

## CITY OF PLYMOUTH

**Subject:** Mr John Hart  
1. Transfer of Premises Licence  
2. Vary Licence to Specify Individual as Premises Supervisor

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 2 March 2010

**Cabinet Member:** Councillor Peter Clemens

**CMT Member:** Director for Community Services

**Author:** Peter Clemens  
e-mail: licensing@plymouth.gov.uk

**Contact:** 01752 305465

**Ref:** ERS/LIC/PREM

**Part:** I

---

### **Executive Summary:**

An application has been received from Mr John Hart 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 Bristol Castle 4-6 Duncan Street, Devonport, Plymouth.

---

### **Corporate Plan 2009- 2012:**

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.
- 

### **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 19<sup>th</sup> January 2010 the licensing department received an application from Mr John Hart 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 (Mrs Marilyn Hodge) as Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of the Bristol Castle situated at 4-6 Duncan Street, Devonport, Plymouth.
- 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 Mrs Hodge is acting as designated premises supervisor.

## **2.0 Devon & Cornwall Constabulary**

- 2.1 Have given notice that they are satisfied there are exceptional circumstances whereby the granting of the applications would undermine the crime prevention objective. The police will say they have concerns regarding Mr Hart's previous background and also Marilyn Hodge's previous history as a designated premises supervisor.

## **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) 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 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.