

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date: 16 July 2019
Title of Report: Grant of Premises Licence – The Lemon Frog
Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director: Dr Ruth Harrell (Office of the Director of Public Health)
Author: Marie Price (Enforcement Officer)
Contact Email: Licensing@plymouth.gov.uk
Your Reference: The Lemon Frog
Key Decision: No
Confidentiality: Part I - Official

Purpose of the report:

An application has been received from Kevan Kennedy in respect of The Lemon Frog. New Victoria House, Weston Park Road, Peverell, Plymouth. PL3 4NU for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

Our Plan – A City to be proud of.

This report links to the delivery of the City and Council objectives and outcomes within the plan.

A Growing City: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

A Caring Council: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system 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:

Not applicable

Carbon Footprint (Environmental) Implications:

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7
Application							

Sign off:

Fin	N/A	Leg	SD/2 6.4.19 /3278 3	Mon Off	N/A	HR	N/A	Asset s	N/A	Strat Proc	N/A
Originating Senior Leadership Team member: Robert Nelder											
Please confirm the Strategic Director(s) has agreed the report? Dr Ruth Harrell Date agreed: 27/06/2019.											
Cabinet Member signature of approval: Councillor Sally Haydon by email Date: 27/06/2019.											

BRIEFING REPORT

1.0 INTRODUCTION

1.1 On the 22nd May 2019 the licensing department received an application from Kevan Kennedy for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of The Lemon Frog situated at New Victoria House, Weston Park Road, Peverell, Plymouth. PL3 4NU

1.2 Grant application.

The Premises have been converted from a warehouse and office space into a dance hall, dance studio and social area. The building is located in a commercial yard with other commercial companies around and a large car park. The dance hall is located in the warehouse park inside a marquee which is capable of seating 80 people with a large dance floor. The social area is a collection of bistro style tables and chairs with false trees and can also hold around 80 people. The bar is located inside a room with a hatch for serving in the social area.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(f) Recorded Music (Indoors and Outdoors)

Monday to Thursday 12:00pm to 11:00pm

Friday to Sunday 12:00pm to 11.30pm

Non Standard Timings:- New Year's Eve until 12:30am

(j) Supply of Alcohol for consumption ON and OFF the premises.

Friday to Sunday 2:00pm to 11.30pm

Seasonal Variation Timings:- Where weekdays will fall on Christmas Eve, Bank Holidays, New Years Eve.

Non Standard Timings:- New Years Eve until 12:30am

(l) Hours Premises are Open to the Public

Monday to Thursday 09:00am to 11:30pm

Friday to Sunday 09:00am to 12:00am

Non Standard Timings:- New Years Eve until 12:30am

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Internal Plan supplied by applicant. (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 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*

Have made representation relating to the prevention of crime and disorder and public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 3).

2.2 *Environmental Health*

Have made representations relating to public nuisance which have since been withdrawn as the applicant has agreed additional conditions (Appendix 4)

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

4 letters have been received that are attached to this report marked appendix 5 to 8.

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, 2.15 – 2.19, 2.20, 9.3,9.11, 9.33 - 9.36, 9.37 – 9.40, 9.42 - 9.44, 10.8 - 10.10 and 16.6.

- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22), Licensing Applications (page 23)
- 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. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

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.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve to 00:30

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Simon Frog has procedure in place identifying the four licensing objectives and how it relates to staff and patrons.

Simon Frog will regularly train and update all staff on the procedure and their responsibilities.

Simon Frog have signs displaying the requirements meeting the four objectives for all patrons and staff.

Simon Frog will keep abreast of any licensing objectives updates and add to the procedure and train our staff accordingly.

b) The prevention of crime and disorder

Simon Frog have a work related violence procedure that will be trained to all staff and communicated to all persons hiring the venue. The procedures relates to:

- The sale of alcohol
- Conflict resolution
- Reporting and recording incidence of work related violence, threats or abuse
- Monitoring incidents and accidents
- Work environment
- Working practice including cashing up, credit and debit card transactions and counterfeit notes

c) Public safety

We do not employ door staff to record numbers attending however as we only run private parties and are not open for people to come in off the street the contract with the client requests the approximate number attending ensuring that we do not go over our capacity.

We have a policy of no drinks promotions and staff are trained in this.

The procedure outlines the set up and checks to be made before, during after an event to ensure the premises are safe and clean.

