

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: 12th 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 sides 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 11th and 20th 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 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.