

## PLYMOUTH CITY COUNCIL

**Subject:** Odyssey 32 – 36 Union Street, Plymouth, PL1 3EY  
Grant of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 25 April 2012

**Cabinet Member:** Councillor Michael Leaves

**CMT Member:** Director for Place

**Author:** Bev Gregory, Licensing Officer

**Contact:** 01752 307981  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Executive Summary:**

An application has been received from Thompson & Jackson on behalf of Fletcher A Limited in respect of the premises known as Odyssey (formerly known as Millennium) 32-36 Union Street, Plymouth for the grant of a premises licence under Section 17 of the Licensing Act 2003.

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### **Corporate Plan 2012 – 2015:**

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

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

Not applicable

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### **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.

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### **Recommendations & Reasons for recommended action:**

That Members consider this report.

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### **Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

Application.

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's Licensing Policy.

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**Sign off:**

Fin		Leg	DJB/14 455/03. 04.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

## 1.0 Introduction

1.1 On the 1 March 2012 the licensing department received an application from Thompson & Jackson Solicitors on behalf of Fletcher A Limited for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Odyssey (formerly known as Millennium) situated at 32-36 Union Street, Plymouth.

## 1.2 Grant application.

Entertainment venue with licensed bars, dance floors and café/bistro facility

## 1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(E) <b><u>Live Music (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(F) <b><u>Recorded Music (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(G) <b><u>Performances of Dance (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(I) <b><u>Provision of Facilities for Making Music (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(J) <b><u>Provision of Facilities for Dancing (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(K) <b><u>Provision of Facilities for Entertainment of a Similar Description to that falling within I or J (Indoors)</u></b>  Monday to Sunday          7pm to 3am  <u>Non Standard Timings</u> New Years Eve to 24 hours
(L) <b><u>Late Night Refreshment (Indoors)</u></b>  Monday to Sunday          11pm to 5am

<p>(M) <b><u>Supply of Alcohol for Consumption on the Premises</u></b></p> <p>Monday to Sunday          7pm to 3am</p> <p><u>Non Standard Timings</u> New Years Eve to 24 hours</p>
<p>(O) <b><u>Hours Open to the Public</u></b></p> <p>Monday to Sunday          7pm to 3.30am</p> <p>Café / Bistro facility no alcohol up to 24 hours</p> <p><u>Non Standard Timings</u> New Years Eve to 24 hours</p>

1.4 Steps the applicant intends to take to promote the four licensing objectives (Appendix 1).

1.5 Plan of the premises (Appendix 2).

1.6 Representations have been received in respect of this application.

### 1.7 **Cumulative Impact Policy**

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

## 2.0 **RESPONSIBLE AUTHORITIES**

2.1 *Devon & Cornwall Police* – have made representations relating to the prevention of Crime and Disorder and Public Nuisance (Appendix 3)

2.2 *Environmental Health* – have made representations relating to the Prevention of Public Nuisance and Public Safety (Appendix 4)

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**

3 letters of representation have been received, one from a resident living within the vicinity of the premises, and two from local ward councillor's. One letter being a joint representation from a third ward councillor. (Appendix 5 - 7)

### **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. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

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.

**THOMPSON & JACKSON  
SOLICITORS  
4/5 St. Lawrence Road, Plymouth, PL4 6HR**

**LICENSING ACT 2003**

Premises:- Odyssey, 32-36 Union Street, Plymouth

Applicant(s):- Fletcher A Limited

This list is not intended to be definitive or exhaustive but is intended to indicate the initiatives and business practices adopted in the conduct of these licensed premises designed (inter alia) to address the licensing objectives specified in the Act.

(a) GENERAL

1. Adequate staffing levels commensurate with customer levels.
2. Staff banned from drinking whilst on duty.
3. Drug and weapons disposal facility at entrance.
4. Participation in Pubs against Drugs Scheme or any similar recognized initiatives.
5. Drugs warning notices on display.
6. Zero tolerance to drugs use and dealing.
7. Active promotion of social interaction of customers and staff by
  - (a) Charity fundraising.
  - (b) Themed events.
  - (c) Local community activities.
8. Access to legal advice on all licensing issues.
9. Membership of and/or participation in
  - (a) any Local LVA or LVS L.L.A.
  - (b) Pub Watch/Club Watch Schemes, City Safe, Best Bar none or similar.

