

PLYMOUTH CITY COUNCIL

Subject: The Stable, Little Vauxhall Quay, Vauxhall Street, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 3 March 2015

Cabinet Member: Councillor Vincent

CMT Member: Kelechi Nnoaham (Director of Public Health)

Author: Frederick Prout (Senior Licensing Officer)

Contact details: Tel: 01752 304792
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM VAR

Key Decision: No

Part: I

Purpose of the report:

An application has been received from Poppleston Allen Solicitors on behalf of The Stable Bar & Restaurant Limited in respect of the Stable (formerly the Vauxhall Quay), Little Vauxhall Quay, Vauxhall 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.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under SI82 Licensing Act 2003 - October 2014](#)

[Planning Application I4/02234/FUL-PPS Response dated 16 December 2014](#)

[Planning Application I4/02234/FUL-Decision Report dated 13 January 2015](#)

[Planning Application I2/01512/FUL-PPS Response dated 20 September 2012](#)

[Planning Application I2/01512/FUL-Decision Report dated 13 November 2012](#)

Background papers:

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

Sign off:

Fin		Leg	SD/22320/ 12.2.15	Mo n 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 9 January 2015 the licensing department received an application from Poppleston Allen Solicitors on behalf of The Stable Bar & Restaurant Limited for the variation of a premises licence under Section 34 of the Licensing Act 2003 in respect of The Stable (formerly the Vauxhall Quay) situated at Little Vauxhall Quay, Vauxhall Street, Plymouth.

1.2 Details of variation

Current Licensable Activities	Variation Application
<p>(e) Live Music (Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Mon to Sat 10am to 4am</p> <p>Sun 12noon to 2am</p>	<p>Remove the licensable activity and hours for live music.</p>
<p>(f) Recorded Music (Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Mon to Sat 10am to 4am</p> <p>Sun 12noon to 2am</p>	<p>(f) Recorded Music (Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Mon to Sun 10am to 1am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on new year's day</p>
<p>(i) Late Night Refreshment (Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Mon to Sat 11pm to 4am</p> <p>Sun 11pm to 2am</p>	<p>(i) Late Night Refreshment (Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Mon to Sun 11pm to 1.30am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on new year's day.</p>
<p>(j) Supply of Alcohol for consumption ON and OFF the premises.</p> <p><u>Hours</u></p> <p>Mon to Sat 10am to 3.30am</p> <p>Sun 12noon to 2am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on the following day.</p>	<p>(j) Supply of Alcohol for consumption ON and OFF the premises.</p> <p><u>Hours</u></p> <p>Mon to Sun 10am to 1am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on new year's day.</p>

<p><u>(I) Hours premises are open to the public</u></p> <p><u>Hours</u></p> <p>Mon to Sat 10am to 4am</p> <p>Sun 12noon to 2.30am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on the following day.</p>	<p><u>I) Hours premises are open to the public</u></p> <p><u>Hours</u></p> <p>Mon to Sun 10am to 1.30am</p> <p><u>Non Standard Timings.</u></p> <p>From the end of permitted hours on new year's eve to the start of permitted hours on new year's day.</p>
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1.3 Variation application

The nature of the proposed variation is;

To vary the layout of the premises in accordance with the plans supplied by the applicant. The main changes are to extend the licensed premises on the ground floor and to add the balcony on the first floor.

Current plan of premises (Appendix 1).

Proposed plan of premises (Appendix 2).

To remove the licensable activity and hours for live music.

To amend the hours for alcohol, recorded music, late night refreshment and the opening hours seven days a week.

1.4 Representations have been received in respect of this application.

1.5 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.

The police have not made representations to this application as they have been in consultation with the applicant's solicitor and the applicant has accepted that the conditions proposed by the police will replace all of the conditions currently on the licence (save for the mandatory conditions of licence)

Current conditions (excluding mandatory conditions of licence)(Appendix 3).

Accepted conditions (Appendix 4).

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 (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

One letter of representation has been received (Appendix 5). The planning documents referred to in the letter of representation are available via the links in the list of background papers.

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 with the following paragraph's relevant to this application: 1.4 and 1.5, 1.16, 1.17, 2.1, 2.3, 2.8 – 2.10, 2.18 – 2.22, 2.24, 9.3, 9.29 – 9.37, 9.40 – 9.43, 10.8 – 10.10, and 13.44. The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Planning (page 6), Late Night Refreshment (Page 12), Public Nuisance (Pages 17) and Licensing Conditions (Page 20). Also 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.

