

CITY OF PLYMOUTH

Subject: Devonport Park Pavilions, Devonport Park, Fore Street, Devonport, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 2 November 2010

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Mr Martin Stephens in respect of the Devonport Park Pavilions, Devonport Park, Fore Street, Devonport, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

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

1. Informing and involving residents.
 2. Improving culture and leisure activities.
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

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

Sign off:

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

1.0 BACKGROUND

1.1 On the 17th September 2010 the licensing department received an application from Mr Martin Stephens for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the Devonport Park Pavilions situated at Devonport Park, Fore Street, Devonport Plymouth.

1.2 Grant application.

Café / Bistro with the facility to sell alcohol with food and a venue for private functions.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>(A) Plays (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 00.30hrs
Outdoors until 21.00hrs	
<u>(B) Films (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 00.30hrs
Outdoors until 21.00hrs	
<u>(C) Indoor Sporting Events</u>	
Hours	
Mon to Sun	07.00hrs to 00.30hrs
Outdoors until 21.00hrs	
<u>(E) Live Music (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 23.59hrs
Sun	07.00hrs to 21.00hrs
Outdoors until 21.00hrs	
<u>(F) Recorded Music (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 23.59hrs
Outdoors until 21.00hrs	
<u>(G) Performance of Dance (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 23.59hrs
Outdoors until 21.00hrs	
<u>(H) Anything of a Similar Description to that Falling within (E) (F) or (G) (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to Midnight
Outdoors until 21.00hrs	

<u>(I) Provision of Facilities for Making Music (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to Midnight
Outdoors until 21.00hrs	
<u>(J) Provision of Facilities for Dancing (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to 23.59hrs
Outdoors until 21.00hrs	
<u>(K) Provision of Facilities for Entertainment of a Similar Description to that Falling within (I) or (J) (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	07.00hrs to Midnight
Outdoors until 21.00hrs	
<u>(L) Late Night Refreshment (Indoors & Outdoors)</u>	
Hours	
Mon to Sun	11.00hrs to 23.59hrs
<u>(M) Supply of Alcohol for Consumption both ON and OFF the Premises</u>	
Hours	
Mon to Sun	07.00hrs to 23.59hrs
<u>(O) Hours Premises are Open to the Public</u>	
Hours	
Mon to Sun	07.00hrs to 00.30hrs
When the function room is hired out it will remain open until 23.59hrs	

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

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

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – have made representation under the Public Nuisance objective (Appendix 1).

2.2 *Devon & Cornwall Constabulary* – 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.

3.0 INTERESTED PARTIES

3 - letters of representation have been received from persons involved with businesses within the vicinity of the premises (Appendices 2 – 4).

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 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary 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 necessary in order to promote the licensing objectives.

Memorandum

From: Head of Environmental Regulation Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 12th October 2010
Our Ref: EH.RMO.DevonportParkPavillions
Investigating Officer: Rhodri Morgan
Extn: 4851



LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Devonport Park Pavillions

Name of Licensee: Mr Martin Stevens

Type of Application: Late Night Refreshment/Alcohol (On/Off/Both)/Entertainment Licence
(delete as necessary)

Report Prepared By: Rhodri Morgan

Recommendations

1. ~~That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION
Schedule Ref: EH.RMO.DevonportParkPavillions
Name: Devonport Park Pavillions
Address: Devonport Park, Fore Street, Devonport.

Report By: Rhodri Morgan Date of Inspection: 12th October 2010

The Text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

The text in italics is for your information.

1. This department recommends refusal of the supply of alcohol 'off' the premises.
2. Live Music will cease at 23.00hrs
3. Provisions of facilities for making music i.e. karaoke shall cease indoors at 23.00hrs

Public Nuisance

1. **To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the facade of the nearest residential property.**
(If noise is clearly audible outside residential accommodation it has the potential to be a nuisance, for example, if the words and melody and be clearly distinguished)
2. **The Licence Holder or nominated person (management) will control the sound levels of the music/ entertainment.**
(This can be done by verbal agreement with performers, setting maximum levels on the amplifier/sound system or the installation of a sound limiter)
3. **Doors and windows will be kept shut during live or regulated entertainment.**
4. **Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.**
5. **The Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive above background levels at the nearest residential property.**

6. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly. Avoid causing noise, nuisance or disturbance to local residents

7. The Licence Holder or nominated person shall ensure that exits will be manned at closing time to ensure that patrons leave the area quickly and quietly as possible.

(Staff should be instructed to encourage patrons to move on as quietly as possible. the licence holder or a suitable member of staff should undertake this roll)

8. The use of external smoking areas

The designated outside smoking area shall not be used by patrons after 21.00 hrs for the purpose of an external drinking area. It may be used for the purpose of an outside smoking area only after this time. This area must be supervised by staff to ensure patrons do not congregate. Staff must ensure that patrons disperse back into the venue after smoking to prevent disturbance to neighbouring residential accommodation.

