

Licensing Sub Committee

Tuesday 7 August 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor John Smith, Vice-Chair.
Councillors Mrs Bowyer (Fourth Member for part of the meeting) and Churchill.

Also in attendance: Sharon Day (Lawyer), Linda Perez (Licensing Officer), Katey Johns (Democratic Support Officer), Mr Woodcraft (Applicant's Lawyer), Mr Daniel (Lawyer on behalf of residents making representation), Will Tomkins (Environmental Health Officer) and Councillor Fry (Ward Councillor on behalf of residents making representation).

The meeting started at 11 am and finished at 2.55 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.

18. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor John Smith is appointed Vice-Chair for this meeting.

19. DECLARATIONS OF INTEREST

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

20. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

21. PLYMOUTH DEAF ASSOCIATION, BLAKE LODGE, SEYMOUR ROAD, PLYMOUTH, PL3 5AS - GRANT OF CLUB PREMISES CERTIFICATE

The Committee –

- (a) considered the report from the Director for Place;
- (b) heard from the applicant and his legal representative that –
 - the premises had been open for 50 years;
 - the application was completely separate from the gym which leased part of the premises from the deaf association;

- they had made the application with a view to returning the premises to how it was run with a club registration certificate between 1985 and 2005 and there had been no problems during that time;
- they were not intending to increase the number of people who visited the premises but to serve alcohol to existing members who were on the premises. It was therefore not intended to target the mass market;
- it was intended to be a social place for people who were deaf and hard of hearing to meet in a social situation where they feel comfortable;
- associate members were usually people who had an interest in deaf and hard of hearing issues and who were learning to sign;
- the application was amended so that they were no longer seeking the sale of alcohol off the premises and also there was no longer an application for regulated entertainment due to the concerns raised by the public. They also agreed to amend their opening hours to the public to 8am to 11.30pm;
- as there was to be no food or off sales there would be no increase in litter in the area.
- agreement had been reached with Child Protection with regard to conditions to protect against under age sales;
- Mr Valentine would undertake the personal licence holder training to ensure he was fully aware of all current issues relevant to the trade. He was also himself resident on the site;
- agreement had been reached with some residents for conditions to address their concerns as follows-
 - the maximum number of persons including staff at any one time throughout the premises shall not exceed 100;
 - the maximum associate members shall not exceed 50;
 - no more than 2 guests may be signed in by any one member at any one time;
 - a dedicated smoking area shall be provided at the rear of the premises and monitored by staff or a committee member and covered by CCTV;
 - no drink or refreshment shall be consumed outside the building except in the smoking area up to 9 pm;
 - CCTV to comply with the UK Police requirements for digital CCTV systems is to be installed so as to cover the entrance and exits to the premises and the smoking area

and is -

- to be maintained at all times;
- images will be retained for a minimum of 28 days;
- the system will have the capability of downloading to a required format;
- a member of the club will be responsible for viewing and downloading images from the CCTV at the request of any of the responsible authorities;
- an incident log will be maintained;
- a dedicated taxi service is to be available to patrons with access available from within the premises;
- at all times the premises are open for the supply of alcohol at least one member of the committee shall be at the premises to ensure adherence to the conditions of the club certificate, to control noise levels, and to ensure no intoxicating liquor is supplied to anyone under the age of 18 years;
- the hours the premises will be open to the public are 8 am until 11.30 pm;
- notices shall be displayed at the exits to the premises advising persons leaving to disperse quietly and speedily so as not to disturb neighbouring residents;
- there shall be a dedicated committee member whose details including a telephone contact number for text purposes shall be made available to any neighbouring resident reasonably requiring them for the purpose of dealing with any problem being experienced;
- any changes to the club rules governing membership and or changes to these conditions shall be the subject of an application for a non-minor variation of the club premises certificate;
- all young persons attending the premises who are under 18 years of age shall be accompanied by an adult club member whenever the premises are open for the supply of alcohol;
- a defined under age policy is to be adopted and appropriate signs prominently displayed within the premises together with specified identification requirements;

(c) heard representations from Environmental Health under the prevention of public nuisance licensing objective that;

The premises were located in a quiet residential area and therefore there was the potential for the application to cause noise disturbance to nearby local residents. Therefore the following condition was put forward which it was believed would reduce the potential negative public nuisance impact on neighbouring premises:

- Noise emanating from the premises will not be clearly audible from the façade of the nearest residential property;

additional conditions had been put forward initially but were no longer relevant given the amended application;

- (d) considered written and oral representations from local residents under the licensing objectives as follows (some local residents were represented by a legal representative and others by a local councillor):

Prevention of public nuisance

- granting the licence would add to existing problems with noise which were already being experienced with a gym located nearby. This was considered relevant although the issues regarding the gym were irrelevant. The committee considered that this could be addressed by way of a special condition as follows:
 - Noise emanating from any part of the premises including the function hall will not be at a level that constitutes a nuisance to any residential property;
- granting the licence would add to existing problems with litter in the area and possibly glass from products from the premises. This was considered to be relevant however as there was no food sold at the premises and as off sales had now been removed from the application the committee did not consider that this would be an issue;
- granting the licence would lead to increased traffic which would cause inconvenience (for example from drive ways being used as turning points), noise pollution and congestion. This was considered to be relevant however the committee considered that any potential problem would be addressed by the condition put forward by the applicant in respect of using a dedicated taxi service;
- granting the licence would cause noise problems from music late into the night. The premises had held events in the past which have been noisy and which would not be acceptable occurring on a regular basis. Also residents were concerned that the levels of bass may be increased because the facility is for those who are deaf or hard of hearing and in the past heavy bass vibrations have been felt and heard by surrounding residents. This was no longer relevant as regulated entertainment had been removed from the application;
- granting the licence with alcohol being served in a residential area would increase the noise, disturb the quiet residential area and make the street feel less safe. This was considered to be relevant however special condition one would address the concerns as

would the conditions put forward by the applicant;

- licensing the playing of music and dance until midnight in a residential area, which includes care and nursing homes for the elderly, would lead to public nuisance. Additionally the buildings did not appear to have any sound proofing or air conditioning. This was no longer relevant as regulated entertainment had been removed from the application;
- there would be noise problems due to the frequency of people visiting the premise for alcohol which would filter out on to the street and into the neighbourhood. This was considered to be relevant however the committee considered that the conditions put forward by the applicant would address these concerns;
- drunkenness of patrons may cause noise problems in the area. This was considered to be relevant however the committee considered that the conditions put forward by the applicant would address these concerns;
- there could be noise from patrons smoking outside the premises and there was no designated smoking area which may cause more disturbance to residents. This was considered to be relevant however due to the applicants proposed condition in relation to having a smoking area which is monitored by CCTV and special condition I the committee considered that these would reasonably address any potential problem;
- there would be noise problems for local residents from the increase in people coming to use the premises and from them leaving. This would include the slamming of car doors. This problem was exacerbated by the fact that there was no number limit on patrons. This was considered to be relevant however the committee considered that any potential problems would be addressed by the conditions put forward by the applicant;
- residents raised concerns that noise would not be controlled because of problems they were already experiencing with the management of the premises over unrelated matters and that this undermined any confidence they may have in conditions on a licence being complied with. This was considered by the committee however they were satisfied that if there were any management failings then there were mechanisms under the Licensing Act for such matters to be dealt with;

Prevention of Crime and Disorder

- the police were currently unable to cope with public disturbances at Mutley Plain and North Hill. Granting the licence would lead to

an increase in the level of visitors buying alcohol in the area and a diffusion of the anti-social behaviour of such places into Seymour Road and the surrounding streets and which the police would not be able to control. The issue regarding police resources was not considered to be relevant and in any event there had been no representation received from the Police. In relation to there being an increase in visitors to the area and an increase in anti-social behaviour this was considered to be relevant however as this is a club which only admits members and there is a limit on the number of guests which can be admitted committee did not consider that these issues would arise;

- granting the licence may lead to an increase in visitors to the premises and lead to crime and anti-social behaviour in the area such as criminal damage, burglary, other alcohol related crime, noise, disruption and nuisance behaviour. The committee considered that this representation was similar in nature to the above and the points raised there apply to this representation also;
- granting the licence would lead to disorder as when parties have been held at the premises in the past disorder has descended into the residential area as a result of the noise and movement. There did not appear to be any proposals to supervise patrons attending and leaving the premises. There is also no occupancy, admission, supervision or security personnel proposal to address this concern. This was considered to be relevant however the committee considered that this potential problem had been addressed in the conditions put forward by the applicant and also special condition one;

