

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	31 August 2021
Title of Report:	Grant of Premises Licence St Anne's House, Jennycliff Lane, Plymouth, PL9 9SN
Lead Member:	Councillor John Riley (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Senior Enforcement Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	St Anne's House
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from Shannon Stevens & Neal Stoneman, in respect of St Anne's House, Jennycliff Lane, Plymouth, PL9 9SN for the Grant of a premises licence under Section 17 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.

A Growing City: 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.

A Caring Council: 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

Carbon Footprint (Environmental) Implications:

None

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* 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 - April 2018](#)

Appendices

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

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
Application							

Sign off:

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Originating Senior Leadership Team member: Click here to enter text.											
Please confirm the Strategic Director(s) has agreed the report? Choose											
Date agreed: Date.											
Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only]											
Date: Date.											

1.0 INTRODUCTION

On the 15 July 2021 the licensing department received an application from Shannon Stevens & Neal Stoneman for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of St Anne's House situated at Jennycliff Lane, Plymouth.

1.2 Grant application.

This application is for a Wedding Venue and Holiday Accommodation. The description of the premises provided by the applicant is as follows:

'The house is located in Jennycliff - with both sea and countryside views. There is ample parking on site, with a private driveway and parking adjacent to the house.

The house has an extensive garden, outdoor swimming pool and hot tub. The pool room also boasts a bar and indoor area for get-togethers. Inside there are several working fireplaces and St Anne's House is a non-smoking property. These facilities are available for use by all of our guests during the season. Being mostly used for family holidays and family get togethers.

The pavement or pathway to the guest entrance has lighting that makes night-time navigation easier.'

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<p><u>(i) Late Night Refreshment (Indoors and Outdoors)</u> Monday to Sunday 11pm to Midnight</p>
<p><u>(j) Supply of Alcohol for consumption ON and OFF the premises.</u> Monday to Sunday 10am to 11pm</p>
<p><u>(l) Hours Premises are Open to the Public</u> Monday to Sunday 07am to Midnight Non Standard Timings: From 07am – 10am daily for the provision of Breakfast and non-alcoholic refreshments One hour wind down period for late night refreshments</p>

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Plans of premises supplied by applicant. (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon & Cornwall Police* – no representation made as the applicant has agreed to additional conditions to be added to their operating schedule. (Appendix 3).
- 2.2 *Environmental Health* – no representations
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.
- 2.8 *Health Authority (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

Representations have been received. Six letters have been received that are attached to this report marked appendix 4 to 9.

4.0 CONSIDERATIONS

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

In making its decision the Committee is also obliged to have regard to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraphs relevant to this application: 1.2 – 1.5; 1.16 – 1.17; 2.1; 2.3; 2.10; 2.12; 2.15 – 2.21; 2.22; 2.25 – 2.28; 8.35 – 8.37; 9.3; 9.11; 9.37 – 9.40; 9.42 – 9.45; 10.2; 10.4 – 10.5; 10.8 – 10.9; 10.10; 10.13 – 10.14; 16.1 - 16.6; 16.8; 16.26 - 16.33; and 16.36 - 16.44; 16.52 – 16.53; (detailed in full in appendix 10)
- The Council's own Licensing Policy with the following headed paragraphs being

relevant to this application: Planning (Page 6); Licensing Objectives (Pages 9 – 11); Dispersal Policy (Page 12); Licensing Hours (Page 12), Drinking up and Winding Down Time (Page 13); Responsible Retailing for Off-Sales (pages 16 – 17); , Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22)

- The representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from the relevant responsible authority. The records will be retained for at least 12 months.

b) The prevention of crime and disorder

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
Plastic cups, bottles to be used around the pool area only.
No open vessels or unsealed bottles are to be taken from the premises.
CCTV in place and images retained for 31 days and shall be capable of downloading images to downloadable format.
Staff will be trained in the use of the CCTV system and be capable of downloading images at the request of Police or other Authorised Officer.

c) Public safety

The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises.

