

PLYMOUTH CITY COUNCIL

Subject: Porters 20-21 Looe Street, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 24 December 2013

Cabinet Member: Councillor Brian Vincent

CMT Member: Anthony Payne (Director for Place)

Author: Fred Prout (Senior Licensing Officer)

Contact details: Tel: 01752 304792
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Ref: ERS/LIC/PREM VAR

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Mr Stephen Langmaid in respect of the Porters 20-21 Looe Street, Plymouth for the Variation of a premises licence under Section 34 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

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? 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

Licensing Act

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

Licensing Act Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf

Background papers:

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

Sign off:

Fin		Leg	SD/6 .12.1 3/19 069	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

1.0 INTRODUCTION

1.1 On the 30 October 2013 the licensing department received an application from Stephen Langmaid the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Porters situated at 20-21 Looe Street, Plymouth.

1.2 Details of variation

Current Licensable Activities	Variation Application
<p>(b) Films (Indoors)</p> <p>Hours</p> <p>Monday to Sunday 10.00am to 12.30am</p> <p>Non Standard Timings.</p> <p>New Year's Eve extended to 01.00am on New Year's Day</p>	
<p>(c) Indoor Sporting Events</p> <p>Hours</p> <p>Monday to Sunday 10.00am to 12.30am</p> <p>Non Standard Timings.</p> <p>New Year's Eve extended to 01.00am on New Year's Day</p>	
<p>(e) Live Music (Indoors and Outdoors)</p> <p>Hours</p> <p>Monday to Sunday 11.00am to 11.00pm</p> <p>Live music in the garden/outside area shall cease at 11.00pm</p> <p>Non Standard Timings.</p> <p>New Year's Eve extended to 01.00am on New Year's Day</p>	<p>(e) Live Music (Indoors)</p> <p>Hours</p> <p>Monday to Thursday 7.00pm to 11.00pm</p> <p>Friday to Sunday 7.00pm to 11.30pm</p>
<p>(f) Recorded Music (Indoors and Outdoors)</p> <p>Hours</p> <p>Monday to Sunday 10.00am to 12.30am</p> <p>Recorded music in the garden/outside area shall cease at 11.00pm</p> <p>Non Standard Timings.</p> <p>New Year's Eve extended to 01.00am on New Year's Day</p>	
<p>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors)</p> <p>Hours</p>	

Monday to Sunday 11.00am to 11.00pm Non Standard Timings. New Year's Eve extended to 01.00am on New Year's Day	
<u>(l) Late Night Refreshment</u> (Indoors and Outdoors) Hours Monday to Sunday 10.00am to 12.30am Non Standard Timings. New Year's Eve extended to 01.00am on New Year's Day	
<u>(m) Supply of Alcohol for consumption ON and OFF the premises.</u> Hours Monday to Sunday 10.00am to midnight Non Standard Timings. 10.00am New Year's Eve to 12.30am New Year's Day	
<u>Hours premises are open to the public</u> Hours Monday to Sunday 10.00am to 12.30am	

1.3 Variation application

The nature of the proposed variation is;

The premises have been altered to extend the licensed area and add a function room with servery for the retail sale of alcohol and late night refreshment.

Toilet facilities have been moved from the function area. A newly built extension area has been added to house the toilet facilities and now include provision for the disabled.

The provision of regulated entertainment for live music is to have the terminal hour extended by 30 minutes on Friday, Saturday and Sunday nights.

The start of live music will be from 7.00pm on all nights.

A copy of the applicant's operating schedule is attached (Appendix 1.)

1.4 Conditions currently attached to Licence (Appendix 2.)

1.5 Representations have been received in respect of this application.

1.6 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

- 3.1 One letter of representation has been received and attached to the report (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 necessary 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 necessary in order to promote the licensing objectives.

