

## PLYMOUTH CITY COUNCIL

**Subject:** Michael Currie, Kernow Mobile Bars, 4 Gear Drive, Quintrell Downs,  
Newquay, Cornwall.  
Temporary Event Notice – 22 July 2017

**Committee:** Licensing Sub Committee

**Date:** 18 July 2017

**Cabinet Member:** Councillor John Riley

**CMT Member:** Dr Ruth Harrell (Office of the 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

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### **Purpose of the report:**

A notification has been received from Michael Currie for Kernow Mobile Bars of 4 Gear Drive, Quintrell Downs, Newquay, Cornwall in respect of a community event at Pembroke Street Community Estate Plymouth for a Temporary Event Notice under Section 100 of the Licensing Act 2003.

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### **Our Plan - One City Council 2016 to 2019:**

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](#)

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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. 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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**Alternative options considered and rejected:**

None.

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**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 - April 2017**

**Background papers:**

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

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**Sign off:**

Fin		Leg	2856 3/ag/ 11.7. 17	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 05 July 2017 Mr Michael Currie of Kernow Mobile Bars at 4 Gear Drive, Quintrell Downs Newquay, Cornwall 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 the Pembroke Street Community Estate, Devonport, Plymouth.

1.3 Nature of the event:

Community event to be held in the grounds of the Pembroke Community Estate with a mobile bar for a maximum of 220 persons on Saturday 22 July 2017 from 5.00pm to 11.00pm.

The licensable activities intended within the notice are:

The sale by retail of alcohol

1.4 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 Mr Currie. (APPENDIX I)

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 7.32 – 7.35, 7.36, 7.37 – 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.

**Prout, Frederick**

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**From:** SEYMOUR Duane 52714 <Duane.SEYMOUR@devonandcornwall.pnn.police.uk>  
**Sent:** 07 July 2017 11:51  
**To:** Prout, Frederick  
**Subject:** Pembroke Street TEN

Good Morning Mr Prout

Please except this email as a formal objection to the Temporary Events Notice Applied for by Mr Michael Currie, location Pembroke Street, Plymouth, Devon PL1 4JT.

The reason for the objection is under The Prevention of Crime and Disorder Licensing Act 2003.

The Local Police have raised concerns with level of ASB within the area of this application. The addition of a licensed bar in this area would have a negative impact on the licensing objectives, there is insufficient information of the event.

Kind regards

Duane Seymour  
Licensing Officer  
Plymouth Licensing Office  
Charles Cross Police Station  
Email: [licensingwest@devonandcornwall.pnn.police.uk](mailto:licensingwest@devonandcornwall.pnn.police.uk)  
Contact Number: 01752 720464

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