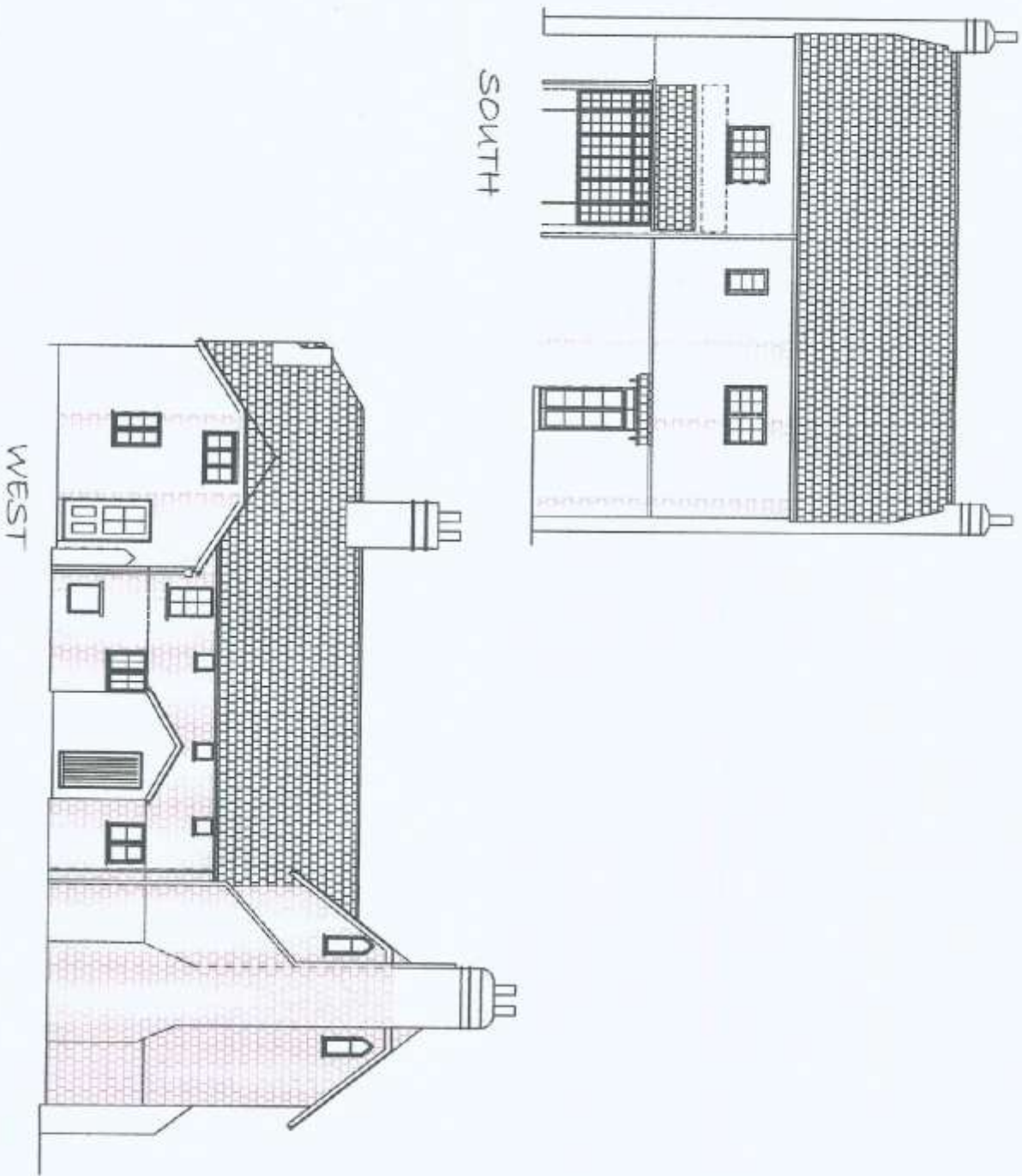
d) The prevention of public nuisance

Patrons and staff not staying at the premises will be advised to leave the area quickly and quietly in accordance with 'Keep Noise Down When Leaving' notices in situ.
Noise levels of patrons will be monitored on a regular basis by a senior member of staff.

e) The protection of children from harm

Restrict areas where children are allowed if required, no children allowed in the Pool area without being accompanied by adult when the Bar is open.
Challenge 25 Scheme will be adopted in this for anyone purchasing alcohol.

Appendix 2



JIMMY BYERS & CO Chartered and Licensed Surveyors

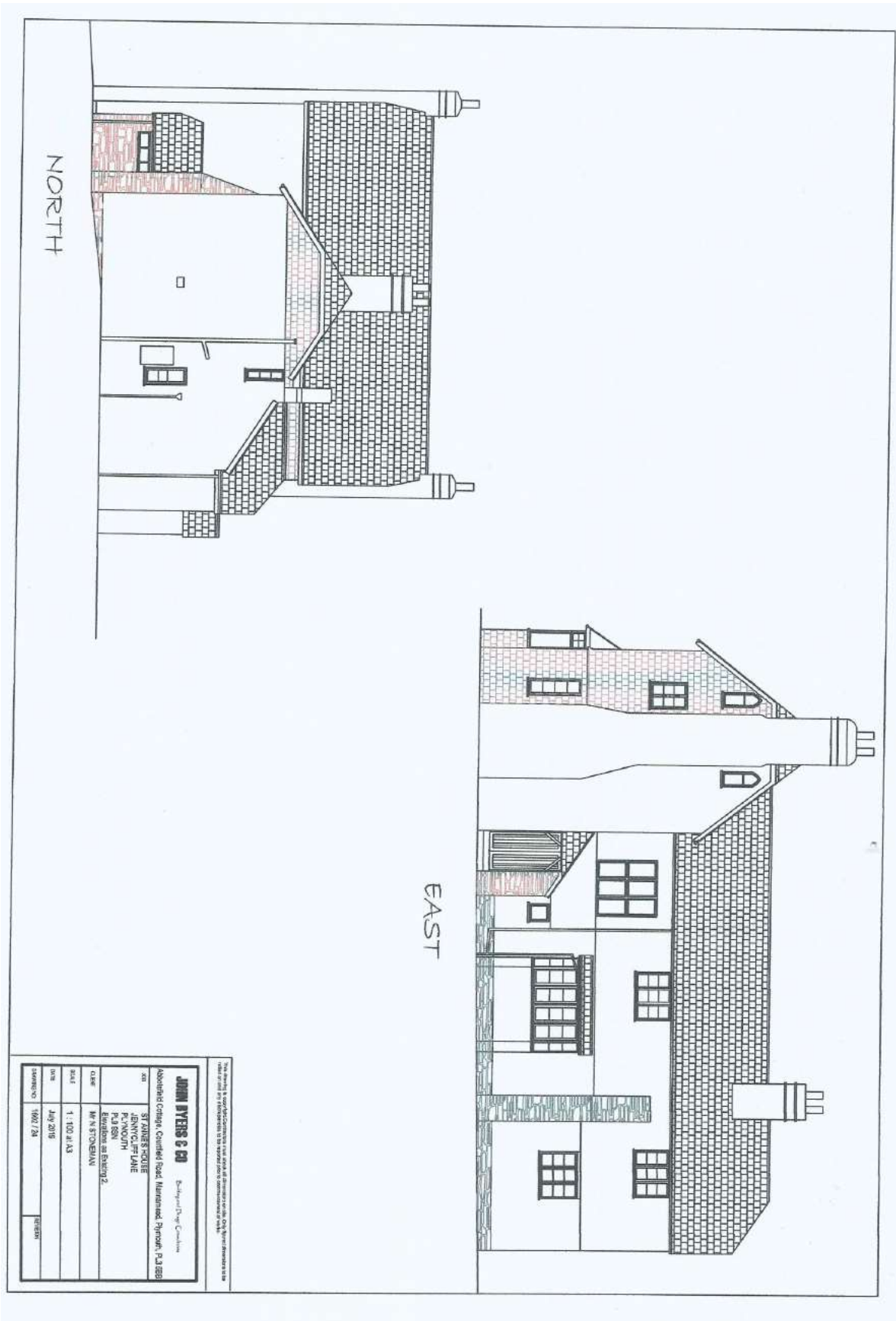
Abbeyfield Cottage, Central Road, Birmingham, B9 5AB

