

PLYMOUTH CITY COUNCIL

Subject: Review of Premises Licence
Clipper Inn, 65 Union Street, Plymouth

Committee: Licensing Sub Committee (Miscellaneous)

Date: 24 April 2012

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Place

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Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

An application has been received from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Clipper Inn, 65 Union Street, Plymouth.

Corporate Plan 2012 – 2015:

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/14451/ 30.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 INTRODUCTION

1.1 On the 29 February 2012 the licensing department received an application from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Clipper Inn situated at 65 Union Street, Plymouth.

1.2 Review application.

Devon and Cornwall Police have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder. A copy of this application has been served by Devon and Cornwall Police on each of the responsible authorities and the holder of the premises licence.

The police will allege that poor management of the premises has resulted in violent crimes and incidents tied and linked to the premises, reports of drunkenness, breaches of the premises licence, poor supervision and control of the outside smoking area and the inability to contact the designated premises supervisor by any means including written letters, telephone calls and text messages to the telephone numbers listed with the police and local authority.

The police have also encountered problems obtaining CCTV footage requested in writing on a specified form as is the requirement of the premises licence following reports of incidents and crimes of assaults, resulting in either no footage or the wrong footage supplied.

In accordance with review proceedings at 11.38am on Thursday 1 March 2012 a licensing officer from Plymouth City Council attended the premises and outside spoke to Mr Thomas Macpherson the designated premises supervisor and requested the site notice be displayed at the premises. A further notice was cable tied to the lamppost directly outside the premises.

At 1.20pm the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

Performance of Live Music (Indoors)

Monday to Sunday 10am to 6am

None Standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Playing of Recorded Music (Indoors and Outdoors)

Monday to Sunday Midnight to Midnight

Provision of Facilities for Dancing (Indoors)

Monday to Sunday Midnight to Midnight

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 11pm to 5am

The Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Monday to Sunday Midnight to Midnight

Opening Hours of the Premises

Monday to Sunday Midnight to Midnight

1.4 Conditions currently attached to the licence (Appendix 1).

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health* – no representations

2.2 *Devon & Somerset Fire & Rescue Service* – no representations.

2.3 *Trading Standards* – no representations

2.4 *Planning Officer* - no representations.

2.5 *Child Protection* – no representations

2.6 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

4.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

Regulated Entertainment

1. Enhanced CCTV system with images to be retained for a minimum of 14 days to comply with the UK Requirements for Digital CCTV Systems.
2. Suitable signage at the exit to request the co-operation of patrons, in particular:
 - To make as little noise as possible when leaving the premises.
 - Not to stand around talking in the street outside the premises or any car park, and to drive away as quietly as possible.
3. Staff positioned on main exits.
4. The use of a lobby to prevent noise break out.
5. Between 00:00 hrs and 02:00 hrs

Noise emanating from the premises will not be distinguishable above background levels 1 metre from the façade of the nearest residential property.

Conditions agreed with Environmental Health Authority

1. After 02:00 hrs until 08:00 hrs
Total sound containment within the premises.

Steps taken in order to promote the four Licensing objectives

1. First Aid provision available.
2. Sanitary facilities monitored and checked by staff at regular intervals.
3. Clubwatch radio link to Plymouth City Council CCTV system will be switched on and monitored at all times the premises are trading.
4. Occupancy monitored by senior members of staff by clicker counting at peak times of trade, otherwise monitored by staff at regular intervals.
5. Taxi numbers available for patrons
6. Monitoring and management of sound levels by senior members of staff regarding background music, live entertainment and designated smoking areas.
7. Whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises.

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

Licensing Review Hearing held on 13th March 2007

The existing Club Watch radio link (already condition 3 on the premises licence) be maintained between the hours of 2am and 6am by a SIA registered member of staff;

The SIA registered member of staff maintaining the main exit in addition to his/her corporate uniform would, in accordance with the Club Watch initiative, wear a high visibility luminous armband provided by the Devon and Cornwall Constabulary. If the occupancy level rose above 86, the second SIA registered member of staff present on the premises likewise would be identifiable by the Club Watch armband.

Licensing Review Hearing held on 20th April 2010

A SIA door supervisor will be employed from 02.00hrs through to 06.30hrs Monday to Sunday and at such times as the DPS feels will be appropriate for the safety and security of patrons.

A SIA door supervisor will remain in a principal position near the external front entrance from 04.00hrs through to 06.30 hrs 7 days a week to marshal patrons using the front external smoking area unless circumstances require them to carry out duties elsewhere within the licensed curtilage of the premises.

A register of SIA door supervisors will be maintained detailing a name, licence number, date of expiry of licence and contact details of the individuals concerned. The register will be available for inspection for up to 30 days.

The DPS and in their absence other authorised staff will be able to download images following a written request of footage by any responsible authority either at the time or as soon as is reasonably practicable.