

PLYMOUTH CITY COUNCIL

Subject: Plymouth Hoe (within area identified on plan)
Variation of Premises Licence.

Committee: Licensing Sub Committee (Miscellaneous)

Date: 6 September 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

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Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

An application has been received from Mr Daniel Thompson on behalf of Kaos Production in respect of The Hoe Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

Corporate Plan 2011 – 2014:

This report links to the delivery of the City and Council priorities. In particular:

I. Delivering Growth

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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 & 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	DJB/1262 5/17.08.11	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1. INTRODUCTION

1.1 On the 15 July 2011 the licensing department received an application from Mr Daniel Thompson on behalf of Kaos Production in respect of The Hoe (within area identified on plan) Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

Current Licensable Activities	Variation Application
<u>(m) Supply of alcohol for consumption ON the premises.</u> Hours Mon to Sat 10.30am to 11.00pm Sun 10.30am to 10.00pm	
<u>(o) Hours premises are open to the public</u> Hours Mon to Sat 10.30am to 11.00pm Sun 10.30am to 10.00pm	

1.3 Variation application.

The nature of the proposed variation is;
To extend the footprint of the current licence initially for the America's Cup but also for future large events.

The applicant's proposed variation would mean that up to 9,999 people are expected to attend the premises at any one time.

1.4 Existing area of premises licence (Appendix 1).

1.5 Proposed area of premises licence (Appendix 2).

1.6 Conditions currently attached to the licence (Appendix 3).

1.7 A copy of the applicant's operating schedule (Appendix 4)

1.8 Representations have been received in respect of this application.

1.9 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* – no representations

2.2 *Devon & Cornwall Police* – 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

1 - letter of representation has been received from a person involved in a business within the vicinity of the premises (Appendix 5).

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

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.

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.





ANNEX I - MANDATORY CONDITIONS

- 1.** The first condition is that no supply of alcohol may be made under the premises licence: -
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- 2.** The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 3.(1)** The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

- (i) the outcome of a race, competition or other event or process, or

- (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- 4.** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

- 5.** The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

- 6.(1)** The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Steps that have been taken to promote the Four Licensing Objectives

The Prevention of Crime and Disorder

1. Each event will be assessed and risk managed and the appropriate receptacles will be used for the cliental and layout of the event
2. Designated drinking areas outside to be assessed for each individual event, bar staff to be briefed, and signage will be placed at the exit of the site
3. All bar staff will be briefed regards binge drinking and cheap shots and alco-pops will not be sold
4. I will use the appropriate numbers of security personnel and stewards in accordance with H&S guidelines ensuring effective controls at all times these will have radio contact with production at all times
5. All staff on site, including production, bar, security staff and stewards, will be briefed regards crime prevention measures
6. SIA security on site, with trained stewards

Public Safety

1. Drink-aware and the 21 rule will be put into place
2. A zero tolerance drug policy including the appropriate use of searching/amnesty boxes to combat drug crime will be put into place if the risk assessment on the individual event deems necessary
3. Each event will be assessed and where appropriate bottles will be decanted into plastic glasses, however in the case of table service and glass is used, waiters will collect empty glasses throughout the event

Protection of Children from Harm

Robust proof of age provisions to include prevention of under-18's entering the premises where appropriate and the requirement for anyone looking under 21 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the pass hologram, PASS is a UK's national guarantee scheme for proof-of-age cards.

Recognition of the Challenge 21 philosophy

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS EXISTING

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

WHERE I HAVE INCLUDED HOE ROAD THIS WOULD ONLY BE USED IN CONJUNCTION WITH THE NECESSARY ROAD CLOSURES IN PLACE

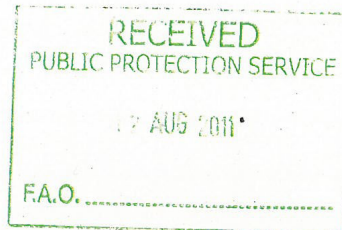
d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

AS EXISTING

Licensing Dept
Civic Centre
Plymouth
PL1 2AA



11/08/2011

Licensing Act 2003

I wish to object to the application made by Dan Thompson on July 15th 2011 To extend the footprint of his current premises license.
I understand that he wishes to extend to the whole of the promenade to include the Hoe Foreshore and West Hoe.
To extend to this area would inevitably bring an increase in crime and disorder and I feel that the area is too large for one person to control.
The Hoe and Foreshore has been a magnet for drunks in the past but with a new order in place on the area police are now able to move these people on to prevent them from causing a Public Nuisance. With more outlets along the Promenade and Foreshore the police would find it almost impossible to carry out this duty.
The Hoe along with West Hoe park is a family area and there are many young children present some of whom are supervised and many who are not. They can be seen playing football, flying kites, walking their dogs, having a picnic and generally having fun. Should we really be creating an atmosphere where, due to the increased availability of alcohol, these children and families are in danger of being subject to abuse through the mis-use of alcohol.
As the area is so large it would be almost impossible to stop people going to the local shop and buying alcohol to consume within the area so how can it be policed properly by the premises license holder to prevent the four licensing objectives?

Yours faithfully