28
27 AILEY STREET
BIRMINGHAM
B4 9SA
Birmingham, B9 5AB
4th FLOOR

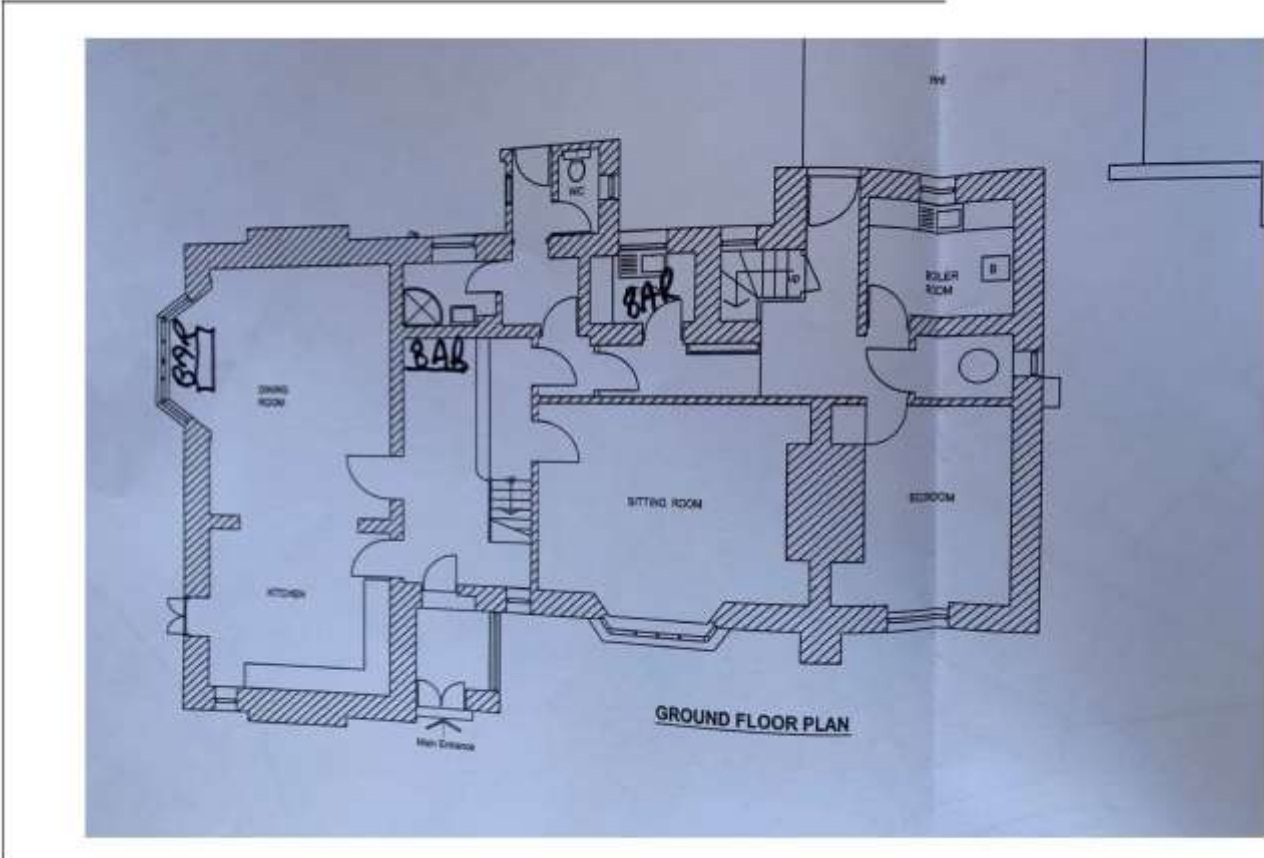
DATE: 1.12.13
BY: JMB

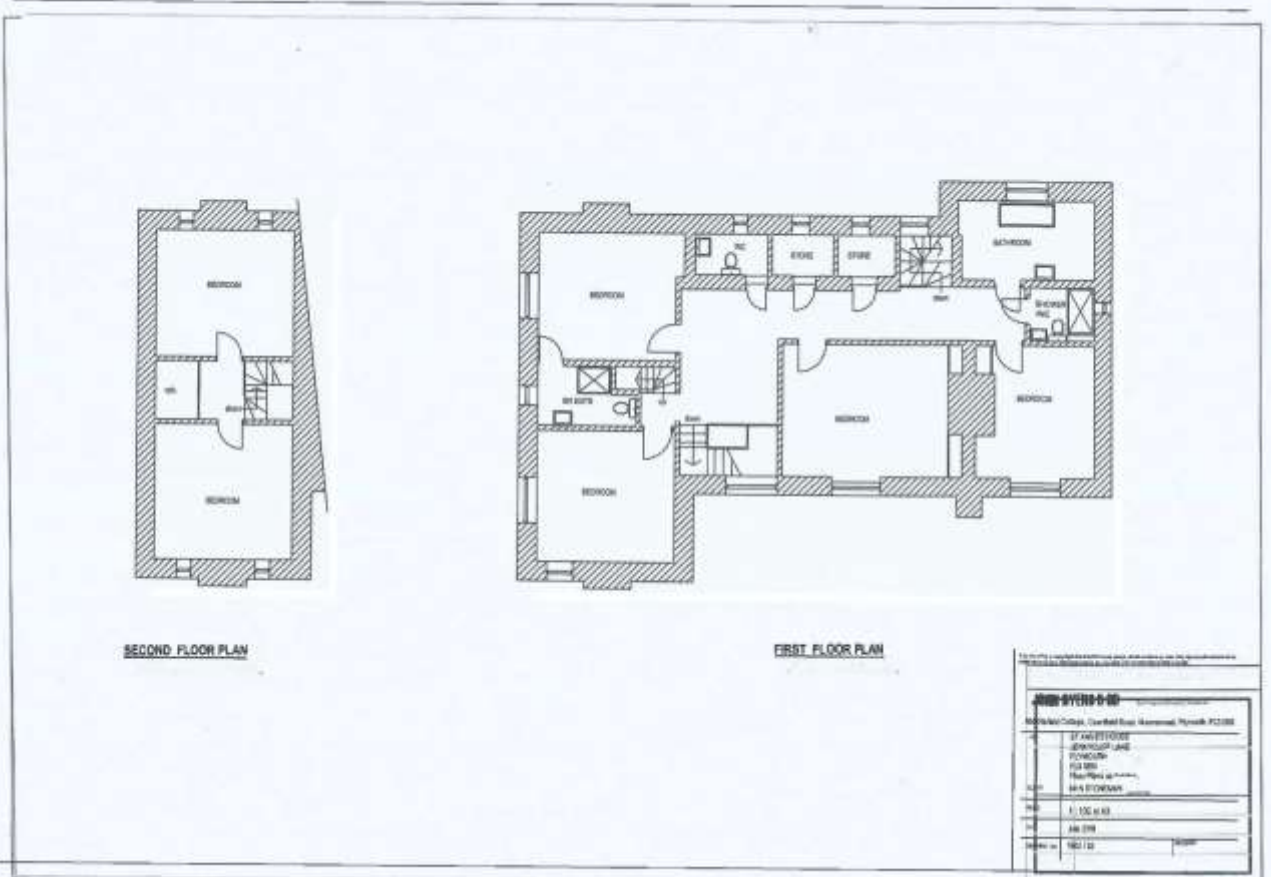
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This drawing is a computer generated drawing and should not be used for any other purpose without the written consent of the author.









Appendix 3

Price, Marie

From:

Sent: 10 August 2021 08:43

To: Licensing <licensin@plymouth.gov.uk>

Cc:

Subject: St Annes House New Premises Application

Good Morning,

In relation for a new premises licence for St Annes House, Jennycliff Lane, Plymouth, PL9 9SN

I have mediated with the applicant and we have agreed to add the following conditions to the premises licence.

1. In the absence of the designated premises supervisor, there will be a person who holds a Personal Licence Qualification.
2. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
3. The incident book will also record when guests provide their own alcohol and the actions taken by the management of the premises.

Please see email below for agreement.

Kind Regards

Dave Adams-Leach



Dave Adams-Leach

Alcohol Licensing Officer (Plymouth)

Tel:

World Class Sustainable Policing

**Drug and Alcohol Harm Reduction
Prevention Department**

LICENSING REPRESENTATION



Case reference: FS-Case-354809297

Premises	
Name of the premises:	St Anne's house
With regard to the following application I want to:	Object
Premises address:	St Annes House Jennycliff Lane, Plymouth, Devon, PL9 9SN
Representation	
In what capacity are you applying:	Any other person

div>

Name:	
Telephone number:	
Mobile number:	
Email address:	
Address:	
Representation details	
Whick of the following Licensing Objectives is this representation relevant to:	B. Public safety,C. The prevention of public nuisance,D. The protection of children from harm
	<p>I have received details of yet another amended application for an alcohol licence for St Anne's house and continue to have serious concerns about the details given.</p> <p>The sale of alcohol for consumption ON and OFF the premises indicates that people will be allowed to use the venue as a take-away, leading to potential problems with people travelling to the property to purchase alcohol then crossing to Jennycliff for their 'private party'. I understand that it has been stated by the applicant that 'off sales' will be in sealed containers but that still means that bottles of wine, beer and lager can be taken off-site to be consumed elsewhere.This area is popular with families so it is important that the opportunity for children to play and others to relax on the grass is not compromised by groups of people drinking. Many areas of the country are trying to restrict drinking in public</p>

Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:

places and I would like the same restriction to operate here.

