



Oversight and Governance

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CITY COUNCIL – SUPPLEMENTARY PAPERS AND MOTIONS ON NOTICE

Monday 19 November 2018

2.20 pm

Council House, Plymouth

Members:

Councillor Sam Davey, Chair

Councillor Mavin, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Deacon, Derrick, Downie, Drean, Evans OBE, Fletcher, K Foster, Goslin, Haydon, Hendy, James, Mrs Johnson, Jordan, Kelly, Laing, Michael Leaves, Samantha Leaves, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Singh, P Smith, R Smith, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wiggins and Winter.

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

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Tracey Lee

Chief Executive

City Council

8. Capital & Revenue Monitoring Report 2018/19 - Quarter 2 (Pages 1 - 22)

The City Council are asked to approve the recommendations within the report, following consideration at Cabinet on the 13 November 2018.

10. Licensing Act 2003 - Statement of Licensing Policy (Pages 23 - 112)

The City Council will be asked to adopt the Licensing Statement of Policy with effect from 31 March 2019, following consideration at Cabinet on the 13 November 2018.

14. Motions on notice

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

14.1. Policing for Plymouth **(Pages 113 - 114)**

14.2. Commit to the accelerated reduction in single-use plastic by 2020 **(Pages 115 - 116)**

14.3. Special Educational Needs and Disabilities (SEND) funding cuts **(Pages 117 - 118)**

14.4. Public Health Funding **(Pages 119 - 120)**

14.5. Reducing accidents involving immovable objects on our roads **(Pages 121 - 122)**

PLYMOUTH CITY COUNCIL

Subject: Capital & Revenue Monitoring Report 2018/19: Quarter 2
Committee: Cci bVY
Date: 1 - November 2018
Cabinet Member: Councillor Lowry
CMT Member: Andrew Hardingham – Interim Strategic Director for Transformation and Change
Author: Paul Looby – Head of Financial Planning and Reporting
Hannah West - Finance Business Partner
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Ref:
Key Decision: No
Part: 1

Purpose of the report:

This report outlines the finance monitoring position of the Council as at the end of September 2018.

The primary purpose of this report is to detail how the Council is delivering against its financial measures using its capital and revenue resources, to approve relevant budget variations and virements, and report new schemes approved in the capital programme.

As shown in Table 1 below, the estimated revenue overspend is £5.192m. The overall forecast net spend equates to £190.747m against a budget of £185.555m, which is a variance of 2.8%. This needs to be read within the context of needing to deliver in excess of £11m of savings in 2018/19 on the back of balancing the 2017/18 revenue budget where £18m of net revenue reductions were successfully delivered.

Additional management solutions and escalated action to deliver further savings from the council's transformation programme will be brought to the table over the coming months in order to address the in year forecasted overspend.

Table 1: End of year revenue forecast

| | Budget £m | Forecast Outturn £m | Variance £m |
|----------------------------------|----------------|------------------------|----------------|
| Total General Fund Budget | 185.555 | 190.747 | 5.192 |

The latest capital budget was approved at Full Council on 26th February 2018 was £674.7m. Following the monitoring cycle this was reduced by £9m. This was reported to Cabinet in the Outturn report. Quarter 1 monitoring has shown the budget has reduced again to £581.1m, as detailed below.

The Corporate Plan :

This quarterly report is fundamentally linked to delivering the priorities within the Council's Corporate Plan. Allocating limited resources to key priorities will maximise the benefits to the residents of Plymouth.

Implications for Medium Term Financial Strategy and Resource Implications:

Robust and accurate financial monitoring underpins the Council's Medium Term Financial Strategy (MTFS). The Council's Medium Term Financial Forecast is updated regularly based on on-going monitoring information, both on a local and national context. Any adverse variations from the annual budget will place pressure on the MTFS going forward and require additional savings to be generated in future years. All one-off savings achieved within 2018/19 to balance the budget will roll forward into 2019/20 creating a further pressure on next year's budget.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

The reducing revenue and capital resources across the public sector has been identified as a key risk within our Strategic Risk register. The ability to deliver spending plans is paramount to ensuring the Council can achieve its objectives to be a Pioneering, Growing, Caring and Confident City.

Equality and Diversity

This report monitors our performance against our approved budget 2018/19. As part of the budget setting process, EIA were undertaken for all areas.

Recommendations and Reasons for recommended action:

- I. H\Ug7ci bW' bchYg the current revenue monitoring position and action plans in place to reduce/mitigate shortfalls;

- & Cci bW' Uddfci Yg that the Capital Budget 2018 -2023 is 'fyj jgX'hc' o, %a 'fljg\ck b' j' b'HWY'*L'

Alternative options considered and rejected:

None – our Financial Regulations require us to produce regular monitoring of our finance resources.

Published work / information:

2018/19 Annual Budget: [2018 Annual Report](#)

Background papers:

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

Sign off:

| | | | | | | | | | | | | | |
|--|-------------------|-----|-------------------|------------|--|----|--|--------|--|----|--|---------------|--|
| Fin | Akh.18.19. 125 | Leg | It/31525 /0511 | Mon Off | | HR | | Assets | | IT | | Strat Proc | |
| Originating SMT Member: Andrew Hardingham, SD Finance | | | | | | | | | | | | | |
| Has the Cabinet Member(s) agreed the contents of the report? Yes | | | | | | | | | | | | | |

Commentary

The overall financial position for the Council has seen the forecasted outturn for the year end 31st March 2019 move from the Quarter 1 Report position of an over spend of £2.882m to this Quarter 2 position of an over spend of £5.192m.

There have been favourable changes to the forecast overspends projected for Corporate Items and within the Transformation and Change Directorate, with a £1 million contribution which reflects a review of the council's balance sheet resulting in a fund switch from revenue to capital.

The Executive Office has reduced to a £0.030m adverse position with plans in place to mitigate.

The Place Directorate is reporting an under spend of £0.712m following a full review of all reserves and additional income opportunities. This represents a net improvement of approximately £1m from previous forecasts.

The volatility within a number of demand led services cannot be underestimated. The current position within Children's, Adults and Community Connections highlights this with further challenges ahead within the services.

Adult Social Care is reporting a forecasted over spend of £0.481m at the year-end. There are still major pressures in 2018/19 mainly focused around increases in high cost packages and increases in client numbers, especially in the following areas:

| Service | Variation £m | Budgeted Client Nos | Actual Client Nos Mth. 6 |
|-----------------------------------|--------------|---------------------|--------------------------|
| Domiciliary Care | 0.379 | 1,192 | 1,234 |
| Supported Living | 0.429 | 551 | 589 |
| Short Stays | 0.205 | 60 | 65 |
| Residential & Nursing | 1.502 | 983 | 1,071 |
| Additional Income - Care Packages | (0.818) | | |

The department will continue to undertake reviews of all expenditure to bring the spend back to a balanced budget position, and are confident this will be achievable.

Community Connections is reporting an over spend of £0.168m due to the continuing pressure of cost and placement numbers within Bed and Breakfast accommodation. Cost pressure for further reducing average placements by 10 from the current 57 to 47 per night is £0.168m, which the service is targeting to reduce with use of alternative properties provided through existing contracts as well as use of additional contracted staff to target single occupancy stays. The service is dedicating more resource to encourage clients to complete Universal Credit claims to increase the Housing Benefit received.

The Children Young People and Families Service month 6 position of £5.7m over spend represents an increase of £4.782m from month 5 and £5.120m within the quarter. There has been a significant increase in young people's placement cost accounting for £4.1m. We are experiencing a big rise in the number of vulnerable children needing care, the cost of the care is particularly high due to the level of support needed to keep young people safe, such as specialist residential care placements with high levels of staffing. A number of very costly care

packages are the result of Court of Protection orders that place a duty on the Council to provide specialist care.

This increasing financial demand on Children's Services is not just a local issue, but is seen nationally and is a culmination of rising demand, complexity of care, rising costs and the availability of suitable placements. Robust plans are in place to deliver £4.655m savings this year, delivering over £3m to date, although the Service has identified a savings plan £1.647m that will not be achieved this year.

When we compare Plymouth with its statistical neighbours, the number of LAC (Looked After Children) per 10,000 child population does not show our numbers as being higher, rather that our number is lower although rising in line with the South West region and national trends. Children coming into care in the past few months requiring wrap-around packages of care are adding a predicted cost commitment of over £0.800m to the forecast.

The budget pressure can be attributed to the significant increase in cost, due to the complexity of care, as well as the volume of young people's placements since the budget was set during autumn 2017. There are now a number of complex individual packages of care at considerably higher cost; during August and September for example, a number of young people were discharged from hospital to avoid bed blocking, all of whom have severe complex needs.

