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LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 29 JUNE 2010
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –
Councillors Mrs Bowyer, Lock and Rennie

Fourth Member –
Councillor Reynolds

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. TRANSFER OF PREMISES LICENCE AND VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR (Pages 1 - 4)

The Director for Community Services will submit a report on the transfer of a premises licence and variation of licence to specify an individual as premises supervisor.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Sub-Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

Subject: Mr Mark Willoughby
1. Transfer of Premises Licence
2. Vary Licence to Specify Individual as Premises Supervisor

Committee: Licensing Sub Committee (Miscellaneous)

Date: 29 June 2010

Cabinet Member: Community Services (Street Scene Waste and Sustainability)
Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price
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Contact: 01752 307981

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Mr Mark Willoughby for the Transfer of a premises licence under Section 42 of the Licensing Act 2003 and to vary the licence to specify an Individual as Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of the Ace of Clubs. 71 Union Street, Plymouth. PL1 3LU

Corporate Plan 2010- 2013:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Providing more and better culture and leisure activities.
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**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
 Licensing Act 2003.
 Guidance issued under Section 182 Licensing Act 2003.
 Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

- 1.1 On the 25th May 2010 the licensing department received an application from Mr Mark Willoughby for the Transfer of a Premises Licence under Section 42 of the Licensing Act 2003 and an application to Vary the Licence to Specify an Individual as Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of the Ace of Clubs. 71 Union Street, Plymouth. PL1 3LU
- 1.2 In accordance with Sections 38 and 43 of the Licensing Act 2003, both applications had immediate effect so that until the applications are determined or withdrawn the applicant is acting as premises licence holder and designated premises supervisor.

2.0 Devon & Cornwall Constabulary

- 2.1 Have given notice that they believe granting the application would undermine the crime prevention objective. The police will say they will provide evidence which shows the applicant has associations and previous management responsibilities at premises which had its premises licence revoked by the licensing committee and which indicate that it will not be possible to meaningfully engage in the licensing objectives and would specifically undermine the crime preventive objective.

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 4.28 – 4.30 and 8.108 – 8.111 are relevant to the variation of the designated premises supervisor and .transfer of premises licence respectively.
 - ii) Its own Licensing Policy.
 - 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 applications 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.

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