PLYMOUTH CITY COUNCIL

Subject:	Woodside. 12 Gaskin Street, Plymouth.
	Review of Premises Licence
Committee:	Licensing Sub Committee
Date:	21 st January 2014
Cabinet Member:	Councillor Brian Vincent
CMT Member:	Carole Burgoyne (Director for People)
Author:	Fred Prout (Senior Licensing Officer)
Contact details:	Tel: 01752 304792 email: licensing@plymouth.gov.uk
Ref:	ERS/LIC/PREM
Key Decision:	None
Part:	I

Purpose of the report:

An application has been received from Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Woodside 12 Gaskin Street Plymouth.

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 <u>http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf</u> Licensing Act <u>http://www.legislation.gov.uk/ukpga/2003/17/contents</u> Licensing Act Guidance <u>https://www.gov.uk/government/uploads/system/uploads/attachment_data</u> /file/209526/1167-A_Licensing_Act_2003_2_.pdf

Background papers:

Title	Part I	Part II		Exem	nption	Paragra	aph Nu	mber	
			I	2	3	4	5	6	7
Application									

Sign off:

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Origir	nating SMT	Member		i			
Has t	he Cabinet	: Member(s)	agreed th	e content of th	e report? No		

1.0 INTRODUCTION

1.1 On the 9th December 2013 the licensing department received an application from Environmental Health under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of The Woodside situated at 12 Gaskin Street, Plymouth.

1.2 **Review application.**

Environmental Health have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of public nuisance. This follows complaints of noise disturbance emanating from the Woodside Public House. A Copy of this application has been served by Environmental Health on each of the responsible authorities and the holder of the premises licence.

In accordance with review proceedings at 1510hrs on 9th December 2013 a licensing officer from Plymouth City Council attended the premises and requested the site notice be displayed at the premises.

At 1450hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

Since the submission of the review application the premises licence has been varied to specify a new designated premises supervisor.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

B. Exhibition of films (Indoors)

Monday to Wednesday	10:00am	I I:30pm
Thursday to Saturday	10:00am	Midnight
Sunday	Noon	l I:00pm
C. Indoor sporting event		
Monday to Thursday	10:00am	I I:30pm
Friday and Saturday	10:00am	Midnight
Sunday	Noon	l I:00pm
E. Performance of live music ((Indoors)	
Monday to Thursday	10:00am	I I:30pm
Friday and Saturday	10:00am	Midnight
Sunday	Noon	l I:00pm
F. Playing of recorded music (Indoors)	
Monday to Wednesday	7:30am	Midnight
Thursday to Saturday	7:30am	I:00am
Sunday	Noon	Midnight
Non Standard Timings:		

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

M. The sale by retail of alcohol for consumption ON and OFF the premises

Monday to Wednesday	10:00am	Midnight
Thursday to Saturday	10:00am	I:00am
Sunday	Midnight	Noon

Non Standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

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

2.0 **RESPONSIBLE AUTHORITIES**

- 2.1 Devon & Cornwall Police no representations.
- 2.2 Devon & Somerset Fire & Rescue Service no representations.
- 2.3 Trading Standards no representations
- 2.4 Planning Officer no representations.
- 2.5 *Child Protection* no representations
- 2.6 Health & Safety Executive no representations.
- 2.7 *Health Authority* no representations.
- 2.8 Licensing Authority no representations

3.0 OTHER PARTIES

3.1 Two representations have been received. (Appendices 2 - 3)

4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers appropriate for the promotion of the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 4.2 The steps are :
 - (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;

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.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

R. Carton Manager of Public Protection Service

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.

(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: $\frac{1}{2}$ 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

• Any existing conditions attached to existing justices licence

• The authorised hours for the sale 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 the 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 for consumption as ancillary to the meals;

4. consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

5. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

6. the sale of alcohol to a trader or club for the purposes of the trade or club;

7. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majestys naval, military or air forces; 8. the taking of alcohol from the premises by a person residing there; or

9. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

10. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Conditions agreed with Environmental Health Authority

1. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.

2. The door lobby is to be in use at all times of entertainment.

3. The emergency exits will be kept shut during opening hours.

4. Staff will be positioned at exits at closing times.

5. Before 23:00 hrs - all entertainment:

• 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.

