

PLYMOUTH CITY COUNCIL

Subject:	Review of Premises Licence
Committee:	Licensing Sub Committee
Date:	17 March 2015
Cabinet Member:	Councillor Brian 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
Key Decision:	None
Part:	I

Purpose of the report:

An application has been received from Superintendent D Sumner of the Devon & Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of The Clipper Inn, 65 Union 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.

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? 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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - June 2014](#)

Background papers:

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

Sign off:

Fin		Leg	SD/2 2384 /20.2 .15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

I.0 INTRODUCTION

I.1 On the 22 January 2015 the licensing department received an application from Superintendent D Sumner of the Devon & Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of The Clipper Inn situated at 65 Union Street, Plymouth.

I.2 Review application.

Devon & Cornwall Police have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance. A Copy of this application has been served by Devon & Cornwall Police on each of the responsible authorities and the holder of the premises licence.

The police will allege that during September and October 2014 Police Officers consistently attended incidents involving drunken customers, anti-social behaviour, public order and assaults occurring in the vicinity and directly outside the premises between 0400hrs and 0830hrs and especially at weekends. A meeting with the premises licence holder was held who was requested to supply an action plan how the incidents would be dealt with. No action plan was received. The police allege the facts indicate that the management of the premises cannot effectively control the activities of the customers using the smoking area or congregating in the vicinity of the premises and therefore failing to effectively engage with the licensing objectives.

In accordance with review proceedings at 1047hrs on 23 January 2015 a licensing officer from Plymouth City Council attached a notice to a lamp post outside the Clipper Inn and have spoken with Paul Braidwood the premises licence holder of The Clipper Inn and requested the site notice be displayed at the premises.

At 1033hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

I.3 Licensable Activities.

These premises have the following licensable activities and timings.

Performance of Live Music (Indoors)

Monday to Sunday 10am to 6am

None Standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Playing of Recorded Music (Indoors and Outdoors)

Monday to Sunday Midnight to Midnight

Provision of Facilities for Dancing (Indoors)

Monday to Sunday Midnight to Midnight

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 11pm to 5am

The Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Monday to Sunday Midnight to Midnight

Opening Hours of the Premises

Monday to Sunday Midnight to Midnight

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

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Environmental Health* – 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

No representations.

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.

In making its decision the Committee is also obliged to have regards to:

The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application: Paragraph 11.1 – 11.11, 11.16 – 11.23

The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Licensing Hours (Page 11), Designated Premises

Supervisor (Page 13), Public Nuisance (Page 17 – 18) and Licensing Conditions (page 20), Review of premises licence (Page 22)

Also the representations (including supporting information) presented by all the parties.

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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Regulated Entertainment

1. Enhanced CCTV system with images to be retained for a minimum of 14 days to comply with the UK Requirements for Digital CCTV Systems.
2. Suitable signage at the exit to request the co-operation of patrons, in particular:
 - To make as little noise as possible when leaving the premises.
 - Not to stand around talking in the street outside the premises or any car park, and to drive away as quietly as possible.
3. Staff positioned on main exits.
4. The use of a lobby to prevent noise break out.
5. Between 00:00 hrs and 02:00 hrs
Noise emanating from the premises will not be distinguishable above background levels 1 metre from the façade of the nearest residential property.

Conditions agreed with Environmental Health Authority

1. After 02:00 hrs until 08:00 hrs
Total sound containment within the premises.

Steps taken in order to promote the four Licensing objectives

1. First Aid provision available.
2. Sanitary facilities monitored and checked by staff at regular intervals.
3. Clubwatch radio link to Plymouth City Council CCTV system will be switched on and monitored at all times the premises are trading.
4. Occupancy monitored by senior members of staff by clicker counting at peak times of trade, otherwise monitored by staff at regular intervals.
5. Taxi numbers available for patrons
6. Monitoring and management of sound levels by senior members of staff regarding background music, live entertainment and designated smoking areas.
7. Whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises.

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

Licensing Review Hearing held on 13th March 2007

The existing Club Watch radio link (already condition 3 on the premises licence) be maintained between the hours of 2am and 6am by a SIA registered member of staff;

The SIA registered member of staff maintaining the main exit in addition to his/her corporate uniform would, in accordance with the Club Watch initiative, wear a high visibility luminous armband provided by the Devon and Cornwall Constabulary. If the occupancy level rose above 86, the second SIA registered member of staff present on the premises likewise would be identifiable by the Club Watch armband.

Licensing Review Hearing held on 20th April 2010

A register of SIA door supervisors will be maintained detailing a name, licence number, date of expiry of licence and contact details of the individuals concerned. The register will be available for inspection for up to 30 days.

The DPS and in their absence other authorised staff will be able to download images following a written request of footage by any responsible authority either at the time or as soon as is reasonably practicable.

Licensing Review Hearing held on 24 April 2012 and decision meeting on 27 April 2012

1. The Premise Licence Holder is to provide the police with a current land line number and mobile phone number and in the event that this number changes the PLH is to advise the police licensing unit of the updated number within seven days of the change occurring.

2. An SIA door supervisor will be employed from 02.00 hours through to the close of the premises Monday to Sunday and a second SIA door supervisor will be present on the premises from 04.00 hours until the close of the premises and at such other times as the DPS feels will be appropriate for the safety and security of patrons

3. Two SIA door supervisors will remain in a principal position near the external front entrance from 04.00 hours to the close of the premises seven days a week to marshal patrons using the front external smoking area

4. The DPS and in their absence other authorised staff shall download images following a written request of footage by any responsible authority and within seven days of that request being made the PLH or DPS will contact the responsible authority who requested the footage to tell them where the footage can be collected from. The footage from the incident/day in question must then be retained for a further period of 14 days to ensure that if any further information is required it can be provided within the same terms as the original request

Variation - at Licensing Sub Committee 20 February 2013

To Vary the conditions imposed following the Licensing Review Hearing held on 27th April 2012.

The application to amend/delete conditions in Annex 3, numbers 2 and 3 above were refused.

The application to amend the condition in Annex 3, number 4 above was granted as follows.

The registered ICO Data Controller shall in response to any lawful written request to the DPS, download images and within 7 days of such request the DPS shall contact the relevant responsible authority to tell them where the footage can be collected. The footage from the incident/day in question must then be retained for a further period of 14 days to ensure that if any further information is required it can be provided within the same terms as the original request.