The department budget for 2018/19 is £35.1m with a forecast spend this year of £40.8m:

| Budget Area | Budget £m | Forecast £m | Variance £m |
|--------------------------|---------------|---------------|--------------|
| Placements | 20.973 | 25.026 | 4.053 |
| Employee Related | 18.528 | 18.515 | (0.013) |
| Delivery Plans (Savings) | (4.665) | (3.018) | 1.647 |
| Other | 0.267 | 0.280 | 0.013 |
| Total | 35.103 | 40.803 | 5.700 |

With the delivery plan pressure of £1.647m, spend on three placement categories accounts for almost all of the remaining over spend of £4.053m.

| Budget Area | Budget £m | Forecast £m | Variance £m |
|-------------------------------|---------------|---------------|--------------|
| Residential Placements | 7.068 | 8.196 | 1.128 |
| Independent Foster Placements | 5.279 | 6.015 | 0.736 |
| Supported Living Placements | 0.980 | 3.079 | 2.099 |
| Other Placements | 7.646 | 7.736 | 0.090 |
| Total | 20.973 | 25.026 | 4.053 |

For Residential Placements we set the budget based on 36 placements at an average weekly cost of £3,765; this is an annual cost of £195,780. We now have 38 placements but we have seen our current average weekly cost increase to £4,109; an annual cost of £213,668, an increase of 9%. giving a total pressure of £1.128m.

For Supported Living Placements we set the budget based on an average of 15 placements for the full year; we now have 23 with an average weekly cost of £2,606 against the budget average of £1,253, giving a total pressure of £2.099m.

The Director of Children's Services is working with the senior managers within the department to work up a detailed recovery plan and currently has proposed plans being considered which forecast savings for 2018/19 of circa £1m. All areas are being reviewed, but

Although the main drivers contributing to the council's total £5.2m over spend are the demand-led services, urgent work is under way to find £5.2 million savings across the Council to close the funding gap for 2018/19. Led by the Strategic Directors and Cabinet, all staff are working hard to deal with the projected overspend and this is being dealt with as a whole council problem.

It is anticipated that the projected over spend will reduce with each future monitoring review.

SEPTEMBER 2018 FINANCE MONITORING

Table 2: Revenue Monitoring Position

| Directorate | Gross Expenditure | Gross Income | 2018/19 Latest Approved Budget | Forecast Outturn | Forecast Year End Variation |
|---|-------------------|------------------|--------------------------------|------------------|-----------------------------|
| | £m | £m | £m | £m | £m |
| Executive Office | 4.546 | (0.167) | 4.379 | 4.409 | 0.030 |
| Corporate Items | 7.136 | (12.269) | (5.133) | (5.913) | (0.780) |
| Transformation and Change | 131.728 | (95.649) | 36.079 | 36.384 | 0.305 |
| People Directorate | 255.617 | (130.992) | 124.625 | 130.974 | 6.349 |
| Office of the Director of Public Health | 19.456 | (19.141) | 0.315 | 0.315 | 0.000 |
| Place Directorate | 79.769 | (54.479) | 25.290 | 24.578 | (0.712) |
| TOTAL | 498.252 | (312.697) | 185.555 | 190.747 | 5.192 |

Table 3: Plymouth Integrated Fund

| Plymouth Integrated Fund | 2018/19 Budget | 2018/19 Forecast | Year End Overspend / (Underspend) |
|-----------------------------------|----------------|------------------|-----------------------------------|
| | £m | £m | £m |
| New Devon CCG – Plymouth locality | 482.615 | 482.615 | 0.000 |
| Plymouth City Council * | 251.664 | 252.878 | 1.214 |
| TOTAL | 734.279 | 735.493 | 1.214 |

The financial position above for the Plymouth Integrated Fund is for the 2018/19 month 3 position, and before any risk share.

*This represents the net People Directorate budget plus the gross Public Health Commissioning budget (which is financed by a ring-fenced Department of Health Grant).

Table 4: Key Issues and Corrective Actions

| Issue | Variation £M | Management Corrective Action |
|--|-------------------------|---|
| <p>EXECUTIVE OFFICE</p> <p>The department recognises the budget pressure for 2018/19 and also notes strong predicted income generation over target. Given strength in predicted income generation, focussed areas of new business development will also be pursued (e.g. school exclusions administration and at least one additional governance contract).</p> | <p>0.030</p> | <p>Forensic examination of all budgets has already been undertaken. The next step is to instigate an ‘end-to-end’ review process to inform likely service review with a view to reducing establishment. Additional posts are being held vacant to help address the pressure. Alongside this further reviews are continuing in order to try and return a balanced position in line with year-end.</p> |
| <p>CORPORATE ITEMS</p> <p>This is due to the deficit in the Pension fund.</p> <p>The Council is also currently managing a number of public liability insurance claims. If all claims are fully paid there are insufficient funds in the reserve to meet all liabilities. At this stage if nothing else changes and based on past trends a deficit of approximately £0.2m will have to be covered.</p> | <p>(0.780)</p> | <p>Efforts are continuing to be made to reduce the deficit in the Pension fund, this includes working with colleagues at Devon County Council, the pension fund administrators.</p> <p>With regard to the insurance liability claims, Officers continue to work to mitigate these claims; to ensure that losses are minimised.</p> <p>There is a £1 million contribution which reflects a review of the council’s balance sheet resulting in fund switch from revenue to capital.</p> |
| <p>TRANSFORMATION and CHANGE – Finance</p> <p>There are pressures totalling £0.285m in Facilities Management; due to the pay award in line with Living Wage. The provision created to meet these costs has left an unfunded element due to the staff profile.</p> | <p>0.000</p> | <p>A review is now underway to deliver the savings required to offset this pressure and a balanced position is assumed in line with year-end.</p> |

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| <p>There is also a pressure from an income target against Schools cleaning which is unlikely to be met due to schools withdrawing as they move to Academies. A revised FM structure is being drawn up to enable the pressure to be eliminated.</p> <p>The Council is continuing to monitor the action taken by 14 local authorities' legal action against Barclays Bank in connection with their LIBOR 'rigging' and its links to the rate setting for LOBO loans, to see if it brings refinancing opportunities. The Council is also monitoring bank rates. The market is predicting a gradual increase in the base rate over the next 2 years. The Council has profited from very low interest rates on its short term loans but any increase will result in cost increases.</p> | | |
| <p>TRANSFORMATION and CHANGE – Legal</p> | <p>0.000</p> | <p>There is currently a small pressure of £0.050m due to missed vacancy savings target. Income opportunities are being sought to try and offset this and as a result a balanced position is assumed.</p> |
| <p>TRANSFORMATION and CHANGE – Customer Services</p> | <p>0.305</p> | <p>There is a pressure of £0.305m because of a shortfall in Housing Benefit Subsidy. This is being closely monitored and detailed review sessions are taking place to assist with addressing the pressure, despite this the area remains highly volatile.</p> |

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| <p>TRANSFORMATION and CHANGE – Service Centre</p> <p>As outlined in the MTFs, there is a savings target against the Service Centre that remains a challenge of £0.484m.</p> | 0.000 | The project team are seeking solutions to address this with the focus being on addressing the pressure in full before the end of the financial year. |
| <p>TRANSFORMATION and CHANGE – Human Resources & OD</p> | 0.000 | There is currently a nil variance to report. |
| <p>TRANSFORMATION and CHANGE – Departmental</p> | 0.000 | There is currently a nil variance to report. |
| <p>TRANSFORMATION and CHANGE – ICT Commissioned Service</p> | 0.000 | There is currently a nil variance to report. |
| <p>PEOPLE - Children Young People and Families (CYPF)</p> <p>The Children Young People and Families Service are reporting a budget pressure of £5.700m at month 6.</p> <p>The national and local context for children’s placements is extremely challenging, with increasing difficulties in securing appropriate, good quality placements.</p> <p>As part of the budget for 2018/19, CYP&F is expected to make savings of £4.655m. One delivery plan remains undelivered at £1.6m</p> | 5.700 | <p>There are a number of management actions in place to address the current position, including the introduction of an action-plan review group consisting of senior officers, meeting once per week to track progress.</p> <p>Actions include:</p> <ul style="list-style-type: none"> ▪ Tightening of the front door for Looked after Children (LAC); only HoS Children’s Social work and Permanence can give consent for anyone to be accommodated and in her absence Service Director will cover. ▪ Fortnightly placement review to ensure step down of high cost placements ▪ Review of staying put arrangements and financial remuneration ▪ Maximize contribution from partners - Health and Education Service |

