

Licensing Sub Committee

Tuesday 21 January 2014

PRESENT:

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

Apologies for absence: Councillor Rennie.

Also in attendance: Sharon Day (Lawyer), Rachael Harris (Senior Environmental Health Officer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.15 am and finished at 10.52 am.

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.

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

Agreed that Councillor Gordon is appointed Chair and Councillor Mrs Bowyer is appointed Vice-Chair for this meeting.

51. **DECLARATIONS OF INTEREST**

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

52. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

53. **WOODSIDE, 12 GASKIN STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE**

The committee was advised that some matters linked to the review hearing were still under investigation and there may be prejudice to that investigation if the committee proceeded to hear evidence.

The Solicitor for the Premises Licence Holder outlined that conditions had been agreed between themselves and Environmental Health which addressed the concerns which had led to the review. All parties agreed that the conditions would be an appropriate way to deal with the matter.

With the agreement of all parties present the committee retired to consider the report and the agreed conditions.

The committee identified that the main issues in relation to the review were disturbance from live music between 8pm/8.30pm and 11.30/11.45pm and noise from the use of the outdoor area. The committee considered that these issues were relevant to the Prevention of Public Nuisance licensing objective and were satisfied that the recommended conditions addressed these issues.

Therefore the committee agreed that it was appropriate to apply the conditions listed below which had been agreed between Environmental Health and the Premises Licence Holder and that the conditions relating to live music are applied in accordance with section 177A(4) of the Licensing Act 2003.

Agreed Conditions:

Noise nuisance

1. No regulated entertainment will take place until a noise limiting device (the specification and design to be agreed with Environmental Health Service) is fitted so that all regulated, live, Karaoke and recorded music (including the Juke Box) is channelled through the device(s). The maximum noise levels will be set by agreement with the Environmental Health Service and will be reviewed from time to time as appropriate.
2. All doors and windows shall be kept shut during regulated entertainment.
3. All doors and windows shall be maintained in good order and where appropriate acoustically sealed to minimize noise breakout.
4. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
5. Noise emanating from the premises shall not be heard above background levels 1 metre from the facade of the nearest residential property.
6. The performance of live music will cease by 23:00 hours
7. The performance of live entertainment will be limited to a maximum duration of three hours inclusive of any breaks.
8. The performance of live entertainment will be limited on a weekly basis (Monday to Sunday) as follows:
 - No more than two 'band' nights ('band' being defined as having three or more musicians)
 - No more than one karaoke night
 - Unlimited acoustic acts or acts with no more than 2 musicians performing at the same time
9. The main Entrance to be provided with a lobby and the patio doors and internal lobby doors to be fitted with automatic door-closers and shall be

maintained in good working order.

10. The Premises Licence Holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.
11. The Premises Licence Holder or nominated person shall carry out observations in the residential streets surrounding the public house on at least 30 minute intervals whilst live music, karaoke or DJ's playing recorded music is taking place to establish whether there is a noise breakout from the premises.
12. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
13. A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
14. Such records must to be made available at all times upon request to a police officer or an officer of the local authority.
15. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
16. The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations as agreed with the EHO officer 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.

Use of the Outside Seating Area

17. After 21:00 hours no drinks are to be taken outside to the outside area and no consumption of drinks to occur after 21:30 hours.
18. A sign is to be placed in the outside rear area specifying that no drinks are to be taken into this area after 21:00 hours.

19. After 21:30 hours noise levels in outside areas are to be monitored and controlled to minimise any potential impact on local residents.

54. **EXEMPT BUSINESS**

There were no items of exempt business.