Protection of Children from Harm

- if the licence was granted there was a risk that children living in the area would be exposed to the serving of alcohol all day and all night and it was not appropriate for children to be exposed to a pub/nightclub environment. This was considered to be relevant however the committee were satisfied that the conditions agreed with Child Protection and the removal of off sales from the application would address this concern;
- if the licence was granted there was a risk that children living in the area would be exposed to the serving of alcohol all day and all night and it was not appropriate for children to be exposed to a pub/nightclub environment. This was considered to be relevant however the committee were satisfied that the conditions agreed with Child Protection and the removal of off sales from the application would address this concern;
- any drunken behaviour would affect families living in the area. This

was not considered to be relevant as there is no evidence to support these concerns;

- the increase in traffic could create road incidents as some surrounding areas are cul-de-sacs where young children live. This was not considered relevant as road safety issues were a matter for the police and other agencies;
- as the premises would be selling alcohol there was a risk of underage sales taking place. There was no DPS to supervise and monitor the sale of alcohol. This was considered to be relevant however the conditions put forward by the applicant and those agreed with Child Protection would address this concern;
- granting the licence could be a risk to children due to possible increased levels of strong language and violent behaviour; also possible serious crime both violent and sexual. This was considered to be relevant however due to the nature of the premises the committee did not consider this to be a potential problem;
- there were concerns that granting the licence could lead to drug taking, gambling and violence due to the sale of alcohol, all of which could have an adverse effect on young families. This was considered to be relevant however due to the nature of the premises the committee did not consider this to be a potential problem;
- there were inadequate protection systems in place for the younger community as there were no written restrictions so it could become a popular and worrying venue for youngsters. This was considered to be relevant however due to the nature of the premises the committee did not consider this to be a potential problem;

Public Safety

- granting the licence would create an increase in the traffic and visitors to the area if alcohol was served every night. With this there would be a risk to the visitors of Blake Lodge being run over and to members of the public. This was not considered to be relevant as issues relating to road safety were within the ambit of the Police and other agencies;
- granting the licence would add to the number of cars already parked on the street as there was limited parking being available at the premises. This would be a public safety issue as emergency service vehicles would find access difficult which was a particular concern for a local nursing home and would also create safety issues for residents leaving their properties. This was not considered to be relevant as issues relating to road safety were

within the ambit of the Police and other agencies;

- due to the limited parking in the area the increased on road parking would cause danger to drivers. This was not considered to be relevant as issues relating to road safety were within the ambit of the Police and other agencies;
- the road was narrow and poorly lit and had speeding cars. The licence would increase traffic in the areas and this may lead to road incidents in some areas. Late night functions and deliveries which all create hazards and risks. This was not considered to be relevant as issues relating to road safety were within the ambit of the Police and other agencies;
- drunkenness of patrons could affect the safety of residents returning or leaving their homes. The streets did not have CCTV and were poorly lit. This was considered to be relevant however due to the nature of the premises the committee did not consider that this would be a problem;
- due to the nature of the premises there was a risk of overcrowding and violent behaviour. This would be a risk to the people in the surrounding area and there was little police presence in the area. This was considered to be relevant however the committee considered that any potential problem was addressed by the conditions put forward by the applicant;
- there was a risk to public safety if patrons were challenged on issues of noise, smoking and pollution. This was not considered to be relevant;
- patrons from the venue may wander around the grounds of the nursing home and cause concern to the residents. This was not considered to be relevant as this was not a matter that was within the control of the licensee;

General concerns not linked to the licensing objectives and which were not taken into account by the committee in reaching their decision -

- there was a concern that the application may be a cover for the gym and may not be being made by the Deaf Association. There was also confusion as to whether it was the gym or the Deaf Association who was making the application as they share the same plot of land;
- if granted members of the gym may start using the club and eventually so may members of the public and this would increase the number of visitors to the premises;

- there was no need for this premise in a residential area when there were a large number of licensed premises within Mutley Plain;
- Seymour Road was a quiet residential area and granting the licence would change the character of the street;
- there were plenty of other premises in the area;
- one resident queried whether there was a restrictive covenant preventing the premises being used in this way;
- closing time was too late.

The Committee agreed that having taken into account all of the relevant representations it is considered appropriate and proportionate to grant the licence subject to the amendments made by the applicant at the hearing, the conditions agreed by the applicant listed above, the conditions agreed with Child Protection, the special condition, conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003.

22. **EXEMPT BUSINESS**

Whilst parts of 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.