



#plymlicensing



### **Oversight and Governance**

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Published 22 June 2018

## **Licensing Sub Committee Supplement Pack**

Tuesday 26 June 2018  
10am  
Council House, Plymouth

### **Members:**

Councillors Downie, Fletcher, Parker-Delaz-Ajete and Rennie.

**Fourth Member:** Councillor Fletcher

Please find attached for your consideration additional information under agenda item 5.

**Tracey Lee**

Chief Executive

## **LICENSING SUB COMMITTEE**

### **5. TEMPORARY EVENT NOTICE - JOHN DENMAN - (Pages 1 - 28) STUART ROAD CAR PARK, STUART ROAD, PLYMOUTH**

The Director of Public Health will submit a report in relation to 8 x Temporary Event Notice applications for the period of 20/21 July 2018 - 7/8 September 2018 Stuart Road Car Park, Stuart Road, Plymouth under Section 100 of the Licensing Act 2003.

**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	John Denman. 43 Berrow Park Road, Plymouth Temporary Event Notice - 8 x applications
<b>Committee:</b>	Licensing Sub Committee
<b>Date:</b>	26 June 2018
<b>Cabinet Member:</b>	Councillor Sally Bowie
<b>CMT Member:</b>	Dr Ruth Harrell (Office of the Director of Public Health)
<b>Author:</b>	Frederick Prout (Senior Licensing Officer)
<b>Contact details:</b>	Tel: 01752 304792 email: licensing@plymouth.gov.uk
<b>Ref:</b>	ERS/LIC/PREM
<b>Key Decision:</b>	No
<b>Part:</b>	I

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**Purpose of the report:**

A notification has been received from John Denman in respect of the Stuart Road Car Park, Stuart Road, Plymouth for a Temporary Event Notice under Section 100 of the Licensing Act 2003.

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**Our Plan - One City Council 2016 to 2019:**

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:**

Revised April 2017

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 of the Licensing Act 2003 - April 2018**

**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	SD/I 5.6.1 8/30 677	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 13 June 2018 John Denman, 43 Berrow Park Road, Plymouth submitted eight separate temporary event notices under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of the notices was served on Devon and Cornwall Police and Environmental Health department
- 1.2 The notification is in respect of eight events to take place at the Stuart Road Car Park, Stuart Road, Plymouth PL1 5LH. The Car Park is a split level space with the lower section situated under the railway arches. (Area Plan – Appendix 1)
- 1.3 Nature of the event:  
All applications are for the screening of certified films to the public on a 300inch projector screen with sound and concession stands to sell cold snacks (popcorn etc.), soft drinks and alcohol on the following dates:
1. 20 & 21 July 2018 between 1930hrs and 2359hrs for up to 499 persons
  2. 27 & 28 July 2018 between 1930hrs and 2359hrs for up to 499 persons
  3. 03 & 04 August 2018 between 1930hrs and 2359hrs for up to 499 persons
  4. 10 & 11 August 2018 between 1930hrs and 2359hrs for up to 499 persons
  5. 17 & 18 August 2018 between 1930hrs and 2359hrs for up to 499 persons
  6. 24, 25 & 26 August 2018 between 1930hrs and 2359hrs for up to 499 persons
  7. 31 August and 01 September 2018 between 1930hrs and 2359hrs for up to 499 persons
  8. 07 & 08 September 2018 between 1930hrs and 2359hrs for up to 499 persons

The licensable activities intended within the notice are:

The sale by retail of alcohol on the premises

The provision of regulated entertainment

- 1.4 Plymouth City Council Environmental Health department have given notice to the Licensing Authority that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the public safety, protection of children from harm and prevention of public nuisance licensing objectives. They have also served notice on Mr Denman. (Appendix 2)
- 1.5 Any person over 18 years of age, may give a Temporary Event Notice in respect of permitted temporary activities, intended to take place other than under a licence. This may include:
- \* The sale by retail of alcohol
  - \* The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  - \* The provision of regulated entertainment
  - \* The provision of late night refreshment
- 1.6 A temporary event notice must be given to the Licensing Authority the Police and Environmental Health department not less than 10 working days before the event takes place.
- 1.7 Only the Police and Environmental Health department are able to make objections in respect of a Temporary Event Notice on the basis of any of the four licensing objectives.

## 2.0 CONSIDERATIONS

- 2.1 The committee is obliged to determine this application with a view to promoting the licensing objectives.
- 2.2 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 2.7 - 2.9, 2.16, 2.22, 2.30, 7.32 – 7.36, 7.37, 9.42 and 9.43.

- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application. Temporary Event Notices (TEN's) (Page 24).
- Also the representations (including supporting information) presented by all the parties.

2.3 In determining the matters before it the committee may decide to allow the licensable activities to go ahead or alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing counter notices. The provision to be able to add conditions to these temporary events notices is not available as an option in this case as there is no premises licence in force at this location.

