

## PLYMOUTH CITY COUNCIL

**Subject:** Dance Academy, 121 – 123 Union Street, Plymouth.  
Review of Premises Licence

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

**Date:** 26 February 2013

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Director for Place

**Author:** Peter Clemens

**Contact details:** Tel: 01752 305465  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

An application was 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 Dance Academy, 121 – 123 Union Street, Plymouth.

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### **Corporate Plan 2012 – 2015:**

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

I. Delivering Growth

See <http://www.plymouth.gov.uk/corporateplan.htm>

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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. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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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### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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

That Members consider this report.

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### **Alternative options considered and rejected:**

None

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

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Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

## **1.0 INTRODUCTION**

1.1 On the 1<sup>st</sup> June 2006 the licensing department received an application from Devon and Cornwall Police under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of the Dance Academy situated at 121 – 123 Union Street, Plymouth.

### **1.2 Review application.**

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 this application were served by the police on each of the responsible authorities and the holder of the premises licence.

The police will say the review application was made due to the number of incidents of crime and disorder and the widespread availability and dealing of class 'A' drugs within the premises. Males and females under the age of 18yrs were entering the premises unchallenged some becoming involved in crime and disorder and two males identified as selling drugs within the premises.

In accordance with review proceedings at 10.41am on Friday 2<sup>nd</sup> June 2006 a licensing officer from Plymouth City Council attended the premises and placed two site notices on the metal grills covering the entrance doors facing onto Union Street

At 11.35am the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

The review application was listed for hearing on Monday 17 July 2006 but was postponed to the 7 August 2006 and further postponed until 5 September 2006.

On the 5 September 2006 members resolved that

- (1) the hearing be further adjourned until 30 January 2007 at which time further submissions would be heard regarding whether a further adjournment would be required. Members would consider written representations on this point if received from both parties seven days before the hearing.
- (2) Mr Bahmanzadeh had agreed and gave an undertaking to the committee that he would not open the Dance Academy for the purposes of commercial or private entertainment whilst the premises remained in his control nor would he instruct or allow any other person to do so.

Members resolved to further adjourn the application on the following dates.

30 January 2007

24 April 2007

26 June 2007

13 November 2007

15 April 2008

5 August 2008

30 September 2008

14 April 2009

On the 18 August 2009 members resolved that the hearing is 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.

- 1.3 On the 29 January 2013 the licensing department received a letter from Devon and Cornwall Police advising that all Criminal proceedings and Confiscation Orders issued under the Proceeds of Crime Act had been completed and finalised and requested that the adjourned application to review the premises licence should now be continued (Appendix 1).

1.4 **Licensable Activities.**

These premises have the following licensable activities and timings.

<b><u>A. Performance of a play (Indoors)</u></b> Sunday to Thursday 10am to 4.00am Friday and Saturday 10am to 8.00am <u>Non Standard Timings</u> New Years Eve 24hrs	
<b><u>B. Exhibition of films (Indoors)</u></b> Days and timings as above	
<b><u>C. Indoor sporting event</u></b> Days and timings as above	
<b><u>E. Performance of live music (Indoors)</u></b> Days and timings as above	
<b><u>F. Playing of recorded music (Indoors)</u></b> Days and timings as above	
<b><u>G. Performance of dance (Indoors)</u></b> Days and timings as above	
<b><u>H. Entertainment of a similar description to that falling within E, F or G (Indoors)</u></b> Days and timings as above	
<b><u>I. Late night refreshment (Indoors)</u></b> Days and timings as above	
<b><u>J. The sale by retail of alcohol for consumption ON the premises only</u></b> Sunday to Thursday 10am to 3.30am Friday and Saturday 10am to 7.30am <u>Non Standard Timings</u> New Years Eve 24hrs	
<b><u>L. Opening hours of the premises</u></b> Sunday to Thursday 10am to 4am Friday and Saturday 10am to 8am <u>Non Standard Timings</u> New Years Eve 24hrs	

- 1.5 Conditions currently attached to the licence (Appendix 2).



## **2.0 RESPONSIBLE AUTHORITIES**

- 2.1 Environmental Health – made representation relating to public safety (Appendix 3).
- 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.