Only plastic glasses are used to serve drinks.

We offer free filtered water to all patrons.

Contact details of local taxi firms are displayed at the exit

Fire procedures are part of the patrons contract and also displayed at the entrance/exit

A fire alarm is installed and regularly checked, maintained and recorded.

A fire risk assessment has been completed and recorded

Fire exits routes are clearly signed and exit signs are clear and lit.

All glass bottles are regularly cleared and stored in the bar room until taken away and recycled the next day. Glass bottles are not stored outside the premises.

No drinks or food are only to be consumed inside the premises and the contract with client states this as well as signage on the entrance/exit door.

All electrical equipment is regularly tested, maintained and certificated according to the regulations.

No electrical equipment is permitted unless certificated as compliant and safe.

Continued from previous page...

We have no boilers or gas in the building.

We have adequate first aid kits at two points of the building

d) The prevention of public nuisance

We have identified that public from Lemon Frog relates to

Amplified Music

Noise of Patrons outside the building

vehicles delivery or picking up staff or patrons

Amplified Music

Our music system has a sound limiter to keep the volume from being excessive.

Music is reduced further from 11pm

Music is switched off at Midnight

Our speakers are on stands with rubber bases to prevent noise vibration.

We have only two amplified speakers which are located away from exit/entry points

We have applied sound proofing to the exit door and sky lights

There are no windows to open in the premises

We do not have live bands/music at the premises

Both entry and exit doors are never jarded open during the playing of music.

Noise of Patrons

As part of the agreement form for private parties we require the clients to inform all attendees that they must keep the noise to a minimum and respect the neighbours when leaving the building.

We have a sign on the exit reminding all staff and patrons to keep the noise to a minimum

Noise of Vehicles

We have contacted the taxi service and requested that when collecting clients that they are not allowed to sound the horn.

We have a sign displaying the number of the taxi service

e) The protection of children from harm

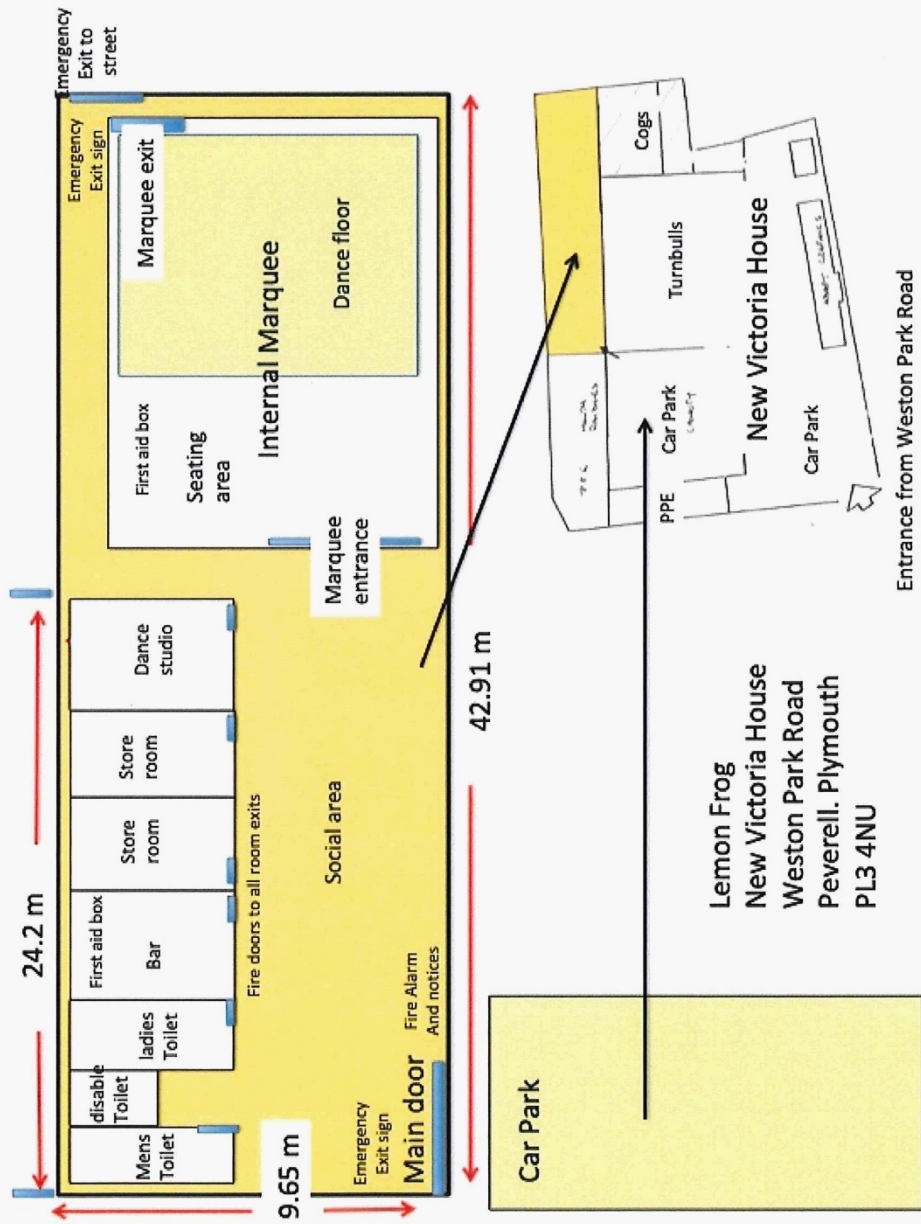
We operate a challenge 25 policy and ask for PASS ID, or Passport or Photo driving licence where those individuals who appear to be under the age of 25 are attempting to purchase alcohol.