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| | | <p>Director persistently raising matter of budgetary pressures at all staff meetings to ensure only essential expenditure and actions taken in a timely manner.</p> <ul style="list-style-type: none"> ▪ Maximise local residential placements to avoid higher out of area associated costs. ▪ Director & Finance Review all Financial Assumptions |
| <p>PEOPLE - Strategic Cooperative Commissioning</p> <p>The Strategic Commissioning service is forecasting an over spend of £0.481m at year- end. There are still major pressures in 2018/19, around increases in high cost packages and increases in client numbers.</p> <p>The department has met all its in-year delivery plans for the financial year £4.794m and are continuing with a saving plan now in place to address this demand-driven cost pressure, with continuous management review in place.</p> | <p>0.481</p> | <p>There are management actions currently being put in place to try to reduce the variation in year, with a number of “deep dives” taking place into the areas currently overheating, for example:</p> <ul style="list-style-type: none"> ▪ Residential & Nursing – review of very high cost clients and transitions, review of admissions and discharges, ▪ Supported Living – focus on Trusted Provider scheme, review of single handed project, ▪ Dom Care – review of single handed project, review of reablement contract, ▪ Short Stays – review of any short stay clients that have been in placements for over 1 month. |
| <p>PEOPLE – Education Participation and Skills</p> <p>Education, Participation and Skills budget is forecast to balance to budget at year end.</p> <p>As part of the MTFs for 2018/19, Education Participation and Skills is expected to make savings of over £0.699m as well as £0.687m of savings brought forward from 2017/18 that were realised from one off savings.</p> | <p>0.000</p> | <p>A plan is being developed to scope all of the education related services within Education, Participation and Skills and recommend an approach and plan for transforming in order to realise savings.</p> <p>In addition the Adult Community Meals pressure of £0.130m has been cleared.</p> |

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| <p>PEOPLE – Community Connections</p> <p>The average B & B numbers for April to September have been 57 placements per night against a budget for 42.</p> | <p>0.168</p> | <p>Action is ongoing to limit the overall cost pressure through lower placements and prevention work.</p> |
| <p>People Management & Support</p> <p>The People Management & Support budget is forecast to balance to budget at year end, as per the reporting in previous months.</p> | <p>0.000</p> | |
| <p>Office of the Director of Public Health</p> <p>The budget for the Office of the Director of Public Health (ODPH) is expected to come in on budget for 2018/19. The budget is made up of the grant funded Public Health, Public Protection Service and Bereavement Services, of which the grant funded section of Public Health forms part of the Integrated Fund.</p> <p>There has been a reduction in the Public Health grant received in 2018/19 of £0.405m from 2017/18, which will be contained by a variety of management actions, mainly around the contracts that are held within the department.</p> <p>The Public Protection service, funded from RSG and other income streams, are showing a break even position at this point in the year.</p> | <p>0.000</p> | |

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|--|----------------|--|
| <p>The Bereavement Service, is showing an increase in the numbers of cremations budgeted for at this point in the year, although any surpluses from this service are ring-fenced and cannot be counted towards any favourable variations for the Directorate.</p> | | |
| <p>PLACE - Strategic Planning and Infrastructure</p> <p>The Service Management Team continue to actively monitor the overall departmental budget proactively as well as the agreed 2018/2019 Budget Review actions.</p> <p>Favourable variations have been achieved from improvement in income forecasts relating to planning applications, the Development Enquiry Service and Building Control; savings resulting from a later implementation of the restructure, and; the transfer of three posts to the new Joint Local Plan team which will be jointly funded with South Hams and West Devon councils.</p> | <p>(0.400)</p> | <p>Efforts will continue to be taken to maximise income and contain costs.</p> <p>An action for all services to review their current reserve status where possible to assist with the current financial pressures. SP&I have therefore reviewed their current reserves position and utilised a one off sum of £0.150m to offset existing Place pressures. SP&I have also identified income opportunities of £0.063m from the PHDP and £0.096m from reserves.</p> |
| <p>PLACE - Management Support</p> <p>Savings across a number of cross cutting legacy actions totalling £0.415m have been delivered. The remainder includes the need to absorb GAME staffing target and the balance of the additional savings target.</p> | <p>0.352</p> | <p>Costs will be contained to support budget reduction.</p> |

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| <p>PLACE - Economic Development Income generation from Asset Investment Fund acquisitions have enabled a series of spend pressures within Economic Development to be met, including the cost of the events programme.</p> | (0.514) | <p>ED have undertaken a thorough review of all budgets in 18/19 and have identified further savings due to the accelerated purchase of a future acquisition, further capitalisation of salaries, and a reduction in bad debt provision and reserves.</p> <p>Efforts will continue to mitigate this cost pressure, through income maximisation and reasonably containing costs.</p> |
| <p>PLACE – GAME The New Homes Bonus target has already been achieved for 18/19.</p> | 0.000 | |
| <p>PLACE - Street Services</p> <p>Street Scene & Waste services: Street Scene & Waste are currently reporting an adverse position of £0.228m – this is due to a reduction in new income, awaiting a new deal for the Refuse Transfer Station of £0.220m.</p> <p>Fleet and Garage: Fleet & Garage are reporting a small surplus due to salary vacancies.</p> <p>Highways and Car Parking: Highways and parking are reporting a £350k underspend due to current salary vacancies and a review of service requirements in 18/19 and additional parking income.</p> | <p>0.228</p> <p>(0.028)</p> <p>(0.350)</p> | <p>As part of the Street Services Improvement plan; we will examine and bring forward options to maximise income and reasonably contain costs whilst recognising the need to deliver high quality services.</p> |
| <p>TOTAL</p> | 5.192 | |

Capital Budget - 2018-2023

The latest capital budget was approved by Council on 17 September 2018 is £581.1m.

The capital budget has been adjusted to take into account some of the changes to the capital programme and adjustments to the priority list assumptions and income assumptions.

The five year capital budget 2018-2023 is currently forecasted at £581.3m. This is set out in Table 6 below.

Movement in Capital Budget

Table 5:

| Description | £m |
|--|--------------|
| Latest Approved Budget 2018-23 | 581.1 |
| Reduction of Corporate Borrowing from the Priority List | (20.8) |
| Other changes | 21.0 |
| Total Revised Capital Budget for Approval (2018-2023) | 581.3 |

Current Capital Resources

Table 6: The Capital budget consists of the following elements:

| Description | £m |
|--|--------------|
| Capital Programme | 284.5 |
| Priority List (outstanding allocations) | 89.6 |
| Income Assumptions * | 207.2 |
| Total Revised Capital Budget for Approval (2018-2023) | 581.3 |

* Estimate of income to be received to finance future capital projects

Within the approved budget (representing forecast resources), the Capital Programme represents projects that have been approved by the City Council Investment Board (CCIB). Project officers prepare detailed business cases and present them to the board and if approved the CCIB recommends them to the Leader for approval. Once the executive decision has been signed by the leader the projects are added to the Capital Programme for delivery.

Priority List

The priority list budget has been reduced to take account of projects that have been approved and transferred to the capital programme for delivery. The priority list corporate borrowing budget has been reduced by £21m in order to meet the revenue budget set aside to repay the future corporate borrowing (MRP) and this is in line with the MTFs 2019-22.

Tables 7 and 8 below shows the revised capital programme for the period 2018-2023, as at the end of September 2018. Appendix I shows a detailed breakdown of the Capital Programme.

Revised Capital Programme

Table 7: Capital Programme by Delivery Outcome

| Primary Outcome of Projects | £m |
|--|----------------|
| Securing Growth in the City Centre/Waterfront | 21.685 |
| Securing Growth in Derriford and the Northern Corridor | 27.945 |
| Securing Growth in the Eastern Corridor | 6.987 |
| Delivering More/Better Housing | 5.243 |
| Ensuring Essential City Infrastructure | 22.959 |
| Improving Neighbourhoods and Community Infrastructure | 10.065 |
| Ensuring Good Quality School Places | 4.008 |
| Growing the Economy | 2.590 |
| Delivering Oceansgate | 18.264 |
| Connecting the City | 27.550 |
| Celebrating Mayflower | 5.277 |
| Delivering The Box | 22.385 |
| Transforming Services | 109.508 |
| Total | 284.467 |

Table 8: Capital Programme by Directorate

| Directorate | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | Total |
|-------------------------|----------------|---------------|---------------|--------------|--------------|----------------|
| | £m | £m | £m | £m | £m | £m |
| Transformation & change | 8.041 | 1.832 | 0.983 | - | - | 10.856 |
| People | 8.061 | 1.385 | 0.162 | 0.162 | 0.162 | 9.932 |
| Place | 143.096 | 79.226 | 25.445 | 2.122 | 2.000 | 251.889 |
| Public Health | 3.553 | 0.313 | 7.547 | 0.377 | - | 11.790 |
| Total | 162.751 | 82.756 | 34.137 | 2.661 | 2.162 | 284.467 |

Recommendation

Council approve that the Capital Budget 2018-2023 is revised to £581.3m (as shown in Table 2)