## **3.0 OTHER PARTIES**

One letter of representation was received from a resident living in the vicinity of the premises (Appendix 4).

## **4.0 CONSIDERATIONS**

- 4.1 In making its decision the Committee is also obliged to have regard to the application and any relevant representations, take any such steps if any as it considers appropriate for the promotion of 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.

R. Carton  
Manager of Public Protection Service

Our ref:  
ec.lic.Rev.DA290113

Your ref:

The Licensing Officer  
Licensing Department  
Plymouth City Council  
Civic Centre  
PLYMOUTH  
PL1 1AA

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

Telephone: 01752 720464

29 January 2013

Dear Mr Sir/Madam

**Re: Application to Review the Premises Licence for the Dance Academy 121-123  
Union Street, Plymouth PL1 3NB**

I write to inform you that all Criminal proceedings and Confiscation Orders issued under the Proceeds of Crime Act regarding Mr Manoch BAHMANZADEH have been completed and finalised and the application to Review the Premises Licence can now be continued.

I refer to your enquiry regarding the bundles of evidence served by the Constabulary in 2006 in support of the Review. As a consequence of the criminal proceedings concluding with a finding of guilt in respect of permitting the premises to be used for supply of Class A drugs it is not the intention of the Constabulary to refer to that evidence per se but rely upon the convictions of not only Mr Manoch Bahmanzadeh but also Tom Costelloe and the drug dealers. A witness statement detailing the background to the criminal investigation and licensing breaches, the prosecutions and outcomes will be served in due course.

Yours sincerely

Mr F T Prout  
Licensing Officer

Fred.Prout@devonandcornwall.pnn.police.uk

## ANNEX 1 - MANDATORY CONDITIONS

(1) The first condition is that no supply of alcohol may be made under the premises licence:

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- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and  
 "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### **Plays**

(1) In relation to a premises licence, which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays, which may be performed, or the manner of performing plays, under the licence.

(2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **(a) GENERAL**

Staff banned from drinking on duty

Records maintained of any material incidents within or in immediate vicinity of premises

Drugs warning notices on display

Zero tolerance to drugs use and dealing

Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate

Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times

Food available

### **(b) THE PREVENTION OF CRIME AND DISORDER**

Specific staff training and supervision in assessment of customer consumption and condition

CCTV System (a) Internal "all

(b) Internal partial

(c) External

(d) Retention of tapes/discs etc for minimum 30 days

Licensed door staff to appropriate levels as necessary

No cheap alcoholic drinks promotions cut-price drinks, "package deals"

No drinks hoarding

Pro-active policy against "binge" drinking

Zero tolerance to offensive conduct

Toughened glassware for draught products

Regular glass collection

### **(c) PUBLIC SAFETY**

Air-conditioning provided

Regular dedicated cleaning of premises

Limit on number in premises

### **(d) THE PREVENTION OF PUBLIC NUISANCE**

Advisory notices re noise on leaving premises

Freephone or similar taxi facility

Nominated staff to deal with complaints from neighbours

CCTV and/or regular monitoring of external areas of premises at night

### **(e) PROTECTION OF CHILDREN FROM HARM**

No entry to anyone under 18

Warning notices in place in relation to under age drinking

Full training for staff in law specifically relating to minors and alcohol and specific photo i/d proof of age requirements

## **A Regulated Entertainment**

- Standard National conditions applying to the existing [public entertainment licence].

- Existing special conditions.
  - a) Capacity - Ground Floor - 750, First Floor Bar - 300, First Floor Dance Floor - 100, Bar over Kitchen - 50, Second Floor - 100.
- The sale of alcohol is prohibited except under the authority of a premises licence, a club premises certificate or a temporary event notice.



