

Licensing Sub Committee

Wednesday 11 December 2024

PRESENT:

Councillor Stephens, in the Chair.
Councillor Tofan, Vice Chair.
Councillor M. Smith.

Also in attendance: David Adam-Leach (Devon and Cornwall Police), Olivia Gifford (Devon and Cornwall Police), Marie Price (Senior Enforcement Officer), Ian Wills (Senior Lawyer) and Joshua Longstaff (Democratic Support)

The meeting started at 9.39 am and finished at 10.19 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

80. Appointment of Chair and Vice-Chair

The Committee agreed to appoint Councillor Stephens as Chair and Councillor Tofan as Vice-Chair for this meeting.

81. Declarations of Interest

There were no declarations of interest.

82. Chair's Urgent Business

There were no items of Chair's urgent business.

83. Temporary Events Notice: Ernesettle Sports Hall

Mr Pond nor a representative attended the meeting. The Committee was advised Marie Price (Senior Enforcement Officer) posted the meeting notice on 03 December 2024 and she had made phone calls to the telephone number on the application on 09, 10 and 12 December 2024 but they were not answered nor had Mr Pond called back.

The Police last spoke with Mr Pond's partner on 04 December 2024.

The committee was satisfied that Mr Pond was aware of the meeting date and proceeded in his absence.

The Committee heard:

- a) The report from the Office of the Director of Public Health;

- b) The Devon and Cornwall Police Case Written Summary;
- c) The Event plan submitted by Mr Pond;
- d) The Police made the following submissions:
 - i) It was rare for the Devon and Cornwall Police (“the police”) to object to a Temporary Events Notice (TENs) application. The police take a “light touch approach” and if there were issues then resolution was normally achieved by discussions;
 - ii) There were approximately 9000 TENs application in Devon and Cornwall each year, it was very rare for the police to object;
 - iii) The Police were objecting to the grant of the TENs application for this application because the licensing objectives of preventing crime and disorder and protection of children would be undermined;
 - iv) The proposed event fell within the definition of regulated entertainment and the police regarded it as a “high risk event” because of the risk from disorder and the consumption of illegal drugs;
 - v) Children would be present at the event, therefore the sale of alcohol needed to be managed to prevent it being sold to under 18’s;
 - vi) TENS boxing events did occur in Plymouth but these were run by operators who had experience of managing these events with well drafted management plans;
 - vii) The police confirmed it was Mr Pond who had approached them in October 2024 with the details of the planned bare knuckle boxing event and was advised that he would need to produce an event plan;
 - viii) An event plan was submitted on 02 December 2024 but it was inadequate because it did not address the licensing objectives. There was no detail regarding the organisation/management of the sale of alcohol; procedures for limiting the sale of alcohol to over 18’s; not details of the lay out of the ring/the venue;
 - ix) On 04 December 2024 the police spoke to Mr Pond’s partner to outline that the event plan was inadequate. The police were informed this was Mr Pond ‘s first event and the first Bare Knuckle fight in the South-West;
 - x) The Police advised the committee their role was not to plan the event, that was the applicant’s responsibility. There was plenty of guidance and help for the drafting of the event plan online;
 - xi) The Police had considered whether the event could proceed if the alcohol element of the application was refused but decided the undermining of the

prevention of crime and disorder remained because the inadequate event plan did not address the risks of drugs misuse;

- xii) If the application was refused, there was still sufficient time for Mr Pond to make a further TENs application;
- e) The Committee confirmed that they had read the application, and the event plan attached to the police written report.

The Committee considered:

- a) The representations made by the police were relevant to the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children;
- b) At 2.1 of the S182 Licensing Act Guidance that the Police were the main source of advice on Crime and Disorder;
- c) That this was a reasonably large event with potentially 350 spectators in a venue of limited size where their children would attend;
- d) The police categorisation that boxing events were “high risk” because of the use/supply of illegal drugs. This did not prevent such events taking place (they regularly occurred in Plymouth) but a robust event plan was needed to address these concerns;
- e) The event plan was inadequate to address the police concerns in particular:
 - i) Procedures to address potential illegal drug misuse;
 - ii) The lay out of the event -the location of the bars and emergency exits to identify area of friction given there could be 350 people in a relatively small venue;
 - iii) The committee was particularly concerned there was no reference in the event plan to the management for the sale of alcohol, who was going to manage the selling or alcohol, deal with drunk people, procedures for recording incidents and the checks to be made to ensure that under 18 do not purchase alcohol;
- f) The requirements were not excessive and were essential to ensure the licensing objectives were not undermined. The Committee noted that Mr Pond could have used resources on line to assist in the drafting of the event plan;
- g) It was also concerning there had been relatively limited engagement with the Police and the licensing officers which the committee found demonstrated Mr Pond seemed to be unwilling to accept and address the legitimate concerns;
- h) Further Mr Pond did not have the experience in promoting events such as was being proposed therefore highlighting the need for a robust event plan and the

development of a working relation with relevant authorities;

- i) Whether to issue the TEN with conditions attached but determined this was not possible without a basis for compliant event plan; Mr Pond was not present to confirm his position on conditions and it was not the role of the Committee to manage a high risk event.

The Committee agreed having regard to the Police objections that the issuing of the Temporary Events Notice (sale of alcohol and provision of regulated entertainment) would undermine the licensing objective of crime and disorder and protection of children it was necessary, and proportionate, to issue a Counter notice in respect of this application.