Appendix I: Detailed Breakdown of the Capital Programme

| Approved Capital Programme | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | Total |
|--|---------------|---------------|---------------|-----------|----------|---------------|
| | £000 | £000 | £000 | £000 | £000 | £000 |
| Celebrating Mayflower | | | | | | |
| Mayflower 400 - Public Realm Improvements | 804 | 281 | - | - | - | 1,085 |
| Mayflower 400 – Public Realm Enabling | 1,000 | 1,916 | - | - | - | 2,916 |
| Mayflower 400 - Elizabethan House | 177 | 992 | 48 | - | - | 1,217 |
| Mayflower 400 - Monument | 50 | - | - | - | - | 50 |
| Mayflower 400 - Waterfront Event Infrastructure | 10 | - | - | - | - | 10 |
| Total Celebrating Mayflower | 2,041 | 3,189 | 48 | 0 | 0 | 5,278 |
| Connecting the City | | | | | | |
| Mayflower Coach Station | 20 | - | - | - | - | 20 |
| Cot Hill Bridge | 435 | 320 | 25 | - | - | 780 |
| Plymouth Rail Station Regeneration | 1,000 | 14,746 | 10,982 | 22 | - | 26,750 |
| Total Connecting the City | 1,455 | 15,066 | 11,007 | 22 | - | 27,550 |
| Delivering More/Better Housing | | | | | | |
| Self Build Housing Sites | 74 | 115 | - | - | - | 189 |
| Former Whitleigh Community Centre | 154 | - | - | - | - | 154 |
| North Prospect Phase 5 | 500 | 450 | - | - | - | 950 |
| Bath Street | 297 | 1,762 | - | - | - | 2,059 |
| Plan for Homes | 599 | 134 | - | - | - | 733 |
| Demolitions for Housing | 472 | - | - | - | - | 472 |
| Extra Care Housing Support Millbay | - | 450 | - | - | - | 450 |
| How Street Specialist Housing Programme | - | 238 | - | - | - | 238 |
| Total Delivering More/Better Housing | 2,196 | 3,149 | - | - | - | 5,245 |
| Delivering Oceansgate | | | | | | |
| Oceansgate Remediation/separation works | 2,037 | - | - | - | - | 2,037 |
| Oceansgate Phase 1 Direct Development | 502 | 141 | - | - | - | 643 |
| Oceansgate Phase 2 Direct Development | 663 | 6,504 | 4,795 | - | - | 11,962 |
| Oceansgate Phase 2 Infrastructure | 1,239 | - | - | - | - | 1,239 |
| Total Delivering Oceansgate | 4,782 | 8,688 | 4,795 | - | - | 18,265 |
| Delivering The Box | | | | | | |
| The Box | 13,347 | 7,930 | 1,107 | - | - | 22,384 |
| Total Delivering The Box | 13,347 | 7,930 | 1,107 | - | - | 22,384 |
| Ensuring Essential City Infrastructure | | | | | | |
| King George V Pedestrian and Walking Cycle Route | 290 | - | - | - | - | 290 |

| | | | | | | |
|--|---------------|--------------|--------------|--------------|--------------|---------------|
| Mount Wise – Charge Point & Ticket Machine | 16 | - | - | - | - | 16 |
| Bus Punctuality improvement plan (BPIP) | 14 | - | - | - | - | 14 |
| S106 Transport Projects | 971 | - | - | - | - | 971 |
| Derriford Community Park | 92 | 81 | - | - | - | 173 |
| European Marine Sites - Recreational Behaviour Changing Measures | 50 | 55 | - | - | - | 105 |
| Glenside GP Surgery | 83 | - | - | - | - | 83 |
| Home Energy | 166 | 80 | 80 | 60 | - | 386 |
| Warm Homes | 250 | 388 | - | - | - | 638 |
| Millbay Boulevard | 435 | 2,324 | - | - | - | 2,759 |
| Development Funding | 50 | 450 | - | - | - | 500 |
| Capitalised Maintenance Schemes | 6,950 | 4,785 | 2,000 | 2,000 | 2,000 | 17,735 |
| Flood defence Works | 293 | - | - | - | - | 293 |
| West Hoe Pier | 83 | - | - | - | - | 83 |
| Mount Edgcumbe Projects | 805 | 522 | - | - | - | 1,327 |
| Total Ensuring Essential City Infrastructure | 10,513 | 9,494 | 2,080 | 2,000 | 2,000 | 26,147 |
| Ensuring Good Quality School Places | | | | | | |
| Pennycross Basic Need | 42 | - | - | - | - | 42 |
| Pomphlett Basic Need | 1,957 | 400 | - | - | - | 2,357 |
| Oreston Academy Basic Need | 10 | - | - | - | - | 10 |
| Yealmpstone Farm Primary School Basic Need | 1,550 | - | - | - | - | 1,550 |
| Woodford Primary School - Decking | 49 | - | - | - | - | 49 |
| Total Ensuring Good Quality School Places | 3,608 | 400 | - | - | - | 4,008 |
| Growing the Economy | | | | | | |
| Social Enterprise Fund | 528 | 49 | - | - | - | 577 |
| Langage Development Phase 2 | 1,983 | - | - | - | - | 1,983 |
| 39 Tavistock Place | - | - | 30 | - | - | 30 |
| Total Growing the Economy | 2,511 | 49 | 30 | - | - | 2,590 |
| Improving neighbourhoods and delivering community infrastructure / facilities | | | | | | |
| Barne Barton general amenity improvements | 164 | - | - | - | - | 164 |
| Active Neighbourhoods | 63 | 25 | - | - | - | 88 |
| Infrastructure Works at Honicknowle | 26 | - | - | - | - | 26 |
| Derriford Community Park | 577 | 15 | - | - | - | 592 |
| Bond Street Playing fields (Southway Community Football Facility) | 270 | 240 | - | - | - | 510 |
| Staddiscombe Sports Improvements | 58 | - | - | - | - | 58 |
| Higher Efford Play Pitch Enhancements | 265 | 215 | - | - | - | 480 |
| Central Park Sports Plateau | 399 | 11 | - | - | - | 410 |
| Central Park Improvements | 4,159 | 689 | - | - | - | 4,848 |
| Improving Outdoor Play | 671 | 400 | - | - | - | 1,071 |
| Dunstone Woods | 13 | - | - | - | - | 13 |

| | | | | | | |
|--|---------------|---------------|---------------|-----------|----------|---------------|
| Blockhouse Park Playground Refurbishment | 2 | - | - | - | - | 2 |
| Manadon Play Pitches | 1,555 | - | - | - | - | 1,555 |
| Children Centres | 250 | - | - | - | - | 250 |
| Total Improving neighbourhoods and delivering community infrastructure / facilities | 8,414 | 1,653 | - | - | - | 10,067 |
| Securing Growth in Derriford and Northern Corridor | | | | | | |
| Forder Valley Link Road- Development Costs | 4,520 | 796 | - | - | - | 5,316 |
| Forder Valley Interchange | 1,290 | 4,869 | 2,648 | - | - | 8,807 |
| Derriford Transport scheme - Derriford Roundabout / William Prance Road | 1,777 | - | - | - | - | 1,777 |
| Sendalls Way Junction Improvements | 300 | - | - | - | - | 300 |
| Charlton Road | 793 | - | - | - | - | 793 |
| Northern Corridor Junction Improvements | 1,580 | - | - | - | - | 1,580 |
| Purchase of 444 Tavistock Road | - | - | - | 20 | - | 20 |
| Purchase of 422 Tavistock Road | - | - | - | 20 | - | 20 |
| Purchase of Properties in the North of Plymouth | 1,848 | 127 | - | - | - | 1,975 |
| Morlaix Drive Access Improvements | 824 | 3,901 | - | - | - | 4,725 |
| Northern Corridor Strategic Cycle Network | 333 | 2,047 | - | - | - | 2,380 |
| Woolwell to the George | 218 | 32 | - | - | - | 250 |
| Total Securing Growth in Derriford and Northern Corridor | 14,280 | 11,772 | 2,648- | 40 | - | 28,740 |
| Securing Growth in the City Centre and Waterfront | | | | | | |
| Devonport Market High Tech 'Play Market' | 1,975 | - | - | - | - | 1,975 |
| Charles Cross | 427 | - | - | - | - | 427 |
| City Centre Public Realm | 2,109 | 9,015 | - | - | - | 11,124 |
| Market Way Public Realm | 186 | - | - | - | - | 186 |
| Demolitions and Pedestrian Crossings | 1,057 | 131 | - | - | - | 1,188 |
| Western Approach Car Park | 298 | - | - | - | - | 298 |
| Pavilions | 1,316 | - | - | - | - | 1,316 |
| Sutton Harbour Public Realm Improvements | 118 | - | - | - | - | 118 |
| Cobourg House | 248 | - | - | - | - | 248 |
| Quality Hotel | 318 | - | - | - | - | 318 |
| Colin Campbell Court Phase 1 | - | 739 | - | - | - | 739 |
| Colin Campbell Court Phase 2 | 228 | - | - | - | - | 228 |
| Plymouth City Market Major Refurbishment | 32 | - | - | - | - | 32 |
| City Centre Shop Fronts Grant Scheme | 241 | - | - | - | - | 241 |
| West End Public Realm | 74 | - | - | - | - | 74 |
| Total Securing Growth in the City Centre and Waterfront | 6,527 | 11,985 | - | - | - | 18,512 |
| Securing Growth in the Eastern Corridor | | | | | | |
| Eastern Corridor Junction Improvements | 3,259 | - | - | - | - | 3,259 |

