

## Licensing Sub Committee (Miscellaneous)

Wednesday 14 December 2011

### PRESENT:

Councillor Browne, in the Chair.  
Councillor Mrs Nicholson, Vice Chair.  
Councillors Rennie and John Smith (fourth member).

Also in attendance: Pete Clemens – Senior Licensing Officer, Sharon Day – Lawyer, Helen Rickman – Democratic Support Officer,

The meeting started at 10.00 am and finished at 4.00 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 61. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Mrs Nicholson is appointed as Vice Chair for this meeting.

### 62. DECLARATIONS OF INTEREST

There were no declarations of interest made by Councillors in accordance with the code of conduct.

### 63. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 64. EXEMPT BUSINESS

Resolved that under Regulation 14 (2) of the Licensing Act 2003 (Hearing) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

### 65. SUMMARY REVIEW OF PREMISES LICENCE - DIVAS, 38-40 UNION STREET, PLYMOUTH, PL1 3EY

The committee:

- (a) having considered the:
- application from Devon and Cornwall constabulary for a review of the premises licence at 38-40 Union Street known as Divas under section 53A of the Licensing Act 2003;
  - the certificate issued under section 53A(1)(b) of the Licensing Act 2003 signed by Assistant Chief Constable Paul Netherton, that in his opinion the premises are associated with both serious crime and serious disorder;
  - representations from the premises licence holder's legal representative;

- (b) have had regard to statutory guidance at paragraphs 11.23 and 11.25 and have considered the information provided with a view to determining whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives;
  - (1) are satisfied on the information provided by the police that the problems associated with the alleged crimes are more likely than not taking place on the premises and are affecting the promotion of the crime prevention licensing objective;
  - (2) agree that it is necessary to take the following interim steps to promote the above mentioned licensing objective to prevent serious crime occurring on the premises;

Members have considered whether conditions could be attached to the licence to prevent serious crime occurring on the premises. However in light of the fact that the existing conditions on the premises licence are not being complied with Members have no confidence that any modifications of the conditions would address the problems or that the premises licence holder would comply with them. Therefore they consider that in light of the problems outlined by the police it is proportionate to suspend the premises licence with immediate effect in order to promote the crime prevention objective and prevent serious crime occurring on the premises.