(c) all similar local initiatives.

(d) Local neighbourhood residents/trading groups.

10. Full support for Exclusion Orders imposed by Courts.
11. Dress code for staff.
12. Dress code for customers.
13. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
14. Food available – separate catering area (not licensed for alcohol)

(b) THE PREVENTION OF CRIME AND DISORDER

- (1) No open bottles or other drinking vessels or any drinks to be taken from the premises.
- (2) All managers and staff will be made aware of and supplied with a copy of the conditions attached to the Licence.
- (3) At all times the premises are trading a Personal Licence Holder will be present and responsible for managing the premises with access to the Designated Premises Supervisor at all times.
- (4) CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems' with a minimum number of 100 cameras with at least two headcams worn by security staff. Provisional positioning of CCTV annexed.
- (5) CCTV cameras to be kept clean and maintained at all times.
- (6) CCTV images will be retained for a minimum of 28 days.
- (7) The CCTV system will have the capability of downloading the images to a recognized format.
- (8) A register will be kept detailing all requests by police for CCTV images. This will include time and date of request, time, date and location of incident, time and date of hand on to Police.
- (9) During trading hours, there will be designated members of staff present who are trained to view and download images from CCTV at request of the Police.

- (10) The Police Licensing Department will be informed as soon as possible if at any time the CCTV system is not working.
- (11) A daily incident logbook will be kept detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months to the Police or any other responsible authority for inspection, if required.
- (12) No irresponsible drinks promotions or “all inclusives”.
- (13) Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:  
  
UK photo Driving Licence  
Passport  
PASS accredited cards
- (14) Notices publicizing the Challenge 25 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times.
- (15) All staff are to receive documented training on induction and at least every six months in the prevention of under age sales, drug awareness, assessment of customers’ alcohol consumption and the prevention of alcohol sales to drunken persons.
- (16) Details including name or description of all persons banned for misbehaviour within or in vicinity of the premises to be kept in a register that is available to responsible authorities upon request.
- (17) Any half pint or pint drinking vessels will be made from toughened or safety glass.
- (18) Employment of Licensed security door staff to appropriate levels as necessary and agreed with Police Licensing Department.
- (19) No drinks hoarding.
- (20) Pro-active policy against “binge” drinking.
- (21) Zero tolerance to offensive conduct.
- (22) Regular glass collection.
- (23) Adequate seating and table facilities.



- (24) Provision to the Police and other Enforcement Agencies of a dedicated interview area (marked on plans).

(c) PUBLIC SAFETY

1. Air-conditioning.
2. Regular inspection of
  - (a) electrical installations.
  - (b) fire fighting equipment.
  - (c) gas installation.
  - (d) emergency lighting.
3. Adequate toilet facilities to at least minimum hygiene standards.
4. Staff training in hygiene standards.
5. Regular dedicated cleaning of premises.
6. Specific Food Hygiene Standards to be complied with.
7. Health and Safety Risk Assessments for staff and customers.
8. Facilities for disabled.
9. Designated compliant smoking area covered by CCTV and monitored by security staff.
10. Staff assistance for disabled.
11. Limit number in premises – 2250.
12. Provision of a dedicated medical treatment facility for use by para medics (marked on plans).

