

PLYMOUTH CITY COUNCIL

Subject: Function Junction, Farm Lane, Honicknowle, Plymouth
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 31 January 2012

Cabinet Member: Councillor Michael Leaves

CMT Member: Director of Place

Author: Linda Perez, Licensing Officer

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Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

An application has been received from Thompson & Jackson on behalf of Unionworld Limited in respect of premises known as The Function Junction (formerly known as The Victory Inn), Farm Lane, Honicknowle, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

Corporate Plan 2011 – 2014:

This report links to the delivery of the City and Council priorities. In Particular:
I. Delivering Growth

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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 & 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:

Fin		Leg	SD/9 .1.12 /136 44	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 Introduction

1.1 On the 2 December, 2011 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Unionworld Limited in respect of premises known as The Function Junction (formerly known as The Victory Inn), Farm Lane, Honciknowle, Plymouth 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>(c) Indoor Sporting Events</u></p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.</p> <p>A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.</p> <p>A further additional hour every Christmas Eve.</p> <p>A further additional hour every Boxing Day.</p> <p>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>(e) Live Music</u></p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>As above</p>	
<p><u>(f) Recorded Music</u></p>	

<p>(Indoors)</p> <p><u>Hours</u></p> <p>Mon – Wed 8.00am - midnight</p> <p>Thurs – Sat 8.00am - 1.00am</p> <p>Sunday – 10.00am - 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>As above</p>	
<p><u>(i) Provision of Facilities for Making Music</u></p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>As above</p>	
<p><u>(j) Provision of facilities for dancing</u> (Indoors)</p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>As above</p>	
<p><u>(k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</u> (Indoors)</p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p>	

As above	
<p><u>(l) Late Night Refreshment</u></p> <p><u>Hours</u></p> <p><u>Non Standard Timings.</u></p>	<p><u>Hours requested</u></p> <p>Mon – Wed 11.00pm – midnight</p> <p>Thurs – Sat 11.00pm – 1.00am</p> <p>Sunday 11.00pm – 11.30pm</p>
<p><u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u></p> <p><u>Hours</u></p> <p>Mon – Wed 10.00am – midnight</p> <p>Thurs – Sat 10.00am – 1.00am</p> <p>Sunday 10.00am – 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>As above.</p>	
<p><u>(o) Hours premises are open to the public</u></p> <p><u>Hours</u></p> <p>Mon – Wed 8.00am – 00.30am</p> <p>Thurs – Sat 8.00am – 1.30am</p> <p>Sunday 10.00am – midnight</p> <p><u>Non Standard Timings.</u></p> <p>As above</p>	

1.3 Variation application.

The nature of the proposed variation is;

- (1) Change the name to Function Junction
- (2) Increase in capacity to 400
- (3) Under Annex 2A to add:-
 - (1) no intoxicating liquor shall be supplied otherwise than to
 - (a) a member of the Brookside Social Club or a guest of a member
 - (b) persons attending organised functions at the premises.

(4) Under Annex 2C to amend as follows:-

13. All windows and doors to be kept closed during any live or amplified music performance after 10.00pm.

17. Children under the age of sixteen shall not be allowed in the premises when alcohol is being supplied unless in the company of an adult.

(5) Add late night refreshment.

1.4 Conditions currently attached to 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 in relation to the prevention of public nuisance and public safety (Appendix 2)

2.2 *Devon & Cornwall Police* – 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

2 letters of representation has been received from residents living within the vicinity of the premises. (Appendix 3 & 4)

A further letter in the form of a petition was received (Appendix 5)

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.

3.(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.

4. 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).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. (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.