We only use and serve plastic glasses from the bar.

No children are allowed in the premises without adult supervision.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK



Lemon Frog - Suggested conditions

General

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.

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.

Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.

All staff shall be trained in the requirements of the Challenge 25 policies

Prevention of Crime and Disorder

No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public

All drinks shall be served in plastic/paper/ toughened glass or polycarbonate containers

Prevention of Children from Harm

The Premises Licence Holder or Designated Premises Supervisor shall ensure that all bar staff, supervisors and managers 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 then at least every six months. Training shall be signed and documented and training records will be kept on the premises and be made available to an enforcement officer on request. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

Prout, Frederick

From: Tomkins, Will
Sent: 31 May 2019 12:21
To: Prout, Frederick
Subject: FW: OFFICIAL:SENSITIVE: Licence Application, Lemon Frog Ref: 909104

Dear Mr Prout,

Please find an agreed condition from Lemon Frog below.

Please let me know if you need anything further.

Regards

Will Tomkins
Environmental Health Officer
Public Protection Service
Windsor House
Tavistock Road
Plymouth
Devon
PL6 5UF

T +441752304740
M +447584407254
E will.tomkins@plymouth.gov.uk
www.plymouth.gov.uk

From: [REDACTED]
Sent: 28 May 2019 08:56
To: Tomkins, Will <Will.Tomkins@plymouth.gov.uk>
Subject: Re: OFFICIAL: Licence Application, Lemon Frog Ref: 909104

Hi Will thank you for your email. Yes I am happy with condition to be applied to the premises licence of

1. Between the hours of 23:00 and 08:00 noise emanating from Lemon Frog must be inaudible at the nearest residential property.

Best wishes

Kevan Kennedy



Web.

Name of the premises: Lemon Frog

Regarding the following application I want to: Object

Premises address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
Victoria house	New Victoria House Weston Park Road, Plymouth		New Victoria House	Weston Park Road	Plymouth	Devon	PL3 4NX

In what capacity are you applying?: Any other person

Your details:

Title	First Name	Surname	Telephone Number	Mobile Number	Email Address

Your address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
PL34PQ	Holland Road, Plymouth			Holland Road	Plymouth	Devon	PL3 4PQ

Which of the following Licensing Objectives is this representation relevant to?: C. The prevention of public nuisance

Suggestions and conditions for application: Noise levels will be worse than ever. The music we hear already goes on way beyond the time allowed and with our bedroom at the front of our house it's impossible to sleep though the loud thud of music. The music recently kept our young child awake until very late which I find completely unacceptable. Visitors to the venue park in our road meaning they leave late banging car doors making more noise than is necessary. Any further noise from the venue will be reported.

Is there any reason why you do not want your personal details to be passed on to the premises license holder?: Yes

Provide reasons: There are no reasons at all why they should be passed on and I specifically request they are not passed on. My concerns of course may be shared.