(d) THE PREVENTION OF PUBLIC NUISANCE

1. Overriding control of level of sound from
  - (a) amplified music
  - (b) live music

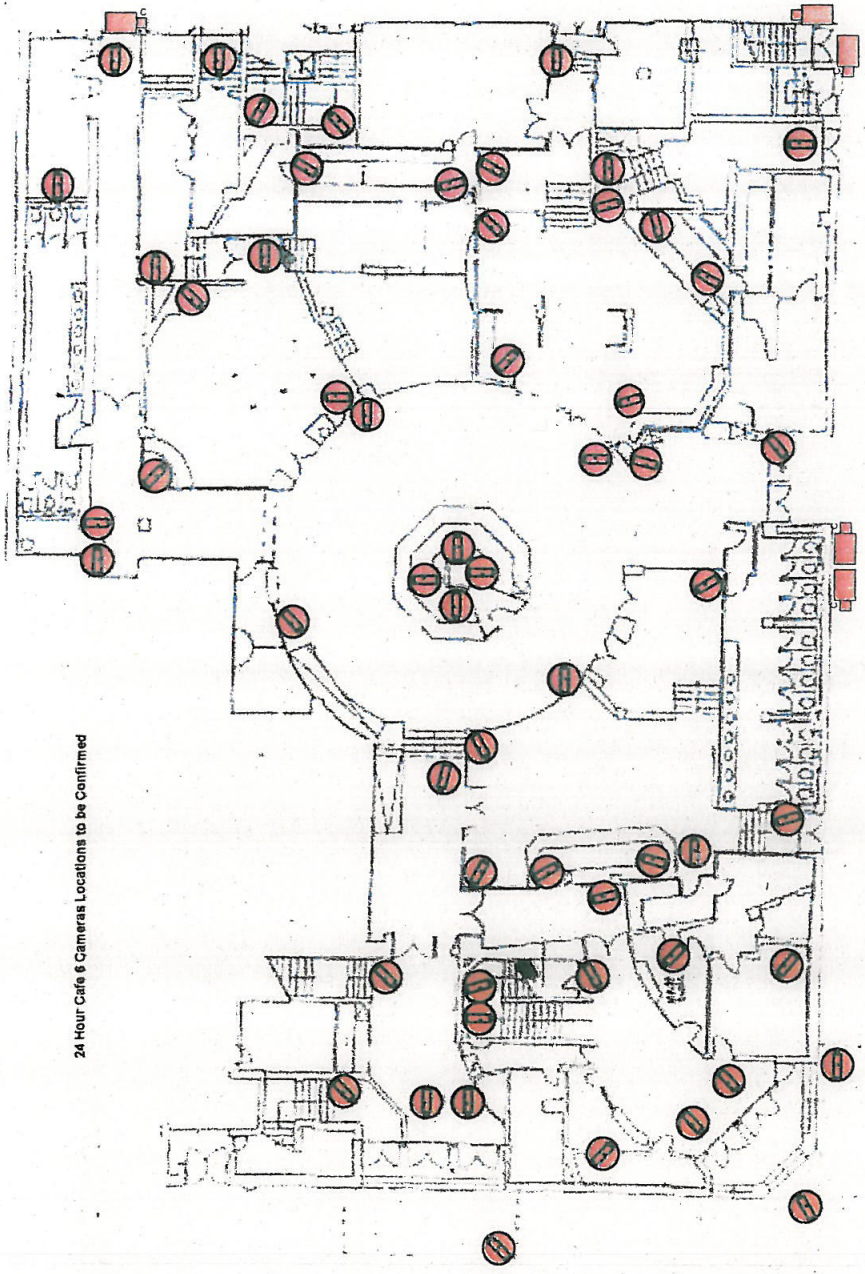
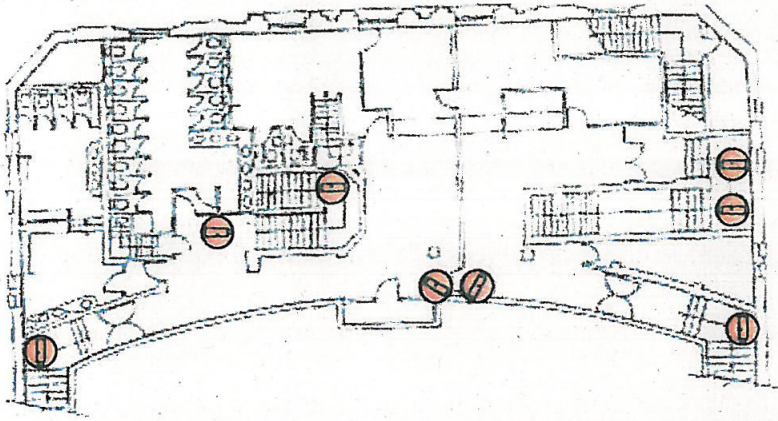
2. Sound containment measures including sound proofing, self-closing doors etc.
3. Advisory notices re. noise on leaving premises.
4. Freephone or similar taxi facility.
5. Nominated staff to deal with complaints from neighbours.
6. "Open-door" policy towards neighbours.
7. CCTV and/or regular monitoring of external areas of premises at night.
8. Awareness of local "sensitive" and residential properties.

