

## PLYMOUTH CITY COUNCIL

**Subject:** Temporary Event Notice  
**Committee:** Licensing Sub Committee (Miscellaneous)  
**Date:** 18 September 2012  
**Cabinet Member:** Councillor Brian Vincent  
**CUT Member:** Director of Place  
**Author:** Peter Clemens  
**Contact:** Tel: 01752 305465  
e-mail: licensing@plymouth.gov.uk  
**Ref:** ERS/LIC/TEN  
**Key Decision:** No  
**Part:** I

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### **Executive Summary:**

A notification has been received from Mr Alastair Wright in respect of 11 Moor View, Keyham, Plymouth for a Temporary Event Notices under Section 100 of the Licensing Act 2003.

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### **Corporate Plan 2012 – 2015:**

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

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

Not applicable

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### **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.

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### **Recommendations & Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

Application.

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's Licensing Policy.

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**Sign off:**

Fin		Leg	DJB/ 1556 1/11. 09.1 2	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

## **1.0 INTRODUCTION**

1.1 On the 3 September 2012 Mr Alastair Wright gave a temporary event notice under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of this notice was served on Devon and Cornwall Police and Environmental Health Department

1.2 This notification is in respect of an event to take place at 11 Moor View, Keyham, Plymouth, from a small back bedroom as storage and dispatch centre.

1.3 Nature of the event:

The nature of the event is to provide a home delivery alcohol service.

The times are as follows:

24 hour home delivery service from the 19 September to 24 September 2012.

1.4 The licensable activities intended within the notice are:

The sale by retail of alcohol.

1.5 Devon and Cornwall Police have given notice to the Licensing Authority that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. They have also served notice on Mr Alastair Wright (Appendix 1)

1.6 Any person over 18 years of age may give a Temporary Event Notice in respect of permitted temporary activities, intended to take place other than under a licence. This may include:

\* The sale by retail of alcohol

\* The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

\* The provision of regulated entertainment

\* The provision of late night refreshment

1.7 A temporary event notice must be given to the Licensing Authority the Police and Environmental Health department not less than 10 working days before the event takes place.

1.8 Only the Police and Environmental Health department are able to make objections in respect of a Temporary Event Notice on the basis of any of the four licensing objectives.

## **2.0 CONSIDERATIONS**

2.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives.

2.2 The Committee may decide to allow licensable activities to go ahead as stated in the notice, alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing a counter notice.

- 2.3 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.

R. Carton  
Manager of Public Protection Service

Building safer communities together



DEVON & CORNWALL  
CONSTABULARY

Our ref:

Your ref:

The Licensing Officer  
Plymouth City Council  
Licensing Office  
Civic Centre  
Plymouth  
PL1 2EW

Licensing Office  
Charles Cross Police Station  
Hampton Street  
Plymouth PL4 8HG

Telephone: 01752 720464

04 September 2012

Dear Sir/Madam

**Re: Applications for Temporary Event Notice, 11 Moor View, Keyham, Plymouth PL2 1LF**

**Objection Notice**

On Tuesday 4<sup>th</sup> September 2012, an application for a Temporary Event Notices (TEN) for the above mentioned premises was received by the Police.

The TEN relates to the retail sale of alcohol from 0001hr on Wednesday 19<sup>th</sup> September 2012 to 2359hrs on Tuesday 24<sup>th</sup> September 2012 inclusive for the purposes of off sales by way of an alcohol delivery service.

The Police object to the application on the basis it will undermine the licensing objectives of 1) The prevention of crime and disorder 2) the prevention of public nuisance and 3) the protection of children from harm.

Premises Licences have been issued for the retail sale of alcohol for such establishments, but the police have on all occasions mediated necessary conditions to ensure that the sales are not made to drunks, underage and that the delivery does not impact by way of noise on residential areas.

This application circumvents the need for the application for such a premises licence and makes it impossible for the police to effectively engage with the applicant in the promotion of the four licensing objectives.

The Police have particular concerns regarding where the sale takes place, the method



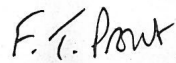
CUSTOMER SERVICE EXCELLENCE

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of payment, the training of staff and the danger of alcohol being obtained by underage persons.

There is no provision for such conditions to be added to this TEN as the premises do not benefit from a premises licence.

Yours Sincerely

A handwritten signature in black ink, appearing to read "F. T. Prout". The signature is written in a cursive style with a large initial "F" and a distinct "T".

Mr F T Prout  
Licensing Officer