

PLYMOUTH CITY COUNCIL

Subject: Mr Trevor Horswell
Application for Temporary Event Notice in respect of premises
Will's at One, Residence One, Royal William Yard, Plymouth.

Committee: Licensing Sub Committee

Date: Tuesday 29 September 2015

Cabinet Member: Councillor Philippa Davey

CMT Member: Kelechi Nnoaham (Director of Public Health)

Author: Frederick Prout (Senior Licensing Officer)

Contact details: Tel: 01752 304792
email: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Purpose of the report:

A notification has been received from Mr Trevor Horswell of Elburcombe House, Arcadia Road, Plymouth in respect of Will's at One, Residence One, Royal William Yard, Plymouth 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.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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? No

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.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - March 2015](#)

Background papers:

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

Sign off:

Fin		Leg	2391 3/cf/ 18.0 9.15	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 15 September 2015 Mr Trevor Horswell of Elburcoombe House, Arcadia Road, Plymouth gave a temporary event notice under Section 100 of the Licensing Act 2003 to the Licensing Authority. A copy of the notice was served on Devon and Cornwall Police and Environmental Health Department
- 1.2 The notification is in respect of an event to take place at Will's at One, Residence One, Royal William Yard, Plymouth. A copy of the premises licence is attached (Appendix 1).
- 1.3 Nature of the event:
A wedding reception with pay bar for a maximum of 190 people on Saturday 3 October 2015 from 11pm until 2am Sunday 4 October 2015.

The licensable activities intended within the notice are:

- The sale by retail of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

- 1.4 Plymouth City Council Environmental Health have given notice to the Licensing Department that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objective of the prevention of public nuisance. They have also served notice on Mr Trevor Horswell (Appendix 2).
- 1.5 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
- 1.6 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.
- 1.7 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 with the following paragraph's 7.31, 7.32 – 7.35, 7.37 and 7.38.

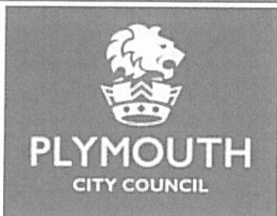
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application. Temporary Event Notices (TEN's) (Page 24).
- Also the representations (including supporting information) presented by all the parties.

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.

Licensing Act 2003
Premises Licence

PA0921

Local Authority



Environmental Services
 Licensing Unit
 Civic Centre
 Plymouth. PL1 2AA
 Tel: 01752 307983 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Will's at One

Residence No1, Royal William Yard, Plymouth, Devon, PL1 3RP.

Telephone 01752 221765 or 01752 831741

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Wednesday	11:30	21:00
	Thursday to Saturday	11:30	23:00
	Sunday	12:00	22:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	08:00	21:00
Thursday to Saturday	08:00	23:00
Sunday	10:00	22:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

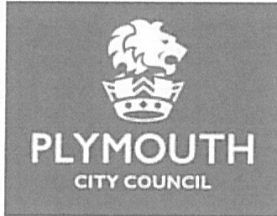
NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Residence 1 Property Management Limited|1 3RP
 th@iisuk.co.uk

Elburcoombe House, Arcadia Road, Plymouth, Devon, PL9 8EG.
 Telephone 01752 221765

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Richard DUNN

163 Billacombe Road, Plymstock, Plymouth, Devon, PL9 7HB.
 Telephone 01752 481636

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PL12851

Issued by Plymouth

ANNEXES**ANNEX 1 - 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.

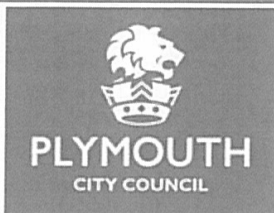
- 3.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, 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;



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ANNEXES continued ...

(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.

Minimum Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

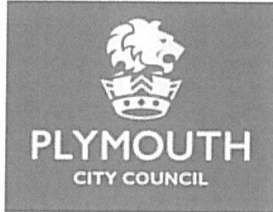
(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,



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ANNEXES continued ...

- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

4(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

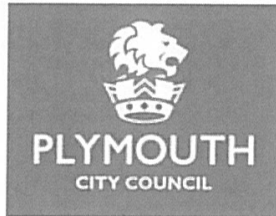
ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**Steps that have been taken to promote the four licensing objectives****The Prevention of Public Nuisance**

- No rubbish will be placed into our main refuse area between the hours of 2300hrs and 0700hrs.

The Protection of Children from Harm

- No gambling is allowed on site
- There will be no Adult entertainment at this premise.
- Drug abuse will not be tolerated on site and the police will be notified of any such incident.



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ANNEXES continued ...

- A refusal book will be kept on the premises where staff can record details of everyone who has been refused alcohol.
- During events specifically for people under the age of 18 years, adult staff must be employed to ensure safety.

Conditions that have been agreed with the Police Licensing Authority**Prevention of Crime and Disorder -**

- All staff shall be fully trained to perform their role. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, contents of the premises licence including times of operation, licensable activities and all conditions prior to undertaking the sale of alcohol and then at least every 12 months.
- Training of staff shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 3 years.
- A refusal register will be kept for any underage or person refused service. The record will contain the time and date, the reason, the person (if known), the action taken and details of the person responsible for the management of the premises at the time of the incident.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
- The refusals register and incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 3 years.
- The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

Prevention of Public Nuisance

- The Premises Licence Holder and/or Designated Premises Supervisor and/or responsible



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ANNEXES continued ...

person shall ensure that outside the establishment will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.

- Signage will be in place in all entrances and exits requesting that patrons leave quietly and in an orderly manner.

Protection of Children from Harm

- All staff shall be trained in the requirements of the Challenge 21 policies. The following types of acceptable identification are UK Photo Driving License, PASS Card and Passport.
- All staff shall be suitably trained in the operating procedures for refusing service to any person who is deemed drunk or appears to be under-age.
- All persons under the age of 18 are to be accompanied by an adult after 18.00hrs.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 - PLANS

As Attached


Public Protection Service Manager



Prout, Frederick

From: Tomkins, Will
Sent: 16 September 2015 08:12
To: Licensing; Prout, Frederick
Cc: 'th@iisuk.co.uk'
Subject: OFFICIAL: Residence One, Royal William Yard - Temporary Events Notice

Dear Licensing

Thank you for providing Environmental Health with a copy of the Temporary Events Notice, submitted by Mr Trevor Horswell for Residence Number 1, Royal William Yard, Plymouth, PL1 3RP.

It is the intention for Environmental Health to object to the granting of the Temporary Events Notice, requested for the period of 3/10/2015 to 4/10/2015. This Department has received recent complaints from local residents regarding excessively loud and intrusive music emanating from Residence Number 1. The complaints of noise are currently being investigated by officers of this department. The granting of this T.E.N. until 02:00 hours is likely to cause significant public nuisance to local residents given the ongoing nature of these complaints.

Yours sincerely

Will Tomkins
Environmental Health Officer
Public Protection Service
Plymouth City Council
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