(e) PROTECTION OF CHILDREN FROM HARM

1. No entry to anyone under 18.
2. Staff training (as at (b)(15)).
3. Notices displayed as at (b)(14).

Notice:-

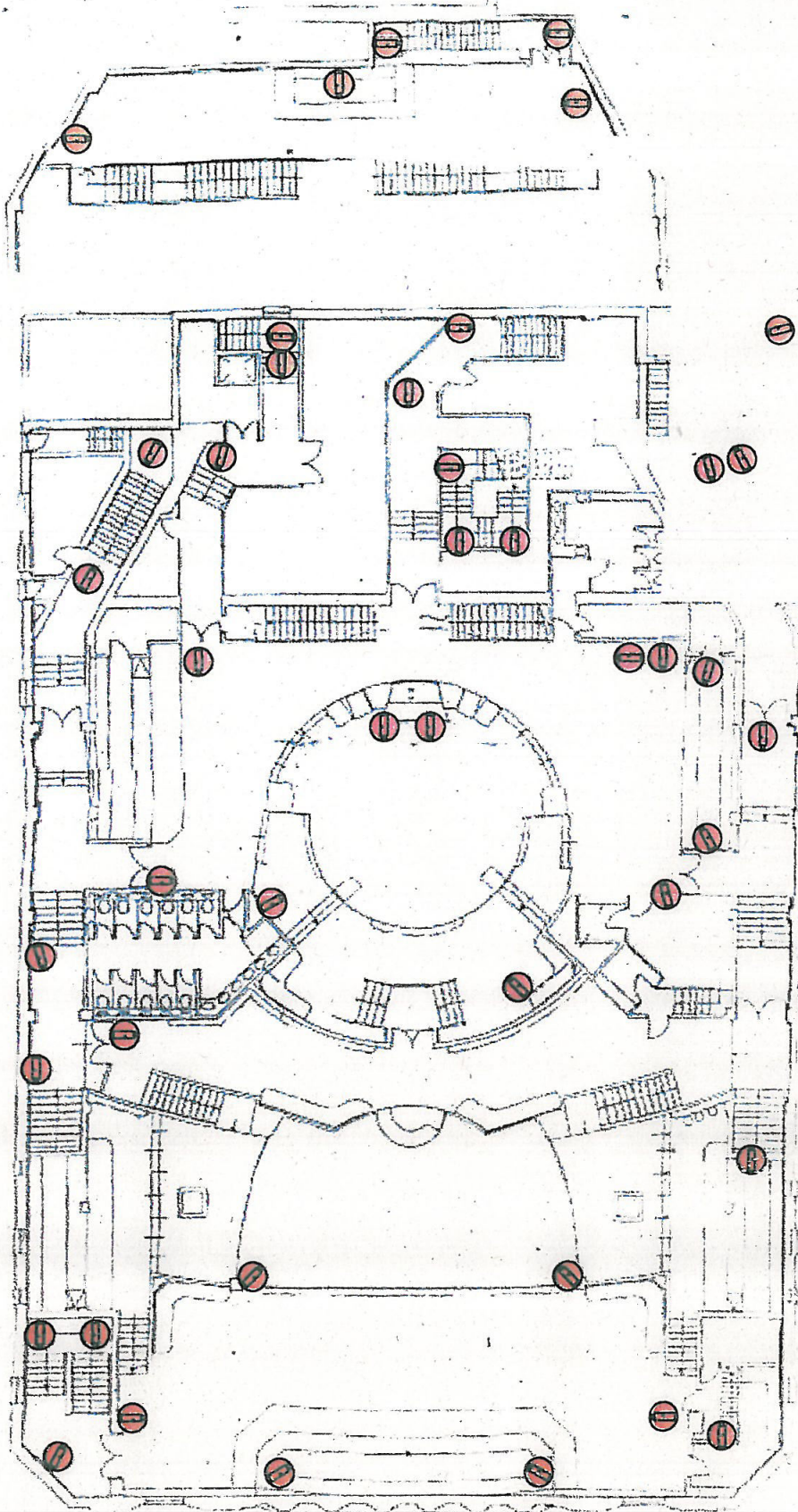
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24 Hour Cafe & Camera Locations to be Confirmed