Upload:

Signed (your name)::

Date:: 2019-06-02

Name of the premises: Lemon Frog

Regarding the following application I want to: Object

Premises address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
Victoria House Weston park road	New Victoria House Weston Park Road, Plymouth		New Victoria House	Weston Park Road	Plymouth	Devon	PL3 4NX

In what capacity are you applying?: Any other person

Your details:

Title	First Name	Surname	Telephone Number	Mobile Number	Email Address

Your address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
Holland Road							

Which of the following Licensing Objectives is this representation relevant to?: C. The prevention of public nuisance

Suggestions and conditions for application: We have already complained about this premises. We have made several complaints to the owners and I've also contacted the council with regards to the noise nuisance. We feel we are already being made to suffer every week and a alcohol license is going to make matters worse. This use to be a nice quiet residential area. We were happy to accept the warehouse being used for a dance studio but not for rowdy loud parties until midnight. Even the owner admits the DJ's turn up the music louder as soon as his back is turned.

He also confirmed that the singers are louder than he expected. I have logs of all of the complaints and dialogue.

A lot of the residents in close proximity are very unhappy about this situation. We feel allowing an alcohol license is going to make matters worse and escalate an already unbearable problem.

What we would like to see is temporary music licences being removed for parties and also ensure this premises never gets an alcohol licence, if they get one it is only going to cause nuisance and distress to the residents. I am hoping someone see sense with this request as I am pretty fed up that my child can not sleep because of all the noise.

I write this note at 22:58 and we can again hear music coming from the premises on a Monday evening.

It's quite frankly ridiculous, if I wanted to live on union street I would have. Please sort this out ASAP.

Yours truly,

[Redacted signature]

Is there any reason why you do not want your personal details to be passed on to the premises license holder?: No

Upload:

Signed (your name):: [Redacted signature]

Date:: 2019-06-03

Name of the premises: Lemon Frog

Regarding the following application I want to: Object

Premises address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
weston park road	New Victoria House Weston Park Road, Plymouth		New Victoria House	Weston Park Road	Plymouth	Devon	PL3 4NX

In what capacity are you applying?: Any other person

Your details:

Title	First Name	Surname	Telephone Number	Mobile Number	Email Address
Mr	Paul	Totterdell			

Your address:

Please enter either the postcode or street name	Choose address	Flat number from list	House number from list	Street from list	Town from list	County from list	Postcode from list
	Holland Road, Plymouth			Holland Road	Plymouth	Devon	PL3 4PQ

Which of the following Licensing Objectives is this representation relevant to?: A. The prevention of crime and disorder, C. The prevention of public nuisance

Suggestions and conditions for application: I have lived in and still want to live in a quiet residential area, not have music disturbing and causing a nuisance car doors banging people talking/shouting when leaving inebriated and possibly arguing/fighting late at night, 7 days a week. In the past when music has been played it has been a problem and the thought of it being 7 days a week is quite disturbing.

Is there any reason why you do not want your personal details to be passed on to the premises license holder?: No

Upload:

Signed (your name)::

Date:: 21/06/2019

T +441752307981
M +447825202290
E marie.price@plymouth.gov.uk
www.plymouth.gov.uk

From: [REDACTED]
Sent: 07 June 2019 13:18
To: Licensing <licensin@plymouth.gov.uk>
Subject: Licensing Objection

Office of the Director of Public Health
Head of Public Protection Service
Plymouth City Council
Windsor House
Plymouth
PL6 5UF

To whom it May Concern

I wish to formally give my objection to the following licensing application:

Lemon Frog
New Victoria House
Weston Park Road
PL3 4NU

Licensed bar for private functions and parties during the weekends and public holidays.

I am a resident that resides directly opposite this establishment and I feel that any license granted for these premises will directly affect me in the following ways - it will be a noise nuisance - there is already noise from Plymouth Precision Engineering Company throughout the day which is bearable as it is in daytime hours but if this license were granted there is the potential for further noise throughout the day and into the night.

There may be an increase in crime or alcohol related disorder in the neighbourhood directly affecting myself or surrounding residents/families with children. This is a quiet neighbourhood and it would certainly increase the number of people passing through, the effect of alcohol will mean that it is unlikely people will be doing this quietly.

Will these premises have any sound proofing or noise limiting devices? The premises are located in an old building which was not designed to contain modern levels of sound and vibration and noise will inevitably escape from the building and cause a disturbance - for the most part at an unsociable hour.

I do hope that you will take the above points into account when you consider the application that has been made.

Yours faithfully

[REDACTED]
Holland Road
Peverell