Licensing Act 2003
Supporting Information for Committee Hearing following the Environmental
Regulation Service Representation

Premises Name:

This department has made representation based on the following information.

The proximity of these premises to residential properties gives this authority cause for concern in respect of the potential for noise nuisance that may affect local residents in the use and enjoyment of their properties.

The conditions submitted above are ones which in this authority's opinion are reasonable to control the potential public nuisance issues arising from the premises.

Head of Public Protection Services
Department of Development
Plymouth City Council
Floor 6
Civic Centre
PL1 2AA

11th October 2010.

Dear Sir/Madam,

RE: Proposed Alcohol Licensing Of Pavilion Café, Devonport Park

It was with dismay that on return from my recent holiday and whilst walking through Devonport Park I noticed the sign on the fencing for an application to sell alcohol at the new Pavilion Café. The application is that they be licensed to serve alcohol from 7a.m. till 00.30a.m, seven days a week in what was a tearoom facility.

I strongly object to the granting of this licence on the following grounds:

1. Clients at _____ and other Care Homes in the area are vulnerable adults and their safety could be compromised.
2. The park is already a gathering place for persons who use the park as a place to sit and drink alcohol, behaving inappropriately and being verbally and physically abusive if you attempt to confront them. We are aware of two vagrants who are currently sleeping rough in the park and no action has been taken over them.
3. The park with its new improved play areas is supposed to be a child friendly space. Not so if they are subjected to witnessing drunken behaviour.
4. The park without alcohol sales is not a very safe place at times, there are still muggings happening. I fear these could increase.

Always striving to make a difference

_____, Exmouth Road, Stoke, Plymouth, Devon PL1

Tel: 01752 _____

Email: _____



5. The parking in this area is very limited, where do they propose the increases in cars are parked?
6. The park is still poorly lit in areas and there are still incidents of vandalism occurring, again I fear these will increase.
7. Staff leaving the home in the evening already are weary when crossing the park and would feel even more reluctant to do so with the increased threat of having people who have been drinking to contend with.
8. I am concerned about the impact of the increase in noise particularly late night if the Pavilion is to be opened for such long licensing hours.
9. Will there be an increase in policing of the park should the license be granted?

I would appreciate that you register my objections and give them consideration when making the final decision on granting this license for extended alcohol sales.

Yours sincerely,

Always striving to make a difference

3, Exmouth Road, Stoke, Plymouth, Devon PL1

PL1

Public Protection Service
Department of Development
Licensing Unit
Civic Centre
Plymouth
PL1 2AA

Dear Sir/Madam

I am writing this letter to raise my grave concerns to the licensing application made for an alcohol / entertainment licence for the Bowling/Café/Bar building in Devonport Park. Being one of the directors of

, We have had on many occasions where stones have been thrown at windows either cracking or smashing them, which in turn really frightens our clients and causes a lot of stress and that the ease of obtaining alcohol in close proximity to the home could escalate these occasions and cause unnecessary stress and be very unnerving for them.

We have been aware that there have been a number of incidents in Devonport Park of physical attacks or intimidation by people under the influence of alcohol and again this would have the potential to increase with easier access to alcohol.

has 27 elderly clients which a very high percentage wish to go to bed early at approximately 20:00 – 20:30, we understand that an entertainment licence has been applied for and again with vulnerable adults any noise or rowdy behaviour will impact on our clients well being.

Another issue that concerns us is the lack of parking facilities around the area and as has a 75% liability for the upkeep of the access road into the park we do not want to see any unnecessary traffic using it i.e.; parking up the side of this just to get to the pavilion. Also it must be made aware that we could have emergency vehicles wanting to use this road any time of night or day, and any cars parked could stop these vehicles from reaching the care home.

We hope that as is quoted in all local press that this is a caring council I hope the same ethos will be applied when looking at this application for the alcohol/entertainment licence and the impact it will have on our clients.

Yours Sincerely

APPENDIX 4

Plymouth

Dear Sir/Madam,

I am writing with grave concern regarding the application for an alcohol license for The Pavilion in Devonport Park, I am shocked that they are even contemplating allowing this when firstly it is in the middle of a park which has an exceptionally good play area and with society as it is and the amount of money spent on trying to get the point across to stop teenagers drinking alcohol in the street and this being in the middle of the park and encouraging the drinking of alcohol and secondly as the Manager of [redacted] Home for the elderly I think this would be extremely detrimental to the safety of my vulnerable clients on a safety issue and a noise one, I have already had to contact the police on a number of occasions because of stones being thrown at the bedroom windows of the home and at times windows being smashed surely adding alcohol to this situation will only worsen this and put my vulnerable clients at higher risk. My staffs are already perturbed when they have to walk through the park without the added worry of having people under the influence of alcohol wandering around also. I am writing on behalf of many very worried clients most of which have always lived in the Devonport area and are most disturbed by the thought of this as well as my staff.

Yours Truly