

Licensing Sub Committee

Tuesday 29 May 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Bowyer, Vice-Chair.
Councillor Singh.
Councillor Mrs Dolan (fourth member).

Also in attendance: Debbie Bradbury (Lawyer), Linda Perez (Licensing Officer), and Katey Johns (Democratic Support Officer).

The meeting started at 10 am and concluded at 6.10 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.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Mrs Bowyer is appointed as Vice-Chair for this meeting.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

4. GRANT OF PREMISES LICENCE - ODYSSEY, 32 - 36 UNION STREET, PLYMOUTH, PL1 3EY

The Committee –

- (a) considered the report from the Director for Place outlining the application for an entertainment venue with licensed bars, dance floors and a café bistro facility;
- (b) responded to concerns raised by the applicant's legal representative in respect of information which had been published in error on the Council's website;
- (c) heard from the applicant's legal representative that -
 - the premise comprised a massive building on three floors purpose built as a cinema;

- the premise had been boarded up since 2003;
- the applicant wanted to bring the building back to life, create jobs and revenue from the operation of a properly run and managed entertainment centre with an adjoining café bistro facility;
- the applicant had a full feasibility and business plan;
- an in-house taxi service was to be implemented;
- a scan net system was to be in operation (the benefits of which were demonstrated to the Committee);
- there were no adjoining residential properties;
- the number of licensed premises in the area has fallen over the last few years, two had had their licences revoked and two were no longer operating;
- during a meeting with the Police on February 2012 they had indicated that when the Millennium was in operation it appeared to have a positive effect on crime and disorder because of the staffing levels, CCTV facilities and security levels;
- a specific smoking area was to be provided within the parameters of the premise which would be covered by CCTV and monitored by security staff, so smokers would not be on the street and could only exit the premise via the main door;
- the applicant had provided sixty-two initiatives and practices designed to address the licensing objective and cumulative impact policy;
- there was considerable support for the building to be brought back from the dead;

(d) considered verbal and written representations under the licensing objectives from interested parties, including Environmental Health, Devon and Cornwall Police and Ward Councillors, as follows -

i) **Prevention of Public Nuisance –**

Environmental Health believed that, due to the proximity of nearby local residential properties, there was the potential for use of the premises to cause a public nuisance from noise from the proposed smoking area, from people noise and noise from taxi vehicles;

Councillors Sue McDonald and Tuffin were not convinced there were sufficient vehicles to take people out of Union Street quickly during the night hours given the volume of clubgoers and there may be ‘spillover’ of clubgoers out in the street waiting for taxis and at food outlets. They said there was already litter in the streets nearby which residents attribute to the night time economy.

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

A local resident had concerns that the premise backs on to the Flora Court Estate and had in the past had to call the Police in the early hours due to fighting breaking out between drunken clubbers in their car park when the clubs and pubs kick out. Drunken youths had been seen shouting, swearing and urinating at 5 – 6am, unsettling the local residents and disturbing their sleep.

Councillors Sue McDonald and Tuffin had witnessed people fighting and been informed of drug taking and dealing.

Devon & Cornwall Police said the majority of crime in this area occurred between the hours of Midnight and 6am and could not be attributed to individual premises. The peak time for all crime was between 1am and 4am Friday, Saturday and Sundays.

When the premise last operated as a nightclub in 2004, between 01.03.02 to 29.02.04 328 offences were tied and linked to the premises and of these 224 fell into the violence related category.

Devon & Cornwall Police contend that if granted those attending the club were likely to have been already drinking and would congregate and queue outside the premises and due to the 2250 capacity would cause congestion and occupy a substantial part of the public pavement when queuing for entry substantially increasing the potential for public disorder and anti-social behaviour.

Devon & Cornwall Police say it is unclear where the management wish to place the smoking area or how this area will be controlled by the management

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

Councillors Sue McDonald and Tuffin believed sleep disturbances were experienced by children and some adults due to the noise clubgoers made when leaving premises and this club had a capacity for 2250. They said there was anecdotal evidence from school governors within local primary schools within the Stonehouse neighbourhood of children sometimes arriving at school very sleepy when a busy night had occurred on Union Street.

Councillors Sue McDonald and Tuffin were not convinced that age restrictions on young people would be checked given the volume of numbers involved. As school governors in local primary schools they said they had seen underage young girls whom they knew as children queuing to get into clubs.

iv) **Public Safety –**

Councillors Sue McDonald and Tuffin said that the narrowness of the street and potential for long queues forming for entry, particularly when drink was sold cheaply at the start of the night time economy would lead to incidents on the street that would compromise public safety together with the potential for fights over access to taxis and people wandering in the road making driving hazardous.

With respect to the application being within the cumulative impact area, Environmental Health believed there was the potential for the application to impact negatively on the cumulative impact already determined in the area. They said the size and capacity of the club had the potential to increase the public nuisance associated with a high concentration of bars/clubs in Union Street.

Following assessment of the applicant's business plan and policies and procedures, a number of the department's concerns had been addressed although concerns remain, a number of conditions have been recommended by Environmental Health and were agreed with the applicant.

However, issues such as the dispersal of customers, patron noise, and concerns over the smoking area provided for patrons remained and the Environmental Health department therefore recommended refusal of the application.

Councillor Penberthy believed there would be a cumulative impact and he did not believe there were any actions that the applicant could take to mitigate this to the satisfaction of local residents.

Devon & Cornwall Police said the premise was located in a cumulative impact area and the applicant had not provided sufficient detail of how they intended to manage the problems associated with queues, the smoking area or the dispersal of patrons at the end of trading.

Members believed that the queuing and dispersal of large numbers of patrons into the cumulative area, would add to the existing cumulative impact on the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Members considered the measures put forward by the applicant by way of CCTV, taxi marshalling, lighting, door supervision and the scan net system, however, they did not consider that these measures were sufficient to demonstrate there would be no negative cumulative impact and it was agreed that it was appropriate for the application to be refused.

5. **EXEMPT BUSINESS**

Whilst parts of the information contained within the documentation presented to Committee were confidential, it was not necessary for the Committee to move to Part II during their discussions on this application.