

## 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)

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**Ref:** ERS/LIC/PREM

**Key Decision:** None

**Part:** 1

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### **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.

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### **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](#)

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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.

**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<br>1/ag/<br>23.8.<br>17 | Mon<br>Off |  | HR |  | Assets |  | IT |  | Strat<br>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**

|                       | <b>Time From</b>                           | <b>Time To</b> |
|-----------------------|--|----------------|
| Monday to Sunday      | 09:00                                      | 04:30          |
| Non Standard Timings: | New Years Eve 00.00hrs to 00.00hrs (24hrs) |                |

#### **Activities - Times Granted**

|   | <b>Time From</b>                           | <b>Time To</b> |
|---|--|----------------|
| <b>F. Playing of recorded music (Indoors)</b> |  |                |
| 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**



- 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.