

PLYMOUTH CITY COUNCIL

Subject: James William John Wright
Application to Vary a Premises Licence to specify an individual as Designated Premises Supervisor

Committee: Licensing Sub Committee

Date: 15 December 2015

Cabinet Member: Councillor Philippa Davey

CMT Member: Kelechi Nnoaham (Office of the Director of Public Health)

Author: Frederick Prout (Senior Licensing Officer)

Contact details: Tel: 01752 304792
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Ref: ERS/LIC/PREM DPS

Key Decision: No

Part: I

Purpose of the report:

An application has been received from James William John Wright in respect of The Plymstock Inn, 88 Church Road, Plymstock, Plymouth to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor under Section 37 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 | 242 64.c f.27. 10.1 5 | 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 09 October 2015 the licensing department received an application from James William John Wright to Vary a Premises Licence to Specify an Individual (himself) as Designated Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of The Plymstock Inn, situated at 88 Church Road, Plymstock, Plymouth.
- 1.2 Representations have been received in respect of this application.

2.0 DEVON & CORNWALL POLICE

- 2.1 Have given notice that they are satisfied there are exceptional circumstances whereby the granting of the application would undermine the crime prevention objective. A notice setting out their reasons is attached at Appendix I.

3.0 CONSIDERATIONS

- 3.1 The Committee is obliged to determine this application with a view to promoting the crime prevention objective:
- 3.2 In making a decision the committee is obliged to have regard to:
- i) Guidance issued under Section 182 of the Licensing Act 2003 paragraphs 4.26 – 4.28 are relevant to the variation of the designated premises supervisor.
 - ii) The Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Designated Premises Supervisor (DPS) at page 13
 - iii) Notice of objection from the Police and any representations from the applicant.
- 3.3 The Committee may make one of two determinations, they may
- 1. Grant the application or
 - 2. Reject the applications if having regard to the Police objection they consider it necessary for the promotion of the crime prevention objective.
- 3.4 If the committee decide to reject the applications they may only do so if they have been satisfied by the Police that the grant of the licence would be detrimental to the promotion of the crime prevention objective.

Kelechi Nnoaham
Director of Public Health
Office of the Director of Public Health, Plymouth City Council.

Our ref:

Your ref:

Mr Prout
Plymouth City Council
Licensing Dept

Duane Seymour
Licensing Officer
Plymouth Licensing Office
Charles Cross Police Station

Telephone: 01752 720464

20 October 2015

Dear Mr Prout

With regard to the application made by James Wright born 08/01/90 to vary the Premises Licence of The Plymstock Inn to specify himself as the Designated Premises Supervisor The Police wish to make application for a hearing for the following reasons.

James Wright was arrested on suspicion of driving with excess alcohol on 27/09/15. Following his arrest he supplied a specimen of breath of 69 micrograms of alcohol in 100ml of breath.

The legal limit is 35 micrograms of alcohol in 100ml of breath. He was subsequently charged with driving with excess alcohol.

He appeared at Plymouth Magistrates court on the 14/10/2015, where he was convicted of this offence and was banned from driving for a period of 18 months.

The police feel that as this is a relevant offence and therefore present exceptional circumstances as he has been allowed to retain his licence by the court.

The police have concerns as to the level of engagement that can be expected from this applicant who was charged with an offence involving alcohol and within hours submitted his application and have further concerns that his reaction to being arrested was such as to question his ability or intention to meaningfully engage with the licensing objective of the prevention of crime and disorder.

licensingwest@devonandcornwall.pnn.police.uk

The police feel that the evidence shows that granting of this application would undermine the licensing objective of the prevention of Crime and Disorder.

Yours Sincerely

D Seymour

Duane Seymour
52714