Where there is alcohol - there needs to be toilets and I don't see any indication on the associated plans that this has been considered by the applicant. There are public toilets in Jennycliff car park but these are not open in the evening. I hope that this will be addressed if permission is to be considered.

There is limited parking available at the property which was considered a problem when a planning application was made to become a wedding venue and it is possible that this venture would attract as many cars, if not more, than a wedding. Presumably the applicant is hoping to make use of Jennycliff car park to accommodate the overflow. This is a well-used public car park that is often completely full on summer's day so there is a danger of people resorting to on-street parking in an area where this is almost non-existent. Parking on verges would certainly endanger public safety and hinder emergency vehicles trying to pass.

By asking for an extension of hours until midnight, the potential upset and noise is increased dramatically. Residents of Stamford Close are frequently subjected to motorbikes and cars racing up Jennycliff Lane, along Stamford Lane and back down Church Hill Road. The idea that there is a late night venue for food and drink will be a wonderful attraction, causing additional sleepless nights for local residents.

There are plans for the house to be used as a wedding venue, in addition to the current AirBnB, and it is puzzling how the house can cope with the variety of demands to be made on it. The plans submitted with this licencing application give minimal information and have previously been used for multiple planning applications.

It is reasonable to allow drinking within the grounds, providing there isn't the addition of music mentioned in a previous application but I would expect the same conditions regarding noise to apply to Anchor Court (aka Mr Stoneman) as to any public house, though I would consider 12.00 midday as a more appropriate time to allow the sale of alcohol to begin.

Although the owner seems to imagine that he lives in isolation, St Anne's House is located next to Stamford Close estate - the nearest house being approximately 50m away. At present the property operates as an AirBnB rental and the noise generated by some of the guests is intrusive though the number of people is relatively small. It is my opinion that the measures listed to control nuisance noise will not be sufficient to protect the current peaceful environment, even if properly adhered to. There is an unfortunate history of planning conditions being disregarded by the owner of the property which is causing stress and anxiety to a number of my neighbours, who have moved to the area attracted by the comparative peace and quiet. In addition, St Luke's hospice is nearby, a venue deserving of respect for the patients needs for a calm quiet environment.

Is there any reason why you do not want your personal details to be passed on to the premises licence holder:	Yes
Provide reasons:	
Number of documents in support of your representation uploaded:	0
Declaration	
By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:	
I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.	
Signed:	
Date:	07/08/2021

Appendix 5

Price, Marie

From: Licensing
Subject: Open application 082542. Proposed Licensing Application of St Annes House Hooe.

From:
Sent: 09 August 2021 00:07
To: Licensing <licensin@plymouth.gov.uk>
Subject: Open application 082542. Proposed Licensing Application of St Annes House Hooe.

Dear Sir/Madam.

I would like to take this opportunity to strongly object to the application for the proposed Alcohol Licence for St Annes House, Hooe. And the subsequent re-erection of a marquee & it's intended use attached to a mobile Bistro, serving food & alcohol as proposed in the NEW application.

Firstly, on the grounds that it would be against P.C.C original decision NOT to allow a similar erection by the owner WHO'D previously submitted an application for the erection of a marquee for his then proposed Wedding Venue which was refused at that time. At least if the previous application had been passed it would have been under the conditions of a temporary structure (erected & removed).

Secondly, the applicant has asked for the use by Bistro customers and to only serve alcohol with food within his stated hours. (I have my doubts). When the "original" Bistro Marquee was up it was being used evening with music & lights on after those hours. My fear is it will also be used for the spill over of the intended drinkers/ Wedding Guests etc. I would also like to point out that lights were left on overnight with-in the marquee which caused unnecessary light pollution. So, what guarantee would be given that it would be used only for the sole purpose of Bistro guests.

I must also strongly object to the proposed licencing application for the erection of a further two bars & a late-night food outlet on site, this is very upsetting for the following reasons.

Firstly, the applicant has stated that one of the bars will be erected beside the swimming pool, over which another marquee was erected WITHOUT planning consent & which was also refused and was required to be removed (it's still up). This covered pool area as already been a source of annoyance due to its late-night usage by the Air B and B holiday guests whom seem incapable of keeping their revelry down to a reasonable level. It would appear steps had been taken to stop the pools late night use. Unfortunately, this has had the adverse effect of forcing them to come around more to the front of the building where outside lights allow them to continue making noise, so any thoughts that this in no way infringe on the surrounding area is incorrect. Due to previous noise issue into the early hours (voices not amplified music) . And both myself & neighbours having to ask them to be quiet .

Secondly, the proposed site of the second bar would bring the noise even further around to the front of the building meaning the any noise would be directly at us.

What I'm struggling to understand is.

Having previously had the venue passed for Weddings on the understanding that the noise & guests are to be kept with-in the main house does this not include toilets/bar serving facilities.

And that proceeding would be curtailed at 11.00pm prompt . Should we now be faced with outside noise in excess of this. As any further thought been given for the potential of the extra parking or the extra detritus that will result from this, if passed.

Could a decision be made on what NO marquees for wedding means If the one over a pool & a nearby bistro area would be, okay? .

OFFICIAL:

Finally, I would like you to please take into considerations that "Venue" borders a private estate, on which we have been resident for 38 years, through which time we have had peace and quiet during the evenings & weekends. It now comes to something that you ACTUALLY pray for rain of a weekend evening (so keeping the noisy neighbours in doors).