Licensing Team  
Floor 11  
Civic Centre  
Plymouth

**ENVIRONMENTAL REGULATION SERVICE  
DEPARTMENT OF DEVELOPMENT**

CIVIC CENTRE, PLYMOUTH, PL1 2EW  
Direct Line: 01752 304740  
Fax: 01752 226314  
E Mail: [Environmental.Regulation@plymouth.gov.uk](mailto:Environmental.Regulation@plymouth.gov.uk)  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)  
My Ref: LM/NB/Jun118

When calling or telephoning, please ask for: Lee McDowell

26<sup>th</sup> June 2006

Dear Sir

**Licensing Act 2003**  
**Dance Academy, Union Street, Plymouth**

Please accept this letter as representation by Plymouth City Council Environmental Regulation Service, in support of the review raised by Devon and Cornwall Constabulary of the licence under the Licensing Act 2003 for the Dance Academy, 121-123 Union Street, Plymouth.

This Department would like to make representation on the grounds of Public Safety following a visit to the premises on 7<sup>th</sup> May 2006. It is this Department's view that the poor standard of management is causing public safety issues relating to the physical state of the premises, although the physical safety issues raised in this representation will impact on public health in some cases, we feel it will fall within the scope of paragraph 7.32 of the guidance issued under Section 182 of the Licensing Act 2003.

During the visit carried out on 7<sup>th</sup> May 2006 evidence was obtained in relation to public safety issues. Photographs were taken to support the officer's inspection. Attached is a description of public safety issues identified which fail to meet the licensing objective of public safety. In support of the report on public safety issue are photographs.

It is this Department's view that there is a systematic failure in the management of the premises which has allowed the physical condition of the premises to deteriorate to such a state as to be a risk to public safety. There is evidence of a lack of routine maintenance and now cleaning which has allowed debris and dirt to build up to an extent where they pose a trip/slip hazard.

**Nigel Pitt - Director of Development**

If you have any questions relating to this correspondence then do not hesitate to contact me on the telephone number given above.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Lee McDowell', written in a cursive style.

**LEE MCDOWELL**  
Specialist Environmental Health Officer (Licensing).  
Environmental Regulation Service

**Nigel Pitt - Director of Development**

## Dance Academy

Saturday 6<sup>th</sup>/Sunday 7<sup>th</sup> May 2006

Visit to the premises in relation to contraventions of the Licensing Act 2003

1.     •       7.30pm visited Charles Cross Police Station
2.     •       8.00pm attended the pre-action briefing
3.     •       1.30am entered the Dance Academy went to 1<sup>st</sup> floor dance floor. Floor in general in sound condition, edging to steps poorly marked and poorly distinguishable, area has normally a low level of lighting. Poses a risk of a trip hazard.
  1. Sloping lip from dance floor to seating area not marked. Poses a trip hazard
  2. Low wall by stairs to main dance floor, low-level wall knee height. Risk of patrons falling over unguarded edge.
  3. Stairs to main club area edging marked but very dirty making it hardly distinguishable. Pose a trip hazard.
  4. Male toilets to the side of the main entrance, one WC cubicle locked, water all over the floor posing increased risk of slip hazard, only two WC in use. Slip hazard to patrons. LMD16
  5. Female toilets to the right of entry to main dance floor area. Several in use, very poor hygiene conditions, missing seats to the majority of WC's. Increased risk of slips and fall when using the facilities due to build-up of debris and water on the floor.
  6. Steps down to female WC's extremely dirty increase risk of slips. The edging to the steps is being obscured by dirt making the change in heights less obvious. LMD20
  7. Main dance floor area first stage area large hole in carpet potential trip hazard. LMD9
  8. Raised podiums on stage no edged markings increased risk of falling.
  9. Two large speaker stacks on dance floor area of the stage not secured can be moved with one hand. Potential if struck by patron to fall and cause injuries
  10. Steps down to side bar from dance floor nosing damaged slip hazard.
  11. Main emergency exit to right (Phoenix Street) nosing to steps damaged edging coming away, uneven floor trip hazard. Area of low lighting. LMD8
  12. Broken glass panel door to the left staircase up from the dance floor area to the first floor. Also glass on floor. Risk of cuts and lacerations. LMD10 & LMD11
  13. Within the left staircase nosing to steps in poor condition and poorly marked, increased risk of trips and slips.
  14. First floor side balcony area next to stage low balcony wall thigh height risk to patrons of falling from height.
  15. First floor side balcony area carpeted entry of this area lifted poses a trip hazard.