7. 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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A Supply of alcohol

Any existing conditions attached to existing justices licence

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 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 (**Entertainment Suite**)

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

a) Capacity - 200

C **Steps taken to promote the four licensing objectives**

1. All external areas are well lit
2. CCTV is operation throughout the premises 24 hours a day
3. Numerous anti under age and anti drugs signs are clearly displayed
4. Fire and burglar alarms are in operation throughout the entire premises
5. We promote soft drinks via a drivers shelf and display a number of anti drink drive posters
6. All illuminated signs, fire/burglar alarms, fire fighting equipment and emergency lighting is clearly displayed and maintained as required
7. All portable electrical appliances are tested annually
8. There are current electric and gas certificates in place
9. A pest control contract is in place
10. First aid and first aid facilities
11. A licensed taxi service is promoted
12. Accident and incident book on site for staff and public
13. All windows and doors are lockable and remain closed during any live or amplified music performances
14. Staff can organise taxis to transport customers home and customers are seen off the premises and encouraged to disperse at closing
15. There will be no aggressive drinks promotions (ie. 2 for 1's, heavy discounting/happy hours)
16. 'Please respect our neighbours and leave quietly' signs are on display
17. Children under the age of fourteen are not allowed on the premise after 19.30 Hours
18. A full range of soft drinks are available.

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION
Name: Victoria Inn (Function Junction)
Address: Farm Lane, Honicknowle, Plymouth, PL5 3PQ

Report By: Rhodri Morgan

Date of Inspection: 14/12/11

Public Nuisance and Public Safety

This department has representations to make with regard to points 2 and 4 (13) as proposed in the application, namely

- Increase Capacity to 400
 - Amend condition 13 of Annex 2C to 'All windows and doors to be kept closed during any live or amplified music performance after 22.00hrs'
- and
- Additional steps to promote the four licensing objectives - 'There is soundproofing'

Licensing Act 2003
Supporting Information for Committee Hearing following the Public Protection
Service Representation

Premises Name: Victory Inn (Function Junction)

This department has made representation based on the following information.

It is this Responsible Authority's opinion that, having considered the applicants operating schedule if the application were to be granted as applied, then there is potential for a negative impact on the licensing objective of public nuisance and public safety.

Officers of this department have visited the premises to discuss the application and proposals with the management and have determined that there is a potential for negative impact on local residents with regard to the potential for public nuisance and that there is a potential for a negative impact on patrons on the premises with regard to public safety.

This department has contacted the solicitor acting on behalf of the applicant on the 19th December 2011 requesting information that may allay concerns over the potential negative impacts on the licensing objectives. The e-mail requested the following information;

'It states in the application that you wish to increase the capacity to 400 persons. Can you please tell me how this figure was arrived at?

Could you please provide me with updated drawings/plans of the premises?

Currently I only have the plans of the premises before any work was carried out and based on those plans I have some reservations regarding the proposed capacity.

Could you please provide me with any appropriate information on how your client intends to furnish the premises in relation to the amount of seating that will be provided for patrons?

You state that your client wishes to amend condition 13 of Annex 2C from

All windows and doors are lockable and remain closed during any live or amplified music performances

To

All windows and doors are to be kept closed during any live or amplified music performance after 22.00hrs

As a department we would consider the condition **Doors and windows will be kept shut during live or regulated entertainment** to be reasonable considering the potential for public nuisance, proximity to nearby local residents and hours of operation and would ask whether your client would be agreeable to this condition?

Under Section P(a) No. 2 of your application it states **"There is Soundproofing"**. During my visit to the premises and subsequent conversation with Miss Richards it appears that there may not be soundproofing installed at the premises.

Could you confirm that there is no soundproofing currently at the premises?

And if not what is your clients intention with regard to soundproofing the premises?

Without this requisite information we cannot as a department determine whether the proposed alterations to the premises will not adversely affect local residents due to their proximity

(particularly as the premises is being converted from a public house to a function suite) with regard to the potential for public nuisance. Where formerly the premises was a public house with music, it can now be reasonably be expected that live and recorded music will be played a number of times a week, during the day or night as you would expect from this type of venue. This potentially raises issues that may affect local residents such as noise from smokers outside, from large groups of people leaving the premises at the same time and potentially from taxis waiting for patrons.

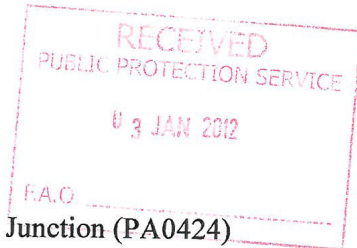
Figures showing the proximity of local residential



properties.