6. There will be no live entertainment, karaoke or indoor sporting events Monday to Thursday after 23:30 hours or Friday and Saturday after 00:00. Recorded music, for the purpose of background music, may be played throughout the permitted hours for the sale of alcohol.

7. Between 23:30 hrs and close Monday to Thursday and between 00:00 and close Friday and Saturday - recorded music only.

• Noise emanating from the premises will not be distinguishable above back ground levels 1 metre from the façade of the nearest residential property.

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

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

Steps taken in order to promote the four Licensing objectives

1. Fully operational CCTV system in place.

2. All emergency lighting, illuminated signs and fire fighting equipment is well displayed and maintained.

3. All internal doors and windows will remain closed when there are any live or amplified music sessions.

4. Provide a free taxi contact service and operate a managed customer departure.

5. Customers will be reminded verbally to respect the local residents on their way home.

6. Unaccompanied children are not allowed on the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Prout, Frederick

From:	
Sent:	21 December 2013 12:31
To:	Licensing
Subject:	Website Query

FAO: Head of environmental Services, Dept of Place, PCC, Civic Centre, PL1 2AA

Re: Prevention of Public Nuisance Licence Review Woodside Pub, 12 Gaskin Street, Plymouth.

Good morning

As a long term resident and near neighbour of the Woodside Pub I was somewhat surprised to read the notice posted outside the pub stating that the licence was currently under review due to prevention of public nuisance. As I understand it complaints have been made regarding high noise levels. The Greenbank and City Centre area is a very vibrant area within which to live and from my own point of view this is part of the attraction. This pub has been the central hub of local life for many, many years and indeed is not exclusively used by students. How any resident can distinguish pub noise from that made by the general student populace is a mystery to me. With the influx of even greater numbers of students into the new student accommodations in Trafalgar Street and the opening of the Sainsbury store, noise has increased generally due to heavy lorry deliveries at all times of the night, the noise of unloading and additional groups of carousing drunken students. Add to the mix the general student parties all over the area and any noise made by the pub pales into insignificance. The whole of the Greenbank area is saturated with students and they do enjoy a partying lifestyle and the noise that accompanies this.

There has been increased activity outside all pubs with the introduction of the no smoking regulations as smokers take to the outdoors but I would imagine that this would be extremely difficult for any landlord to control because it is an activity external to the pub and therefore outside of their control.

If I stand in my garden or sit in my kitchen with all of the windows open I can hear pub entertainment noise, but very muted and certainly not loud enough to affect my lifestyle or general enjoyment and this only applies in the summer months when windows are open and the garden is enjoyed. When my windows are closed I can hear no noise from the pub whatsoever. Indeed the measures instigated by the current landlord in an effort to reduce noise makes it extremely uncomfortable at times for people socialising in the pub because all of the doors and windows remain closed when entertainment is laid on.

Any person moving into this area has to be aware of the proximity of the pub to residential housing and one would hope that they would do some basic research if a lively neighbourhood was not for them and the option to move to a more peaceful area would be a sensible one to consider.

In all my years of living here I have never had cause to complain about any noise from the pub and I would be grateful if you could pass my letter of support on to the relevant department.

Kind regards

LICENSING REPRESENTATION FORM



Not protectively marked

If you wish to make a representation against or in support of any licensing application, please read the guidance note '<u>How to make a licensing representation</u>' 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 I: Licence application details I wish to object to the following application Name of applicant (if known): Plymouth City Council Premises name and address: The Woodside Public House, 12 Gasking Street, Plymouth Postcode: PL4 8DQ

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

Application for a review of a premises licence

Section 2: Your personal details

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

Title:

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

Version | April 2012

If you represent residents or businesses please complete the details below

Name of representative/organisation	1	
Address		
	Postcode	
lam		

- □ Representative of residents association
- □ Ward Councillor

- □ Representative of trade/business association
- □ Other (please specify)

