

**VARIATION OF PREMISES LICENCE NOTICE REPORT**

Licensing Sub Committee



Date:	06 November 2023
Title of Report:	Variation of Premises Licence
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Service, Leisure and Sport Customer Services, Sport, Leisure and Human Resources and Organisation Development)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Senior Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Central Park
Key Decision:	No
Confidentiality:	Part I - Official

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**Purpose of the report:**

An application has been received from Victoria Allen on behalf of Plymouth City Council, Marketing and Events team in respect of Central Park, Outland Road, Plymouth. PL2 3PU for the Variation of a premises licence under Section 34 of the Licensing Act 2003.

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**Recommendations and Reasons:**

That Members consider this report.

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**Alternative options considered and rejected:**

None.

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**Relevance to the Corporate Plan and/or the Plymouth Plan:****Our Plan – A City to be proud of.**

This report links to the delivery of the City and Council objectives and outcomes within the plan.

**Unlocking the City's Potential:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**Caring for People and Communities:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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**Implications for Medium Term Financial Plan and Resource Implications:**

Not applicable

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**Financial Risks**

Not Applicable

**Carbon Footprint Carbon Footprint (Environmental) Implications:**

No direct carbon/environmental impacts arising from the recommendations

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

\* *When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Members should be aware that Section 17, 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 – August 2023](#)

**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)						
	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7
Application							

**Sign off:**

Fin	N/A	Leg	SD/I 9/10/ 2023/ 2497	Mon Off	N/A	HR	N/A	Assets	N/A.	Strat Proc	N/A
Originating Senior Leadership Team member: N/A											
Please confirm the Strategic Director(s) has agreed the report? N/A											
Date agreed: N/A											
Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only]											
Date: N/A											

**1.0 INTRODUCTION**

1.1 On the 21<sup>st</sup> September 2023 the licensing department received an application from Victoria Allen on behalf of Plymouth City Council, Marketing and Events team for the Variation of a Premises Licence under Section 34, Licensing Act 2003 in respect of Central Park situated at Outland Road, Plymouth. PL2 3PU.

## 1.2 Details of variation

<b>Current Licensable Activities</b>	<b>Variation Application</b>
<b><u>(a) Plays (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(b) Films (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(e) Live Music (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(f) Recorded Music (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(g) Performance of Dance (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors &amp; Outdoors)</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(i) Late Night Refreshment (Indoors &amp; Outdoors)</u></b> Monday to Sunday 23:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(j) Supply of Alcohol for consumption ON the premises.</u></b> Monday to Sunday 10:00hrs to 23:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b><u>(l) Hours premises are open to the public</u></b> Monday to Sunday 08:00hrs to 00:00hrs	Non Standard Timings: New Years Eve until 01:00hrs
<b>Annex 2 - conditions consistent with the operating schedule: All scheduled</b>	<b>Annex 2 - conditions consistent with the operating schedule: Apart from New</b>

<p>events closures will be at 23.00 hours. Any event continuations beyond 23.00 will be in exceptional circumstances and will need to be discussed with Responsible authorities prior to the event.</p>	<p><u>Years Eve</u>, all scheduled events closures will be at 23.00 hours. Any event continuations beyond 23.00 will be in exceptional circumstances and will need to be discussed with Responsible authorities prior to the event.</p>
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### 1.3 Variation application

The nature of the proposed variation is to vary the hours when licensable activities may take place on New Years Eve to 01:00hrs on New Years day.

1.4 Existing Premises Licence Conditions (Appendix A)

1.5 Existing Licensable Area (Appendix B)

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 was received as the Police agreed conditions with the applicant. The agreed conditions are at Appendix C

2.2 *Environmental Health* – has made representation relating to the prevention of crime and disorder and public nuisance (Appendix D).

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

No other representations have been received.

### 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, 1.11-1.12, 1.16 – 1.17, 2.5, 2.8-2.14 – 2.15, 2.20 – 2.26, 3.35, 4.67-4.68, 5.25-5.26, 8.19, 9.11-9.12, 9.31-9.35, 9.37 – 9.40, 9.42 – 9.44 10.8 - 10.10, 10.13-10.14.
- the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Door Supervisors (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 15), , Public Nuisance (Page 19), Licensing conditions (page 22)
- the representations (including supporting information) presented by all the parties.