Yours Faithfully,
Sent from [Outlook](#)

Sent from [Mail](#) for Windows 10

Appendix 6

LICENSING REPRESENTATION**Case reference: FS-Case-351913836**

Premises	
Name of the premises:	st annes House
With regard to the following application I want to:	Object
Premises address:	St Annes House Jennycliff Lane, Plymouth, Devon, PL9 9SN
Representation	
In what capacity are you applying:	Any other person

div>

Name:	
Telephone number:	
Mobile number:	
Email address:	
Address:	
Representation details	
Whick of the following Licensing Objectives is this representation relevant to:	A. The prevention of crime and disorder,C. The prevention of public nuisance

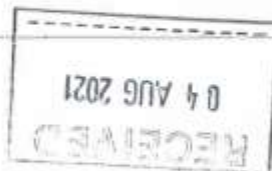
<p>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</p>	<p>We would like to object to the above application for the following reasons.</p> <p>1, doc.1 showing zone 1 as Hotel. No application has been made as yet to our knowledge for the house use to be changed to that of hotel. the bar is shown to be external of the house which is to our property Stamford Close, for this we have noise concerns even if it is moved inside the building.</p> <p>Zone 2 café & marquee. This café and marquee was previously erected without planning and a closure and removal notice issued. It has now been removed and no further application has been made for re-establishing the café and marquee.</p> <p>2, doc.3 the proposed bar shown externally on doc.1 is placed in front of the bay window area of the property as of the East Elevation drawing. This being very close to our property.</p> <p>3, We object to the opening hours from 07:00 - 00:00 This at present being a residential property and not an Hotel, There will be excessive vehicle and foot traffic noise issues.</p> <p>4, Late night refreshment indoors and out 23:00 - 00:00 Noise levels will be excessive as we have already experienced. e.g. at 00:30 this morning 26.07.2021 we had to shout to the guests of the property to stop partying and playing music outside the house our property. It was then that someone from the Coach House came out and got them to be quiet. There is clearly no regard for neighbours welfare being shown by the owners of St Annes House.</p> <p>5, Selling alcohol for consumption on or OFF the property between the hours of 10:00 and 23:00 will only create additional noise and antisocial behaviour in the property grounds and add to the already problems with litter on the roads of the area and in Jennycliff Car Park.</p> <p>6, We understand that when the original café/marquee was in existence there was a bar in place for some time regardless of the dates for temp. license applications.</p> <p>7, We have no faith of any of the assurances made by the applicants that they will abide by the decisions you make as the past history of Mr Stoneman bares witness regarding all previous planning infringements.</p> <p>8, This area is a wholly residential area and in no way should we be subject to all the disruption we have been made to suffer and endure in the past. 9, We would like to ask the question as to why there was only 1 notice displayed outside the property and none on our adjoining estate as was the case for planning applications.</p>
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Is there any reason why you do not want your personal details to be passed on to the premises licence holder:	Yes
Provide reasons:	
Number of documents in support of your representation uploaded:	0
Declaration	
By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:	
I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.	
Signed:	
Date:	

Appendix 7

Stamford Close
PLYMOUTH
PL9 9SF

Licensing Department
Windsor House
PLYMOUTH
PL6 5UF



30 July 2021

Dear Sir / Madam

Re: Open Application 082542

I wish to strongly object to the application from (Anchor Court (Plymouth) Ltd, Miss Shannon Stevens and Mr Neal Stoneman) at St Anne's House, Jennycliff Lane, Plymouth, PL9 9SN being granted a license to sell alcohol on or off the premises.

My objections are based on the following issues:

- Good Citizenship
- Residential Area
- Animal Welfare
- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Good Citizenship

The above mentioned have shown little respect and total disregard for rules and regulations to date. As a result Plymouth City Council saw fit to issue a Stop Notice. I believe granting a license to sell alcohol will just exacerbate existing problems. They have proved beyond any shadow of doubt with their previous dealings with Plymouth City Council that they consider themselves above the rules and regulations and have little to no regard for local residents. A license to serve alcohol would be catastrophic.

Residential Area

St Anne's House is located on the edge of Plymouth and close by a rural residential estate and St Luke's Hospice. I am retired and enjoy the peace and quiet which is why I moved here. It is an area of natural beauty situated close to the sea with an abundance of wildlife such as birds, squirrels, pheasants and farm animals (sheep / cows graze in the fields opposite). Also, St Anne's House itself supports geese, chickens, a donkey and alpacas.

Animal Welfare is also a consideration here regarding noise and fireworks. I know my dog gets distressed so I wonder how the farm animals (especially at lambing time) and the resident pets at St Anne's House cope.

The prevention of crime and disorder

I believe an alcohol license will raise anti-social behaviour and police incidents. The hours of the license seem excessive and certainly far exceed other licensed bars, cafes and hotels in the area. I live on a private estate (next to St Anne's House) where there is no public thoroughfare and I feel safe. I am therefore anxious that people will use the estate as a shortcut along with the possibility of undesirable inebriated behaviour.

I object to the selling of alcohol on the premises but object even more strongly to it being sold for off premises use. Potentially this could mean people drinking in the field opposite and moving over to Jennycliff.

Public Safety

Parking is very limited on the approach to St Anne's House and limited within the grounds. One can only assume people will use the Jennycliff car park and walk to St Anne's House. There is no street lighting and no pavement. Cars regularly drive up the narrow one-way piece of road too fast which will pose a risk to life especially for inebriated pedestrians/drivers.

I have seen drivers risking an accident by turning left out of St Anne's House driving the wrong way down the one-way road to avoid driving round the one-way system. This is a risk to innocent public road users and pedestrians (especially children).