ODYSSEY VENUE PROPOSED CAMERA POSITIONS





ODYSSEY THE PROPOSED CAMERA POSITIONS

Our ref:  
Our ref:

Your ref:

APPENDIX 3

Licensing Officer  
Plymouth City Council  
Civic Centre  
Plymouth  
PL1 2EW

David McIndoe  
Licensing Officer  
Charles cross Police Station  
Plymouth

Telephone: 01752 720473

26 March 2012

**Re: Application to Grant a Premises Licence – Odyssey 32 – 36 Union Street  
Plymouth PL1 3EY**

Dear Mr Clemens

With regard to the above application, please be advised the police intend to make representations to the Plymouth City Licensing Committee as it is felt the grant of this licence will have a negative impact on the licensing objectives, of The prevention of Crime and Disorder and Public Nuisance.

The premises are situated within an area that is subject to Plymouth City Council's Cumulative Impact Policy and as such we would refer to the evidence produced by the police that supported the introduction of this policy

It is our contention that if granted a licence for the retail sale of alcohol and the provision of regulated entertainment then given the capacity will be 2250, the people who gather in and around the premises are likely to have a negative impact on the licensing objectives and will increase levels of violence, disorder and anti social behaviour reported.

Further those choosing to smoke outside the premises, even given the provision of a smoking area, will have a negative impact on the prevention of crime and disorder and public nuisance licensing objectives.

A check of The Devon and Cornwall Constabulary records show Alcohol related Crime levels and Anti Social behaviour in the Union street area remains high with most incidents taking place between Midnight and 0600hrs.

Both the Licensing act and the Plymouth City Council Licensing policy require any application for a material variation within a cumulative impact area to demonstrate how the applicant intends to ensure that the variation will not impact on the promotion of the four licensing objectives.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

Therefore the Devon and Cornwall Police wish to object to this application

Yours sincerely

D. MCINDOE  
Licensing Officer.  
Devon & Cornwall Constabulary

<b>Licensing Act 2003 Environmental Health Representation</b>	
From:	<b>Unit Manager, Public Protection Service</b>
To:	<b>Head of Licensing Section</b>
FAO:	<b>Peter Clemens</b>
Date:	29 <sup>th</sup> March 2012
Schedule Ref:	<b>TC/821660</b>
Investigating Officer:	Rhodri Morgan
Extension Number:	4158
<b>Application Details</b>	
<b>Premises: Odyssey</b>	
<b>Name of Applicant:</b> Fletcher A Limited	
<b>Address:</b> 32-36 Union Street, Plymouth	
<b>Type of Application:</b> Alcohol (On)/Entertainment Licence/ Late Night Refreshment Licence	
<b>Date of Inspection:</b> 2 <sup>nd</sup> February 2012	
<b>Representation</b>	
This department would like to make the following representation:	
<b>This Department would recommend refusal of the application as applied.</b>	
<b>I consider the application to undermine the following licensing objectives:</b>	
<b>(please delete as appropriate)</b>	
Public Safety	
The Prevention of Public Nuisance	
<b>The likely effect of granting the licence as applied will undermine the licensing objectives because:</b>	
<b>The Prevention of Public Nuisance</b>	
Due to the proximity of nearby local residential properties there is the potential for the use of the premises, if granted as applied to cause a public nuisance from music noise breakout from the premises, the proposed smoking area, from people noise and noise from taxi vehicles as the customers leave the premises and from takeaway litter being inappropriately disposed of.	
<b>Public Safety</b>	
The applicant has not provided sufficient information as to how the operation will not affect the safety of patrons using the premises. For example, from the safe capacity of the premises and sufficient supply of sanitary conveniences.	
<b>Recommendations</b>	

**I therefore recommend that this application is refused because:**

The applicant has not demonstrated in the application how the licence, if granted would not undermine one or more of the four licensing objectives.

Having considered the application on its own merits there is the potential for the application to impact negatively on the cumulative impact already determined in the area. The premises is located within the Union Street and Derry's Cross Cumulative Impact Area and this department has concerns that the size and capacity of the club has the potential to increase the public nuisance associated with a high concentration of bars/clubs in Union Street. The operation of the premises as applied also has the potential to impact on the licensing objective for Public Safety.

