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Licensing Sub Committee (Miscellaneous)

Tuesday 5 April 2011

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Rennie.

Apologies for absence: Councillor Mrs Nicholson

Also in attendance: Debbie Bradbury, Lawyer and Pete Clemens, Senior Licensing Officer.

The meeting started at 11am and finished at 1.50pm.

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.

50. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

51. DECLARATIONS OF INTEREST

The following declarations of interest were made by a member in accordance with the Code of Conduct –

Name	Subject	Reason	Interest
Councillor Gordon	Variation of Premises Licence – SECO Lounge Café/Bar (minute 53 refers)	The resident representative was a former colleague.	Personal
Councillor Rennie	Variation of Premises Licence – SECO Lounge Café/Bar (minute 53 refers)	The resident representative was a former colleague.	Personal

52. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

53. **VARIATION OF PREMISES LICENCE - SECO LOUNGE CAFE/BAR - UNITS 12-14
GROUND FLOOR, MILLS BAKERY, ROYAL WILLIAMS YARD, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the written representations and heard from a representative of interested parties;
- (c) heard from the applicant that –
 - he had agreed the conditions proposed by Environmental Health with an amendment to the original condition 2 and with an added condition 10;
 - this was not a wet led bar and it contributed to being a vibrant bar in the South West Regional Development;
 - he had worked with residents and took measures after consultation with them;
 - there was no evidence of drunken, anti-social behaviour and there had been no representation from the police;
 - he agreed to withdraw his application for the extension to the outside rear area;
- (d) heard from the representative from Environmental Health that –
 - if the application were granted, as applied for, then there was the potential for a negative impact on the licensing objectives of public nuisance and public safety;
 - there had been a number of complaints regarding noise from use of the outside area, music and cleaning/deliveries;
 - of particular concern was the use of external facilities. The external seating area to the front of the property currently operated between 0800hrs and 2300hrs and was located directly below residential accommodation. Issues of public nuisance have arisen from large numbers of people sitting at tables outside drinking, eating and smoking;
 - conditions together with refusal of the rear external extension would minimise the impact on local residents;
 - following discussions with the applicant they had amended condition 2 and added an additional condition at no.10;

- key to resolving concerns was good management of the premises;
- (e) considered representations under the licensing objectives as follows:
- (i) **Prevention of Public Nuisance –**
- the proposed use of Mills Bakery inner courtyard as an additional dining/drinking area would cause a nuisance through noise and cigarette smoke;
 - *this was considered to be relevant, however members considered the recommendation of Environmental Health that the extension of this area be refused and heard from the applicant that he was no longer seeking to license this area;*
 - there were currently 22 tables seating up to 88 people but last summer there were more people being served food and drinking outside the licensed area, up and down the quay;
 - *this was considered to be relevant, however members considered that any potential problems had been addressed through the conditions agreed with Environmental Health;*
 - the installation of an additional bar will increase noise and disturbance;
 - *this was considered to be relevant, however members considered that any potential problems had been addressed through the conditions agreed with Environmental Health;*
 - customers and employees smoking around Mills Bakery increased noise and disturbance making residents feel unsafe entering their residential homes;
 - *this was considered to be relevant, however members considered that any potential problems had been addressed through the conditions agreed with Environmental Health;*
 - music from the Seco Lounge being audible in apartments;
 - *this was considered to be relevant, however members considered that any potential problem had been addressed by the condition currently on the license in Annex 2 at Number 1 under the prevention of public nuisance.*

- employees bang furniture at the end of the night and into the early hours putting furniture on tables which was audible in a residents apartment;
 - *this was considered to be relevant, however members considered that the applicant had taken reasonable measures to resolve these concerns.*
- noise from door bolts when used by cleaners entering and leaving in the early hours of the morning and noise created by them from 3.00hrs to 7.00hrs;
 - *this was considered to be relevant, however members considered that the applicant had taken reasonable measures to resolve these concerns.*
- the double bang-bang of the barista emptying the coffee grounds caused a nuisance and would be increased and needed to be addressed if another coffee machine was to be installed in the extension;
 - *this was considered to be relevant, however members considered that the applicant had taken reasonable measures to resolve these concerns.*
- employees made noise after closing and were using the music system to play loud music waking a resident;
 - *this was considered to be relevant, however members considered that the applicant had taken reasonable measures to resolve these concerns.*
- early morning and evening deliveries dragging beer kegs and bottles over cobbles was very loud disturbing a resident;
 - *this was considered to be relevant and members have addressed this by amending number 7 of the proposed conditions from Environmental Health to the following “the delivery of goods is restricted to taking place between the hours of 9am and 5pm”;*
- bottling up and moving kegs and garbage at the end of the night and early morning by employees wheeling the bins over cobbles is very loud disturbing a resident;
 - *this was considered to be relevant, however members heard from the applicant that he now used a trolley with pneumatic tyres;*

