

Licensing Sub Committee

Tuesday 16 June 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Sam Davey (substitute for Councillor Parker-Delaz-Ajete) and Fletcher (Fourth Member).

Apologies for absence: Councillor Parker-Delaz-Ajete.

Also in attendance: Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 11.15 am and finished at 12.45 pm.

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.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed as Chair and Councillor Mrs Bowyer is appointed as Vice Chair for this meeting.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

4. PLYMOUTH HOE, PLYMOUTH, PLI 2PA

The Committee –

(a) considered the report from the Director for Public Health;

(b) heard from the applicants as follows:

- The applicant already holds a licence however this does not cover alcohol. Where events have required alcohol this has been done by TEN but did not have the level of control which the applicant required as it is not possible to put conditions on a TEN;
- This application mirrors the existing licence except that it adds alcohol with an increase in some conditions;

- The application was for midnight to cover the eventuality of an event over running by 10 minutes or for such an occasion as the Jubilee/Royal Wedding;
- The conditions on the premises licence would be enforced against anyone using the Hoe for a licensed event (by way of conditions on a licence/contract granted to the user);
- The Designated Premises Supervisor (DPS) would be appointed for a limited time and would be under the direct control of the Events Team. This person would be vetted to ensure they were suitable (e.g. by looking at their history);
- They had carried out a 2000 letter drop to houses in the area as an invite to come and talk to the Events Team. A drop in session had taken place at the Duke of Cornwall hotel, attended by 8 people to discuss events on the Hoe and the application. The team had been there for 6 hours;
- Having spoken to local residents, lessons had been learnt from previous events such as MTV and extra security will be used to protect people's gardens;
- There had been no representations from Responsible Authorities about the application;
- At any event they work with the Health and Safety Executive and Public Protection Service to minimise any issues;
- Public Protection Service will be at the MTV event to monitor noise and to report back to the Events Team if there are any problems so that they can be addressed. The Public Protection Service have put together a noise guidance document for organisers to help address any issues. There is also directional sound equipment available which helps reduce problems;
- They have a large number of stewards and SIA security at events whose job it is to watch the crowds and who should spot any issues with vulnerable children or adults. These staff will also be responsible for dealing with any anti-social behaviour and if anyone is found to be heavily intoxicated they will be removed and taken to a safe place;
- In relation to litter issues, there would be a post event litter clean up (a full sweep) which would start at 11.30 pm so that the Hoe and surrounding area would be clean by 6.30 am;
- Many of the events will not take place in the evening and they have around 20 events per year;
- Alcohol is only to be sold at planned events and usually the earliest this takes place is 10 am;
- A condition relating to the DPS had been agreed with the Police as detailed in the report;
- There would be security/stewards at the perimeter of the licensed area who would stop people from taking alcohol out. There would also be a higher fence this year to stop alcohol being passed into the area. As part of their duties the stewards/security are to stop anyone looking under 25 who is carrying alcohol within the licensed area and ask for proof of age. If they cannot produce this then the alcohol will be confiscated;

- There will be no entry to the MTV event to any under 16s who are not accompanied by an adult and who do not have a ticket;

(c) considered the written representations under the following licensing objectives:

Crime and disorder:

- The application for alcohol, late night refreshment and entertainment will increase disorder, anti-social behaviour and public nuisance.

This was considered to be relevant however the existence of a licence did not mean that more events were planned and the applicant had advised that they had had a very low rate of incidents at previous events. The committee also noted that there had been no representation from any responsible authority on this point. With the above in mind, the committee did not consider that the granting of a licence would add to the problems in the area.

- The hours granted would lead to an increase in drunk and disorderly behaviour. Alcohol has a detrimental effect on the behaviour of some people. Drunken people have been seen urinating in the peace garden and in/on people's properties. Granting the licence would exacerbate that problem.

This was considered to be relevant however committee noted the measures put in place to combat any potential problems and noted that this had not been raised as an issue by the responsible authorities. However, in order to address the concerns raised, committee considered that, having taken into account the information provided by the applicant, that a special condition was appropriate to limit the sale of alcohol to planned events only and also that the hours during which alcohol sales could take place should be modified as detailed below.