16. Main balcony area has sunken springy floor poses a trip hazard. LMD6 & LMD7
17. Raised DJ area on main stage, handrails unstable, stays missing it would not hold the weight of an adult against it. The missing stays would allow people to slip through 8-10 foot drop. Both sets of handrails either side of main DJ area are in the same condition. Risk of fall for the performers who are included under the Act for Public safety. LMD1, LMD2, LMD4 & LMD5
18. Raised DJ area steps for performers to access side stage area, 3 steps up no hand rails, risk of trips and falls LMD3
19. In the VIP area head high heater, one heating tube missing with in reach of patrons risk of electric shock, burns, and striking head. LMD24
20. Ground floor WC's off the dance floor 4 WC's only are serviceable, very poor condition one ripped off the wall another badly damaged, door to cubicle its hinges. Pose risk of physical injury to patrons. LMD13, LMD14, LMD18 & LMD19
21. Drinking fountain off main dance floor was blocked with dirt, general debris and cigarette ends. Drinking water could not be obtained from the fountain. Condition of licence to provide free drinking water, poses the risk of over heating in predominantly dance venues where free drinking water is not available. LMD23
22. Carpet on stairs to main entrance is raised causing a trip hazard. LMD22

#### General Comments

The standard of hygiene and cleanliness of the premise was extremely poor it would appear that the premise has not had a thorough clean for some considerable time. Levels of maintenance are substandard and the general condition of the premise poses a hazard to patrons and performers.

The lighting levels within the premises are low when the club is in operation, which increases the risk of trips, slips and falls. Also patrons are likely to be more vulnerable and susceptible to accident when under the influence of alcohol etc.

