

Licensing Sub Committee

Tuesday 21 August 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Mrs Bowyer.

Apologies for absence: Councillor Kate Taylor.

The meeting started at 10.00 am and finished at 2.00 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.

23. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

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

24. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

25. **CHAIR'S URGENT BUSINESS**

There were no Chair's Urgent Business.

26. **TEMPORARY EVENT NOTICE - ODD BAR , 36 DRAKE CIRCUS, PLYMOUTH**

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) Heard from Environmental Health and Devon & Cornwall Police as detailed below under the relevant licensing objective;
- (iii) Heard from the applicant that:
 - He had applied for nine Temporary Event Notices for various periods between 22 September 2012 and 11 November 2012;
 - Agreed with Devon & Cornwall Police and Environmental Health that the conditions agreed with Devon & Cornwall on 5 October 2011 and the conditions agreed with Environmental Health on 14 October 2011 in Annex 2 of premise licence no. PA0122 shall be applied to the application;

(iv) considered objection notices in respect of the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

The primary concern was the use of the outside area until 6am in the morning which would have a significant impact. However this would be restricted if the conditions are imposed on the application and they are satisfied with this.

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

Devon and Cornwall Police were concerned that the application will allow drinks in the garden area after midnight.

The Police say the applications will undermine the prevention of crime and disorder and prevention of public nuisance licensing objectives. However, the Police were satisfied that these concerns would be alleviated if the conditions on the premise licence were imposed on the application as agreed with the applicant.

Having heard from the applicant and considered the objection notices of Devon & Cornwall Police and Environmental Health the members agreed it was appropriate for the promotion of the prevention of crime and disorder and prevention of public nuisance licensing objectives to:

Impose conditions on the standard temporary notices as agreed.

27. **GRANT OF PREMISES LICENCE - ANGELS, 38 - 40 UNION STREET, PLYMOUTH, PL1 3EY**

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) Heard representations from Environmental Health and Devon & Cornwall Police as detailed below under the relevant licensing objective;
- (iii) Heard from the applicant ('s agent) that:
 - A report had been undertaken by John Llewellyn Consultants and full details of this have been provided to the committee in appendix PC/1 and PC/3 of the report. This report deals with smoking and noise transmission, security, customer control and premises management and cumulative impact;
 - They have met with the Police and Environmental Health and have taken their advice;
 - This will operate as a gentleman's club hoping to attract a more mature person;

- The applicant as worked in the industry for about 16 years with the most recent being with the Barbican Live Lounge and his business partner is also experienced and has until recently worked at the Dairy;
- It was there intention to apply for a sexual entertainment venue licence and did not intend to open until this had been obtained;
- Proposed to have two door supervisors on the door and a further door supervisor in the premises;
- Had not yet provided full details of the intended management of the premises but this would be provided by Mr Llewellyn;
- The further eight conditions recommended by Environmental Health were accepted in addition to the conditions proposed in the letter dated 16 July 2012 and provided by John Llewellyn Consultants;
- There would be no designated smoking area and the customers would be moved on;

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

a) **Prevention of Public Nuisance –**

Environmental Health say that the premise is located in a cumulative impact area and there is the potential for the application to negatively impact on the prevention of public nuisance licensing objective. They say the premise is near local residential properties and there is the potential for the use of the premises to cause a public nuisance from music noise breakout from the premises;

This was considered to be relevant however members heard from the applicant that the conditions recommended by Environmental Health had been accepted as requested.

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

Devon & Cornwall Police say that if this application were granted it would lead to people gathering in and around the premises and is likely to have a negative impact, increasing levels of violence, disorder and anti social behaviour reported. Police 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 6am. There were 325 crimes of violence recorded for the cumulative impact area of Union Street and Derry's Cross, of these 100 were recorded in licensed premises while the others were recorded as street offences.

This was considered to be relevant, however members considered there would be a conditioning limiting the premise to having a maximum number of 100 persons (including members of the public, staff and performers, in addition members have added a special condition no. 8 and 9 which would add a condition regarding door supervision and restrict adult entertainment.

Those smoking outside the premises, even with the provision of a smoking area will have a negative impact.

This was considered to be relevant and members have added special condition no. 1 to address this.

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

Members considered the conditions proposed by the applicant and the concerns of Devon & Cornwall Police over the lack of detail provided by the applicant and felt it was necessary to improve the conditions regarding the sale of alcohol to under 18's and special condition no.2 to no.6 are added.

d) **Public Safety –**

Environmental Health were concerned that not enough information had been provided as to how the operation will not affect the safety of patrons using the premises. For example, details of any proposed air conditioning for customers:

This was considered to be relevant however members heard from the applicant a condition recommended by Environmental Health dealing with this had been accepted and this would resolve this concern.

e) **Other representations –**

Members heard representations from both Devon & Cornwall Police and Environmental Health concerning the cumulative impact policy and the potential negative impact on the prevention of crime and disorder and prevention of public nuisance licensing objectives and determined that as the cumulative impact policy applied it was for the applicant to demonstrate that there will be no negative cumulative impact on the prevention of public nuisance and prevention of crime and disorder licensing objectives.

Having considered the evidence provided by the applicant and his agent members believed there would not be a cumulative impact on the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Members were satisfied that the conditions proposed by the applicant's agent together with the additional conditions proposed by Environmental Health and the special conditions would ensure there would be no negative cumulative impact.

It was agreed that the application is granted, subject to the conditions proposed by John Llewellyn Consultants in their letter dated 16 July 2012 and exhibited as PC/1 to the report, conditions recommended by Environmental Health in appendix I of the report and the following special conditions:

1. A designated smoking area is to be provided and monitored by CCTV and supervised by a nominated person.
2. No person under the age of 18 years shall be admitted to the premises. Any person who looks or appears to be under the age of 21 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
3. All staff employed at the premises shall be trained in the requirements of the Challenge 21 policies. The identification and recognition of drunks and the correct procedure to be followed when refusing service.
4. The Licence Holder or nominated person shall ensure that bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. Training shall be signed and documented and training records be made available to a member of any responsible authority on request.
5. The Licence Holder shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to any responsible authority on request.
6. The training will be repeated at least every 4 months for all staff and will be recorded in documentary form that will be available for inspection at the time of request by a member of any responsible authority. The records will be retained for at least 12 months.
7. A minimum of two door SIA registered door supervisors are to be on the premises at all times when the premise is open.
8. There is to be no adult entertainment (including exhibition dancing).

9. The maximum capacity of the venue (which includes members of the public, staff and performers) shall be limited to a maximum of 100 persons at any given time during trading hours.
10. The licence holder or nominated person shall take steps to ensure that they have a suitable system in place that accurately indicates the number of customers (including staff and contractors) on the premises at any time.
11. A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment.
12. The licence holder or nominated person will control the sound levels during regulated entertainment.
13. The premise licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take any action to ensure compliance with existing licensing conditions.
14. Prominent, clear and legible notices shall be displayed at all exits requesting the patrons respect the needs of local residents and to leave the premises and the area quietly.
15. All doors shall be maintained in good order and where appropriate acoustically sealed to minimise noise breakout.
16. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the façade of the nearest residential property.

28. **EXEMPT BUSINESS**

There were no items of exempt business.