Historically alterations around the premises appear to have been completed prior to planning application decisions being given. I fear this behaviour will continue and therefore have no faith that capacity limits will not be breached. I have no idea how this would be monitored.

Prevention of Public Nuisance

Noise pollution has been a huge problem to locals when St Anne's House have hosted events with music played at extremely high volume for hours on end. This along with raucous screams, loud partygoers and fireworks going off at all hours at random times of the year will I believe will just make matters worse if granted an alcohol license.

While the Stop Notice was in place it was lovely and peaceful again. However last weekend Saturday 24th July and Sunday 25th raucous screams and shouting went on for hours and that is before an alcohol license is approved. It is just not a compatible fit in this area. It is a lovely quiet area interspersed by the sounds of the natural wildlife.

As stated in my previous objection I suffer from migraines and have found it impossible to sleep even with all my windows and doors closed when these overly loud events are hosted. All I could hear was the deep boom of the speakers. I have contacted Plymouth City Council about this.

The protection of children from harm

St Anne's House is set in secluded grounds so who is going to monitor the sale to underage drinkers or inappropriate behaviour? Children are at a higher risk of harm due to alcohol being consumed. They are also at risk especially in close proximity to a swimming pool which is enclosed and therefore not visible to anyone who is not poolside. As stated elsewhere in this objection they are at risk when exiting the premises particularly if walking.

I respectfully request this application is denied.

As I live very close to St Anne's House and live alone I respectfully ask that my personal details are redacted as I do not wish to live in fear of any retaliation from the applicants should their request be denied.

Yours sincerely,



1.

Appendix 8

Stamford Close
Hove
Plymouth PL9 9SG

6 August 2021

Licensing Dept
Windsor House
Plymouth PL6 5UF



Re: Open application 082542, a new Application for Premises Licence at St Anne's House, Jennycliff Lane, Plymouth PL9 9SN.

Dear Sir/Madam

We wish to raise an objection to the above application.

We feel that granting an alcohol licence at St Anne's House for the sale of

1. Late night refreshment (indoors and outdoors) Monday to Sunday 2300 to midnight
2. The sale by retail of alcohol for consumption on and off the premises Monday to Sunday 1000 to 2300

will be detrimental to this area for the following reasons.

NOISE - The quiet residential estate of Stamford Close (82 properties) adjoins St Anne's House on the eastern side, (several properties are within a few metres of

2.

St Annes House and gardens.) The public open space known as Jennycliff adjoins the western side of St. Annes House. The licence application requests that St Annes House be open Monday to Sunday from 1000 to midnight for the sale of refreshments and alcohol on and off the premises. These long opening hours will cause disruption and annoyance to people living next to St Annes House, and also to the many people who visit Jennycliff to enjoy this peaceful area.

It is probable that disruption and noise would continue well after midnight as customers purchase refreshments and alcohol to take away. This is all likely to cause severe disruption and stress to the residents living nearby and impact on wildlife living in the trees, hedgerows and meadow around St Annes House. This peaceful habitat would be destroyed.

Selling alcohol and refreshments off the property would encourage excess noise and litter in this beautiful Jennycliff area, possibly broken glass from wine bottles and discarded food containers etc.

3.

PARKING On site parking at St Annes House is inadequate, customers would resort to using the nearby public car park at Jennycliff. This car park is frequently filled to capacity with visitors wishing to enjoy the walks and views. There is no additional space available to support parking for a private venue nearby.

Yours faithfully

LICENSING REPRESENTATION FORM



If you wish to make a representation against or in support of any licensing application, please read the guidance note '[How to make a licensing representation](#)' prior to completing this form.

Please note that a full copy of your representation will be sent to the applicant at any hearing of this matter.

Section 1: Licence application details

I wish to object to the following application I wish to support the following application

Name of applicant (if known) Anchor Court
(Plymouth) Limited

Premises name and address St Anne's House,
Jennycliff Lane, Plymouth, Devon,

Postcode PL9 9SN

Which type of application you wish to make your representation about?

- Application for a new premises licence
 Application to vary a premise licence
 Application for a review of a premises licence

Section 2: Your personal details

If you are acting as a representative, please go to Section 3

Title Mr Mrs Miss Ms Other (please state)

Surname

Forenames

Address

Postcode

Email

Telephone

You must provide your full residential address (or business address if you are objecting from a business)

Section 3: Representative details

If you represent residents or businesses please complete the details below

Name of representative/organisation

 Address

 Postcode

I am

 Representative of residents association Representative of trade/business association Ward Councillor Other (please specify) MP

Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

- The use of this property for outdoor events and a café would be against previously considered planning decisions. The property has been granted conditional permission to change use to a wedding venue and hotel/holiday accommodation (application reference 20/00418/FUL) but restricted to events being contained in the house with windows/door closed and limited to 30 guests at an event with a maximum of 28 events per year. Applications to hold events in the gardens and to use marquees have previously been refused by the Council. The license application would appear to be for every day of the year 10am to midnight with no restriction of the number of guests – this is contrary to the previous permission.
 - The locality is already well served by establishments selling alcohol. To add a further venue could lead to public disorder. Within the walking vicinity to St Annes House we already have the following licensed establishments: The Mount Batten Hotel, The Bridge, The Clovelly Inn, The Boringdon Arms, The Royal Oak and the Victoria Inn. A further establishment could lead to oversaturation and a potential risk of increased crime and disorder within the locality.
 - There are already issues at night with cars racing in the lane outside this property and congregating in Jennycliff car park. In my opinion, the potential additional traffic arriving at the venue and then leaving this venue after midnight could exacerbate this disorder.
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Public safety

