

## PLYMOUTH CITY COUNCIL

**Subject:** St Budeaux Royal British Legion Ltd. 74 Normandy Way,  
Plymouth  
Variation of Club Premises Certificate

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

**Date:** 17<sup>th</sup> September 2013

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Director for Place

**Author:** Marie Price (Licensing Officer)

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

**Ref:** ERS/LIC/PREM VAR

**Key Decision:** No

**Part:** I

---

### **Purpose of the report:**

An application has been received from St Budeaux Royal British Legion Club Ltd in respect of premises known as St Budeaux Royal British Legion Club Ltd, Plymouth for the variation of a club premises certificate under Section 84 of the Licensing Act 2003.

---

### **The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:**

This report links to the delivery of the City and Council objectives and outcomes within the plan.

In particular: Growing

See [http://www.plymouth.gov.uk/corporate\\_plan.pdf](http://www.plymouth.gov.uk/corporate_plan.pdf)

---

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

Not applicable.

---

### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

---

### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? Yes/No

---

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

That Members consider this report.

---

### **Alternative options considered and rejected:**

None

---

**Published work / information:**

For more information please see the below links.

**Licensing Policy** [http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf)

**Licensing Act** <http://www.legislation.gov.uk/ukpga/2003/17/contents>

**Licensing Act Guidance**

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Application									

---

**Sign off:**

Fin		Leg	18327/ag /2.9.13	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

## 1.0 INTRODUCTION

On the 28th June 2013 the licensing department received an application from St Budeaux Royal British Legion Club Ltd in respect of premises known as St Budeaux Royal British Legion Ltd, situated at 74 Normandy Way, St Budeaux, Plymouth for the variation of a club premises certificate under Section 84 of the Licensing Act 2003.

### 1.1 Details of variation

<b>Current Licensable Activities</b>	<b>Variation Application</b>
<p><b><u>(c) Indoor Sporting Events</u></b>  Monday 7:00pm 11:00pm  Tuesday 8:30pm 11:00pm  Thursday 7:00pm 11:00pm</p>	<p><b><u>(c) Indoor Sporting Events</u></b>  Monday to Sunday 9:00am 11:00pm</p>
<p><b><u>(e) Live Music</u></b> (Indoors)  Saturday 8:30pm 11:00pm  Non Standard Timings:  Christmas' Eve – 8:30pm to 12:15am  New Year's Eve – 8:30pm to 01:15am  Bank Holidays – 8:30pm to 01:15am</p>	<p><b><u>(e) Live Music</u></b> (Indoors)  Monday to Sunday 11:00am 11:59pm  Non Standard Timings:  Christmas' Eve – 11:00am to 00:15am  New Year's Eve – 11:00am to 01:15am  Bank Holidays – 11:00am to 12:15am</p>
<p><b><u>(f) Recorded Music</u></b> (Indoors)  Monday to Saturday 11:00am 3:30pm  6:30pm 11:00pm  Sunday Noon 3:30pm  6:30pm 10:30pm</p>	<p><b><u>(f) Recorded Music</u></b> (Indoors)  Monday to Sunday 11:00am 11:59pm</p>
<p><b><u>(g) Performance of Dance</u></b> (Indoors)  Monday 6:30pm 9:30pm  Non Standard Timings.</p>	<p><b><u>(g) Performance of Dance</u></b> (Indoors)  Monday to Sunday Noon 11:30pm</p>
<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u></b>  (Indoors)  Wednesday 7:45pm 11:00pm  Friday 8:00pm 11:00pm  Sunday 7:45pm 10:30pm  Non Standard Timings:  Bank Holidays – 7:45pm to 11:00pm  -</p>	<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u></b>  (Indoors)  Monday to Sunday Noon 11:30pm  Non Standard Timings:  Bank Holidays - Noon to 11:59pm</p>

<p><b><u>(i) The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises</u></b></p> <p>Monday to Saturday 10:00am Midnight  Sunday Noon 11:00pm</p> <p>Non Standard Timings:  Christmas' Eve - 10.00am to 12.15am  New Year's Eve - 10.00am to 01.15am</p>	<p><b><u>(j) The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises</u></b></p> <p>Monday to Sunday 10:00am 11:59pm</p> <p>Non Standard Timings:  Christmas' Eve - 10.00am to 12.15am  New Year's Eve - 10.00am to 01.15am  Bank Holiday - 10.00am to 12.15am</p>
<p><b><u>(j)The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place</u></b></p> <p>Monday to Saturday 10:00am Midnight  Sunday Noon 11:00pm</p> <p>Non Standard Timings:  Christmas' Eve – 10:00am to 12.15am  New Year's Eve – 10:00amto 01.15am</p>	<p><b><u>(j)The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place</u></b></p> <p>Monday to Sunday 10:00am 11:59pm</p> <p>Non Standard Timings:  Christmas' Eve – 10:00am to 00:15am  New Year's Eve - 10.00am to 12.45am</p>

### 1.3 Variation application

The nature of the proposed variation is to extend the hours when Licensable activities may take place and to remove the condition in Annex 2, B11. It shall now be referred to in the Clubs By-Laws which states children may remain in the club after 8:30pm for private functions only, when approved by the committee.

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

1.5 As part of the application the applicant put forward a number of conditions to promote the four licensing objectives (Appendix 2).

1.6 Representations have been received in respect of this application.

### 1.7 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

## 2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – no representations.

2.2 *Environmental Health* – no representations

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.
- 2.8 *Health Authority* – no representations.
- 2.9 *Licensing Authority* – no representations

### **3.0 OTHER PARTIES**

One representation in the form of a petition containing 9 signatures has been received. It is attached to this report marked appendix 3.