- smoking outside a residents apartment, outside the bar doors and around the seating area meant talking went on through the night and could be heard in their apartment and a resident's apartment was affected by the smoke;
 - *this was considered to be relevant and members heard from the applicant that the management would take all measures to ensure smokers were seated at tables;*
- staff were standing in the alley smoking and dumping their cigarette ends in a tin causing a disgusting smell that could be smelt in a resident's home. If the extension was granted this would get worse with the increasing amount of staff and customers;
 - *this was considered to be relevant, however members would expect the management to encourage the staff to use the designated smoking area;*
- cigarette ends, litter and rubbish being left by Seco customers and employees outside the licensed area and around Mills Bakery;
 - *this was considered to be relevant, however members considered that any potential problem had been addressed by the conditions in Annex 2, numbers 3 and 5 under the prevention of public nuisance;*
- during several incidents last year there was no policing, door staff or CCTV to cover the outside seating area;
 - *this was considered to be relevant, however there was no representation from the police, members did not feel it was necessary for door staff and members heard from the applicant that CCTV could not be placed on the outside of the building due to its listed status;*
- there was often no responsible person working in the evenings or weekends ensuring the licensing conditions were upheld;
 - *this was considered to be relevant, however members heard from the applicant that two more employees would be acquiring a personal licence;*
- Customers were loitering around the bar after hours causing

noise and disturbance;

- *this was considered to be relevant, however members heard from the management that they had taken reasonable steps to address this issue;*
- noise from taxi's picking up late at night and in the early hours directly under a resident's apartment. Disturbance was caused by engines running, door slamming and noise from revellers;
 - *this was considered to be relevant, however members considered that any potential problem had been addressed through the conditions agreed with Environmental Health;*
- customers drinking outside the licensed boundary were able to see directly into a resident's apartment and they had suffered abusive and threatening behaviour;
 - *this was considered to be relevant, however members believed that this was a criminal matter and should be referred to the police.*

(ii) Prevention of Crime and Disorder –

- a resident's car was damaged by a hit and run in November 2010;
 - *this was considered to be relevant, however members heard no evidence to attribute this to these premises and there had been no representation from the police.*
- control measures i.e. CCTV needed to be reviewed and put in place to prevent damage to resident's property or the Royal William Yard;
 - *this was considered to be relevant, however there was no representation from the police and members heard from the applicant that CCTV could not be placed on the outside of the building due to its listed status;*
- in the first summer/autumn of opening the police had been called on two occasions within the restaurant, and the on-site security officers on several more occasions and there had been reported crime within the Royal William Yard such as car break-ins and drug dealing;

- *this was considered to be relevant, however members heard no evidence to attribute this to these premises and there had been no representation from the police.*

(iii) **Protection of Children from Harm –**

- music was audible in an apartment meaning a resident could not get children to bed;
 - *this was considered to be relevant, however members considered that any potential problem had been addressed by the condition currently on the license in Annex 2 at Number 1 under the prevention of public nuisance.*
- employees in the bar after closing and before opening made noise and disturbance to children;
 - *this was considered to be relevant, however members considered that the applicant had taken reasonable measures to resolve these concerns.*
- glasses and broken glass was being left by customers of the bar outside of the licensed premises creating a real safety problem to children who ran bare-foot around the dock;
 - *this was considered to be relevant, however members considered that any potential problem had been addressed by the condition on the license under Annex 2, number 5 of the prevention of public nuisance.*

(iv) **Public Safety –**

- residents may be faced with rowdy diners and drunken behaviour in the immediate vicinity of their communal entrance door, with one resident claiming to be quite intimidated and frightened to walk past people that were drunk;
 - *this was considered to be relevant, however, members considered the recommendation of Environmental Health that the extension of this area be refused and heard from the applicant that he was no longer seeking to license this area.*
- glasses and broken glass on all walkways including the inner courtyard causing safety concerns;

- *this was considered to be relevant, however members considered that any potential problem had been addressed by the condition on the license under Annex 2, number 5 of the prevention of public nuisance.*
 - the emergency services vehicles, the elderly and disabled would be restricted if there was an increase in the seating area in the front as demonstrated by a recent incident;
 - *this was considered to be relevant, however there had been no representation from the responsible authority;*
- (v) **Other representations –**
- an objection to the extension of the licence to 6.00hrs;
 - the lovely views could be tarnished by tables and chairs;
 - *this was not considered to be relevant as it did not relate to the licensing objectives.*

Agreed that having taken into account all of the above representations the variation application be granted subject to –

- (1) the withdrawal of part of the application for licensing of the external rear area;
- (2) the mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule;
- (3) conditions 1 – 10 agreed with Environmental Health subject to the amendment to condition number 7 to “*the delivery of goods is restricted to taking place between the hours of 9am and 5pm*”.

54. **EXEMPT BUSINESS**

There were no items of exempt business.