As outlined in correspondence to the applicants' solicitor we as a department, have concerns with regard to the potential impact on the licensing objective for public safety may have from doubling the capacity of the premises. The applicant has failed to demonstrate how they have arrived at the figure of 400 persons at the premises. They have stated that they employed the services of a technician from a company called Total Safety Training with regard for capacity but no documented evidence has been submitted to this department. No evidence has been submitted to this department stating how, with regard to space standards or sanitary standards they have arrived at a figure of 400 persons having regard for the safety of patrons that will use their premises.



Farm Lane
Honicknowle
Plymouth
PL5 2G
18.12.2011

Ref: Function Junction (PA0424)

To whom it may concern,

We are writing to ask to you to revoke or amend the licence for the Function Junction premises (formerly known as the Victory Inn) in Farm Lane, Honicknowle. These premises have been closed for several years and since that time we as residents have noticed a major decline in anti-social behaviour such as noise nuisance, violent conduct, littering (broken glass, discarded drinks cans) and criminal activity including blatant drug usage and vandalism to vehicles. The opening of this establishment will inevitably bring increased traffic and increased traffic noise to the area. We are concerned that due to the gaudy appearance this establishment will only seek to appeal to a certain clientele that are unlikely to be considerate to the fact that these premises lie in the heart of a residential area. We are also concerned in regards to the times of opening/closing and strongly ask that you reconsider these times to be more conducive hours of 23.00 hr closing in consideration of the residents who live in Farm Lane and the surrounding areas.

We hope you will consider our concerns and look forward to a response from you in the near future.

Yours Sincerely

Head of Environmental Services

Environmental Regulation Serv.

Plymouth City Council

Civic Centre

Farm Lane

Plymouth

Honickknowle

PL1 2EW.

Plymouth

PL5 2PG

3rd December 2011

Dear Sir/madam

Re: Function Junction (formerly known as
Victory Inn), Farm Lane, Plymouth, PL5 3FQ.

I am writing to you in regards to
the notice that has been posted on
the above premises and to object
most strongly to the proposals on
the notice.

I wish to raise the following points:-

1: 16 states that there is a proposal
to increase occupancy. May I ask
to what numbers we are talking

about?

The residents of Farm Lane and surrounding areas already suffer from noise when vehicles are leaving Brookside Social Club (which is owned by the same person). We also suffer from people leaving the club and making noise walking down Farm Lane when they are drunk.

Damage has been caused to vehicles parked in Farm Lane and the police have been called on many occasions.

2: music :- music being played so close to peoples houses is disgusting. This is a residential area consisting of families with young children and elderly people with health problems. Music being played until ridiculous hours is not fair to the residents.

3:- Opening hours. I have noted that opening hours will be:-
Mon-Wed - midnight
Thurs - Sat - 1am
Sun - 11.30pm

When do you propose we get our rest? A majority of our bedrooms overlook Farm Lane. This means that we will have the full level of noise when we are in bed and if the weather is hot, will we be expected to sleep with windows shut?

I would also like to know what the extension time is exactly as the notice is extremely vague on this matter.

I am also extremely concerned that there will be a major problem with parking.

I personally, park my vehicle at the rear of my property.

During the refurbishment of the
premise, I have been unable, at
numerous times, to get my
vehicle in or out of my property
due to the mindless behaviour
of the workmen. I have also
had to put up with skips being
placed to make it hard to move
my vehicle. I have photographic
evidence of this.

The car park which is alongside
the venue is the only place they
should park. However, I fear that
cars will be parked down behind
the venue which is an emergency
access road for fire vehicles
etc in the event of an emergency
in any of the market Pleasant
Cottages in Farm Lane. No
vehicles should be parked there
at anytime.

Once again, please register my objections to all of the proposals.

There is no need for two entertainment establishments to be in such a small residential area. One is sufficient, two is ridiculous and should be stopped.

Thanking you in anticipation.

Yours faithfully



