



#plymlicensing

Oversight and Governance

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LICENSING SUB COMMITTEE

Wednesday 11 December 2024
9.30 am
Council House

Members:

Councillors M.Smith, Stephens and Tofan.

Fourth Member:

Councillor Lawson.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

For further information on attending Council meetings and how to engage in the democratic process please follow this link – [Get Involved](#)

Tracey Lee

Chief Executive

LICENSING SUB COMMITTEE

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. TEMPORARY EVENTS NOTICE: ERNESETTLE SPORTS HALL: (Pages 1 - 6)

TEMPORARY EVENT NOTICE REPORT

Licensing Sub Committee



Date:	11 December 2024
Title of Report:	Temporary Event Notice
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries and Crematoria)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Bev Gregory (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Ernesettle Sports Hall
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

A notification has been received from Marcus Pond in respect of the Ernesettle Sports Hall, Ernesettle lane PL5 2EY, Plymouth for a Temporary Event Notice under Section 100 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.

Unlocking the City's Potential: 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.

Caring for People and Communities: 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

Financial Risks

Not Applicable

Carbon Footprint 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 – December 2023](#)

Appendices

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

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

Sign off:

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Originating Senior Leadership Team member: N/A

Please confirm the Strategic Director(s) has agreed the report? N/A

Date agreed: N/A

Cabinet Member signature of approval: N/A

Date: N/A

1.0 INTRODUCTION

- 1.1 On the 26 November 2024, Marcus Pond gave a temporary event notice under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of the notice was served on Devon and Cornwall Police and Environmental Health department
- 1.2 The notification is in respect of an event to take place at the Ernesettle Sports Hall, Ernesettle Lane, Plymouth, PL5 2EY. This premises is not currently authorised for any licensable activities.
- 1.3 Nature of the event and Date:
1. 25 January 2025
 2. Indoor boxing event plus live music acts
 3. Up to 350 people
 4. Hours of operation 16:00hrs to 21:00hrs
- The licensable activities intended within the notice are:
1. The sale by retail of alcohol
 2. The provision of regulated entertainment
- 1.4 Devon and Cornwall Police 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 crime prevention objective. They have also served notice on Mr Pond (APPENDIX 1)
- 1.4 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
- 1.5 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.
- 1.6 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 The Committee may decide to allow licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises the committee may also impose one or more of the existing conditions on the notice in so far as such conditions are not inconsistent with the event if it considers that this is appropriate for the promotion of the licensing objectives.

- 2.3 In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.
- 2.4 If the committee decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing a counter notice.

APPENDIX I

From: ADAMS-LEACH David 53340
To: pondmarcus; Licensing
Cc: GIFFORD Olivia 31386
Subject: Ernesettle Community Centre 25th January 2025
Date: 29 November 2024 12:21:50

Good afternoon,

Please accept this as an official Representation from Devon and Cornwall Police in relation to the attached TEN under the Prevention of Crime and Disorder, Public Safety and Protection of Children from Harm, licensing objectives.

The information contained in the Temporary Event Notice is not enough to satisfy that the licensing objectives will be promoted. I have spoken with the notice giver and have requested an event management plan, for this boxing event. Without this information, I am unable to satisfy my concerns regarding possible Crime and Disorder, a risk to the public and the Protection of Children from Harm.

Should I have the information requested, and the event management plan is to standard prior to the required hearing, I may be able to withdraw my representation.

Kind regards

David Adams-Leach
Police Alcohol Licensing Officer
(Plymouth and Torpoint)