R. Carton
Manager of Public Protection Service

Operating Schedule

Current Licence Conditions to be removed from the current licence:

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Steps taken to promote the four licensing objectives

The Prevention of Crime and Disorder

The designated premises supervisor will be a member of the local Pubwatch scheme so long as it exists. - **REMOVE**

The Prevention of Public Nuisance

All windows will be kept closed after 22.30 hrs - **REMOVE**

Occasional live music in the garden area, restricted to 1 evening per month maximum, due regard to be taken regarding volume levels particularly in the later evening from 22.00 hrs, to be restricted from June through to September. **REMOVE**

Imposed conditions from Environmental Health Representative

Public Nuisance

Live and recorded music in the garden/outside area shall cease at 23.00 hrs and the doors shall be closed. - **REMOVE**

A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment. - **REMOVE**

Conditions above to be replaced with the ones listed below:

Prevention of Public Nuisance

1. The Premises Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment and take action to reduce noise levels if they are found to be distinguishable above background levels at the nearest residential property.
2. All doors and windows shall be kept shut during regulated entertainment.
3. The Premises Licence Holder or nominated person shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and quietly as possible.
4. The Premises Licence Holder or nominated person shall be available at all times during regulated entertainment and who is responsible for cooperating and liaising with any relevant responsible authority.
5. The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations on the premises for local residents to contact in the case of noise-

nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.

6. A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator and all drivers are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff will leave as quietly as possible, particularly at night and early in the morning.
7. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
8. The Premises Licence Holder or nominated person shall control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.

Public Safety

1. The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 180, subject to the following maximum occupancies:
 - Bar Area 120 persons
 - Function Room 60 persons

Protection of Children from Harm

1. The Premises Licence Holder or Designated Premises Supervisor shall have a written age verification policy in relation to the sale or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18s and will specify a Challenge 25 proof of age requirement before sales of alcohol are made as approved by the Plymouth City Council Trading Standards responsible authority.

Prevention of Crime and Disorder

1. A minimum of 1 Door Supervisor shall be employed during any function involving 18th or 21st birthday party. A risk assessment shall be carried out by the DPS to assess the level of door staff required during any other special events thereafter
2. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
3. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

4. *The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.*
5. *Images shall be retained for a minimum of 31 days.*
6. *The CCTV system shall be capable of downloading images to a recognizable viewable format.*

ANNEX 1 - 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.

The Prevention of Public Nuisance

All windows will be kept closed after 22.30 hrs

Occasional live music in the garden area, restricted to 1 evening per month maximum, due regard to be taken regarding volume levels particularly in the later evening from 22.00 hrs, to be restricted from June through to September.

Imposed conditions from Environmental Health Representative

Public Nuisance

Live and recorded music in the garden/outside area shall cease at 23.00 hrs and the doors shall be closed.

A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.

Management will control the sound levels of the music/entertainment.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

LICENSING REPRESENTATION FORM



If you wish to make a representation against or in support of any licensing application, please read the guidance note '[How to make a licensing representation](#)' prior to completing this form.

Please note that a full copy of your representation will be sent to the applicant at any hearing of this matter.

Section 1: Licence application details

I wish to object to the following application I wish to support the following application

Name of applicant (if known)

Premises name and address

20/21 Looe Street The Barbican
Plymouth Devon Postcode PLA 0EA

Which type of application you wish to make your representation about?

- Application for a new premises licence
 Application to vary a premise licence
 Application for a review of a premises licence

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19 NOV 2013

F.A.O.

Section 2: Your personal details

If you are acting as a representative, please go to Section 3

Title Mr Mrs Miss Ms Other (please state)

Surname

Forenames

Address

Postcode

Email

Telephone

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation

Address

Postcode

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

The public house has music (Live Music) until 11pm on
a Sunday. I can still hear the shouting in the street after the music
has finished up until 11:40pm on some/most Sundays. (Weather dependent)

If the hours are extended until 11:30pm
the noise & shouting in the street will continue well after midnight.
I can hear the noise from my property which is at the rear of
Public safety ~~road~~ public house.

For example alterations to the premises, capacity limits

The newly built function room is opposite my home.*
The likely effect of the function room to serve alcohol
until 11:30pm again will increase the noise levels
well up to and past midnight.

* My home is behind the function room.

The prevention of public nuisance

For example noise disturbance, littering

The noise disturbance is not acceptable with the loud live music going on until 11pm and then the crowds leaving the public house and hanging outside the premises smoking shouting. Again if the hours are extended until 11:30pm we will hear the noise of the people in the street well into after midnight. This is a residential area.

The protection of children from harm

For example underage sales, exposure to certain performances

[Handwritten signature]

I, _____, hereby declare that all information I have submitted is true and correct.

Signed _____

Date 14.11.2013

Please send the completed form to

Licensing Department
Plymouth City Council
Civic Centre
Plymouth PL1 2AA
T: 01752 305465
E: licensing@plymouth.gov.uk