

## PLYMOUTH CITY COUNCIL

**Subject:** **Popworld, 18 Union Street, Plymouth, PL1 2SR**  
Variation of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 17<sup>th</sup> May 2016

**Cabinet Member:** Councillor Philippa Davey

**CMT Member:** Kelechi Nnoaham (Office of the Director of Public Health)

**Author:** Bev Gregory (Licensing Officer)

**Contact details:** Tel: 01752 308979  
email: licensing@plymouth.gov.uk

**Ref:** ERS/LIC/PREM VAR

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

An application has been received from Poppleston Allen Solicitors on behalf of Stonegate Pub Company Ltd in respect of the Popworld, 18 Union Street, Plymouth, PL1 2SR for the Variation of a premises licence under Section 34 of the Licensing Act 2003.

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### **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](#)

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:**

Not applicable.

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### **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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and rejected:**

None

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**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 - March 2015](#)

**Background papers:**

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

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**Sign off:**

Fin		Leg	<a href="#">2557</a> <a href="#">4/ag/</a> <a href="#">28.4.</a> <a href="#">16</a>	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 23<sup>rd</sup> March 2016 the licensing department received an application from Poppleston Allen Solicitors on behalf of Stonegate Pub Company Ltd for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of Popworld situated at 18 Union Street, Plymouth.

1.2 Details of variation

To vary the premises licence to extend the terminal hour for all licensable activities and opening hours for a temporary period of 6 months

Current Licensable Activities	Variation Application
<p><b><u>(b) Films</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><b><u>(c) Indoor Sporting Events</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p><b>(e) <u>Live Music</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><b>(f) <u>Recorded Music</u></b> (Indoors)</p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>New Years Eve: From the end of</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>permitted hours on New Years Eve to the start of permitted hours on the following day</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p><b><u>(g) Performance of Dance</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><b><u>(i) Late Night Refreshment</u></b></p> <p>Monday to Saturday 11pm to 3am Sunday 11pm to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>New Year's Eve until 05:00 hrs.</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
<p><b><u>(j) Supply of Alcohol for consumption ON the premises.</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings : 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2 hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</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><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>	<p>Monday to Saturday 10am to 4am Sunday 11am to 4am</p> <p>Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>
<p><b><u>(l) Hours premises are open to the public</u></b></p> <p>Monday to Saturday 10am to 3am Sunday 11am to 3am</p> <p>Non Standard Timings. 1st January 1 hour, 1st March (St Davids Day) 1 hour, 17th March (ST Patricks Day) 2 hours, Easter Sunday 1 hour, Easter Monday 1 hour, May Bank Holiday (1st) Sunday prior 2 hours, May Bank Holiday (1st) Bank Holiday Monday 1 hour, May Bank Holiday (2nd) Sunday prior 2 hours, May Bank Holiday (2nd) Bank Holiday Monday 1 hour, August Bank Holiday Sunday prior 2 hours, August Bank Holiday Monday 1 hour, Halloween 2 hours, Christmas Eve 2</p>	<p>Monday to Saturday 10am to 4.30am Sunday 11am to 4.30am</p> <p>Non Standard Timings. Non Standard Timings : Retain all existing non-standard timings and add the following Add additional hour on the following notable days:-</p> <p>St Georges Day, St Andrews Day, Burns night, Valentines Day, Fridays &amp; Saturdays preceding all banks holidays, Maundy Thursday, Christmas Day, 29 December</p>

<p>hours, Boxing Day 2 hours, 27th December 2 hours, 28th December 2 hours, 30th December 2 hours.</p> <p>New Years Eve: From the end of permitted hours on New Years Eve to the start of permitted hours on the following day</p> <p><b>British Summertime</b> An additional hour to the standard and non-standard times on the day when British Summertime commences</p>	
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### 1.3 Variation application

The nature of the proposed variation is;

To vary the premises licence to extend the terminal hour for all licensable activities and opening hours for a temporary period of 6 months and add to the list of notable days for non-standard timings as above.

To add to current conditions under Annex 2 of the premises licence (Appendix 1) with additional steps and suggested condition (Appendix 2)

1.4 Representations have been received in respect of this application.

### 1.5 Cumulative Impact Policy

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

## 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 (ODPH)* – no representations.

2.9 *Licensing Authority* – no representations

### **3.0 OTHER PARTIES**

One letter of representation has been received (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 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.6, 2.14 – 2.15, 2.21, 2.28, 8.42, 9.3, 9.36 – 9.39, 10.10, 13.30 – 13.31, 13.36 – 13.39
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Late Night Refreshment (Page 12), Public Nuisance (Page 17) Operating schedule (Page 19) and Licensing Conditions (Page 20). Also the representations (including supporting information) presented by all the parties.
- 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.

Office of the Director of Public Health, Plymouth City Council.



