



Barry Keel
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk/democracy

Date: 7 October 2011

Please ask for: Ross Johnston, Democratic Support Officer
T: 01752 307990 E: ross.johnston@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

Date: Tuesday 18 October 2011

Time: 11am

Venue: Council House, Plymouth (next to the Civic Centre)

Members:

Councillors Browne, Mrs Nicholson 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.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Please note that, due to the nature of this Committee we may need to send "to follow" documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

Barry Keel
Chief Executive

LICENSING SUB COMMITTEE (MISCELLANEOUS)

AGENDA

PART I – PUBLIC MEETING

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 - THE VENUE, 99 - (Pages 1 - 4) 101 UNION STREET, PLYMOUTH

The Director for Community Services will submit a report on the transfer of a premises licence.

6. VARY LICENCE TO SPECIFY INDIVIDUAL AS (Pages 5 - 8) PREMISES SUPERVISOR - THE VENUE, 99 - 101 UNION STREET, PLYMOUTH

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

7. 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel 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.

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PLYMOUTH CITY COUNCIL

Subject: The Venue
99-101 Union Street, Plymouth.
Transfer of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 18 October 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: None

Part: I

Executive Summary:

An application has been received from London Nightlife Limited for the transfer of a premises licence under Section 42 of the Licensing Act 2003 in respect of The Venue (previously known as Candy Store) 99-101 Union Street, Plymouth.

Corporate Plan 2011 – 2014:

This report links to the delivery of the City and Council priorities. In particular:
I. Delivering Growth

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

**Other Implications: e.g. Community Safety, Health and Safety, Risk
Management and Equality, Diversity and Community Cohesion:**

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 & 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:

Fin		Leg	DJB/29.0 9.11/128 85	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 INTRODUCTION

- 1.1 On the 9 September 2011 the licensing department received an application from London Nightlife Limited for the transfer of a premises licence under Section 42 of the Licensing Act 2003 in respect of The Venue, situated at 99-101 Union Street, Plymouth.
- 1.2 In accordance with Section 43 of the Licensing Act 2003, the application had immediate effect so that until the application is determined or withdrawn the applicant is acting as premises licence holder.

2.0 DEVON and CORNWALL POLICE

- 2.1 Under Section 42(6) of the Licensing Act 2003 where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give a notice stating the reasons why he is so satisfied.

Devon and Cornwall Police have given notice in a letter dated 20 September 2011 (appendix 1)

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 8.108 - 8.111 are relevant to the transfer of premises licence (appendix 3).
 - ii) It's 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 application or
2. Reject the application if having regard to the police objection they consider it necessary for the promotion of the crime prevention objective.



Building safer communities together



DEVON & CORNWALL
CONSTABULARY

Your ref:

Licensing Officer
Plymouth City Council Licensing Section
Civic Centre
Plymouth
PL1 2EW

RECEIVED
PUBLIC PROTECTION SERVICE
26 SEP 2011
F.A.O. _____

Licensing Office
Charles Cross Police Station
Hampton Street
Plymouth PL4 8HG

Telephone: 01752 720464

20 September 2011

Dear Mr Clemens/Ms Price

Re: Applications for Transfer of the Premises Licence in respect of The Venue, 99-101 Union Street, Plymouth.

On the 12th September 2011 the Police received an application for the Transfer of the Premises Licence to London Nightlife Limited.

The Police object to the transfer as it is believed that there are special circumstances and the granting of this application will undermine the crime prevention objective.

The Police will provide evidence which shows the Limited Company has the same Sole Company Director listed as another company holding a premises licence for a venue which has had a determination against it from a review hearing.

The Police believe that the circumstances as described make it difficult to meaningfully engage in the licensing objectives and would specifically undermine the crime preventive objective and the grant of this Transfer will see an increase in crime and disorder attached to this premises.

Yours Sincerely

Mr F T Prout
Licensing Officer

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PLYMOUTH CITY COUNCIL

Subject: The Venue
99 - 101 Union Street, Plymouth
Vary premises licence to specify an individual as
designated premises supervisor

Committee: Licensing Sub Committee (Miscellaneous)

Date: 18 October 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: None

Part: 1

Executive Summary:

An application has been received from London Nightlife Limited to vary the premises licence to specify an individual as designated premises supervisor under Section 37 of the Licensing Act 2003 in respect of the The Venue (previously known as Candy Store), 99-101 Union Street, Plymouth.

Corporate Plan 2011 – 2014:

This report links to the delivery of the City and Council priorities. In particular:
1. Delivering Growth

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

**Other Implications: e.g. Community Safety, Health and Safety, Risk
Management and Equality, Diversity and Community Cohesion:**

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 & 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:

Fin		Leg	DJB/29.0 9.11/128 85	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 INTRODUCTION

- 1.1 On the 9 September 2011 the licensing department received an application from London Nightlife Limited to vary the licence to specify an individual as premises supervisor under Section 37 of the Licensing Act 2003 in respect of the Venue, situated at 99-101 Union Street, Plymouth.
- 1.2 In accordance with Section 38 of the Licensing Act 2003, the application had immediate effect so that until the application is determined or withdrawn Stefan Williams is acting as the designated premises supervisor.

2.0 DEVON and CORNWALL POLICE

- 2.1 Under Section 37(5) of the Licensing Act 2003 where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give a notice stating the reasons why he is so satisfied.

Devon and Cornwall Police have given notice in a letter dated 20 September 2011 (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 4.28 – 4.30 are relevant to this application to vary the designated premises supervisor.
 - ii) It's 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 application or
2. Reject the application if having regard to the police objection they consider it necessary for the promotion of the crime prevention objective.

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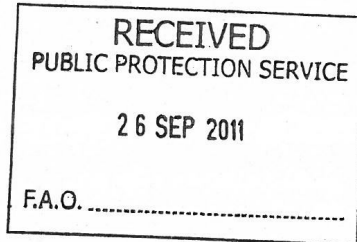
DEVON & CORNWALL
CONSTABULARY

Your ref:

Licensing Officer
Plymouth City Council Licensing Section
Civic Centre
Plymouth
PL1 2EW

Licensing Office
Charles Cross Police Station
Hampton Street
Plymouth PL4 8HG

Telephone: 01752 720464



20 September 2011

Dear Mr Clemens/Ms Price

Re: Applications for Variation of the Premises Licence to specify a Designated Premises Supervisor in respect of The Venue, 99-101 Union Street, Plymouth.

On the 12th September 2011 the Police received an application for a variation of the Premises Licence to specify the Designated Premises Supervisor as Stefan Williams (personal licence PL11736)..

The Police object to the application as it is believed that there are special circumstances and the granting of this application will undermine the crime prevention objective.

The Police will provide evidence which shows that Stefan Williams has been the DPS of a premises licence for a location which has had a determination against it from a review hearing, and further evidence of his previous roles with other licensed premises.

The Police believe that the circumstances as described make it difficult to meaningfully engage in the licensing objectives and would specifically undermine the crime preventive objective and the variation of the Premises Licence to Specify a designated premises Supervisor will see an increase in crime and disorder attached to this premises.

Yours Sincerely

F. T. Prout

Mr F T Prout
Licensing Officer



CUSTOMER SERVICE EXCELLENCE

SF 615