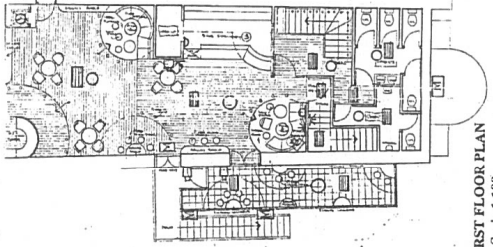
The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

NOTES

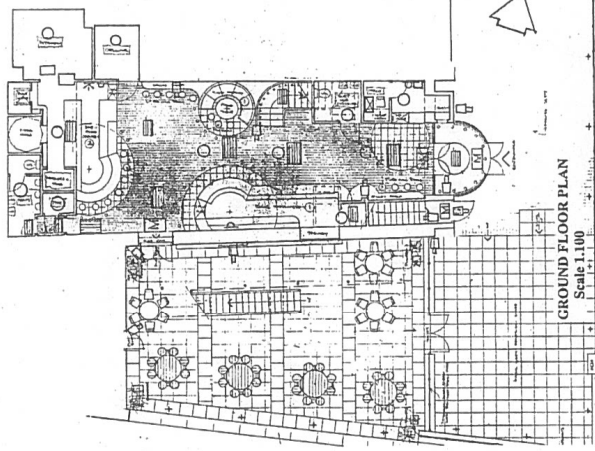
The two storey Restaurant / Club premises have been submitted to the Local Authority of the planning and Bye Law considerations.



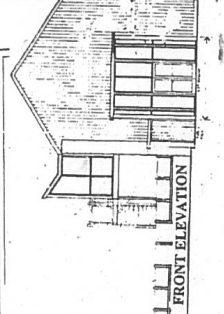
LOCATION PLAN
Scale 1:500



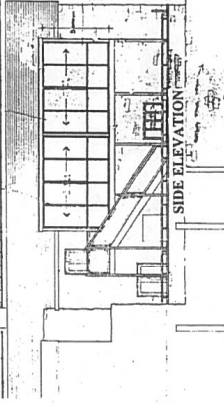
FIRST FLOOR PLAN
Scale 1:100



GROUND FLOOR PLAN
Scale 1:100



FRONT ELEVATION



SIDE ELEVATION

SCHEDULE OF SYMBOLS

	Fire Alarm System
	Smoke Heat Detectors
	Call Points
	Sounders
	Neon Indicators
	Fire Control Panel
	Emergency Lighting System
	Non-Maintained Light Fittings
	Maintained Light Fittings
	CCTV Cameras
	Night-Day Cameras
	Covert Cameras
	Main Control Panel

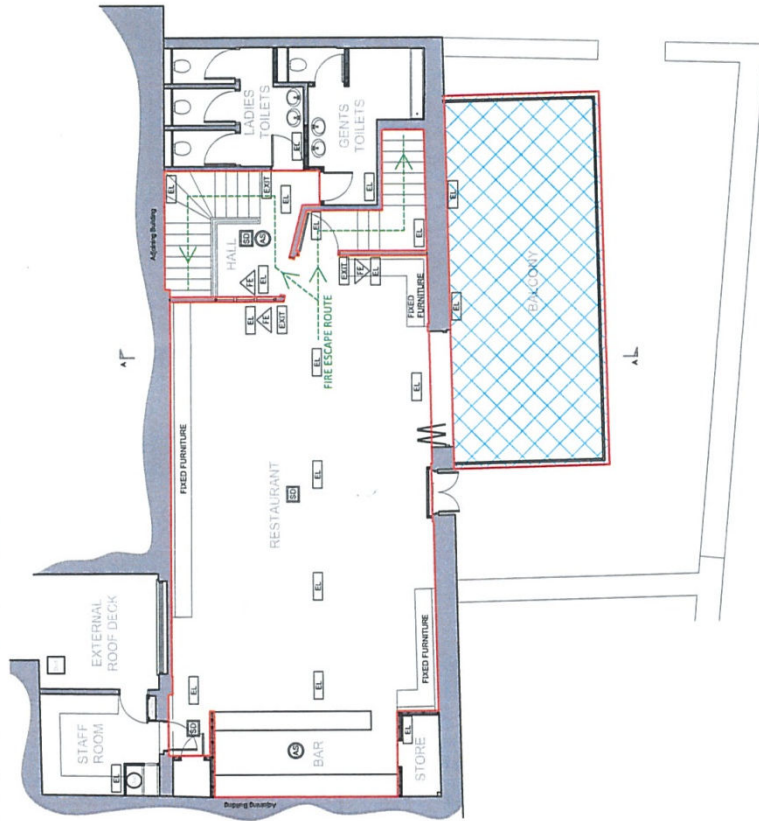
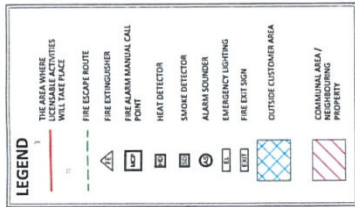
THE VAUXHALL QUAY
(Previously the Cove)
THE BARBICAN
Licensing Drawing

