

## CITY OF PLYMOUTH

**Subject:** Duchy of Cornwall, 14 Anstis Street, Plymouth  
Review of Premises Licence

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

**Date:** 8 December 2009

**Cabinet Member:** Councillor Peter Brookshaw

**CMT Member:** Director of Community Services

**Author:** Peter Clemens  
e-mail: licensing@plymouth.gov.uk

**Contact:** 01752 305465

**Ref:** ERS/LIC/PREM

**Part:** I

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### **Executive Summary:**

An application has been received from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the Review of the premises licence in respect of the Duchy of Cornwall, 14 Anstis Street, Plymouth.

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### **Corporate Plan 2008 - 2012:**

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.
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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: eg. Section 17 - Community Safety, Health and Safety, Risk Management, 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.

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**Recommendations and Reasons for recommended action:**

That Members consider this report.

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**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:**

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 23<sup>rd</sup> October 2009 the licensing department received an application from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the Review of the Premises Licence in respect of the Duchy of Cornwall situated at 14 Anstis Street, Plymouth.

### 1.2 Review application.

The Environmental Health Department have made application for the review of the premises licence for the purpose of promoting the licensing objectives in relation to Public Safety and the Prevention of Public Nuisance. Copies of this application have been served by Environmental Health on each of the responsible authorities and holder of the premises licence.

The Environmental Health Department received a complaint from a local resident concerning noise from regulated entertainment emanating from the premises. Environmental health officers during out of hour's visits also witnessed noise disturbance emanating from the premises.

In accordance with review proceedings at 10.06hrs on Monday 26<sup>th</sup> October 2009 a licensing officer from Plymouth City Council attended the premises and spoke to Pauline Mildren and requested the site notice be displayed at the premises.

At 10.26hrs the same day a similar notice was displayed on the public notice board at the Civic Centre, Armada Way, Plymouth.

### 1.3 Licensable Activities.

These premises have the following licensable activities and timings.

#### **(e) Performance of Live Music** (Indoors)

Mon to Thurs	19.00hrs to Midnight
Fri and Sat	19.00hrs to 01.00hrs
Sun	19.00hrs to 23.00hrs

#### Seasonal Variations

24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.00hrs.

Public Holiday Sundays time to be 10.00hrs to 23.59hrs

#### **(f) Playing of Recorded Music** (Indoors)

Days and Timings including Seasonal Variations as above.

#### **(l) Provision of Facilities for Making Music** (Indoors)

Days and Timings including Seasonal Variations as above.

#### **(m) The Sale by Retail of Alcohol for Consumption ON and OFF the Premises**

Mon to Thurs	10.00hrs to Midnight
Fri and Sat	10.00hrs to 01.00hrs
Sun	10.00hrs to 23.00hrs

#### Seasonal Variations

24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.00hrs.  
Public Holiday Sundays time to be 10.00hrs to 23.59hrs

### **The Opening Hours of the Premises**

Mon to Thurs	10.00hrs to 00.30hrs
Fri and Sat	10.00hrs to 01.30hrs
Sun	10.00hrs to 23.30hrs

### Seasonal Variations

24<sup>th</sup> and 26<sup>th</sup> December each year, times to be 10.00hrs to 01.30hrs.  
Public Holiday Sundays time to be 10.00hrs to 00.30hrs

## **2.0 RESPONSIBLE AUTHORITIES**

- 2.1 Devon and Cornwall Police – have made representation in relation to the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In August of this year the police began to receive reports that groups of people as many as 30 in number were drinking outside the premises and using neighbours window sills as tables for their glasses, there were also reports of loud music and excessive noise.

On the 17<sup>th</sup> August this year a licensing officer from the Devon and Cornwall Police met with the designated premises supervisor for the premises and raised concerns about the premises.

On the 3<sup>rd</sup> November this year the police licensing department received information that on the 25<sup>th</sup> October a group of people were drinking outside the premises several of whom appeared to be drunk.

- 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 INTERESTED PARTIES**

No representations.

## **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 necessary 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.