### **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 appropriate for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;

....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.

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 appropriate in order to promote the licensing objectives.

R. Carton  
Manager of Public Protection Service

## ANNEX I - 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.
3.
  - (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.
4. 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6.
  - (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.

7. 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.

## **Annex 2 - conditions consistent with the operating schedule**

### **A Supply of alcohol**

- The authorised hours for the supply of alcohol do not prohibit:
  1. during the first twenty minutes after the end of authorised hours, the consumption of the alcohol on the premises;
  2. during the first twenty minutes after the end of authorised hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
  3. during the first thirty minutes after the end of authorised hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
  4. the supply to, or consumption by, any person of alcohol in any premises where they are residing.

### **B Steps taken in order to promote the four Licensing objectives**

1. CCTV in operation.
2. Computerised door entry system with video surveillance.
3. No glass containers to be removed from premises.
4. No open bottles served.
5. Notice asking members to leave club quietly and respect our neighbours.
6. No one served who appears to be inebriated.
7. Band sound level kept in check.
8. Bad behaviour or language not tolerated inside or outside the club. (Member will be called before the committee in the case of such behaviour).
9. All members must be over 18 years of age and proof provided.
10. Proof of age will be requested if any doubt when serving drink.
11. Children must leave the club no later than 20:30 hrs.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

- ✳ CCTV IN OPERATION AT ALL TIMES
- ✳ COMPUTERISED DOOR ENTRY SYSTEM WITH VIDEO SURVEILLANCE.
- ✳ AT ALL TIMES THE PREMISES IS OPEN FOR BUSINESS A MEMBER OF STAFF WILL BE PRESENT WHO IS CAPABLE OF OPERATING THE SYSTEM AND DOWNLOADING IMAGES AT THE REQUEST OF THE POLICE OR A RESPONSIBLE AUTHORITY.

**b) The prevention of crime and disorder**

- ✳ THE PREMISES LICENCE HOLDER WILL ENSURE THAT A CCTV SYSTEM WHICH IS FULLY COMPLIANT WITH THE GUIDANCE CONTAINED IN THE (LCO) GUIDANCE DOCUMENT REGARDING INSTALLATION OF CCTV.
- ✳ THE CCTV WILL COVER ALL AREAS OF THE PREMISES TO WHICH THE PUBLIC HAVE ACCESS INCLUDING ANY OUTSIDE AREAS.
- ✳ IMAGES WILL BE RETAINED FOR A MINIMUM OF 31 DAYS.
- ✳ THE SYSTEM WILL BE CAPABLE OF DOWNLOADING IMAGES TO A RECOGNIZABLE VIEWABLE FORMAT.

**c) Public safety**

- ✳ NO GLASS CONTAINERS TO BE REMOVED FROM PREMISES.
- ✳ NO OPEN BOTTLES SERVED.

**d) The prevention of public nuisance**

- ✳ NOTICE ASKING MEMBERS TO LEAVE THE CLUB RESPECTFULLY + QUIETLY IN ORDER TO RESPECT OUR NEIGHBOURS.
- ✳ NOBODY WILL BE SERVED WHO APPEARS INEBRIATED.
- ✳ BAND SOUND LEVEL KEPT IN CHECK.

**e) The protection of children from harm**

- ✳ ALL MEMBERS MUST BE OVER 18 YEARS OF AGE AND PROOF PROVIDED (CHALLENGE 25).
- ✳ PROOF OF AGE WILL BE REQUESTED IF ANY DOUBT WHILST SERVING ALCOHOL.
- ✳ THE LICENCE HOLDER OR NOMINATED PERSON SHALL HAVE A WRITTEN AGE VERIFICATION POLICY IN RELATION TO SALE OR SUPPLY OF ALCOHOL.
- ✳ THIS POLICY WILL INCLUDE DOCUMENTED STEPS TAKEN TO PREVENT ADULTS FROM PURCHASING FOR OR ON BEHALF OF UNDER 18'S AND WILL SPECIFY A CHALLENGE 25 PROOF OF AGE REQUIREMENT BEFORE SALES OF ALCOHOL ARE MADE.
- ✳ ALL BAR STAFF SUPERVISORS/MANAGERS ARE TRAINED IN THE LEGALITY OF ALCOHOL SALES USING SUBJECTS TRAINING PACK EVERY SIX MONTHS. SIGNED + DOCUMENTED



4 July 2013

Normandy Way,  
St Budeaux,  
Plymouth,  
PL5 1SN.

Reference licencing 2003.

The Royal British Legion Club, 74 Normandy Way,  
St, Budeaux, Plymouth, PL5 1SR.

We residence of Normandy Way, St, Budeaux  
are opposed to the variation of the above clubs  
certificate in the licencing act 2003.

This club is situated in the middle of a  
residendeual area next to young familys, and working  
households plus elderly persons. It is a problem  
neighbour now with parking, and coming, and goings with car  
door etc, smokers talking loudly etc, at the front of the club  
They sold thier garages, and car park land which does no  
help. To give aproblem neighbour more leeway to give  
problems longer in the evening would be detrimental  
to our quality of life. It's not only drinks bill 2359 its  
the dispersol factor well after that time.

Our houses have the bedrooms above road level, an  
noise sounds, and carrys more late at night. This would  
be a step in the wrong direction to the citizen's  
of Normandy Way living near this club.

The club has traded all these years with its prese  
remitt, and we feel it should continue on those lines, ll  
not needed by the many who use the club only the few  
who never know when to go home.

Please, please keep it as it is, we have our own  
quality of living here to preserve.

RESIDENCE.

Yours Sincerely