SCALE 1:100/ 500
DATE 08/07/2005.

K.L.VIBIRD C.Eng MICE FHEE
Barley
Hall
103
PA3 5TA

FIRST FLOOR SCHEDULE
 AREA FOR LICENSABLE ACTIVITIES: 113m² (INTERNAL)
 AREA FOR LICENSABLE ACTIVITIES: 41.5m² (EXTERNAL)
 TOTAL AREA FOR LICENSABLE ACTIVITIES @ GROUND FLOOR LEVEL: 154.5m²

NOTE: FINAL SPECIFICATION AND POSITIONS OF FIRE SAFETY EQUIPMENT TO BE CONFIRMED DURING CONSULTATION WITH LOCAL FIRE OFFICER DURING LICENSING AND/OR BUILDING REGULATIONS APPLICATION PROCESS.



TO BE READ IN CONJUNCTION WITH
 GROUND FLOOR PLAN (2171.E.200)

REV	DATE	INS
1	17.12.14	INS
2	17.12.14	INS

PROPOSED RESTAURANT LAYOUT
 LITTLE VAUXHALL QUAY, PLYMOUTH

CLIENT
 THE STABLE BAR & RESTAURANTS LTD

SCALE
 1:100@A3

DATE
 17.12.14

FOR LICENSING PURPOSES ONLY

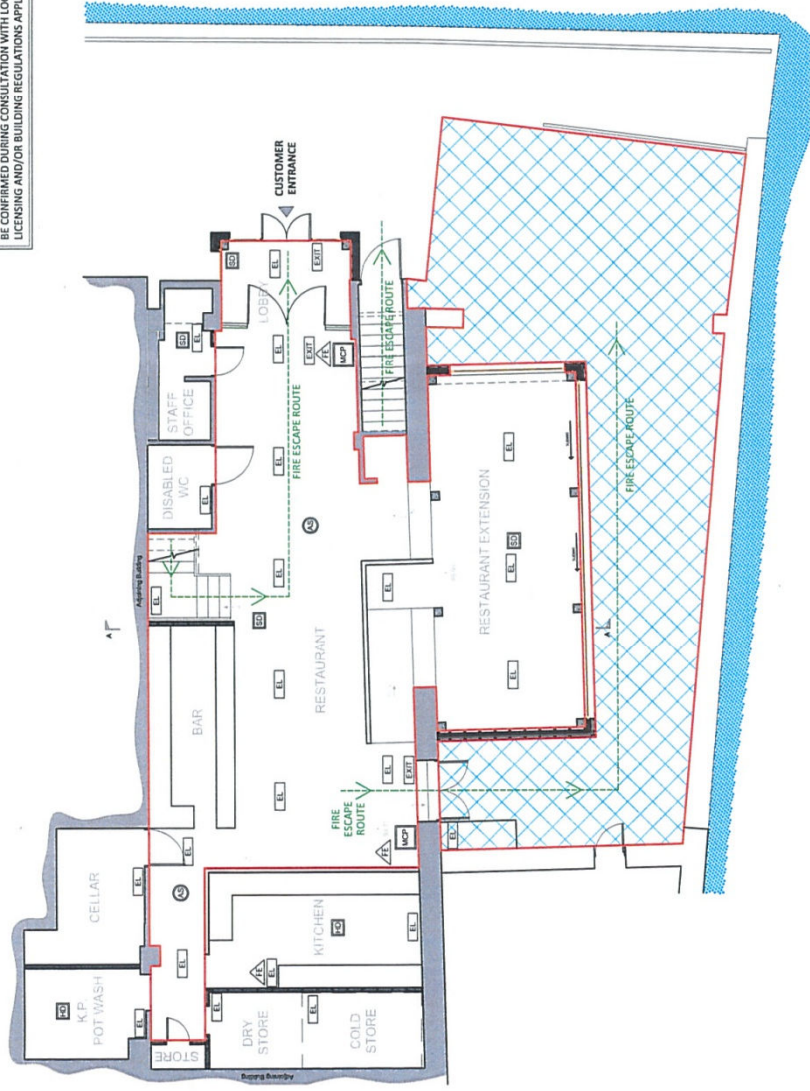
LICENSING 2171.E.201 A

GROUND FLOOR SCHEDULE
 AREA FOR LICENSABLE ACTIVITIES: 144m² (INTERNAL)
 AREA FOR LICENSABLE ACTIVITIES: 100m² (EXTERNAL)
 TOTAL AREA FOR LICENSABLE ACTIVITIES @ GROUND FLOOR LEVEL: 244m²

NOTES: FINAL SPECIFICATION AND POSITIONS OF FIRE SAFETY EQUIPMENT TO BE CONFIRMED DURING CONSULTATION WITH LOCAL FIRE OFFICER DURING LICENSING AND/OR BUILDING REGULATIONS APPLICATION PROCESS.

LEGEND

- THE AREA WHERE LICENSABLE ACTIVITIES WILL TAKE PLACE
- FIRE ESCAPE ROUTE
- FIRE EXTINGUISHER
- FIRE ALARM MANUAL CALL POINT
- HEAT DETECTOR
- SMOKE DETECTOR
- ALARM SOUNDER
- EMERGENCY LIGHTING
- FIRE EXIT SIGN
- OUTSIDE CUSTOMER AREA
- COMMUNAL AREA / NEIGHBOURING PROPERTY



TO BE READ IN CONJUNCTION WITH FIRST FLOOR PLAN (2171.E.201)

REV	DATE	INS
PROPOSED RESTAURANT LAYOUT	17.12.14	
LITTLE VAUXHALL QUAY, PLYMOUTH		
THE STABLE BAR & RESTAURANTS LTD		
PROPOSED GROUND FLOOR PLAN FOR LICENSING PURPOSES ONLY		
SCALE	1:100@A3	

LICENSING 2171.E.200 A

Conditions agreed with Environmental Health Authority

Public Nuisance

1. After 2:00 am until 4:00 am
Total sound containment within the premises.
2. Doors and windows will be kept shut during entertainment.
3. The lobby will be used throughout the time of entertainment.

Steps taken in order to promote the four Licensing objectives

1. CCTV recording available for one month.
2. Fire safety equipment will be regularly serviced.
3. Signs asking people to leave quietly.
4. Free phone to a taxi services.

Minor Variation of August 2013