LMD 1



LMD 2

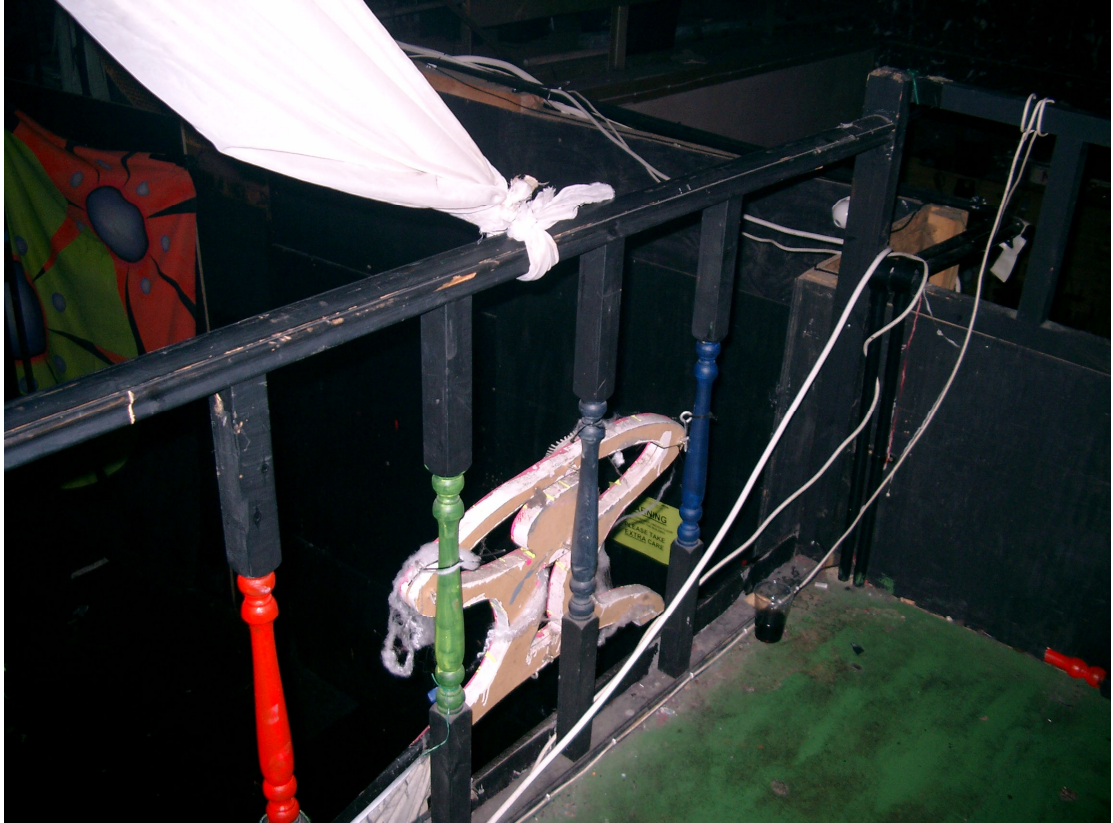


LMD 3



LMD 4





LMD 5



LMD 6





LMD 7



LMD 8





LMD 9



LMD 10





LMD 11

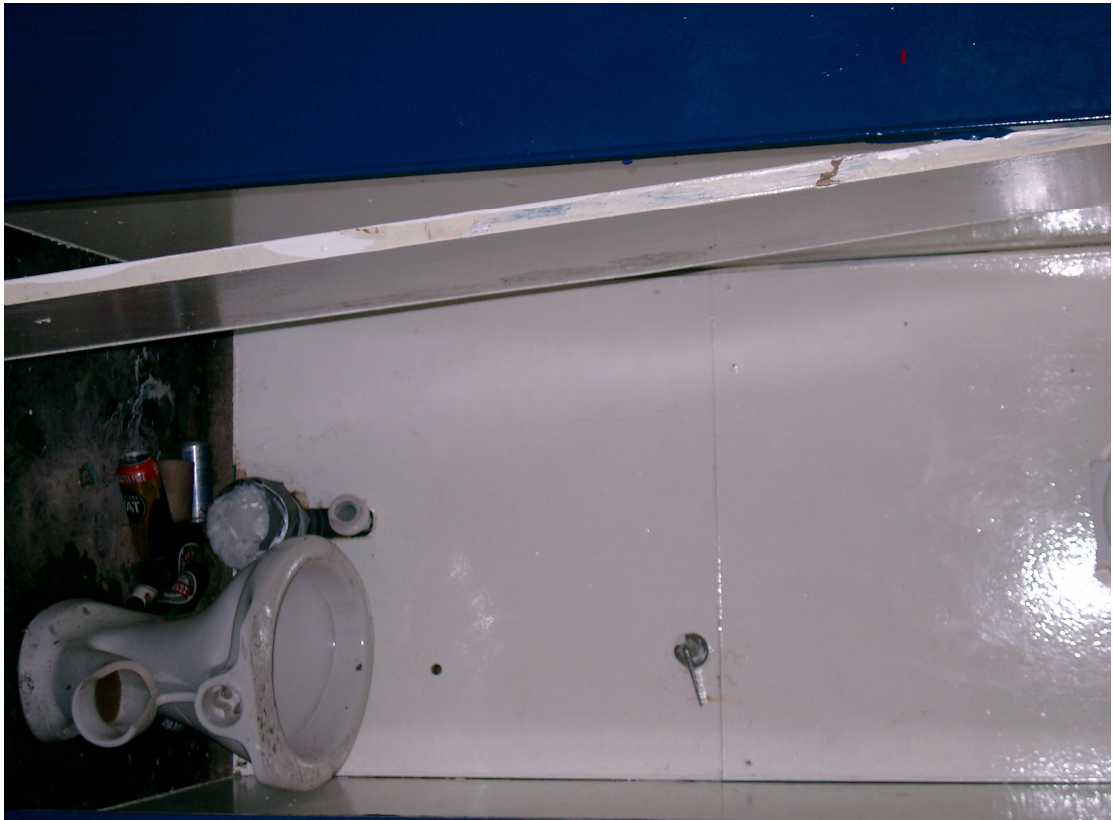


LMD 12





LMD 13



LMD 14





LMD 15



LMD 16





LMD 17



LMD 18





LMD 19

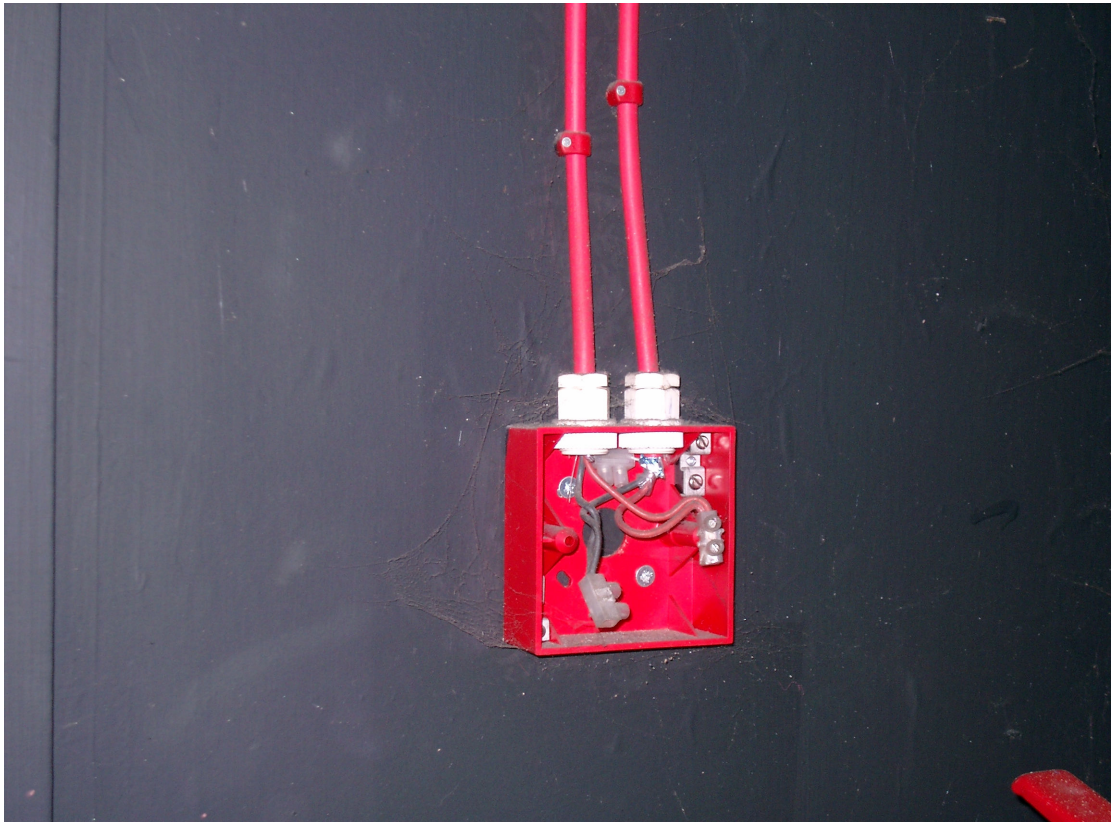


LMD 20





LMD 21



LMD 22

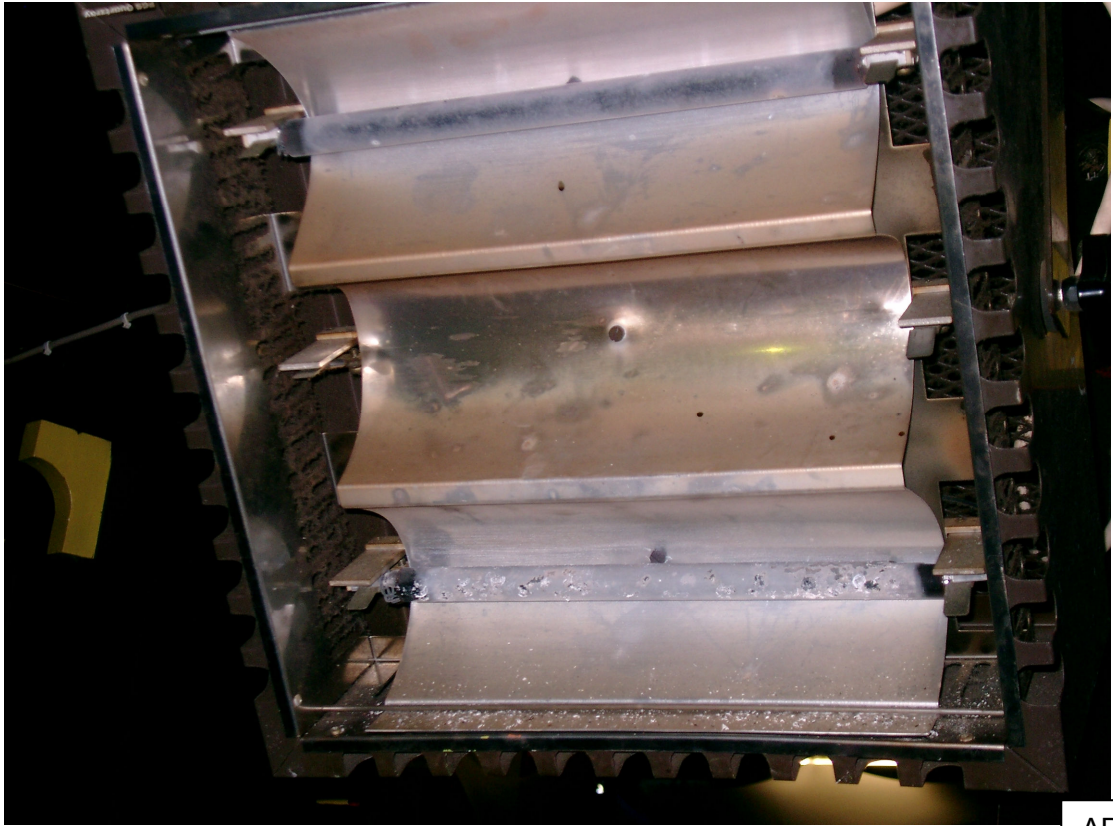




LMD 23



LMD 24



APPENDIX 4

SUBJECT

DANCE ACADEMY.

UNION STREET  
PLYMOUTH. PL1

TEL No

13TH JUNE 2006

TO WHOM IT MAY CONCERN.

