

## 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](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** None

**Part:** 1

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### **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.

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### **Corporate Plan 2011 – 2014:**

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

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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. 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.

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### **Recommendations & Reasons for recommended action:**

That Members consider this report.

**Alternative options considered and reasons for recommended action:**

None.

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**Background papers:**

Application.

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's Licensing Policy.

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**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



Your ref:

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

DEVON & CORNWALL  
CONSTABULARY

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 12<sup>th</sup> 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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