Stuart Road - Google Maps

Google Maps

Stuart Road

Stuart Road Car Park



Imagery ©2018 Google, Map data ©2018 Google 10 m

<https://www.google.co.uk/maps/place/Stuart+Road/@50.3780307,-4.1504831,128a,3...> 15/06/2018

Google Maps Stuart Rd



Imagery ©2018 Google, Map data ©2018 Google 10 m

<https://www.google.co.uk/maps/place/Stuart+Rd,+Plymouth+PL1+5LH/@50.377258...> 15/06/2018



Google Maps

Stuart Road

Stuart Road Car Park



Imagery ©2018 Google, Map data ©2018 Google 20 m

<https://www.google.co.uk/maps/place/Stuart+Road/@50.3793166,-4.1512271,244a,3...> 15/06/2018

**Prout, Frederick**

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**From:** Tomkins, Will  
**Sent:** 14 June 2018 14:15  
**To:** Prout, Frederick  
**Subject:** FW: OFFICIAL:SENSITIVE: Stuart Road Car Park - Representation Ref SRU900272  
**Attachments:** Stuart Road Car Park.pdf

Dear Mr Prout,

Please find attached representation regarding the application for Temporary Event Notices at Stuart Road Car Park.

A copy of the representation has been sent to the applicant – see email below.

Regards

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

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[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

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**From:** Tomkins, Will  
**Sent:** 14 June 2018 14:14  
**To:** 'j'  
**Subject:** OFFICIAL: Stuart Road Car Park - Representation Ref SRU900272

Dear Mr Denman,

As discussed on the telephone please find attached an Environmental Health Representation regarding your application for Temporary Event Notices at Stuart Road Car Park.

If you need any further information please do not hesitate to contact me.

Regards

**Will Tomkins**  
Environmental Health Officer  
Public Protection Service  
Windsor House  
Tavistock Road  
Plymouth

Devon  
PL6 5UF

T +441752304740

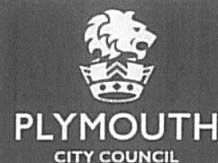
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**MEMO**

Public Protection Service

**Licensing Act 2003****Environmental Health Representation**

From:	<b>Unit Manager, Public Protection Service</b>	
To:	<b>Head of Licensing Section</b>	
FAO:	<b>Fred Prout</b>	
Date:	14 <sup>th</sup> June 2018	
Schedule Ref:	<b>SRU/900272</b>	
Investigating Officer:	Will Tomkins	Extension Number: 304740
<b>Application Details: 900272</b>		
<b>Premises: Stuart Road Car Park</b>		
<b>Name of Applicant: The Campus People Limited</b>		
<b>Address: 43 Berrow Park Road, Plymouth, , PL3 5PZ</b>		
<b>Type of Application: 8 Temporary Event Notices for Alcohol &amp; Entertainment</b> on the following dates; 20 <sup>th</sup> -21 <sup>st</sup> July, 27 <sup>th</sup> -28 <sup>th</sup> July, 3 <sup>rd</sup> -4 <sup>th</sup> August, 10 <sup>th</sup> -11 <sup>th</sup> August, 17 <sup>th</sup> -19 <sup>th</sup> August, 24 <sup>th</sup> -26 <sup>th</sup> August, 31 <sup>st</sup> August -1 <sup>st</sup> September & the 7 <sup>th</sup> – 8 <sup>th</sup> September.		
<b>Date of Inspection: N/A</b>		
<b>Representation</b>		
This department would like to make the following representation:		
<b>I consider the application to undermine the following licensing objectives:</b>		
<b>(please delete as appropriate)</b>		
Protection of Children From Harm		
Public Safety		
The Prevention of Public Nuisance		
<b>The likely effect of granting the licence as applied will undermine the licensing objectives because:</b>		

*(How will the application undermine one or more of the four licensing objectives – under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)*

**Protection of Children From Harm**

The applicant has stated that he will be showing 18 rated films. As the cinema is in the open air The Environmental Health Authority is concerned that children may be able to see the screen from the surrounding area. In addition the soundtrack and audio may be audible in the surrounding area.

**Public Safety**

The Environmental Health Authority has not been provided with any information regarding the control of customers at this event. It is unclear how the cinema will operate within the car park and how customers will be separated from moving vehicles. It is unclear how the capacity of the venue will be controlled to be within the 499 capacity permitted with a TEN.

**The Prevention of Public Nuisance**

The Environmental Health Authority has concerns regarding the likely disturbance to nearby residential properties from an open-air cinema operating for 2 or 3 nights each weekend across the entire summer. (20<sup>th</sup> July until 8<sup>th</sup> September). Historically open-air cinemas in Plymouth have led to complaints to the Environmental Health Authority, however, they have been limited to 3 showings in a location over a calendar year. The applications received in relation to Stuart Road Car Park are for 8 weekends in the same location. This has the potential to cause a public nuisance affecting nearby residential properties for the entire summer period.

**Recommendations**

**I therefore recommend that this application is refused because:**

*(Reinforce the points mentioned above about how the application will undermine one or more of the four licensing objectives if the licence were granted as applied for.*

*Explain why conditions will not address the problems identified and why the hours or licensable activities could not be varied to address the problem).*

As this is a Temporary Event Notice the Environmental Health Authority is unable to apply any conditions to the licence for these events. There is the potential for children to see/hear age restricted films as they are being shown outside. Based on the information provided with the application there is insufficient information to ensure public safety at the event.

The provision of an open-air cinema operating for 2 or 3 weeks over 8 weekends of the summer has the potential to cause significant disturbance to nearby residential properties. As this is a Temporary Event Notice the Environmental Health Authority is unable to impose any restrictions on the licence.

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The following relates to exempt or confidential matters (Para(s) 1 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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