1. No amplified percussion (or full drum-kit) to be used in outside areas at any time. Any percussion within outside areas must be hand-played e.g. bongos or drums with brush-sticks only
2. A mobile telephone number of a duty manager will be provided to nearby local residents to allow them to contact the premises if noise issues are experienced. A written log will be kept of any records of calls and action taken.
3. The Premises Licence Holder, Designated Premises Supervisor or senior member of staff (manager) shall ensure a telephone number is made available and displayed in prominent locations at the entrance to 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.
4. The Premise Licence Holder, Designated Premises Supervisor or senior member of staff (manager) shall carry out observations at the facade of the properties at Vauxhall Quay on at least 30 minute intervals when regulated entertainment or live music is provided in order to establish whether there is noise breakout from the premises. If the observation reveals noise breakout at a level distinguishable above background levels at the facade of residential properties on Vauxhall Quay then the volume of music shall be reduced to a level that is not distinguishable above background levels. 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 breakout and any action taken to reduce noise breakout. Such log must be made available at all times upon request to any relevant responsible authority.
5. All Staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.
6. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.
7. The Premise Licence Holder shall nominate the Designated Premises Supervisor or 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.

8. The Premise License Holder and/or Designated Premises Supervisor shall ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.
9. All doors and windows shall be maintained in good order and where appropriate, acoustically sealed to minimize noise breakout.
10. The entrance door(s) shall be fitted with a suitably constructed lobby to minimize noise breakout from the premises.
11. The entrance doors to the premises shall be fitted with automatic self-closers and maintained in a sound condition.
12. The Premise Licence Holder, Designated Premises Supervisor or nominated person shall ensure that self-closing doors are not wedged open during regulated entertainment.