| | | | | | | |
|--|----------------|----------------|----------------|---------------|---------------|----------------|
| Eastern Corridor Strategic Cycle Network | 1,024 | 760 | 1,434 | - | - | 3,218 |
| A379 Pomphlett to The Ride | 150 | 240 | 120 | - | - | 510 |
| Total Securing Growth in the Eastern Corridor | 4,433 | 1,000 | 1,554 | - | - | 6,987 |
| Transforming Services | | | | | | |
| Street lighting bulb replacement | 86 | - | - | - | - | 86 |
| Street Services Information Management System | 405 | - | - | - | - | 405 |
| Fleet Replacement Programme | 757 | - | - | - | - | 757 |
| Chelson Meadow Closure & Leachate Plant Upgrade | 260 | - | - | - | - | 260 |
| Asset Investment Fund | 72,980 | 5,939 | 2,175 | - | - | 81,094 |
| Highway Works at the Former Seaton Barrack site | 661 | - | - | - | - | 661 |
| Barbican Footbridge | 169 | - | - | - | - | 169 |
| Disabled Facilities (incl Care & Repair works) | 2,299 | - | - | - | - | 2,299 |
| Schools Condition Works | 20 | - | - | - | - | 20 |
| Bayview Electrical Works | 44 | - | - | - | - | 44 |
| SEN Access and Safeguarding | 12 | - | - | - | - | 12 |
| Schools Devolved Formula & Projects | 284 | 298 | 162 | 162 | - | 1,068 |
| St Budeaux Library | 240 | 306 | - | - | - | 546 |
| ICT | 4,602 | 984 | 984 | - | - | 6,570 |
| Corporate Heritage Maintenance | 516 | 228 | - | - | - | 744 |
| Other Corporate Property | 1,926 | 314 | - | - | - | 2,240 |
| Transformation Accommodation | 614 | - | - | - | - | 614 |
| Boiler Replacement Programme for Council Properties | 145 | - | - | - | - | 145 |
| Bereavement Infrastructure | 3,353 | 313 | 7,547 | 377 | - | 11,790 |
| Total Transforming Services | 89,573 | 8,382 | 10,868 | 539 | 162 | 109,524 |
| TOTAL CAPITAL PROGRAMME | | | | | | |
| TOTAL CAPITAL PROGRAMME | 162,783 | 82,757 | 34,137 | 2,661 | 2,162 | 284,500 |
| Forecast future income streams | 46,152 | 44,653 | 55,945 | 40,213 | 20,267 | 207,230 |
| Priority List | 6,741 | 21,326 | 25,751 | 27,790 | 7,990 | 89,598 |
| GRAND TOTAL | 215,676 | 148,736 | 115,833 | 70,664 | 30,419 | 581,328 |

Cabinet Minute No. 71

Capital & Revenue Monitoring Report 2018/19:
Quarter 2



13 November 2018

Minute No. 71

Councillor Lowry (Cabinet Member for Finance) introduced the Capital & Revenue Monitoring Report 2018/19: Quarter 2. Following a short debate during which Councillor Taylor proposed an additional recommendations in response to significant and sustained pressure on the children's services budget highlighted in the report. Cabinet agreed to -

1. Note the current revenue monitoring position and action plans in place to reduce/mitigate shortfalls;
2. It is recommended that Cabinet approve the non-delegated virements which have occurred since 1st July 2018;
3. Cabinet are asked to recommend to Council that the Capital Budget 2018 -2023 is revised to £581.1m (as shown in Table 6).
4. to write to the Chancellor of the Exchequer, in letter signed by the Cabinet Member for Finance, calling for Plymouth City Council to be allocated its fair share of the additional £84 million announced in last month's budget for children's services.
5. to support the request (4 above) and make the case for extra funding, the Section 151 Officer and the Director of Children's Services are asked to provide a business case to support the request setting out why Plymouth City Council should be one of the 20 local authorities which are due to be selected by the Government to receive a proportion of the additional funding.

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PLYMOUTH CITY COUNCIL

| | |
|------------------------|--|
| Subject: | Licensing Act 2003 – Statement of Licensing Policy |
| Committee: | Council |
| Date: | 19 November 2018 |
| Cabinet Member: | Councillor Sally Haydon |
| CMT Member: | Ruth Harrell, Director of Public Health |
| Author: | Rachael Hind, Licensing Service Manager |
| Contact details | Tel: 01752 308794 email: Rachael.hind@plymouth.gov.uk |
| Ref: | |
| Key Decision: | No |
| Part: | I |

Purpose of the report:

The Licensing Act 2003 places a duty on the Licensing Authority, every five years, to determine and publish a statement of licensing policy.

The current statement of licensing policy was published and became operative from January 2014. Before determining its Policy, the Licensing Authority must consult in accordance with s.182 guidance issued under the Licensing Act 2003.

Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

The draft policy and current cumulative impact areas were consulted on for four weeks between Tuesday 11 September 2018 and Wednesday 10 October 2018. This report contains details of the consultation responses and a draft of the policy and cumulative impact areas proposed to be adopted.

Corporate Plan

The relationship to the Corporate Plan (and Plymouth Plan) –

Growth – The draft policy aims to assist in the delivery of a safer, more vibrant Plymouth. This in turn should attract more visitors to the City and also support an increase in the numbers of citizens of Plymouth who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Plymouth to be positively marketed attractive destination both nationally and internationally.

Caring – The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

Plymouth Plan – the Policy will assist in the delivery of Policy HEA5 – Delivering safe and strong communities and good quality neighbourhoods.

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

None

Government has set fees at a level that they believe will achieve full recovery of the administrative, inspection and enforcement costs falling on the Licensing Authority associated with their licensing functions under the Licensing Act 2003. The review of the Licensing Policy is a core part of the licensing function and there are no future financial implications.

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.

The Licensing Policy has a key role in reducing alcohol related crime and disorder, the fear of crime and the prevention of nuisance or anti-social behaviour. Risk taking behaviour, such as irresponsible alcohol usage can affect individual, their families, local communities and society as a whole. This policy aims to play its part in minimising the negative aspects of alcohol supply and use.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

It is recommended that:

1. Council adopts the draft Licensing Statement of Policy contained in Appendix A with effect from 31 March 2019.
2. That Council to retains the Special Policy on Cumulative Impact following Cumulative Impact Assessments for each of the following areas:
 - Union Street (including Derry's Cross)
 - Barbican
 - North Hill
 - Mutley Plain
 - Stoke

Reason

The policy has been updated to reflect the current needs of the City. For example further information has been provided on Safeguarding to help licence holders to report matters of concern.

A section has been included on flyposting to assist us in dealing with the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City.

Information has been included to support the Council’s ‘Plymouth Plan for Plastics’. Where the use of plastics are required to prevent crime and disorder or public nuisance, then businesses are encouraged to use reusable plastics where possible and ensure any plastics used are recycled.

The Council are keen to promote healthier food provision throughout the city and we expect all late night refreshment venues to promote the Public Health England recommendations.

Further guidance has been included with regards to expectations of businesses to ensure any noise associated with their premises is completed contained after 11pm so as not to cause a nuisance to local residents.

There is sufficient evident to support the continuation of the special policy on cumulative impact following a cumulative impact assessment for the 5 established areas. Although Stoke Village has shown a reduction in violent crime the area has a relatively high density of licensed premises in a residential area. This leads to the potential for public nuisance and so any further expansion of licensed premises would be usefully managed through the cumulative impact policy.

Alternative options considered and rejected:

No change to the Licensing Policy or the removal of the Cumulative Impact Policy. The evidence submitted as part of the consultation has established a significant proportion of violent crime occurs within the night time economy. The cumulative impact areas still experience high levels of crime associated with the supply or use of alcohol and local communities are affected by late night anti-social behaviour. On balance, the operation of the Licensing Statement of Policy appears to be proportionate and evidence exists for the retention of the Cumulative Impact Policy due to either crime and disorder or public nuisance.

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 28 January 2019. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 March 2019 until a new policy statement had been formally approved.