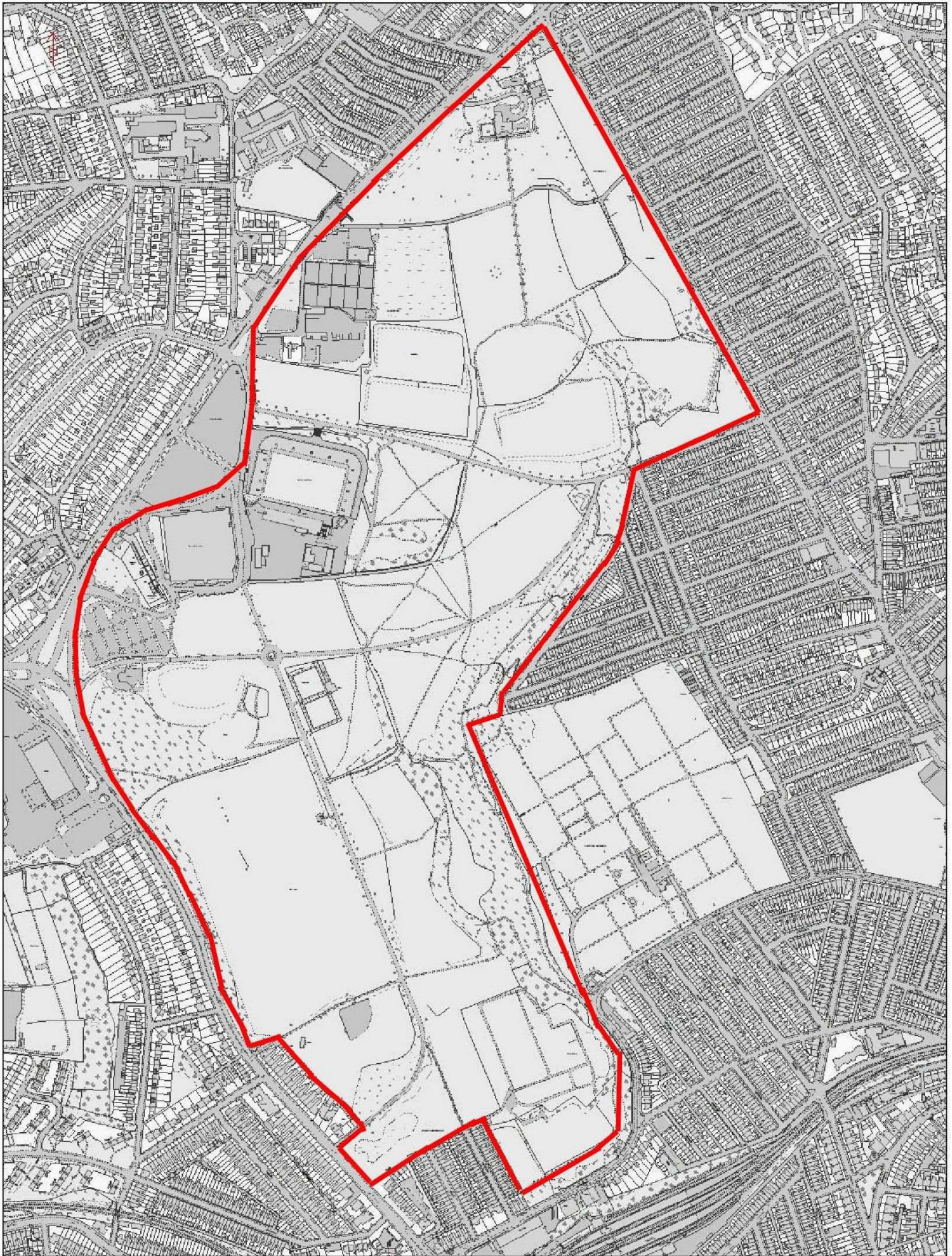
The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Modify \*the conditions of the licence
2. Reject the whole or part of the application;

\*for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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.

**Appendix A**



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**Central Park 1:5000**



Scale 1:5000

Published 2019

<b>Appendix B</b>
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**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

The Premises Licence Holder shall submit the final Event Management Plan (EMP) that has been approved by the Events Team to the Licensing Authority and all responsible authorities at least 28 days before the first event day (unless there is prior agreement with the responsible authorities that this is not required). The Event Management Plan shall include but is not limited to the following:-

- Event overview including expected numbers and crowd demographics
- Flow chart of operational roles and responsibilities
- Vehicle access plan
- Communication plan
- Cancellation policy
- CDM plan
- Crowd management plan including Ingress and Egress Management Plan
- CT and security plan
- Medical plan
- Emergency and contingency plans including adverse weather plan
- Evacuation plan
- Bars and alcohol management plan
- Safeguarding plan for children and vulnerable adults
- Disability access plan
- List of contractors
- Full Risk Assessments including a specific Fire Risk Assessment and COVID-19 Risk Assessment
- Traffic Management Plan including additional transport planning and considerations
- Noise Management Plan
- Terms and Conditions of Entry (If applicable)
- Food Management Plan consisting of:- Food Safety Management System (of any of your traders), Food Hygiene Training Certificates (of any of your traders)
- Copy of Food Hygiene Rating Sticker (we only accept 3 or higher within our land)
- Waste Management Plan

So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan and no changes may be made to this plan after the 28 day period, unless requested in writing by a responsible authority.