**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Steps that have been taken to promote the Four Licensing Objectives**

1. The company monitors the need for door supervisors
2. Participation in the local Pubwatch scheme (where active)
3. Toughened glass is used
4. Where existing CCTV will continue to be used
5. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly
6. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines
7. We challenge anyone who does not look 21 years of age to produce I/D, signage for this policy is in place at the site
8. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises.
9. Staff are not allowed to be in sole supervision of children and they remain the responsibility of the accompanying adult at all time
10. Where the premises are open for the sale of alcohol until 03.00Hrs on Sunday to Thursday there shall be no new entry of customers after 02.00Hrs save for existing customers, who have stepped outside to smoke.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

We have considered the impact of the proposed variation as well as all the relevant information within the Council's Licensing Policy. Prior to the submission of this application, pre-consultation has taken place with the Police Licensing Officer, Environmental Health Officer and Licensing Officer.

We do not feel that the application will have an adverse impact on the licensing objectives and we do not consider any further steps will be required to promote the licensing objectives. We believe existing measures are adequate and further conditions are not appropriate.

Stonegate Pub Company have in place an extensive Licensing Manual detailing both company policies, appropriate across the whole estate, along with procedures in place at a local level to ensure that premises operate to a high standard and promote the licensing objectives. These include policies regarding social responsibility, under age sales and procedures to prevent crime and disorder and public nuisance.

Additionally, with regard to the extension of hours sought in the application, the applicant is aware that the premises is within a cumulative impact area and based on the advice of the police licensing officer the applicant therefore seeks the extended hours for a temporary period of six months via the condition detailed below. The hours are being trialled on a temporary basis to assess the impact of the variation with a view to permanently varying the hours at the end of this period.

**b) The prevention of crime and disorder**

1. As the premises are in a cumulative impact area the variation of the permitted terminal hour for licensable activities of 04:00am and for opening hours of 04.30am Monday to Sunday, shall be permitted for a period of six months from the date of this variation and thereafter the said hours shall revert to those permitted prior to this variation unless the licence holder shall make a further application for a variation which shall be accompanied by a statement showing the impact of the variation on the cumulative impact area policy.

**c) Public safety**

See a) above

**d) The prevention of public nuisance**

See a) above

**e) The protection of children from harm**

See a) above

Please tick yes

# 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.

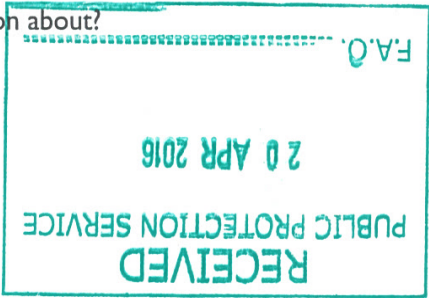
### Section 1: Licence application details

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

Name of applicant (if known) POPWORLD (STONEGATE Pub Company)  
Premises name and address 18 Union St Plymouth  
Postcode PL1 2SR

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



### 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 JESTERS LTD  
Address 39-43 Union St Plymouth  
Postcode PL1 3LU

I am

Representative of residents association

Representative of trade/business association

Ward Councillor

Other (please specify)

MP

Managing Director.

#### 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

\* Please attached sheet.

#### Public safety

For example alterations to the premises, capacity limits

The granting of a 4am extension at Popworld will have an adverse effect on anti-social behaviour. Stonegate Pub Company run a professional business with an aggressive pricing policy allowing consumers to drink “more for their money”.

Allowing consumers an increased drinking time will lead to further intoxication that the bars and clubs further down the street will have to deal with once Popworld has closed and shut their doors, and the problem of dealing with more heavily intoxicated customers will no longer be Popworlds concern.

As it stands now, Popworlds 3am licence is a “happy medium” that can be dealt with, but the granting of a 4am will only increase anti social behaviour that the rest of us will have to “mop up”.

The police have indicated that they have no objections to the granting of a 4am licence, but at the end of the day, with the government cutbacks on the police authority, myself, my security staff and bar staff are on the front line having to deal with increased anti social behaviour, well before the police get involved which is unfair to us all.

I realise that most of the clubs further down the street have later closing times than Popworld, but

Union Street is a symbiotic circle of clubs and customers and has always been such, whereas the clubs at the top of the street have all the early trade when customers are not intoxicated and have slightly earlier closing times and the clubs further down the street have later licences and deal with the flow of customers after the others have closed. To disrupt this balance as it stands now will only put increased pressure dealing with anti-social behaviour, not only on myself and the staff but also the Police authority and ambulance service.

**The prevention of public nuisance**

For example noise disturbance, littering

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**The protection of children from harm**

For example underage sales, exposure to certain performances

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

Signed \_\_\_\_\_

Date 19-4-16

Please send the completed form to

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