

Licensing Committee (Miscellaneous)

Tuesday 13 October 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Reynolds, Vice Chair.
Councillors Bowie, Delbridge, Gordon, Kerswell, Mrs Nelder, Mrs Nicholson, Rennie, Roberts and Mrs Stephens.

Apologies for absence: Councillors Drean, Lock and Miller MBE

The meeting started at 10.00 am and finished at 10.45 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.

13. APPOINTMENT OF VICE CHAIR

Resolved that Councillor Reynolds be appointed as Vice Chair for this meeting in the absence of Councillor Lock.

14. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

15. MINUTES

It was resolved that the following minutes be approved as a correct record:

4 August 2009	Licensing Committee Miscellaneous
4 August 2009	Licensing Sub Committee
18 August 2009	Licensing Sub Committee
8 September 2009	Licensing Sub Committee
15 September 2009	Licensing Sub Committee

The Senior Lawyer provided the Committee with an update on minutes 15 and 16 of 18 August 2009 Licensing Sub Committee (Miscellaneous) for those Members who were not in attendance at that hearing. The Committee were informed that the review of the Dance Academy and the Cooperage was brought by the Police as the owner of both premises was arrested and charged for serious offences linked to drug dealing. It was highlighted that both reviews were adjourned as assets for both premises had to be preserved until hearings had taken place as Police would review the proceeds of crime. Members were informed that with regards to public safety, it was considered that both premises were safe as the Dance Academy and the Cooperage were closed.

16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

17. APPLICATION FOR CONSENT - PRIVATE SHOP, 31 ATHENAEUM STREET, PLYMOUTH

The Committee having heard from –

- (i) the Director for Darker Enterprises;
- (ii) the premises operator that –
 - the application requests consent to change the opening day from 26 to 28

December 2009 due to the Bank Holiday;

Members resolved to grant the application for change of opening hours and agree to vary the times of opening on this occasion only so that the Private Shop may be closed on the 26 December 2009 and may be open on the 28 December 2009.

18. **PLYMOUTH ALBION RUGBY FOOTBALL CLUB LTD - REGULATION OF EAST AND WEST STANDS - TO FOLLOW**

The Committee heard from –

- (i) the Head of Development Management;
- (ii) a representative of the Plymouth Albion Rugby Football Club Limited;
- (iii) a representative for the Head of Legal Services;

The Head of Development Management provided the Committee with a report on Plymouth Albion Rugby Football Club Ltd – Regulation of east and west stands on the following points –

- (iv) the Safety Advisory Group was established after the Hillsborough disaster and consists of members of the Council, Devon and Somerset Fire, Devon and Cornwall Police and Ambulance Service.
- (v) the east and west stands at Plymouth Albion ground was now eligible to be administered through the Fire Safety and Safety of Places of Sport Act 1987 legislation;
- (vi) the Safety Advisory Group had been communicating with Plymouth Albion representatives;
- (vii) it was requested that the Licensing Sub Committee (Miscellaneous) have delegated authority to make further decisions in the future upon the regulation of the east and west stands;
- (viii) Plymouth Albion representatives have applied for a general safety certificate for these stands;

In response to questions raised it was reported that –

- (ix) whilst preparation was made to implement legislative regulations to the east and west stands of Plymouth Albion Rugby Football Club Ltd other legislation would ensure the safety of the ground;
- (x) the Council would take immediate action if concerns were raised regarding safety;
- (xi) the regulatory legislation was not requested to be implemented at an earlier stage as previous guidance for the capacity of stands would not have required. However following the issue of recent Guidance, this has now been reviewed. The Guidance now clarifies the calculations required to assess the capacity of the stands and that the stands require to be regulated once over a capacity of 500.
- (xii) the north stand was not required to meet to the regulatory legislation as it was a smaller temporary stand however it would still be required to meet safety regulations;
- (xiii) risk assessments and safety guidelines would be formalised with Plymouth Albion;

- (xiv) Calculations regarding capacity for the stands were still to be finalised;
- (xv) the Council would not have more power to regulate the running of the ground as it was the safety regulations of the east and west stands that was to be affected;

The representative for the Head of Legal Services provided clarification to the Committee regarding the difference between legislation and guidance; the Committee was informed that legislation was an act of parliament and that guidance was issued as directed by the act of parliament and used to interpret the powers granted under the act.

Members resolved to –

- (1) make a preliminary determination that the east and west stands of the grounds of Plymouth Albion Rugby Football Club Limited should be regulated under Section 28 of the Fire Safety and Safety of Places of Sport Act 1987
- (2) authorises the Assistant Director of Development (Planning) to issue all necessary letters of determination with regard to the preliminary determination;
- (3) delegate authority to the Licensing Sub Committee (Miscellaneous) the authority to consider any application made by the Club for a general safety certificates for the east and west stands.

19. **EXEMPT BUSINESS**

There were no items of exempt business.