolerance to offensive conduct
12. Regular glass collection
13. Regular dedicated cleaning of premises
14. Nominated staff to deal with complaints from neighbours
15. CCTV and/or regular monitoring of external areas of premises at night
16. No entry to anyone under the age of 18 years
17. Warning notices in place in relation to under-age drinking
18. Full training for staff in law specifically relating to minors and alcohol and specific photo I/D proof of age requirements

Conditions that have been agreed with the Police Licensing Authority

Crime and Disorder

1. A minimum of four people including two door supervisors will be present from midnight to close of business. Two persons per bar. If we do decide to

close the basement bar, then we will send two home and two will remain upstairs, with two doormen.

2. A register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time and date of incident, time and date of hand on to police
3. During trading hours members of staff trained to view and download images from CCTV at request of Police will be available at premises
4. Police licensing department to be informed if CCTV system is not working

Public Safety

1. At least 30 minutes before last sale of alcohol the atmosphere will be adjusted to create a calm period prior to closure of the premises, examples of good practice are turning lights on and turning music off
2. The DPS or a nominated duty manager shall exit the premises at irregular intervals to ensure the level of noise emitting from the premises is kept to a level that ensures residents nearby are undisturbed

General

1. Police officers will be given all possible assistance in the course of investigations relating to the premises
2. All physical evidence relating to criminal offences will be preserved for Police Forensic
3. DJ's and live bands will remain in the basement bar and will play no later than 4am, then background music will be played to control noise levels

Conditions that have been agreed with the Environmental Health Authority

Public Nuisance

1. Doors and windows will be kept shut during entertainment
2. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly
3. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible
4. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property
5. Before 02.00am
Noise emanating from the premises will not be distinguishable above background levels one metre from the façade of the nearest residential property
6. After 02.00am until close
Total sound containment within the premises

ANNEX 3 - CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

28TH NOVEMBER 2006

Two dedicated door supervisors must work at the premises from midnight until close of business seven days a week.

At least one of the door supervisors must maintain a presence on the front door and be responsible for the effective screening of customers entering the premises.

The door supervisors on the front door must actively monitor and when necessary use the clubwatch radio.

CCTV cameras are to be located inside and outside of the premises. These cameras to be maintained in working order and the recordings retained for an appropriate period of time. The cameras were to be installed by 31st January 2007.

Suitable signage must be positioned at the exits to request the co-operation of patrons to make as little noise as possible when leaving the premises and be asked to leave the vicinity quickly and quietly.

05TH FEBRUARY 2008

The DPS or a Personal Licence holder to be present on premises from 1800hrs to close of business every day;

CCTV installed will comply to the UK Police requirements for digital CCTV systems. CCTV Cameras to be located inside the premises in all areas to which the public have access.

CCTV cameras to be located outside the premises to cover entire frontage of premises.

CCTV cameras will be maintained and kept clean at all times.

Clemens, Peter (DEVELOPMENT)

From: Harris, Rachael (DEVELOPMENT)
Sent: 20 June 2011 17:35
To: Clemens, Peter (DEVELOPMENT)
Subject: FW: Skiving Scholar

Hi Pete

This is the representation from Rhodr with regards to the Skiving Scholar.

Many thanks, Rachael

From: Morgan, Rhodri (DEVELOPMENT)
Sent: Monday, June 20, 2011 5:32 PM
To: Harris, Rachael (DEVELOPMENT)
Subject: Skiving Scholar

The location of the Premises is within a cumulative impact area and the application does not adequately address the concerns for further potential impact on the area.

The Cumulative impact policy was adopted to control various forms of and potential for alcohol-related public nuisance. The special policy was adopted due to the overall levels of crime, disorder and nuisance that was prevalent in the area resulting from licensed premises which continue operating until the early hours of the morning which cannot be linked to a particular premises. With particular regard to the anti-social behaviour and nuisance behaviour of patrons leaving licensed premises and their impact on the surrounding neighbourhood in the early hours of the morning. Responses from residents concerning the adoption of the special policy, strongly commented on how alcohol-related anti social behaviour and disturbance associated with the large numbers of patrons present in the vicinity of North Hill impacted on local residents.

The applicant has not demonstrated in the application how there will be no negative cumulative impact on one or more of the licensing objectives. The applicant has failed to address how the potential impact from the variation of Condition C - Crime and Disorder (a) & (b) and ANNEX 3 (a) & (b) as per application will not negatively impact on the licensing for public nuisance.

The potential effect of increased noise activity from the variation of the above conditions of the premises will in the opinion of this Department contribute further to cumulative impact on the local community. Taking this information into consideration, it is the recommendation of this Responsible Authority that the application be refused.

Rhodri Morgan
Environmental Health Officer
Public Protection Service
Plymouth City Council
01752 304851

Building safer communities together



DEVON & CORNWALL
CONSTABULARY

Our ref:
2BCU/Lic/55474/dr

Your ref:

The Licensing Officer
Licensing Department
Plymouth City Council
Civic Centre
PLYMOUTH
PL1 1AA

Licensing Department
Charles Cross Police Station
Hampton Street
PLYMOUTH
PL4 8HG

21 June 2011

Telephone: 01752 720473

Dear Mr Clemens

Re Application to vary the Premises Licence – Skiving Scholar, 1 Tavistock Place, PL4 8AU

On 31st May 2011 the Licensing Office at Charles Cross Police Station received a copy of the application to vary the Premises Licence as detailed above.

The application seeks to vary condition C attached to the premises licence – Crime and Disorder with regard to a reduction in bar staffing levels between midnight and close of business and Door supervision levels.

The application further seeks to vary conditions contained in Annex 3 attached to the premises licence with regard to door supervisor requirements and the provision of a DPS/Personal Licence Holder or suitably trained and supervised delegated member of staff to be present on the premises from 1800 hours to close of business.

The police received letters from Mr Bartlett in December 2010 regarding these proposals. Following a meeting and discussion the decision was made that the Devon and Cornwall Constabulary could not support a reduction in staff and door supervision. A letter explaining the reasoning behind the decision was sent to Mr Bartlett.

The Police object to the application as the proposals will have a likely effect of having an increase in crime and disorder and therefore not promote the licensing objective of S.4(2)a 'the prevention of crime and disorder'. There is currently evidence of crime and disorder at the premises and the removal of door supervisors trained to deal with these situations can only lead to an increase.

The police also believe the application to remove the existing conditions does not



demonstrate how the proposals will not negatively impact on all of the four licensing objectives.

The premises lie within a Cumulative Impact Area as defined in the policy adopted by Plymouth City Council.

Both the Licensing act and the Plymouth City Council Licensing policy require any application for a material variation within a cumulative impact area to demonstrate how the applicant intends to ensure that the variation will not impact on the promotion of the four licensing objectives.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

Therefore as stated the Devon and Cornwall Police wish to object to this application.

Yours sincerely



F T Prout
Alcohol Related Crime Reduction Officer
Devon & Cornwall Constabulary