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BARRY KEEL
Chief Executive
Floor 1 - Civic Centre
Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 20/01/10 Telephone Enquiries 01752 304022 Fax 01752 304819
Please ask for Helen Rickman, Democratic Support Officer e-mail helen.rickman@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 26 JANUARY 2010
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –
Councillors Mrs Bowyer, Lock and Rennie

Fourth Member –
Councillor Delbridge

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

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

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. MR TOM MACPHERSON, THE WEE CLIPPER, 29 SOUTH
SOUTHSIDE STREET, PLYMOUTH - TEMPORARY
EVENT NOTICES** **(Pages 1 - 6)**

The Director for Community Services will submit a report on an application for a Temporary Events Notice.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Sub-Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

CITY OF PLYMOUTH

Subject: Mr Tom Macpherson, The Wee Clipper, 29 Southside Street, Plymouth.
Temporary Event Notices

Committee: Licensing Sub Committee (Miscellaneous)

Date: 26 January 2010

Cabinet Member: Councillor Peter Brookshaw

CMT Member: Director for Community Services

Author: Peter Clemens
e-mail: licensing@plymouth.gov.uk

Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

Three notifications have been received from Mr Tom Macpherson in respect of The Wee Clipper, 29 Southside Street Plymouth for 3 -Temporary Event Notices under Section 100 of the Licensing Act 2003.

Corporate Plan 2009 - 2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Improving community involvement and engagement.
 2. Widening cultural and leisure opportunities.
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety Risk Management, Equalities Impact Assessment, etc.

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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

- 1.1 On the 15th January 2010 Mr Tom Macpherson gave 3 Temporary Event Notices under Section 100 of the Licensing Act 2003 to the Licensing Authority. Copies of these notices were served on the Devon and Cornwall Police at Charles Cross Police Station.
- 1.2 These notifications are in respect of three events taking place at the Wee Clipper, 29 Southside Street, Plymouth.
- 1.3 Nature of the event:
1. Friday 29th January 2010 to Monday 1st February 2010 (96 hours). Live music event.
 2. Friday 5th February 2010 to Monday 8th February 2010 (96 hours). Live music event.
 3. Friday 12th February 2010 to Monday 15th February 2010 (96 hours). Live music event.

The licensable activities intended within the notice are:
The provision of regulated entertainment.
The sale by retail of alcohol.

- 1.4 Devon and Cornwall Police have registered their objection to the above applications under the crime prevention licensing objective. They have also served notice on Mr Tom Macpherson (APPENDIX 1)
- 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 and the Police not less than 10 working days before the event takes place.
- 1.7 Only the Police are able to make objections in respect of a Temporary Event Notice and then **only** on the grounds; ***that to allow the event to take place would undermine the crime prevention objective***

2.0 CONSIDERATIONS

- 2.1 The Committee is obliged to determine this application with a view to promoting the crime prevention objective.
- 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 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.
- 2.3 The Committee would need to consider whether it is necessary for the promotion of the crime prevention objective to give a 'counter notice' in respect of the Temporary Event Notice given by Mr Tom Macpherson.

Clemens, Peter (DEVELOPMENT)

From: Tim.BROOKS@devonandcornwall.pnn.police.uk
Sent: 15 January 2010 15:59
To: Licensing (DEVELOPMENT)
Cc: WORTHINGTON Martin 14611; MCINDOE David 55474; PROUT Fred 54480
Subject: TEN - The Wee Clipper NOT PROTECTIVELY MARKED

Peter/Marie,

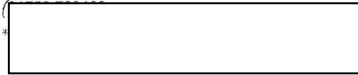
Please be advised that under Section 104 of The Licensing Act 2003 with regard to the prevention of crime and disorder the police would like to register their objection to the three Temporary Event Notice applications by Mr Tom MacPherson to be held at The Wee Clipper, 29 Southside Street, Barbican, Plymouth for the dates.

29 Jan - 1 Feb 2010
5 - 8 Feb 2010
12 - 15 feb 2010

The current applications do not state clearly enough the nature of the event therefore leaving the police unable to ascertain whether there will be any concerns in the prevention of crime and disorder.

The police will seek to gain clarification from Mr MacPherson of his intentions and when in possession of all the facts will inform you of their decision.

Kind Regards
Tim Brooks
Alcohol Related Crime Reduction Officer
Plymouth Licensing Department
Charles Cross Police Station
Plymouth
PL4 8HG



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