The Stable, Vauxhall Quay, Vauxhall Street, Plymouth

Promised Conditions

Prevention of Crime and Disorder –

- All staff shall be fully trained to perform their role - The Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and the contents of the premises licence including times of operation, licensable activities and all conditions on the Premises License. This is to be done and recorded every 12 months.
- Training of staff shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 3 years.
- 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 at the premises.
- The CCTV equipment shall be maintained in good working order and continually recording and shall cover all areas of the premises to which the public have access, including outside/smoking areas.
- Images shall be retained for a minimum of 30 days and shall be capable of downloading images to a recognizable viewable format.

Public Safety

- The Designated Premises Supervisor and/or Responsible Person shall ensure that no open drinking vessels are taken outside the licensed area of the premises.

Protection of Children from Harm

- All staff shall be trained in the requirements of the Challenge 21 policies.
 - A refusal register will be kept for any underage or person refused service. The record will contain the time and date, the reason, the person (if known), the action taken and details of the person responsible for the management of the premises at the time of the incident.
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Public Nuisance

- The Designated Premises Supervisor and/or Responsible Person shall ensure that any outside area included in the license will be controlled in a safe and effective manner to the same standard operated within the premises and pay special attention to the impact the outside area has on the surrounding community.
 - The smoking area at the premises is to be monitored and managed to the same standard inside the premises to prevent any public nuisance.
 - Notices will be displayed at the entrances and exits from the premises requesting customers are to leave the premises as quietly as possible.
 - All doors and windows shall be maintained in good order and where appropriate, acoustically sealed to minimise noise breakout.
 - The entrance door(s) shall be fitted with a suitably constructed lobby to minimise noise breakout from the premises.
 - The Designated Premises Supervisor and/or Responsible Person shall ensure that self-closing doors are not wedged open during regulated entertainment.
-

Prout, Frederick

From:
Sent: 29 January 2015 11:36
To: Licensing
Subject: The Stable Bar and Restaurant Limited
Attachments: 14_02234_Redacted.pdf

Public Protection Service Manager
Plymouth City Council
Plymouth

Dear Sir/Madam

The Stable, The Stable Bar and Restaurant Limited Little Vauxhall Quay, Plymouth, PL4 0DB

OBJECTION - Protection from Public Nuisance

I write to object to the proposed licensing hours for the above mentioned premises.

I refer you to both the Public Protection report and my Letter of Representation dated 21st December 2014 (copy attached) submitted in response to Planning Application 14/02234/FUL (The Stable). These documents are self-explanatory.

In addition, I refer you to the Public Protection report dated 20th September 2012 in respect of Planning Application 12/01512/FUL (1 Pinnacle Quay, Sutton Harbour) and the licensing conditions attached thereto.

I am sure you would agree that the residents of Vauxhall Quay are entitled to a similar level of protection from noise as those living in Pinnacle Quay?

Yours faithfully

Sunday 21st December 2014

Planning Department
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

Dear Sir/Madam

OBSERVATION

Planning Application: 14/02234/FUL
The Stable Bar and Restaurant Ltd, Little Vauxhall Quay, Sutton Harbour, Plymouth

Alterations to the abovementioned property are regulated by the following documents:

- Sutton Harbour Area Action Plan 2006 – 2021
- Barbican Conservation Area Appraisal and Management Plan

I would draw your attention to the Environmental Noise Assessment prepared and submitted as part of the current Boardwalk proposal (Application Number: 14/02332/FUL). This report assessed the level of noise emanating from nighttime venues on Vauxhall Quay and Little Vauxhall Quay, including the property that is subject to this planning application.

The Environmental Noise Assessment report documents that noise (both music and voices) emanated and rose to excessive and unacceptable levels.

I reference planning application number 12/01512/FUL, 1 Pinnacle Quay, North East Quay, Sutton Harbour; specifically 'Hours of Use of External Areas' and 'Entertainment'.

In light of the evidence contained within the abovementioned Environmental Noise Assessment report, the current planning application provides an opportunity for Plymouth City Council to condition any approval with stringent noise regulations similar to those set out in application number 12/01512/FUL; namely 'Hours of Use of External Areas' and 'Entertainment'.

Yours faithfully