Published work / information:

[S.182 Statutory Guidance, issued by the Home Office Regulators Code \(Better Regulation Delivery Office\) Plymouth City Council – Licensing Act Statement of Policy 2014 - 2019](#)

Background papers:

| Title | Part I | Part II | Exemption Paragraph Number | | | | | | |
|----------------------------|--------|---------|----------------------------|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Responses to consultation | X | | | | | | | | |
| Equality Impact Assessment | X | | | | | | | | |

Sign off:

| | | | | | | | | | | | | | |
|--|--------------|-----|-------------------|---------|----------|----|--|--------|--|----|--|------------|--|
| Fin | djn18.19.117 | Leg | 31477/ag/24.10.18 | Mon Off | LT/31477 | HR | | Assets | | IT | | Strat Proc | |
| Originating SMT Member | | | | | | | | | | | | | |
| Has the Cabinet Member(s) agreed the contents of the report? Yes | | | | | | | | | | | | | |

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 places a duty on the Licensing Authority in respect of each five year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. This policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Plymouth's economy, particularly within the city's Evening and Night Time Economy (ENTE).
- 1.3 The use of alcohol, however, can have a negative impact on individuals, families, local communities and Plymouth as a whole. Whilst it is not possible to fully quantify the impact of alcohol misuse across the city a number of indicators provide evidence of harm, which are shown on the [alcohol harm mapping tool](#). Every year a significant number of children experience poor care and neglect due to parental alcohol misuse. In organisations across the city countless working days are lost due to alcohol affecting productivity and economic progress.
- 1.4 There is a strong association between deprivation and an increased burden of harm linked to alcohol misuse. People living in the most deprived areas of the city are nearly twice as likely to be admitted to hospital because of alcohol as those living in the least deprived areas.
- 1.5 The report provides details of the five year review of the City Councils Licensing Act Statement of Licensing Policy and contains a draft policy to commence from 31 March 2019. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30 March 2019.

2.0 Consultation Process

- 2.1 The Licensing Act 2003 states that before determining its policy or making a Cumulative Impact Assessment a Licensing Authority must consult –
- The chief officer of police for the Licensing Authority's area
 - The Fire Authority for that area
 - Local Health Board
 - Office of the Director of Public Health
 - Such persons as the licensing authority considers to be representative of holders of premises licences issued by the authority
 - Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority
 - Such persons as the licensing authority considers to be representative of holders of personal licences issued by the authority
 - Such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 2.2 A four week public consultation exercise was undertaken between 11 September 2018 and 10 October 2018. Letters were sent to all premises holding either a 'premises licence' or club premises certificate' and personal licence holders advising them of the consultation. A similar letter was sent to the Resident / Community groups and faith groups for which contact details were available. Details of the consultation were posted on our webpages.

A total of approximately 4000 people or groups were contacted directly by letter. In addition the responsible authorities were consulted (Police, Child Protection, Fire and Rescue Service, Trading Standards, Environmental Health, Public Health, Planning Authority, HSE, Maritime & Coastguard Agency and the Home Office).

- 2.3 All ward Councillors were sent copies of the consultation documentation.
- 2.4 The Statement of Licensing Policy is specified within the Council’s Policy Framework. In accordance with the Constitution the Cabinet Member for Safer and Stronger Communities referred the draft Policy to the Performance, Finance, and Customer Focus Overview and Scrutiny Committee for consultation. The Committee did not wish to review the policy at this stage.
- 2.5 A total of 8 responses were received as a result of the consultation process. The Police submission and crime data is contained in Appendix B. The written responses are contained in the table below:

| No | Date received | Comments received | Response |
|----|---------------|---|---|
| 1 | 20.9.18 | I work at Christ the King Church, Armada Way, and I want to tell you that this year in particular has been the worst ever. The alcoholics sit by the ‘anchor’ opposite the church. They continually use our toilet – leave it in a terrible mess – steal toilet rolls – even the toilet roll holder which I provided myself! I think that area and also the surrounding area should be an alcohol free zone. One Saturday morning I had to call an ambulance – the person was so drunk she fell up the steps leading into the church. | Thank you for your letter. I have passed this information to the Licensing Police so that they can review this area and take appropriate action. |
| 2 | 24.9.18 | I would just like to let you know that I have looked at the draft statement and the changes to the current policy. I agree with the changes proposed and am glad that the cumulative effect still includes those main areas. I would like to add that maybe there should be more enforcement on some of the shops that sell high ABV drinks fairly cheaply to all the people that drink on the streets that they are aware of but still sell to. | Thank you for your email and for your support of the proposed policy. The Licensing Police and our Licensing Team carry out enforcement checks regularly to ensure premises are complying with their licensing conditions. Please can you notify us with specific details of the premises that you are aware of that are selling high strength alcohol to street drinkers so that we can ensure these premises are investigated. |
| 3 | 27.9.18 | Environmental Health Response; With the deregulation of the requirement for a licence for regulated entertainment in licensed premises in 2012 the Government accepts that licensed premises may have an increased level of noise between 8am and 11pm. With this in mind the conditions requested by the Environmental Health Authority on new premises licences have become more focused on quiet hours of between 23:00 and 08:00. The Environmental Health | Thank you for your response. I have added an additional paragraph on page 12 after the paragraph ‘ Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation. To include the following : Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment |

| | | | | | | | | | | | | | | | |
|-----------|------------------------|--|---|------------------------|-------|------------------------|-----------|------------------------|---|-----------|------------------------|-------|------------------------|-----------|------------------------|
| | | <p>Authority would like to see these Quiet Hours integrated into the general licensing policy as they have been shown to be of benefit to Plymouth residents that live close to licensed premises. As such it would be beneficial under the licensing objective for the Prevention of Public Nuisance that the policy states that between the hours of 23:00 and 08:00 any new premises licence would be expected to include a condition of total sound containment within the licensed premises. Any already licensed premises that causes disturbance between 23:00 and 08:00 would be expected to take measures to reduce noise levels.</p> | <p>within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.</p> | | | | | | | | | | | | |
| 4 | 5.10.18 | <p>Thank you for advising Crownhill Methodist Church about the review of the Statement of Licensing Policy.</p> <p>I have read the draft and would like to compliment whoever is responsible for a clear and comprehensive document.</p> <p>One small point - on page 4, the review date is shown as 20149. I guess this will read 2019 in the final version?</p> | <p>Thank you for your kind comments. The typing error has been corrected.</p> | | | | | | | | | | | | |
| 5. | 6.10.18 | <p>Public Health Response:</p> <p>With regards to the proposed review of the licensing policy it would be extremely useful if there could be some provisions relating to healthier food provision. This would fit with the other strategies in the city – specifically the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.</p> <p>We would request the inclusion of a licensing condition where premises are required to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:</p> <table> <tr> <td>Main meal</td> <td>less than 600 calories</td> </tr> <tr> <td>Snack</td> <td>less than 200 calories</td> </tr> <tr> <td>Breakfast</td> <td>less than 400 calories</td> </tr> </table> <p>Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at ODPH@Plymouth.gov.uk.</p> <p>www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-</p> | Main meal | less than 600 calories | Snack | less than 200 calories | Breakfast | less than 400 calories | <p>Unfortunately a condition could not be introduced, however we have included the following paragraph within the policy on page 13 to demonstrate our expectations of businesses to provide healthier food provision throughout the City:</p> <p>Healthier Food Provision</p> <p>The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.</p> <p>We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:</p> <table> <tr> <td>Main meal</td> <td>less than 600 calories</td> </tr> <tr> <td>Snack</td> <td>less than 200 calories</td> </tr> <tr> <td>Breakfast</td> <td>less than 400 calories</td> </tr> </table> <p>Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at</p> | Main meal | less than 600 calories | Snack | less than 200 calories | Breakfast | less than 400 calories |
| Main meal | less than 600 calories | | | | | | | | | | | | | | |
| Snack | less than 200 calories | | | | | | | | | | | | | | |
| Breakfast | less than 400 calories | | | | | | | | | | | | | | |
| Main meal | less than 600 calories | | | | | | | | | | | | | | |
| Snack | less than 200 calories | | | | | | | | | | | | | | |
| Breakfast | less than 400 calories | | | | | | | | | | | | | | |

