

CITY OF PLYMOUTH

Subject: Drakes Drum. 19 Radford Park Road, Plymouth
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 16 November 2010

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price, Licensing Officer

Contact: Tel: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

An application has been received from the Devon & Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of the Drakes Drum, 19 Radford Park Road, Plymstock, Plymouth.

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

1. Delivering Growth

www.plymouth.gov.uk/corporateplan.htm

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, Risk Management, 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:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 04th October 2010 the licensing department received an application from The Devon & Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of the Drakes Drum situated at 19 Radford Park Road, Plymstock, Plymouth. PL9 9DN

1.2 Review application.

The Devon & Cornwall Police have made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm. Copies of this application have been served by Devon and Cornwall Police on each of the responsible authorities and holder of the premises licence.

The police will say they have serious concerns regarding the management of the premises and the Designated Premises Supervisor's ability to uphold the licensing objectives in respect of the prevention of crime and disorder and the protection of children from harm.

Since June 2010 the police have been working with the management of the premises regarding the CCTV system. In this period there have been two offences of grievous bodily harm which when investigated identified problems with the ability of the system to download images of the offences.

The premises have been supplied with two training packages relating to training staff and keeping records of training with regard to underage sales. The DPS states he has received neither pack and the staff have not been formally trained. On two occasions since 21st August 2010 the police operated a test purchase operation on both occasions the premises failed by selling alcohol to the underage test purchaser.

The Police are of the opinion that the standard of management and the lack of meaningful sustained engagement regarding the achievement of two of the four licensing objectives is having and will continue to have a negative effect on the prevention of crime and disorder and the protection of children from harm.

In accordance with review proceedings at 15.12hrs on Tuesday 5th of October 2010 a licensing officer from Plymouth City Council attended the premises and spoke to Mr Andrew Boniface and requested the site notice be displayed at the premises.

At 15.36hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

B. Exhibition of films (Indoors)		
Monday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Sunday	10:00am	Midnight

Non Standard Timings: New Year's Eve 10:00 hrs until 10:00 hrs New Year's Day		
C. Indoor sporting event		
Monday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 10:00 hrs until 10:00 hrs New Year's Day		
E. Performance of live music (Indoors)		
Sunday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Non Standard Timings: New Year's Eve 10:00 hrs until 10:00 hrs New Year's Day		
F. Playing of recorded music (Indoors)		
Sunday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Non Standard Timings: New Year's Eve 10:00 hrs until 10:00 hrs New Year's Day. Background recorded music only beyond 23:00 hrs on Sunday to Thursday and 24:00 hrs on Friday and Saturday.		
G. Performance of dance (Indoors)		
Monday to Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 10:00 hrs until 10:00 hrs New Year's Day		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)		
Sunday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Non Standard Timings: New Year's Eve 09:00 hrs until 10:00 New Year's Day		
I. Provision of facilities for making music (Indoors)		
Monday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 09:00 hrs until 10:00 hrs New Year's Day		
J. Provision of facilities for dancing (Indoors)		
Monday to Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 09:00 hrs until 10:00 hrs New Year's Day		
M. The sale by retail of alcohol for consumption ON and OFF the premises		
Monday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 09:00 hrs until 10:00 hrs New Year's Day		
Premises Open Hours granted		
Monday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	1:00am
Sunday	10:00am	Midnight
Non Standard Timings: New Year's Eve 09:00 hrs until 10:00 hrs New Year's Day		

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health* – no representations

2.2 *Devon & Somerset Fire & Rescue Service* – no representations.

2.3 *Trading Standards* – no representations

2.4 *Planning Officer* - no representations.

2.5 *Child Protection* – no representations

2.6 *Health & Safety Executive* – no representations.

2.8 *Devon and Cornwall Police* – no representations.

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers necessary for the promotion of the licensing objectives, which are:

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

4.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.