

PLYMOUTH CITY COUNCIL

Subject: Peter Wright. 12 The Parade, Barbican, Plymouth. PL1 2JL
Temporary Event Notice - 04 May 2014

Committee: Licensing Sub Committee

Date: 29 April 2014

Cabinet Member: Councillor Brian Vincent

CMT Member: Carole Burgoyne (Director for People)

Author: Marie Price (Licensing Officer)

Contact details: Tel: 01752 307981
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

A notification has been received from Peter Wright in respect of 12 The Parade, Barbican, Plymouth (The outside area of The Three Crowns Public House) for a Temporary Event Notice under Section 100 of the Licensing Act 2003.

The Brilliant Co-operative Corporate Plan 2013/14 – 2016/17:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

In particular: Growing

See http://www.plymouth.gov.uk/corporate_plan.pdf

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

Not applicable

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

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.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None.

Published work / information:

For more information please see the below links.

Licensing Policy

http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf

Background papers:

| Title | Part I | Part II | Exemption Paragraph Number | | | | | | |
|-------------|--------|---------|----------------------------|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Application | | | | | | | | | |
| | | | | | | | | | |

Sign off:

| | | | | | | | | | | | | | |
|--|--|-----|------------------------------|------------|--|----|--|--------|--|----|--|---------------|--|
| Fin | | Leg | 2011 1/ag/ 16.4. 14 | Mon Off | | HR | | Assets | | IT | | Strat Proc | |
| Originating SMT Member | | | | | | | | | | | | | |
| Has the Cabinet Member(s) agreed the content of the report? No | | | | | | | | | | | | | |

1.0 INTRODUCTION

- 1.1 On the 09th April 2014 Peter Wright gave three temporary event notices under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of the notice was served on Devon and Cornwall Police on the 11th April 2014 and Environmental Health department on the 09th April 2014.
- 1.2 The notification is in respect of an event to take place on the 04 May 2014 in the outside area of The Three Crowns. 12 The Parade, Barbican, Plymouth. (Between bollards of Custom House & Bollards on Exchange Street)
- 1.3 Nature of the events:
Sunday 04 May 2014 – May Bank Holiday. To include an outside music stage. Midday to 10pm. (Requested Occupancy up to 499 persons).

The licensable activities intended within the notices are:

The sale by retail of alcohol Midday to 10pm

The provision of regulated entertainment Midday to 9pm

Please see [Appendix I](#) for location Map.

- 1.3 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 crime prevention objective. They have also served notice on Peter Wright (APPENDIX 2)
- 1.4 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
- 1.5 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.
- 1.6 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. If the notice is in connection with licensable activities at licensed premises the committee may also impose one or more of the existing conditions on the notice insofar as such conditions are not inconsistent with the event if it considers that this is appropriate for the promotion of the licensing objectives.
- 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.
- 2.4 If the committee decides to impose conditions it must give notice to the premises user which

includes a statement of conditions, alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing a counter notice.