The EMP will form part of the premises licence conditions and it will be the responsibility of the persons as advised in the organisational structure chart of the event management plan to ensure these are complied with.

The events team have regular and multi-agency meetings with the emergency services, PCC departments and other agencies to plan for and share information regarding each event, cover staffing implementation, environmental issues and cleansing.

All events are planned taken into consideration the guidelines laid down in the Purple Guide, Fire Reform Act and all other relevant guidance and legislation.

Events are socially all inclusive and family orientated.



External event organisers are required to comply with the same standards as for PCC organised events. They are required to complete an event booking form, produce requested documentation and agree to comply with our requirements.

PCC events will have a provision for lost children and DBS checked member of staff.

It will work closely on site with both police and private security to aim to achieve a safe environment.

On events where the retail sale of alcohol is to take place, the contracted company will supply a personal licence holder to become the designated premises supervisor for the duration of the contract.

The police are to be advised in writing of all events using the premises licence where alcohol is being sold. This document shall include the name and contact details of the DPS at least 4 weeks prior to the event. The numbers expected at the event and the number of units and locations of the units being used to retail the sale of alcohol.

### **The prevention of crime and disorder**

The Council will have:

Regular meetings with the police regarding programme of events.

Specific meetings with Police Ops planning for individual events regarding police presence where necessary.

Regular meetings with both Police and PCC licensing officers.

SIA registered private security contracted in as necessary, with appropriate levels of staffing.

Reference to previous year's events, levels of staffing adjusted according to results.

PCC stewards patrolling to report incidents, assist public and to be in two-way communication by radio.

Events where alcohol is being sold will use whenever possible, recyclable materials. The use and type of receptacle will be risk assessed and the event organiser will be advised of the types of receptacle allowed by both the Police Licensing and Local Authority Licensing departments in writing.

Central control point for emergency services and council officers to liaise.

Communications list and protocols in place.

### **Public safety**

Regular meetings with emergency services for programme of events.

Specific meetings with emergency services for individual events including liaison and presentations to the Events Safety Advisory Group (ESAG) as required

Adherence to the Purple Guide and other relevant events guidance regarding all levels of security and stewarding staffing, policing for public provision. Consideration to counter terrorism measures if deemed necessary.

Adherence to HSE Managing Crowds Safely Guidance.

Production of all relevant documentation - risk assessment, fire risk assessment, including and Operational plan which should cover evacuation plan, site maps, emergency procedures, communications list and transport plan if deemed needed.

Consultation of the above with all emergency services, Queens Harbour Master and coastguard where necessary including PCC Public Protection,

Health and Safety Team and ESAG.

Maintaining of emergency access points, fire lanes and hydrants. Follow relevant codes of practice regarding: marquees, fireworks, bonfires, laser shows, fire extinguishers.

Suspension of vehicle movement on site during events.

Consultation with building control regarding temporary structures, stages etc. Adhering to CDM regulations as required.

On site health and safety inspections where needed: fairs, circuses, fireworks.

Ensuring other event organisers meet and supply the information needed in our conditions of use of Central Park.

Periodic inspections of other organisations events.

Provision of toilets and catering facilities and any other welfare needed.

Contracted stewarding, CQC registered medical companies at events.

Emergency lighting on site where necessary.

Checking sub-contractors documentation - test certificates, food hygiene, LPG, test certificates for fairs, insurance

### **The prevention of public nuisance**

Liaise with Public Protection regarding environmental regulations, noise levels.

Consideration of the impact for local residents and businesses given

Construction and de-rig of events not to be carried out between 21.30 and 07.00hrs.

Post event litter arrangements to be in place litter pick and waste removal.

All scheduled events closures will be at 23.00 hours. Any event continuations beyond 23.00 will be in exceptional circumstances and will need to be discussed with Responsible authorities prior to the event.

Hush generators only to be used overnight.

Attractions to have a wind down period to allow for public dispersal.

Traffic management plan to be in place for all large events and events which incur road closures.

To work with the Police, PCC Highways and Transport Teams regarding the Implementation of Traffic Management plans.

**The protection of children from harm**

Lost children provision on site

CRB checked staff to deal with this provision

Facility to have announcements as laid out in the guidance forms

Park events are socially inclusive and family orientated

Liaison with police on site / social services out of hours team

Stewards and security patrols to assist and aid

A Personal licence holder will be on site throughout the time alcohol is being sold

All alcohol sales will be subject to a Challenge 25 policy

All staff will be trained in the Challenge 25 policy

Training will be documented and available for inspection by relevant authorities.