- The police powers would be compromised in relation to the DPPO. The fact that the DPPO would be suspended during the operation of the licence is the opposite of what is needed.

This was considered to be relevant however the amount of events at which alcohol was being sold was not increasing and in the past when TEN were granted the same restriction to the DPPO applied. Therefore committee did not consider this would be an issue when taking the above into account in addition to the security arrangements with regard to anti-social behaviour and anti-social drinking.

- There is already a problem with alcoholics congregating on the grass frontage of the esplanade. Some who reside in the area have had problems with drunken people sleeping in their doorways and have had to call the police.

This was considered to be relevant however there would be additional security to deal with issues and there was not to be any increase in events. The committee therefore did not consider that the granting of the licence would add to the existing issues.

- There are existing problems with vandalism, criminal damage, fighting, foul language and drink associated problems. Granting the licence will exacerbate these problems.

This was considered to be relevant however committee did not consider that granting the licence would add to existing issues due to the security arrangements in place and the special condition limiting alcohol sales to planned events only.

Prevention of Public Nuisance

- Events and consumption of alcohol until midnight would increase unnecessary noise nuisance to the residents living near the Hoe. People under the influence of alcohol have been observed singing loudly and urinating within the vicinity of the Hoe. An extension to the current laws would exacerbate the problems.

This was considered to be relevant however committee considered that the fact that there was not to be an increase in events taken with the restriction on the sale of alcohol to planned events and the reduction in hours during which alcohol could be sold would address any potential problems.

- There would be an increase in litter (cans/bottles/ glasses etc). Granting the licence will exacerbate existing problems.

This was considered to be relevant however members felt that any problems would be addressed by the condition put forward on the applicant's operating schedule in relation to post event clean up.

- There have already been noise problems from events on the Hoe e.g. MTV Crashes Plymouth. Noise has gone on until 1am even after letters from local residents requesting that they be informed in writing about all events 28 days in advance. These requests have been ignored by Plymouth City Council.

This was considered to be relevant however the committee considered that the arrangements which the applicant had put into place with Public Protection Service monitoring of noise, new directional sound equipment, the increase in security to monitor events, the condition of licence that events will finish at 11pm and the reduction in the hours for the sale of alcohol would address any potential problems.

Protection of Children from Harm

- Children cross the Hoe on the way to and from school. If the licence is granted, people could have been drinking for anything up to 8 hours by the time that home time comes and this could lead to unacceptable behaviour towards the young people.

This was considered to be relevant however the special condition limiting alcohol sales to planned events only would address any potential problems in addition to the fact that stewards and social services would be present at events to monitor the crowd and remove any heavily intoxicated people to a safe place and that beer tents were to be situated away from walkways.

- The Hoe should be an area where it is safe for children to play. This would not be the case if the extended hours were granted.

This was considered to be relevant however members did not consider that this would be an issue as there wasn't to be an increase in planned events, events were to be family orientated and there would be a restriction on alcohol sales only being made at planned events.

- There was no guarantee that underage people would be prevented from drinking alcohol.

This was considered to be relevant however the committee considered that suitable measures were in place to prevent this in that the applicant had explained the challenge 25 policy, that staff training records would be checked and background checks would be made on the DPS.

(d) the following matters appeared in the representations but were disregarded by the committee as they do not relate to any of the licensing objectives:

- The Hoe and surrounding area is Grade II listed and the sale of alcohol would set a precedent for the commercialisation of the Hoe;
- Granting the licence will devalue homes in the area;
- The area is a park and war memorial;

The committee agreed that the licence would be granted subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule, the special condition below and also subject to the hours for the sale of alcohol being reduced to 10 am to 11pm seven days a week.

Special condition

The retail sale of alcohol shall only be permitted on the premises at a pre-planned event where the notice required under the condition agreed with the Police Licensing Department has been given.

5. **EXEMPT BUSINESS**

There were no items of exempt business.