R. Carton
Manager of Public Protection Service



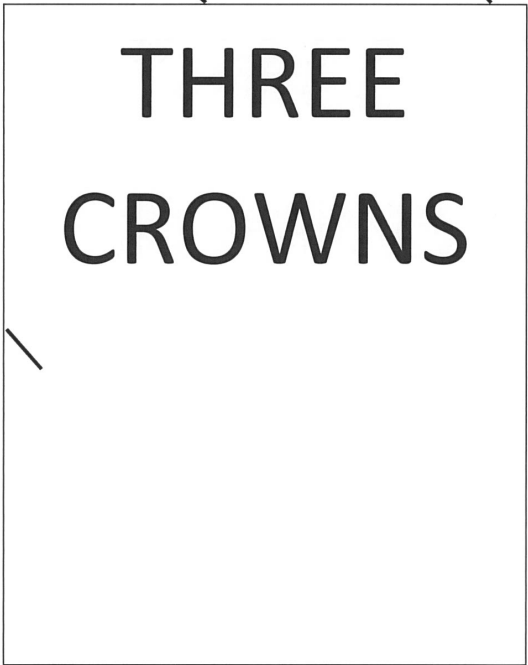
STAGING
FOR MUSIC
2014

Previous years
Staging

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Proposed plan for The Three Crowns for temporary events notices on Sunday 20th April, Sunday 3rd May, Sunday 24th May, Sunday 24th August.
All walkways to be kept clear. 3 Door staff present at all times. Any overhead power cables to be at least 4 meters from ground level. Music to be finished by 9pm with one hours clearing up time. Re-Sited the outside Staging further away to encourage the walkways to be clear. The customers to be monitored so no more than 499 present at any one time as requested by David Mcindoe – Devon and Cornwall Police

Mr Frederick Prout
Licensing Officer
Plymouth City Council
Armada Way
Plymouth

David Mcindoe
Licensing officer 55474
Charles cross Police Station
Plymouth

Telephone: 01752 720473

14 April 2014

Our ref:
Your ref:

Dear Mr Prout.

Re:- Applications for issue of Temporary Event Notices to Three Crowns Public House The Parade Barbican Plymouth dates - 20/04/2014 04/05/2014 25/05/2014 and 24/08/2014

Please be advised the Devon and Cornwall Police wish to make representations re all these applications to the Plymouth City Licensing Committee. It is noted the application for this weekend 20/04/14 is a late application we object to the issue of this licence.

The Police received copies of each of the applications as above on Friday 11th April 2014, examination of the papers reveal there are none which contain any detail as to how the events will be managed, the numbers of staff and door staff employed, the method of ensuring the numbers would not exceed 499 people, how it is intended to control the area or how the management intend to aid dispersal of patrons. Further there is nothing detailed as to how it will ensure the public right of way is not obstructed or what actions the applicant intends to take to engage with any of the four licensing objectives.

I spoke with Mr Wright at 10am on Monday 14th April 2014 and requested I be provided with written details of his operating schedule, plan of area and how he will ensure the public thoroughfare is kept open by midday 15th April 2014.

I have today 15/04/14 received a brief plan and notice of intention from Mr Wright's partner Mr Murrain. The document does not provide any detail as to how the applicant intends to manage the event it stipulates what he wants to do but not how.

The Devon and Cornwall Police have serious concerns regarding these applications

which are based upon the effect the issue of the licences will have on the licensing objectives of the Prevention of Crime and Disorder and Public Safety

The area is the same as that used on previous occasions. It consists of an area in front and to the side of the premises. It also adjoins an area not covered by the application owned by Sutton Harbour Holdings. We have previously advised the licensed area should be defined with fencing, however on the advice of patrolling officers this was withdrawn on the grounds of safety.

We now have the situation that there is an open area in front of the premises that can be defined on paper but not on the ground. It therefore becomes impossible to restrict numbers to 499 as required by legislation.

The area will accommodate far more than 499 but there will be no effective method of identifying who is a customer of the applicant and who is not.

This in turn raises the issue of the area becoming an outdoor upright drinking area that is not regulated or defined and which allows people to mingle in the licensed area having purchased drinks from other nearby establishments.

Previous Bank Holiday events in this area have caused problems with the free passage of pedestrians through the licensed area, the numbers attending effectively block all the pavements and routes through the area from Vauxhall Street to the Parade.

I have images produced from CCTV on 5th May 2013 when a similar application was granted, they will show the way this event is historically run, there are images of scuffles, drunkenness, people wandering to and from the area with glasses of alcohol and the difficulty both the police and the door supervisors have in controlling the licensed area.

It is the opinion of the Devon and Cornwall Police that the content and standard of this application does not address any of the concerns raised and there is a very real possibility of a negative effect on the licensing objectives of the Prevention of Crime and Disorder and Public Safety.

In conclusion I would also point out this application relates to premises which lie within the cumulative impact area adopted by Plymouth City Council. If you deem this to be relevant I would refer to the evidence produced by the police that supported the introduction of this policy.

The Police invite you to refuse these applications.

David McIndoe

55474 Alcohol Licensing Officer.