

## PLYMOUTH CITY COUNCIL

**Subject:** Ms Amy Magee  
The Clarence, 31 Clarence Place,  
Stonehouse, Plymouth  
Temporary Event Notice – 12 November 2017

**Committee:** Licensing Sub Committee

**Date:** 07 November 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 Ms Amy Magee in respect of The Clarence, 31 Clarence Place, Stonehouse, 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	2923 6/ag/ 26.1 0.17	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 24 October 2017 Ms Amy Magee 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 Clarence, 31 Clarence Place, Stonehouse, Plymouth
- 1.3 Nature of the event:  
Regulated Entertainment of singing in a public house between 02.00pm and 06.00pm for a maximum of 55 persons on Sunday 12 November 2017.  
The licensable activities intended within the notice are:  
The provision of regulated entertainment
- 1.4 Environmental Health 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 objective of prevention of public nuisance and also served notice on Ms Amy Magee (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 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.

**Prout, Frederick**

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**From:** Tomkins, Will  
**Sent:** 26 October 2017 12:04  
**To:**  
**Cc:** Prout, Frederick  
**Subject:** OFFICIAL: Application for TEN 12th November 2017

Dear Ms Magee,

I writing to notify you that I have sent an objection to the Temporary Event Notice for an event on the 12<sup>th</sup> November 2017 to the Licensing Department. The objection has been made as I consider the event will have a negative impact on the licensing objective for the prevention of public nuisance. This is following the review of the premises licence for the Clarence where regulated entertainment was removed by the licensing committee.

I have tried to contact you by telephone and left a voicemail but have not received a response.

Regards

Will Tomkins  
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Public Protection Service  
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# MEMO

Public Protection Service



**PLYMOUTH**  
CITY COUNCIL

## Licensing Act 2003

### Environmental Health Representation

From: Will Tomkins

To: **Head of Licensing Section**

FAO: **Fred Prout**

Date: 26<sup>th</sup> October 2017

Schedule Ref: **TC/The Clarence 12/11/17**

Investigating Officer: Will Tomkins

Extension Number: 304740

### Application Details

**Premises:** The Clarence

**Name of Applicant:** Amy Magee

**Address:** 31 Clarence Place, Stonehouse, Plymouth, PL1 3JP

**Type of Application:** Temporary Event Notice

**Date of Inspection:** N/A

### Representation

This department would like to make the following representation:

#### I consider the application to undermine the following licensing objectives:

The Prevention of Public Nuisance

#### The likely effect of granting the licence as applied will undermine the licensing objectives because:

*(How will the application undermine one or more of the four licensing objectives – under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)*

#### The Prevention of Public Nuisance

This premises went in front of Licensing Committee on the 1<sup>st</sup> August 2017. At the hearing the committee took the decision to remove entertainment from the premises licence in accordance with 177A of the Licensing Act 2003 removing any exemption for entertainment taking place without a licence.

The granting of the TEN has the potential will allow entertainment to take place. This has the potential to cause noise that may affect nearby residential properties.

As the Licensing Committee took the decision to remove entertainment from the premises licence it is not appropriate for an officer decision to be taken to allow the event. I have therefore referred the decision to Licensing Committee to make a decision.

### Recommendations

**I therefore recommend that this application is refused because:**

*(Reinforce the points mentioned above about how the application will undermine one or more of the four licensing objectives if the licence were granted as applied for.*

*Explain why conditions will not address the problems identified and why the hours or licensable activities could not be varied to address the problem).*

This premises went in front of Licensing Committee on the 1st August 2017. At the hearing the committee took the decision to remove entertainment from the premises licence in accordance with 177A of the Licensing Act 2003 removing any exemption for entertainment taking place without a licence.

Since the hearing on the 1<sup>st</sup> August 2017 the Premises Licence Holder and Designated Premises Supervisor have changed to Ms Amy Magee.

Nearby residents have contacted the Environmental Health department and expressed concerns that since the change in management the Clarence is intending to provide regulated entertainment. The residents are worried that any regulated entertainment would have unacceptable levels of noise that would cause a public nuisance.

I met with the Maria Chilvers, manager of the Clarence on the 25<sup>th</sup> September 2017. At the meeting, I advised Ms Chilvers that any application for a TEN or Licence Variation to allow regulated entertainment would result in an objection from the Environmental Health Department due to the short space of time that has passed since the review hearing.

Ms Chilvers stated that structural changes to the pub would take place to minimise noise breakout before any application for entertainment was submitted. This department has not had any further contact with the pub manager regarding any alterations to mitigate any noise escape.

Ms Chilvers also stated that she would contact local residents and discuss any proposals to have regulated entertainment with them.

To my knowledge there have been no alterations to the premises that would mitigate the Committee decision to remove regulated entertainment from the premises licence and the evidence presented to the committee on the 1<sup>st</sup> August 2017 still stands.