For example alterations to the premises, capacity limits

- I believe that if a license is granted, under the Music Act, there is an automatic entitlement for the venue to host live or recorded music. Due to the location of this property and the close proximity of residential housing (as detailed on the plan attached to the application – 31 is a residential house), I feel that the noise associated with such events could cause distress – especially for any events held outside in the grounds of the property. This could lead to poor sleep and adverse mental health for residents. It has been noted that the application is for use 7 days a week between the hours of 10am and midnight. There are a number of elderly residents in the area and also shift workers who may suffer in particular.
 - This property is grade II listed and I do not believe that the outlined use is complimentary to this building.
 - The approach to this property is via a narrow one way lane. Additional traffic for deliveries would cause concern for those walking the lane as there is no walkway. Already, cars often have to stop or drive very close to pedestrians - danger increases if there are pushchairs or wheelchairs used (which there often is).
 - This property is situated on a one way lane with no public lighting or walkway. Already, some drivers visiting the area choose to take a shortcut and drive the wrong way down this lane to save time and distance. When this happens, it is a danger to other road users including pedestrians. Events at this establishment could lead to an increase in inappropriate road use. Whilst this a matter for the police to enforce, it will add additional burden to the local policing structure.
 - There is no immediate public transport and access to bus routes will either cause nuisance by people walking through a private residential estate or by walking along a public road with no walkway or lighting. Public safety could be compromised as parking on the premises is restricted which will no doubt lead to increased parking congestion on the roads in the vicinity making it less safe for walkers.
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The prevention of public nuisance

For example noise disturbance, littering

- Due to the location of this property and the close proximity of residential housing, I feel that the potential noise could cause public nuisance. Prevailing winds will carry and extenuate noise levels. Recent events held at this address have previously caused unacceptable noise levels which is not in keeping with the serenity of this greenbelt area at Jennycliff.
 - Events and celebrations could cause disturbance to neighbouring properties and disrupt and possibly endanger domestic and local wildlife. Testing for use of a sound system for an outdoor event in aid of St Lukes Hospice resulted in me telephoning the Council regarding the noise level and subsequently visiting the property to request that the sound be turned down. The noise level was amplified by the prevailing wind and despite having doors and windows closed, my mother was becoming increasingly distressed. I was also working in
-

the house but found the noise very distracting and it was hard to concentrate.

- There is insufficient parking at the site which will lead to users parking in the surrounding residential areas (the neighbour estate is a private estate) and also at the public car park at Jennycliff which will adversely affect the ability people visiting Jennycliff to park in the vicinity and will lead to a council car park supplementing the income of a private business whilst denying the public of Plymouth the opportunity to park and enjoy the area. There is no immediate public transport and access to bus routes will either cause nuisance by people walking through a private residential estate or walking along a public road with no walkway or lighting.
- Off sales could lead to increased littering and anti social behavior in the locality especially on the grassland at Jennycliff and could be a danger to wildlife.

The protection of children from harm

For example underage sales, exposure to certain performances

I, hereby declare that all information I have submitted is true
and correct.

Signed

Date 11/08/21

Please note:

If you do not want your personal details to be released then you will need to provide good reason for this information to be withheld, for example the fear of intimidation or violence.

Please send the completed form to

Licensing Department
Windsor House
Plymouth. PL6 5UF
T: 01752 668000
E: licensing@plymouth.gov.uk

Guidance 182

APPENDIX 10

Licensing Act 2003

Relevant Applicable Sections

1.2 – 1.5

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.16 – 1.17

1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

Purpose

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3

Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.10

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.12

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.15 – 2.21

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if

they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.22

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.25 – 2.28

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

8.35 – 8.37

Beer gardens or other outdoor spaces

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

9.3

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.11

The role of responsible authorities

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.37 – 9.40

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 – 9.45

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers

should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10.2

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.4 – 10.5

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

10.8 – 10.9

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

10.10

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the

indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

10.13 – 10.14

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

16.1 - 16.6

16. Regulated entertainment

Types of regulated entertainment

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment are due to take effect on 6 April 2015. Therefore, up until that date you should refer to chapter 16 of the guidance published in October 2014.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

16.4 Guidance around what constitutes audiences and private events is at paragraphs 16.11-16.14.

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)¹⁹;
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity²⁰;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity²¹;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)²².

16.6 As a result of deregulatory changes that have amended the 2003 Act²³, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500²⁴.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁷.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.8

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

16.26 - 16.33

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises⁵²;

- where a performance of amplified live music takes place at relevant licensed premises, or workplaces⁵³, in the presence of an audience of more than 500 people⁵⁴; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review⁵⁵.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

Key terms used in relation to live music

16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist⁵⁷ or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds⁵⁸. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

16.32 A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.⁵⁹

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes places before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;⁶⁰
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended)

16.36 - 16.44

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions⁶⁴ (or conditions added on a determination of an application for a premises licence or club premises certificate⁶⁵) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g.

signage asking patrons to leave quietly) will continue to have effect.

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Beer gardens

16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

16.43 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace⁶⁷. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.

16.44 However, a licensing authority may, where justified⁶⁸, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises

licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

16.52 – 16.53

Conditions relating to other non-licensable activities

16.52 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.

16.53 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities⁷¹ (and will generally be classed as a performance of live music⁷²) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an ‘open-mic’ night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.