WE HAVE SUFFERED MANY YEARS OF NOISE POLLUTION (MUSIC ETC) AND ANTI SOCIAL BEHAVIOUR CAUSED BY THE DANCE ACADEMY REPORTED TO AND MONITORED BY THE ENVIRONMENTAL HEALTH DEPT AND OUR WARD COUNCILLORS.

AFTER EXPERIENCING AGAIN SOME KIND OF PEACE AND QUIET SINCE ITS RELOCATED CHORNER WE NOW FEAR AND DREAD THE RETURN TO THE OLD DAYS I.E.

PATRONS URINATING AND OR VOMITING IN DOORWAYS.

LOUD FOULMOUTH TEENAGERS DISTURBING OUR SLEEP.

TAXIS AND CARS COMING AND GOING ALL HOURS OF THE NIGHT.

THIS AREA IS UNDER ENOUGH PRESSURE DURING THE DAY TIME, WITH LOITERING VAGRANTS, PROSTITUTES AND OTHER NEFARIOUS ACTIVITIES TAKING PLACE

WE COULD DO WITH THE COUNCIL OR THE 'POWERS THAT BE' TO TAKE THE SIDE OF THE RESIDENTS AND THE FEW TRADERS THAT ARE LEFT TO TAKE THE FIRST STEP TO MAKE A CHANGE KEEPING THE DANCE ACADEMY CLOSED AS A NIGHT CLUB



WOULD BE A START

SINCE

RETIRED

BUSINESS MAN & RESEARCH  
UNIONIST SINCE (1968)

13/6/06.  
15/6/06

( )

P.S. I WOULD LIKE (CLLR) VALENTINE  
HIROMERIS OR (CLLR) SUE H. DONALD  
TO MAKE REPRESENTATION ON MY BEHALF  
AT THE FORTHCOMING HENSHING COMMITTEE  
WITH REGARD TO THE DANCE ACADEMY