

CITY OF PLYMOUTH

Subject: The Cooperage, 134 Vauxhall Street Plymouth
Review of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 27 July 2010

Cabinet Member: Councillor Peter Brookshaw

CMT Member: Director for Community Services

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Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of the Cooperage, 134 Vauxhall Street, Plymouth.

Corporate Plan 2010 - 2013:

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

1. Improving community involvement and engagement.
2. Widening cultural and leisure opportunities.

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, 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 22nd June 2006 the licensing department received an application from the Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of the Cooperage situated at 134 Vauxhall Street, Plymouth.

1.2 Review application.

The Devon and Cornwall Police made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm. Copies of the application were served by the police on each of the responsible authorities and holder of the premises licence.

The grounds for the review were made under the prevention of crime and disorder and the protection of children from harm. It followed the closure of the Dance Academy by the Magistrates Court under Section 2 Anti Social Behaviour Act 2003 and the request by the Police for a Licensing Review of those premises. At that time Mr Manoch BAHMANZADEH was the Premises Licence Holder for the Dance Academy and the Cooperage and was also the Designated Premises Licence Holder of the Cooperage.

The application for review alleged that since the closure of the Dance Academy the relevant dance nights and business had been transferred to the Cooperage with the same staff and further alleges that the widespread availability of class 'A' drugs and violence would continue to these premises.

1.3 The review was listed to be heard before the Licensing Sub Committee on the 15th August 2006 and adjourned and has been adjourned at subsequent hearings.

1.4 At the Licensing Sub Committee on the 18th August 2009 the committee resolved that the hearing was adjourned until such time as the Crown Court have made a final determination regarding Mr Bahmanzadeh's assets and the date of the hearing be arranged with the Chair and Vice Chair in consultation with licensing and legal officers.

1.5 An article in the Herald on the 16th April 2010 stated that a commercial property consultancy Alder King was marketing the venue after being brought in as receivers.

1.6 On the 18th May 2010 an application to transfer the premises licence was received from TLT Solicitors to Alder King LLP. After consultation with Devon and Cornwall police the application was granted.

1.7 Devon and Cornwall police have advised that due to the transfer they will be requesting that the application for review be withdrawn on the basis that Mr Bahmanzadeh no longer has any control over the premises..

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Environmental Health* – no representations
- 2.2 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.3 *Trading Standards* – no representations
- 2.4 *Planning Officer* - no representations.
- 2.5 *Child Protection* – no representations
- 2.6 *Health & Safety Executive* – no representations.
- 2.8 *Devon and Cornwall Police* – no representations.

3.0 INTERESTED PARTIES

No representations.

4.0 CONSIDERATIONS

4.1 There is no power under the Licensing Act 2003 for the police to withdraw their application for review and therefore the committee will have to decide whether in light of this information from the police, steps are still necessary to promote the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

4.2 The steps are :

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Where the committee decide that no steps are necessary they may resolve to take no action.