

## Licensing Sub Committee

Tuesday 31 January 2012

### PRESENT:

Councillor Browne, in the Chair.  
Councillor Gordon, Vice Chair.  
Councillors Rennie and McDonald (fourth member).

Also in attendance: Debbie Bradbury (Lawyer), Pete Clemens (Senior Licensing Officer), Linda Perez (Licensing Officer), Rachael Harris (Senior Environmental Health Officer) and Helen Rickman (Democratic Support)

The meeting started at 10.00 am and finished at 11.30 am.

*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.*

#### 71. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

#### 72. DECLARATIONS OF INTEREST

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

#### 73. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

#### 74. VARIATION OF PREMISES LICENCE - FUNCTION JUNCTION, FARM LANE, HONICKNOWLE, PLYMOUTH

The Committee having –

- (a) considered the report from the Director of Place;
- (b) considered the written representations and heard from interested parties present;
- (c) heard from the applicant's legal representative:
  - the premise holds a full premise licence with conditions, however it has been boarded up for several years;

- Unionworld Limited own and have for about ten years operated the Brookside Social Club which is about 75 yards away;
- Brookside Social Club has been run successfully and without problems and has on average about eight hundred members;
- the premise was to be run as a function suite similar to Brookside Social Club to enable far more control over patrons who will either be members, their guests or persons attending pre-booked functions and this has proved to be a well managed formula;
- it would be easier to organise patrons to use the Brookside access both on foot and by car so as to reduce the use of the narrow Farm Lane route so making life better for residents in Farm Lane;
- there was ample car parking both on the Brookside site and Victory site;
- it was anticipated that there would be less use than if it were a pub with opening for less hours overall;
- there was more scope for family functions such as weddings, receptions, birthday parties and Sunday roast events;
- there have been no representations from any of the other responsible authorities;
- the applicant has six members of staff holding personal licences, with one SIA registered and another qualified and awaiting registration;
- the request to increase capacity to 400 was withdrawn;
- he agreed to accept the amended condition recommended by Environmental Health in respect of keeping doors and windows closed;
- the premise was already licensed for the hours specified and no extension was sought and the premise could be used for functions under the existing licence anyway;
- general comments about broken glass and beer cans etc were nothing to do with the applicant. Once open they intend to keep the area clean, tidy and safe;

(d) heard from the owner of the premise:

- he was experienced in running premises, together with other family members and would take into account all he had heard today and did not want to upset residents;

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

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

- a resident said the premise has been closed for several years and since that time residents have noticed a major decline in anti-social behaviour such as noise nuisance, violent conduct, littering and criminal activity including blatant drug use and vandalism to cars; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- damage has been caused to vehicles parked in Farm Lane and the police have been called on many occasions; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;

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

- children living nearby, could be affected by noise; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;

(3) **Prevention of Public Nuisance –**

- there would be noise disturbance to nearby residents if doors and windows are not kept closed during live or regulated entertainment; this was considered to be relevant however the amended condition in respect of windows and doors being kept shut during live or regulated entertainment would resolve this.
- a resident already suffers from people leaving the club and making noise walking down Farm Lane when the worse for drink; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- music being played so close to peoples houses is disgusting as this is a residential area consisting of families with young children and elderly people with health problems; this was considered to be relevant however there is no increase in

licensable activities at this premise;

- the opening of this establishment will inevitably bring increased traffic and increased traffic noise to the area. A resident said they already suffer from noise when vehicles are leaving Brookside Social Club; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- ask for the closing times to be 11pm in consideration of the residents who live in Farm Lane and the surrounding areas. A majority of a resident's bedrooms overlook Farm Lane and they will have the full level of noise when in bed and if the weather is hot will have to keep their windows shut; this was considered to be relevant however there was no request to increase the operating hours and the condition that the doors and windows will be kept shut during live or regulated entertainment will resolve this;
- parking of vehicles will be a problem and it is feared that vehicles will park down behind the venue which is an emergency access road instead of the car park; this was not considered to be relevant;

4) **Other representations –**

There was no need for two entertainment establishments to be in such a small residential area; this was not considered to come within any of the licensing objectives

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

- **Add Late night refreshment – granted**

Monday to Wednesday 11pm - Midnight  
Thursday to Saturday 11pm to 1am  
Sunday 11pm to 11.30pm

- **Change Name – granted**

Function Junction

- **Increase Capacity – withdrawn**

- **Add condition to Annex 2A – granted**

Annex 2A

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

- **Amend conditions – granted**

Annex 2C

13. Doors and windows will be kept shut during live or regulated entertainment

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.

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

75. **EXEMPT BUSINESS**

There were no items of exempt business.

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