

Licensing Sub Committee (Miscellaneous)

Tuesday 6 September 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Mrs Dolan, Vice Chair.
Councillor Gordon.

Also in attendance: Debbie Bradbury – Lawyer, Pete Clemens – Senior Licensing Officer, Rachael Harris – Senior Environmental Health Officer, Phil Conday – Environmental Health Officer.

The meeting started at 10.00 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.

31. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Mrs Dolan appointed as Vice Chair for this meeting.

32. DECLARATIONS OF INTEREST

The following declaration of interest was made by a Councillor in accordance with the Code of Conduct.

| Name | Minute No. and Subject | Reason | Interest |
|----------------------|---|--------------------------------|----------|
| Councillor Mrs Dolan | 34 – Review of Premises Licence – Stopford Arms | She is a local ward Councillor | Personal |

33. CHAIR'S URGENT BUSINESS

There were no items of exempt business.

34. REVIEW OF PREMISES LICENCE - STOPFORD ARMS, 172 DEVONPORT ROAD, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered all written representations;

- (c) heard from a representative of Environmental Health;
- (d) heard from the premises licence holder's representative and his witnesses;
- (e) heard from the designated premises supervisor and the premises manager;
- (f) heard from interested parties;
- (g) heard from a representative of Environmental Health that:
 - they have received complaints of excessive noise coming from the premises from residents in Stopford Place and Devonport Road and have evidence dating back to December 2007;
 - since November 2010 they have witnessed noise issues on six separate occasions;
 - on 15 January 2011 officers witnessed breaches of the licensing conditions and unlicensed activities being carried out at the premise;
 - on 18 January 2011 a letter was sent to the premises licence holder with copies to the designated premises supervisor and Area Manager outlining the issues witnessed by officers and advising them of offences under the Licensing Act 2003;
 - on 22 January 2011 and 5 March 2011 officers witnessed further breaches of conditions and unlicensed activities being carried out at the premise;
 - in March 2011 the Area Manager was spoken to regarding the issues witnessed and was advised that any further breaches would likely result in them seeking a review of the premises licence;
 - on 3 June 2011 officers again witnessed breaches of the licence conditions and unlicensed activities being carried out at the premise. The Manager was advised of the conditions on the premises licence;
 - on 4 June 2011 officers again witnessed breaches of the licence conditions being carried out on the premise;
 - on 2 July 2011 officers again witnessed breaches of the licence conditions and the Manager was instructed to stop the music and was again advised of the conditions on the premises licence;
 - the noise nuisance is caused from the noise levels inside the public house for live, recorded and karaoke music which is held on a Friday and Saturday night;

- despite the licence conditions, windows and doors are being left open during entertainment;
 - current conditions are not being complied with and any additional conditions e.g. installation of a noise limiter would not be totally effective and it is recommended that live music, regulated entertainment and the provision of facilities for making music are removed from the licence;
- (h) heard from interested parties and considered written representations that;
- the Stopford Arms has been badly managed by a succession of short-term landlords who have regularly disregarded their licence conditions;
 - they have had to put up with loud music coming from the pub late at night causing upset and sleepless nights;
 - the licence conditions state that all music should stop by 11pm and that doors and windows should be closed but this does not happen;
 - a diary of evidence has been kept dating back six years;
 - the smoking area has contributed to noise problems in the summer months;
 - the level of noise that is produced by the patrons in and around the premise is extremely excessive at times, especially late in the evening;
- (i) heard from the premises licence holders representative that;
- the pub was to be sold via auction on 1 September 2011, but no bids were received;
 - Admiral Taverns are the premises licence holder but the manager/dps is responsible for the day to day management of the premise;
 - should the licence be revoked it would devalue the value of the premise;
 - Admiral Taverns were not responsible for the training of the manager of the premise;
 - did not consider it was necessary to remove the regulated entertainment related to music if the licence conditions are complied with;

