

## PLYMOUTH CITY COUNCIL

**Subject:** Eleanor Venables. 25 Damerel Close, Devonport, Plymouth. PL1 4NE  
Temporary Event Notice

**Committee:** Licensing Sub Committee

**Date:** 01<sup>st</sup> May 2019

**Cabinet Member:** Councillor Sally Haydon

**CMT Member:** Dr Ruth Harrell (Office of the Director of Public Health)

**Author:** Marie Price (Licensing Officer)

**Contact details:** Tel: 01752 307981  
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 Eleanor Venables in respect of Plymouth Albion. 25 Damerel Close, Devonport, Plymouth for a Temporary Event Notice under Section 100 of the Licensing Act 2003.

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### **Our Plan – A City to be proud of.**

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

**A Growing City:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**A Caring Council:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system 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? Yes

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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 of the Licensing Act 2003 - April 2018**

**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	3246 7/ag/ 24.4 19	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 16<sup>th</sup> April 2019 Eleanor Venables gave two 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 and Environmental Health department
- 1.2 The notification is in respect of an event to take place at Plymouth Albion. 25 Damerel Close, Devonport, Plymouth. PL1 4NE
- 1.3 Nature of the events:
1. Outdoor adventure cinema film showing to be held on the 9<sup>th</sup> and 10<sup>th</sup> May 2019 between 5pm and 11.30pm for up to 499 people.
  2. Boxing Event to be held on the 24<sup>th</sup> May 2019 between 5pm and 11.30pm for up to 250 people

The licensable activities intended within the notice are:

The provision of regulated entertainment on the 9<sup>th</sup> & 10<sup>th</sup> May 2019

The sale by retail of alcohol and the provision of regulated entertainment on the 24<sup>th</sup> May 2019

- 1.4 Plymouth City Council Environmental Health department 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 public safety licensing objectives. They have also served notice on Eleanor Venables. (Appendix 1 and 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 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.

**Gregory, Bev**

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**From:** Tomkins, Will  
**Sent:** 23 April 2019 11:11  
**To:** Liz Venables  
**Cc:** Licensing; licensing.team@devonandcornwall.pnn.police.uk  
**Subject:** OFFICIAL: TEN - Adventure Cinema. Objection

FAO: Eleanor Venables

Dear Ms Venables,

Following your application for a Temporary Event Notice (TEN) for an outdoor cinema on the 9<sup>th</sup> & 10<sup>th</sup> May 2019 this authority is making an objection under section 104 of the Licensing Act 2003.

The objection is made under the licensing objective for Public Safety.

The grounds of the objection are;

As this event is being held at a sports ground there is a requirement for a special safety certificate to be in place as required by the Safety at Sports Ground Act 1975. No such certificate has been applied for.

The Plymouth Safety Advisory Group (SAG), of which I am a member, have raised concerns regarding the safety of the sports ground. In particular the sports ground does not currently have a safety officer. As a SAG member this department is guided by the advice of all members of the SAG.

Insufficient details have been provided about the event to establish that Public Safety will be assured throughout the events.

Should you require any further information please do not hesitate to contact me.

Regards

**Will Tomkins**

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**Price, Marie**

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**From:** Tomkins, Will  
**Sent:** 23 April 2019 12:57  
**To:** Liz Venables  
**Cc:** Licensing; licensing.team@devonandcornwall.pnn.police.uk  
**Subject:** RE: OFFICIAL: TENS application - Plymouth Albion - 24th May 2019

FAO: Eleanor Venables

Dear Ms Venables,

Following your application for a Temporary Event Notice (TEN) for a boxing event on the 24<sup>th</sup> May 2019 this authority is making an objection under section 104 of the Licensing Act 2003.

The objection is made under the licensing objective for Public Safety.

The grounds of the objection are;

As this event is being held at a sports ground there is a requirement for a special safety certificate to be in place as required by the Safety at Sports Ground Act 1975. No such certificate has been applied for.

The Plymouth Safety Advisory Group (SAG), of which I am a member, have raised concerns regarding the safety of the sports ground. In particular the sports ground does not currently have a safety officer. As a SAG member this department is guided by the advice of all members of the SAG.

Insufficient details have been provided about the event to establish that Public Safety will be assured throughout the events.

Should you require any further information please do not hesitate to contact me.

Regards

**Will Tomkins**

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**From:** Tomkins, Will  
**Sent:** 16 April 2019 15:09