The applicant has not demonstrated how or why the proposed operation of the premises of the premises will not add to the cumulative impact already being experienced or not undermine one or more of the four licensing objectives.

The proposed capacity of the premises is 2250 persons.

The premises has residential accommodation directly next to it on Union Street and a number of other residential units within 50m of the premises on Union Street.

The Department has carefully considered the application in light of recommending conditions that could be attached to the licence in order to promote the Licensing Objectives for Public Nuisance and Public Safety. The department has contacted the solicitor acting on behalf of the applicant for clarification on a number of practices and initiatives the client has proposed in the licence application. No response has been acknowledged or received by this Department.

The queries put forward have related to public nuisance and public safety and these include:

1. A request to the applicant asking them to provide information to demonstrate how the proposed operation of the premises will not add to the cumulative impact policy area.  
Public Safety
2. Provide this department with specifications and types of air-conditioning that will be provided and where it will be provided
3. Provide information to confirm the applicants intention to provide an adequate number of sanitary conveniences.
4. Provide information as to how a capacity of 2250 persons was determined along with any calculations.

Public Nuisance

5. Clarification on the applicants proposals for '*overriding control of level of sound from (a) amplified music, (b) live music.*' And whether or not this will include the provision of any noise limiting equipment and its specifications.
6. Confirmation on what provision and specification of sound-proofing will be provided to the premises.
7. Further clarification to address the applicants statement with respect to '*awareness of local "sensitive" and residential properties*'

Without such information this department is not in a position to potentially recommend conditions. The applicant has also not demonstrated how they intend to manage:

- a. Noise emissions from the premises.
- b. Queuing of patrons outside the premises.
- c. Use and management of outdoor areas, particularly smoking area and supervision.
- d. The dispersal of customers from the premises (2000+ people leaving the premises).

And how this will not impact on the Cumulative Impact Policy Area which the premises is located within.

In this Department's opinion the grant of the application as applied will create an overall negative impact that may contribute to public nuisance through potential increase in levels of disturbance and public safety through lack of information as to the proposed management of the premises (as outlined above).

There is the potential impact on the nearby community of noise problems associated with the use

of this premises if granted, as applied, from additional noise from music and from in excess of 2000 patrons leaving the premises causing an additional potential disturbance which does not exist at the current time. There is also the potential for a negative 'knock-on' effect on the area relating to public nuisance and public safety from patrons leaving the premises and/or using the bistro, (which could potentially be open for 24hr, if granted as applied) with litter and noise issues and also from patrons trying to leave the area in taxi vehicles.

The aim of the licensing process is to regulate licensable activities so as to promote the four licensing objectives and facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. The applicant has not demonstrated this in the application.

The applicant has provided a number of proposed measures particularly with regard to the control and safety within the premises e.g. extensive CCTV coverage and proposed safety requirements in line with current Health & Safety and Fire Safety legislation. But has not demonstrated or taken into account any sensitivity that the use of the premises may have on local residents in relation to public nuisance.

Since the introduction and application of the ban on smoking within substantially enclosed premises in 2007 this department has received a significant increase in complaints relating to the use of outside areas for smoking within licensed premises. The proposed smoking area/terrace is located in a side area of the premises which adjoins a mixed use residential/business property. There is the potential for noise emanating from this area to impact on public nuisance with regard to persons habiting these properties.





04/03/2012

Dear Sir / Madam

I've recently been informed that a licensing application to re-open the old Millennium nightclub on Union Street renamed Odyssey Nightclub is in progress, this I'm very much against as the club in question backs on to the Flora Court Estate, over the years I have on many occasions called the Police in the early hours due to fighting breaking out between drunken clubbers in our car park when the clubs and pubs kick out, this has worsened since opening times have been extended and we find drunken youths wondering about our car parks shouting swearing and urinating at 5 - 6am wherever they want this includes males and females which is not good for any young children in the area to witness.

The Police cannot patrol everywhere now with government cut backs there may not be as many so opening another Nightclub in Union Street would only put more pressure on them so making it irresponsible to do so.