- (j) heard from the premises licence holders witness that;
- on 30 August 2011 a meeting took place with Martyn Pincombe and Rhodri Morgan and a management plan was devised involving additional conditions to be placed on the licence;
 - additional conditions were suggested, including secondary glazing for the premise to try and reduce the noise issues further;
- (k) heard from the designated premises supervisor that;
- he had been appointed the dps since January 2011;
 - he attended the premise two of three times on a daily basis for approximately half an hour;
 - although complaints predominately related to noise late in the evening he did not attend the premise at this time;
 - he was not aware of all the complaints received and related by Environmental Health;
- (l) heard from the premises manager that:
- he was the current pub manager and had worked at the premise for seven months.
 - since being made aware of mistakes made he had fully trained the rest of the bar staff;
 - he was now fully aware of all the conditions on the licence;
 - he was trying to build bridges with the local community;
 - prior to this position he had experience of working in a nightclub in various roles;
 - he had recently obtained his Bii qualification and would hope to obtain a personal licence;

Members considered all the representations made under the prevention of public nuisance licensing objective. They did not believe that the additional conditions suggested, including secondary glazing would resolve the concerns.

They were concerned that despite numerous changes of management of the premise there was no compliance with the conditions on the licence. Members felt this was in part due to a lack of communication between the premises licence holder, designated premises supervisor and manager,

Members heard that the music was loud not just late at night and that Environmental Health had received complaints with regard to this.

Members did not believe the current designated premises supervisor was in control of the premises and felt he was not spending enough time at the premise, particularly to monitor the situation of complaints of loud music particularly later in the evening.

Having taken into account all the relevant representations made, the members agreed to:

- (1) Exclude the following licensable activities:
 - (E) Performance of live music (indoors)
 - (F) Playing of recorded music (indoors)
 - (H) Entertainment of a similar description of that falling within (E) or (F) (Indoors)
 - (I) Provision of facilities for making music (indoors)
- (2) Remove the DPS;
- (3) Modify the conditions of the licence with the addition of the following condition:

There is to be regular monitoring of noise levels in the smoking area to prevent noise from patrons disturbing local residents

35. **VARIATION OF PREMISES LICENCE - PLYMOUTH HOE**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the written representations and heard from the interested party present;
- (c) heard from the applicant:
 - that following consultation the footprint had been revised and a map was provided;
 - he was working with Plymouth City Council to formulate a security plan, including SIA door security staff at each of the 6 venues;
 - he was expecting to attract a more up-market clientele;
 - that there had been no objections from any of the responsible authorities;
 - that he had run the Jazz and Blues Festival and other festivals.
- (d) considered representations under the licensing objectives as follows:

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

heard from an interested party that:

- to extend to the area requested would inevitably bring an increase in crime and disorder and felt the area would be too large for one person to control; this was considered to be relevant however there had been no representation from the Police and no evidence that this was likely to occur;
- the Hoe and Foreshore has been a magnet for drunks in the past but has been prevented by the police being able to move people on. With more outlets along the Promenade and foreshore the police would find it almost impossible to carry out this duty; this was considered to be relevant however there had been no representation from the Police and no evidence that this was likely to occur;
- the area would be so large that it would be almost impossible to stop people going to the local shop and buying alcohol to consume within the area so how can it be policed properly; this was considered to be relevant however there had been no representation from the Police and no evidence that this was likely to occur;

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

- would create an atmosphere where due to the increased availability of alcohol, children and families will be in danger of being subject to abuse through the mis-use of alcohol; this was considered to be relevant however there had been no representation from the Police and no evidence that this was likely to occur.

3) **Prevention of Public Nuisance –**

- no representations were made;

4) **Public Safety**

- no representations were made;

5) **Other representations –**

- none

Agreed that having taken into account all of the above representations the variation application is GRANTED as follows:

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

36. **EXEMPT BUSINESS**

There were no items of exempt business.

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