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 public nuisance

I suffer from noise disturbance from entertainment at the Woodside at least four nights a week. I have had to put up with this on and off for many years. The noise levels are so loud that I can hear the music above my television with the windows closed. I cannot read a book and I cannot go to bed until after I am and sometimes 2am. I cannot continue to live with these levels of noise. It depresses me. The public house is keeping their windows and doors closed but it is so loud it is as if they are open. The live music is the loudest entertainment especially the drums and the karaoke is very loud. The main days are currently, Sunday, Monday (karaoke), Wednesday and Saturdays, however these do change from time to time. Tuesdays is quiz night which is not as bad but I can hear what the man is saying on the microphone but at least it is not constant banging of drums. The noise levels improve when the public protection officers speak to the Management but it doesn't last long and returns just as loud. Some live bands are very loud and the customers use the outside seating area until past I am. They are often shouting and screaming and this disturbs my sleep. I have been keeping a noise diary which I have attached. I have not recorded all of the dates as I have run out of diary sheets on some occasions. Every week I am affected by noise disturbance and I appreciate that I live near a public house but the noise levels are too loud.

There was a party on Wednesday 7 August 2013, when the noise was particularly bad and the live music went on until 12:15am. The noise was horrendous and I had to have my television on at level 17 and it was normally level 6/7. The customers were on the balcony and jumping over the walls. After I contacted the Public Protection Officers, it went quiet for a while but didn't last long. There have been a number of other times which I have listed in the diary sheet.

However, the most recent times where I have had to call the out of hours service was on Saturday 16 November 2013, when a live band was playing and it was very loud even with my windows closed. I could not hear my television and I could not go to sleep before 2am as there were customers on the balcony/decking area screaming and shouting. I contacted the police around 01:25hours but they could not attend.

On Sunday 24 November 2013, there was a Buddy Holly and Elvis Presley evening from 8pm until approximately 11:45pm. I could hear it word for word as if it was being played in my front room. On Wednesday 27 November there was a very loud live band and I could hear it word for word

even with the windows closed. There were people shouting and screaming on the balcony until around 00:40 hours.

On Saturday 7 December 2013, it was also noisy particularly the drums. I contacted the out of hours team at approximately 21:40hours and the officers visited me in my property. I could hear the music with my windows closed and could not watch my television or go to sleep.

On Saturday 14 December 2013, I had to contact the out of hours team again at approximately 22:55hrs. I was disturbed from the live band, particularly the drums and guitar. I could hear the customers singing along to the music. The music stopped around 23.30pm. However I could not watch the television all evening without the noise from the band disturbing me and I had to keep my windows closed.

The level of noise that I have to put up with is not acceptable and it makes me feel ill. My doctor has had to give me sleeping pills and my blood pressure has increased due to the stress and anxiety. I want to be able to enjoy my home and not have all this stress. All they have to do is turn down the volume!

, hereby declare that all information I have submitted is true

and correct.

Signed

1

Date 23-12-13

Please send the completed form to

Licensing Department Plymouth City Council Civic Centre Plymouth PLI 2AA T: 01752 305465 E: licensing@plymouth.gov.uk PUBIRERELIVED 0 2 SEP 2013 THIS FORM IS EXTREMELY IMPORTANT AND IS NEEDED TO ENABLE A COMPLETE INVESTIGATION OF YOUR COMPLAINT NAME AND ADDRESS OF ALLEGED OFFENDER W.O.O. J. J. R.G. W. B. ... G. A. S. C. O. Y. M.E. ... P. A. S. C RETTER BETTER NOT LOUD FEELOK TIME STARTS TIME FINISHES TYPE OF NOISE/ODOUR HOW THE NOISE/ODOUR AFFECTS YOU F.A.O. On this form, please note the dates, times, duration, type of noise/odour and how the noise/odour affects-you. Maintain the diary for a period of 2-3 weeks and then please send to :-FREL OK. YO Environmental Health, Environmental Regulation Service, Plymouth City Council, Floor 6, Civic Centre, PLYMOUTH, Devon, PL1 2EW. D V 1221 フリコ ニ FEEL トロリー Noise / No music 35.8-13 8-ochack 11-ochoch LIUE MUSIC NO MUSIC LIVE MUSIC NO RUSIC NOT LOUP 11- achock NO NOISE 21-8-13 8-30 11-30 NAME AND ADDRESS OF COMPLAINANT 8 - No 23-813 20-8-13 22- 3-13 DATE

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prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signed

vddress.

Date 23-12-13

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This information is true to the best of my knowledge and belief and I have recorded if knowing that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. ١

Signer

....Address

Date 23 - 12~13

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Jac 10 8	11-30	LOUD MUSIC	1	
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prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signed

vddress

25-12~13