Another factor for me is that I am a Health care worker working shifts needing to get my sleep when at home as my job involves giving medication so I need to be alert and at the top of my game, also at home I care for a gentleman who is on medication for depression and with the disturbances we get on Friday and Saturday nights presently unsettles him which makes it harder for me to relax.

**Another Nightclub we do not need.**



receipt card sent 9/3 - Linda

29/03/12

APPENDIX 6

Dear Sirs

I am writing to object to this licence application.

As a ward Councillor I am hearing increasing numbers of concerns from local residents about noise and anti-social behaviour in the Union Street area between the Octagon and Western Approach. There is high density housing and a school in this area in addition to which this stretch of the street currently contains Jesters, Two Trees, The Clipper and Maxine's together with late night takeaways. The introduction of an additional venue with a capacity of 2,250 people open from 7.00pm-3.30am with food available until 5.00am will have a substantial impact on the numbers of people in this small area. Our experience of the late night economy in the area leads us to believe that there will be a marked increase in noise and anti-social behaviour linked to drunkenness. The additional numbers of people spilling out into the street at closing time will lead to a peak of noise and increased traffic in the middle of the night.

I am concerned that together these factors lead to a situation where the cumulative impact has implications on the prevention of crime and disorder, the prevention of public nuisance and public safety. Because of this cumulative impact I do not believe that there are any actions that the applicants can take to mitigate these to the satisfaction of local residents.

I therefore request that the Licensing Committee refuse this application.

Kind Regards

Chris

**Councillor Chris Penberthy**  
St Peter and the Waterfront ward

To the Licensing Committee,

I wish to object as a ward councillor to the above-named application on the following grounds:

### **Protection of Children from Harm**

The premises intend to remain open from 1900hrs to 0330 hrs within a densely populated part of the city. Previous experience of "Clubland" indicates to us, based on casework, that sleep disturbances are experienced by children in particular and also some adults due to the noise clubgoers make when leaving the premises. This Club will have a capacity of 2,250. Councillors are remain unconvinced that all measures will be in place to protect children from harm. Anecdotal evidence from school governors within the local primary schools within this part of the Stonehouse Neighbourhood indicates informs us that children sometimes arrive to school very sleepy particularly when a busy night has occurred on Union Street - "the street".

We are not convinced that age restrictions on young people will be checked given the volume of numbers involved. As school governors in local primary schools we have seen underage young girls whom we knew as children at 11+ age queuing to get into clubs

### **Public Nuisance**

We are not convinced that there are sufficient vehicles to take people out of Union Street quickly during the night hours given the volume of clubgoers. We are not reassured that there will not be "spillover" of clubgoers out in the street waiting for taxis. We are also not convinced that local takeaway food outlets can cope with the sheer volume of clubgoers. There is already litter in the streets nearby which residents attribute to the night time economy.

### **Public Safety**

We think that the relative narrowness of the street at this point and potentially long queues forming for entry, particularly when drink is sold cheaply at the start of the late night economy, will lead to incidents on the street that will compromise public safety. The lack of night transport e.g. night buses that operate in other cities with even smaller areas of the night time economy does not happen in Plymouth. We are aware of previous incidents over access to taxis leading to fights in the street. It is not uncommon to see people running out at random into the road (Union Street) making driving hazardous. Taxi Marshalls are not in place within this geographical part of the night time economy.

### **Crime and Disorder.**

The above Public Nuisance and Public Safety issues also contribute to crime and Disorder. We have witnessed people fighting, have been informed about drug taking and dealing and have cooperated with problems large venues can cause in compressed areas e.g. The Palace Theatre - Dance Academy.

We believe that the intent of the cumulative impact policy is to protect people and neighbourhoods from the potentially bad effects of Clubland. We believe that people should be able to enjoy themselves but not to the detriment of others such as residents. Union Street and the surrounding Neighbourhood is an area with aspirations amid places for people who are experiencing difficulties such as the George Hostel for the homeless and the Shekinah Mission nearby. We have worked with residents and Neighbourhood Management within Stonehouse to enhance local green areas and local housing. We have been asked to sort out vomit, urine and other litter within communal doorways which residents attribute to the effect of clubland.

Yours sincerely,

Cllr Sue McDonald and Cllr Tuffin  
St Peter and the Waterfront