



#plymlicensing



Democratic Support

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Published 4 September 2017

LICENSING SUB COMMITTEE

Tuesday 12 September 2017
10.00 am
Council House, Plymouth

Members:

Councillors Dr Mahony, Morris and Parker-Delaz-Ajete.

Fourth Member:

Councillor Carson.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

LICENSING SUB COMMITTEE

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. REVIEW OF PREMISES LICENCE: DOG AND DUCK, 15 (Pages 1 - 6) MUTLEY PLAIN, PLYMOUTH

The Director of Public Health will submit a report in relation to the review of a premises licence for the Dog and Duck, 15 Mutley Plain, Plymouth.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

PLYMOUTH CITY COUNCIL

Subject:	Dog and Duck 15 Mutley Plain, Plymouth. Review of Premises Licence
Committee:	Licensing Sub Committee
Date:	12 September 2017
Cabinet Member:	Councillor John Riley
CMT Member:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Frederick Prout (Senior Licencing Officer)
Contact details:	Tel: 01752 304792 email: licensing@plymouth.gov.uk
Ref:	ERS/LIC/PREM
Key Decision:	None
Part:	I

Purpose of the report:

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 Dog and Duck, 15 Mutley Plain, Mutley, Plymouth.

The Corporate Plan 2016 to 2019:

This report links to the delivery of the City and Council objectives and outcomes within the plan.

Growing: The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Caring: Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See **Our Plan**

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

Not applicable

**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.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and rejected:

None

Published work / information:

For more information please see the below links.

Statement of Licensing Policy

Licensing Act 2003

Revised Guidance issued under Section 182 Licensing Act 2003 - April 2017

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Application										

Sign off:

Fin		Leg	2882 1/ag/ 23.8. 17	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

1.0 INTRODUCTION

1.1 On the 20 July 2017 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 Dog and Duck situated at 15 Mutley Plain, Plymouth.

1.2 Review application.

Superintendent Matthews of Devon and Cornwall Police have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance. A Copy of this application has been served by Devon and Cornwall Police on each of the responsible authorities and the holder of the premises licence.

Devon and Cornwall Police will say there has been an increase in crime linked to the premises including a serious incident of a male brandishing a hammer in the road outside the premises and involving a staff member of the premises, an affray involving a door supervisor who on retrieving a glass from a person who had left the premises was spat on by the offender but then acted in an unprofessional manner by throwing the glass at the offenders girlfriend. Other incidents have taken place and following meetings with the premises licence holder/designated premises supervisor there has been no action taken and the management have shown a lack of engagement towards the promotion of the licensing objectives

In accordance with review proceedings at 1300hrs on 20 July 2017 a licensing officer from Plymouth City Council attended the premises and spoke to Mrs Kelland and requested the site notice be displayed at the premises and also placed a notice on a lamp post situated outside of the premises.

At 1320hrs the same day a similar notice was displayed on the public notice board at the Council House, Armada Way, Plymouth.

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

Premises Open Hours Granted

	Time From	Time To
Monday to Sunday	09:00	04:30
Non Standard Timings:	New Years Eve 00.00hrs to 00.00hrs (24hrs)	

Activities - Times Granted

	Time From	Time To
F. Playing of recorded music (Indoors)		
Monday to Sunday	09:00	04:00
Non Standard Timings:	New Years Eve 00.00hrs to 00.00hrs (24hrs)	

L. Late night refreshment (Indoors)

Monday to Sunday	09:00	04:00
Non Standard Timings:	New Years Eve 00.00hrs to 00.00hrs (24 hrs)	

M. The sale by retail of alcohol for consumption ON and OFF the premises

Monday to Sunday 09:00 04:00
Non Standard Timings: New Years Eve 00.00hrs to 00.00hrs (24hrs)

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.
- 2.7 *Health Authority* – no representations.
- 2.8 *Licensing Authority* – no representations

3.0 OTHER PARTIES

No representations.

4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is obliged to have regard to the application and any relevant representations. The Committee should take 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.

In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application:
 - 1.2 - 1.5, 1.9, 1.10, 1.12, 1.16, 1.17
 - 2.3, 2.4, 2.5, 2.8, 2.15
 - 11.1, 11.7, 11.9, 11.10, 11.10, 11.16 - 11.23 and 11.24 – 11.25
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
 - Door supervisors (Page 11)
 - Licensing Hours (Page 11)
 - Designated Premises Supervisor (Page 13)
 - Preventing glass injuries (Page 13)
 - Public Nuisance (Page 17 – 19)

- Licensing Conditions (page 20) and
- Review of premises licence (Page 22-23)

4.2 The steps referred to above are :

- (a) to modify the conditions of the licence (which includes adding new conditions, any alteration or omission of an existing condition);
- (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;

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.

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