| | | | |
|----|---------|---|---|
| | | <p>healthier/eat-better/</p> <p>www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging healthier out of home food provision toolkit for local councils.pdf</p> | <p>ODPH@Plymouth.gov.uk.</p> <p>www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-healthier/eat-better/</p> <p>www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging healthier out of home food provision toolkit for local councils.pdf</p> |
| 6. | 9.10.18 | <p>Response received from Safeguarding Team, Plymouth City Council</p> <p>I have reviewed the re-drafted licensing policy and have the following comments</p> <ul style="list-style-type: none"> • Child Sexual Exploitation now changed to Child Exploitation – the Safeguarding Board are now using terminology of child exploitation to cover all aspects of exploitation (including sexual exploitation and gang related crime etc.) There is one paragraph in the document though where it is appropriate to maintain the definition of sexual exploitation. • Page 7 – Please use the term vulnerable adults or vulnerable persons instead of adults with care and support needs. • Page 9 - Where it mentions zero tolerance of drugs - consider including the regular audits/ checking of toilets, staff training and logs of drug finds/working in partnership with Police. • Page 9 – Public Safety – consider adding an additional bullet point for something like participating in safety incentives such as ‘Ask Angela’. • Page 10 - Protection of Children from Harm –consider adding additional bullet to include outdoor play areas – signage requiring adult supervision and | <p>Thank you for your response.</p> <p>The Policy has been updated following your comments to ensure the correct wording is being used.</p> <p>The strategic safeguarding lead for Plymouth City Council has confirmed that the term ‘adults with support and care needs’ is the correct term to use.</p> <p>Additional information has been included with regards to the zero drug policy on page 12.</p> <p>An additional bullet point has been included to state: Participating in safety incentives such as ‘Ask Angela Campaign’.</p> <p>An additional bullet point has been included to state: All external areas to be routinely monitored to prevent children from being at risk from harm.</p> |

| | | | |
|----|----------|---|---|
| | | <p>appropriate safety checks being carried out on any play equipment.</p> <ul style="list-style-type: none"> • I have noticed that on Sheffield’s LSCB website they consider Children’s outside play areas at licensed establishments within their licensing conditions, I guess that regular maintenance and safety checks on roundabouts / swings etc. is a good idea if it is permitted to be included. Also give thought to now that lots of pubs serve food, then safety and maintenance of any equipment used by children such as highchairs could also be considered. • Page 14: I have asked for consideration to remove Existing DPS as well as Proposed DPS –I thought that by including the wording “existing DPS” it would assist in easier removal of any inappropriate persons from positions of trust. • I have worded several areas with Vulnerable persons as opposed to adults with support and care needs as I think that vulnerable persons or vulnerable adults is the terminology used by Adults Social Care you might want to check this out with them. | <p>Unfortunately, the Policy cannot include anything regarding maintenance/health and safety aspects of play equipment or high chairs as this is covered under health and safety legislation.</p> <p>This is already covered in the bullet point above on page 15 which refers to the existing DPS at a problem premises.</p> <p>The strategic safeguarding lead for Plymouth City Council has confirmed that the term ‘adults with support and care needs’ is the correct term to use.</p> |
| 7. | 10.10.18 | Report received from Devon and Cornwall Police – please see Appendix B. | Please refer to section 4 and 5 of the Cabinet report |
| 8 | 10.10.18 | Response received from a Large Pub Company | This response can be found in Appendix C. |

3.0 Changes incorporated into the draft Licensing Policy

3.1 The main changes that have been introduced within the draft Policy are:

- **Safeguarding** – further information has been provided for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly if it relates to child sexual exploitation, abuse, modern slavery and human trafficking.
- **Flyposting and promotional material throughout the city** – Plymouth faces a widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City. A section has been included in the draft policy to ensure Premises Licence Holders act responsibly and are

encouraged to have appropriate measures in place to prevent any illegal and nuisance fly posting.

- **Plastics** – information has been included to support the Council’s ‘Plymouth Plan for Plastics’. Where the use of plastics are required to prevent crime and disorder or public nuisance, then businesses are encouraged to use reusable plastics where possible and ensure any plastics used are recycled.
- **Alcohol Harm Mapping Tool** - reference to this tool has been included. This tool has been produced by Plymouth Public Health Team and can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population’s health and wellbeing.
- **Cumulative impact Assessment** – Please see further detail regarding this in section 4 below. It is proposed that the Cumulative Impact Policy continues to cover the five areas within Stoke Village, Mutley Plain, North Hill, The Barbican, Derry’s Cross and Union Street.

3.2 Following the responses received from the consultation, the following additional changes have been included in the draft policy:

Healthier Food Provision

A response from the Public Health Team requested that a section was included to promote healthier food provision throughout the city. The following section has been included on page 13 of the draft policy to encourage licensed food businesses to be responsible:

The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.

We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

| | |
|-----------|------------------------|
| Main meal | less than 600 calories |
| Snack | less than 200 calories |
| Breakfast | less than 400 calories |

Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please call the public health team.

www.nhs.uk/oneyou/be-healthier/eat-better/<https://www.nhs.uk/oneyou/be-healthier/eat-better/>

www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf

Public nuisance

Following the response from Environmental Health, the paragraph below has been inserted on page 13:

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

3.3 Other amendments

A number of minor amendments have been made following the responses received. These are referenced within the table above or in Appendix C.

4.0 Cumulative Impact Assessment

4.1 The current policy includes a special policy in relation to Cumulative Impact. Guidance under s.182 of the Licensing Act 2003, describes this as the potential impact, on the promotion of the licensing objectives, of a number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

4.2 There must be an evidential basis for the decision to adopt a Cumulative Impact Assessment (CIA) within the statement of licensing policy regarding cumulative impact areas.

4.3 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a Cumulative Impact Assessment (CIA) and review it.

4.3 The following steps must be followed in considering whether to publish a CIA:

- 1 Identify concern about crime and disorder, public safety, public nuisance or protection of children from harm in a particular location
- 2 Consider whether there is good evidence that crime and disorder or nuisance are happening or whether there are activities which pose a threat to public safety or the protection of children from harm.
- 3 If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
- 4 Identify the boundaries of the area where problems are occurring
- 5 Consult with those specified in section 5(3) of the Licensing Act 2003.
- 6 Subject to the outcome of the consultation, include and publish details of the Cumulative Impact Assessment (CIA) including the evidence in support of the assessment
- 7 Summarise the licensing authority's opinion in light of the evidence of cumulative impact in the Licensing Policy Statement and explain with the policy statement how the authority has had regard to any CIA's it has published.

4.4

The effect of adopting a CIA is that the Council as licensing authority is stating that it considers that the number of relevant authorisations in respect of premises in one or more of the areas identified in the assessment is such that it is likely that it would be inconsistent

with the authority's duty to promote the licensing objectives to grant any further relevant authorisations in respect of premises in the CIA's

- 4.5 The Police have responded to the draft policy and have also included a report which is an evidence based problem profile, identifying those areas affected by violent crime associated with the evening and night-time economy and seeking the continuation of the Cumulative Impact Policy within the Statement of Licensing Policy.

The existing areas have been requested to be retained, based on their existing boundaries:

- Union Street
- Mutley Plain
- North Hill
- Barbican
- Stoke village

- 4.6 Devon and Cornwall Police have strongly recommended in their report in Appendix B that, following a period of consultation, the North Hill Cumulative Impact Area is extended to cover the area of Gibbon Street and Regent Street up to the far end of Hampton Street. Further police work around the intelligence which has been submitted can be carried out in order to identify if there is indeed a link between the intelligence and crime figures and vulnerability. The Police have suggested that this work takes place over the next 3 months until the end of January 2019 prior to the consultation.

5.0 Results of Cumulative Impact Assessment Consultation

5.1 Crime and disorder

Appendix B contains the detailed statistical evidence supplied by the Devon & Cornwall Constabulary. Appendix 2 of the Police Report provides the crime associated within the ENTE in each Cumulative Impact Area. The Evening and Night Time Economy areas still account for the majority of violent crimes across the City.

Devon and Cornwall Police have advised in their report that they changed their crime recording standards from April 2016 on recommendations from HMIC. This has meant that the number of recorded crimes increased across the force by between 17 – 20%. This means that 8 months of 2016 and all of 2017 and 2018 are recorded under these new crime recording standards and will need to have this difference considered.

- 5.2 The ENTE contributes to a significant proportion of the incidents and the majority of incidents take place on a Friday and Saturday within the ENTE hours, which are 23:00 to 08:00 hours. Partnership working has already seen to have delivered good results and further work is ongoing. The continuation of a Cumulative Impact Policy can be seen as one possible means of controlling an increase in crime related to new licences which may be granted in areas with high concentrations of existing licences.

5.3 Public Nuisance

In general the majority of public nuisance issues relate to noise from entertainment held on the premises or noise and anti-social behaviour in the vicinity of premises or transit routes between the evening and night time economy areas and places of residence.

- 5.4 Noise directly attributable to individual premises can be adequately controlled using existing legislation from within the Licensing Act or the Environmental Protection Act.

Nuisance not attributable to individual premises is difficult to control using powers available to the Local Authority.

- 5.5 All of the cumulative impact areas are in very close proximity to residential areas giving rise to residents' concerns regarding public nuisance and anti-social behaviour. The majority of these incidents go unreported due to their transient nature and the inability of the agencies to have an impact on this problem.