**Appendix C**

**From:** [ADAMS-LEACH David 53340](#)  
**To:** [Price, Marie](#)  
**Cc:** [SEYMOUR Duane 52714](#)  
**Subject:** Variation Of Premises Licence to Central Park  
**Date:** 18 October 2023 07:18:23  
**Attachments:**

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OFFICIAL

Good morning,

In regards to the Variation of the Premise Licence for Central Park, the Police have mediated with the applicant and we have agreed to add the following conditions to the Premises Licence:

**For New Year Events only.**

1. The designated area to be used will be the Central Park Event space only.
2. The maximum capacity will be for 2000 people including performers and staff.
3. SIA licensed door supervisors will be required and the number of SIA licensed door supervisors employed shall be in accordance with the following ratio:

A minimum of two(2) door supervisors will be employed for the first one hundred (100) customer and one door supervisor for every one hundred (100) thereafter.

Any questions or queries then please get in touch.

Kind regards

Dave

**Dave Adams-Leach**

Alcohol Licensing Officer (Plymouth)

**Drug and Alcohol Harm Reduction  
Prevention Department**

**To report a new crime click [here](#), in an emergency always dial 999**

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## Appendix D

**MEMO**

Public Protection Service


**Licensing Act 2003  
Environmental Health Representation**
**From: Unit Manager, Public Protection Service**
**To: Head of Licensing Section**
**FAO: Marie Price**
**Date: 12<sup>th</sup> October 2023**
**Schedule Ref: 947411**
**Investigating Officer: Will Tomkins**
**Extension Number: 304740**
**Application Details:**
**Premises: Central Park, Outland Road, Milehouse**
**Name of Applicant: Victoria Allen, Marketing and Events, Plymouth City Council**
**Address: Marketing and Events, Plymouth City Council, Ballard House, Plymouth, PL1 3BJ**
**Type of Application: Alcohol / Entertainment Licence /**
**Late Night Refreshment Licence**
**Date of Inspection: N/A**
**Representation**

This department would like to make the following representation:

**I consider the application to undermine the following licensing objectives:**

(please delete as appropriate)

The Prevention of Public Nuisance

**The likely effect of granting the licence as applied will undermine the licensing objectives because:**

*(How will the application undermine one or more of the four licensing objectives - under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)*

The event space at Central Park has been used more frequently over the past 2 years. This site licenced area is open air and permits the sale of alcohol and regulated entertainment until 23:00. Central Park is surrounded on all sites by residential streets.

The most recent large-scale event at the site was the Big Tribute Fest/Live in the Park that took place over 7 days between the 11<sup>th</sup> and 20<sup>th</sup> of August 2023. The event included regulated entertainment taking place within a big top marquee. The current premises licence permits entertainment until 23:00 only.

The use of the premises licence for Big Trib/Live in the Park resulted in 8 complaints from residents of noise disturbance from amplified music. Complaints were also received from 2 Plymouth City Council Councillors and one from the local MP. Following an investigation by the Environmental Health Department, a breach of the premises licence was identified. The breach was caused by the Licence Holder and DPS not adhering to the agreed noise management plan. In accordance with the Environmental Health Enforcement Policy the Premises Licence Holder and Designated Premises Supervisor were issued with informal warning letters for the licence breach.

In light of the noise complaints received and the warning letter sent to the licence holder, the Environmental Health Department considers any extension of hours will have a negative impact on the Licence Objective for The Prevention of Public Nuisance.

The variation application for this site is to permit the sale of alcohol and regulated entertainment until 0100. Plymouth City Council's Licensing Policy states "Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation.

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents."

During negotiations with the applicant, concerns have been raised by this department that the licensed area is in the open air, as such the site will be unable to meet sound containment requirement after 23:00 as specified in the Council's Licensing Policy. Any sound escaping from the site will have a negative impact on the Licence Objective for The Prevention of Public Nuisance.

During the negotiations the applicant has provided a number of suggested conditions that they would be happy to have added to the premises licence. The suggested conditions will not meet the standard specified in the Licensing Policy for sound containment after 23:00 as quoted in the previous paragraphs. The Environmental Health Department is concerned that the existing licence conditions were not adhered to during Big Tribute Fest/Live in the Park. Following the previous breach there is a lack of confidence in the management and a real concern that any new conditions may be not be adhered to.

It is the Environmental Health Departments opinion that any extension of hours for regulated entertainment will have a negative impact of licence objective for The Prevention of Public Nuisance.

**Recommendations**

**I therefore recommend that this application is Refused.**