6.0 Operation of the Cumulative Impact Policy

- 6.1 Since 1 April 2014, there have been a total of 32 applications for new premises or major variations in CIP areas, with only one being refused.

| Type | Applied | Refused |
|-----------------|---------|---------|
| New Application | 18 | 0 |
| Variation | 14 | 1 |

The majority of applications received within the Cumulative Impact Areas have been for the grant of new café/restaurants which do not have the same impact as vertical drinking establishments. A number of off licences have been approved but have put additional conditions in their operating schedule for example to prevent the sale of single cans and not selling high strength cider/beer above 6.5 ABV.

No objective evidence has been found to identify any impact on the evening and night time economy.

- 6.2 A Cumulative Impact Policy requires applicants to deliver an increased standard of application and operating schedule in order to establish that the Policy should not be applied on that case. It does not prohibit future approval of new applications or variations to existing licenses. In every case the Licensing Committee must still prove the need for conditions or for the refusal of a licence following a representation from either a responsible authority or interested party.

7.0 Regulatory Impact

- 7.1 Regulators must have regard to the principles contained in the Regulators Code when undertaking regulatory activities, including the establishment of policies. The specific obligations of the existing and proposed code relevant to the Licensing and Cumulative Impact Policies are;

7.2 Economic Progress

Regulators should consider the impact that their regulatory interventions may have on economic progress. They should only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving their objectives. Regulators should consider the impact that their regulatory interventions may have on small businesses, ensuring that the regulatory interventions fall fairly and proportionately considering the size of the business and the nature of their activities.

7.3 Assessment of Risk

Regulators should ensure that the allocation of their regulatory efforts is targeted where they would be most effective by maximising their target outcomes. In general policies and activities must target those businesses where greater controls will lead to the increased promotion of the licensing objectives.

7.4 No evidence has been submitted that confirms a disproportionate detrimental economic effect of the policy. Local experience appears to demonstrate that there is not a disproportionate effect.

7.5 A Cumulative Impact Assessment will only affect businesses in areas where evidence exists of crime and disorder or public nuisance, thereby targeting further regulatory controls to areas of need. The policy is applied equally to all business sizes and would not have a disproportionate effect on small business. It is possible that small businesses may have greater scope to convince the Licensing Committee or the responsible authorities that their operations would not add further negative impact.

7.6 The application of controls through the Licensing Policy are all subject to a legal test of being appropriate.

8.0 Conclusion

8.1 The responses received in relation to the Statement of Licensing Policy are welcomed and the proposed new policy has been amended accordingly.

8.2 The operation of the Cumulative Impact Assessment to date has been undertaken in a proportionate way to balance the need to promote the licensing objectives and the needs of the evening and night time economy.

8.3 The evidence submitted by the Police in Appendix B shows elevated levels of crime and disorder due to the concentration of licensed premises within the current 5 identified separate Cumulative Impact Areas.

Appendix A: Statement of Licensing Policy 2019-2024

STATEMENT OF LICENSING POLICY

Licensing Act 2003



DRAFT

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INTRODUCTION

Plymouth is one of the largest cities on the south coast and the 15th largest city in England with a population of approximately 262,700, an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016).

Plymouth is 'Britain's Ocean City', its connections to the sea go back to the sailing of the Mayflower in 1620 and now include western Europe's largest naval base, a thriving commercial and ferry port, a significant fishing industry, and one of the most significant global concentrations of marine research and production.

The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side (Please refer to Figure 1). Plymouth's rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.

It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).

Plymouth has a rich combination of heritage and natural beauty in what is a thriving maritime city that attracts millions of visitors. Plymouth aims to be one of Europe's most vibrant ocean cities where an outstanding quality of life is enjoyed by everyone.

As the Licensing Authority for Plymouth, Plymouth City Council recognises that the provision of entertainment and hospitality is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant ocean City, which in turn continues to be a major employer. Responsible businesses have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

There are numerous public houses, restaurants, clubs, community centres and halls in this City licensed to sell or supply alcohol or where a variety of regulated entertainment is provided on a regular or occasional basis. In addition there are a variety of retail outlets where alcohol can be purchased as an off sale.

Figure 1: The Plymouth City Council boundary



PURPOSE OF THIS POLICY

Section 5 of the Licensing Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This is the fourth review of our Licensing Policy and following a public consultation City Council resolved to approve the revised policy on the 31st March 2019 to be effective from the 1st April 2019 for the next 5 years.

This policy statement has amongst other things, four main purposes;

1. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.
2. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
3. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.
4. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.

The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.

SCOPE OF THIS POLICY

The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licenses and other matters set out in the Act within this district. This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

1. Retail sale of alcohol
2. Supply of alcohol by or on behalf of club members
3. Provision of Regulated entertainment i.e. entertainment (unless exempted by the Act) which is provided for the public, club members or for consideration with a view to profit
4. Supply of late night refreshment being the supply of hot food and / or hot drink from any premises (subject to any statutory exemption) including food stalls, between 23.00 and 05.00.

The Act makes provision for the licensing of individuals for the retail sale of alcohol (personal licences); the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshments (premises licence); the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates); the permitting of certain licensable activities on a temporary basis (temporary event notice); and provisional statements.

A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people.

The Licensing Authority recognise that the Act is not a cure-all for anti-social behaviour. There is a breadth of other strategies for addressing these problems, for example;

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Powers of Police and Local Authorities under the Anti-Social Behaviour legislation

- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
- Confiscation of alcohol from adults and children in designated areas and dispersal powers
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate
- Promotion of positive activities.

GENERAL MATTERS

All references to “the Act” in this document shall be deemed to mean “Licensing Act 2003” unless otherwise stipulated.

Plymouth City Council is the Licensing Authority for this district under the terms of the Act who are responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

The Licensing Authority recognises that it operates services who act as ‘Responsible Authorities’ i.e. Environmental Health, Planning, Children’s Services and Trading Standards who are able to make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations having regard to the terms of the Section 182 Statutory Guidance and this Licensing Policy.

For the purposes of the Act Plymouth Safeguarding Children’s Board is the responsible authority in relation to the protection of children from harm

The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing this will have regard to the information set out in Schedule 3 of the Act.

To comply with this requirement our register may be accessed on line by using the following link - <https://www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/licensingregister>.

Alternatively the register may be viewed at First Stop, 71 New George Street, Plymouth or any Plymouth Library during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Section in advance to ensure that your request can be catered for at the time of visit.

Avoidance of Duplication

This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health & Safety at Work Etc Act 1974, Environmental Protection Act 1990, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting the licensing objectives.

Planning

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa

The Council must also have regard to its duties under section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. These regulatory regimes will be properly separated as described in the Revised Guidance (paragraph 13.57). This suggests that application for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.

Culture and Leisure

The Licensing Authority recognises the need to encourage the promotion and development of a broad range of entertainment. The Licensing Authority would wish to promote a diverse range of different types and styles of entertainment, dancing and theatre, including traditional and historic plays for the wider cultural benefit of communities. There should always be a careful balance within any

particular area where the provision of regulated entertainment culturally benefits all sections of the community including families and children. Particular care should be given to ensuring that the 'entertainment package' provided in a specific area is positive, and there are not competing styles of entertainment that creates an overall negative impact that may contribute to public disorder and levels of disturbance.

In the exercise of its licensing functions the Licensing Authority is aware that it should try to ensure that it does not apply direct or indirect measures that deter live music (in particular those promoting performances that can be classified as no rock, pop modern music or similar music forms), dancing and theatre by imposing disproportionate licensing conditions.

In all cases the Licensing Authority will consider the positive and negative impact of regulated entertainment and how it impacts on the licensing objectives in the local community and where its discretion to impose conditions is raised only conditions appropriate for the promotion of the licensing objectives will be imposed.

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives and facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the City attracting tourists and visitors, making for a vibrant City and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

Promotion of Equality

This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An equalities impact assessment has been completed and the actions of the Licensing Authority will be undertaken with due regard to equality obligations.

Safeguarding

The Council recognises that promoting the welfare of children, young people and adults with care and support needs and protecting them from harm and exploitation is everyone's responsibility. Applicants; licensees; employees in licensed premises; responsible authorities; elected members; other local businesses and communities; everyone who has dealings with children, young people and adults with care and support needs - we all have a duty to report matters of concern to the relevant authorities. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and the ongoing use of the licence/notice.

Appendix 3 provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child exploitation and trafficking.

Plymouth Plan for Plastics

Plymouth City Council expect businesses to review their plastic use and stop using where possible items such as plastic straws, stirrers, bottles, disposable cups, takeaway packaging, cutlery and cling film. Businesses should work with suppliers to find alternative packaging that is biodegradable and speak to their waste contractors to ensure they maximise their recycling.

S.182 Statutory Guidance

The Licensing Authority has had regard to guidance issued by the Secretary of State under Section 182 of the Act in formulating this policy. Any decision taken in discharge of its licensing functions will have regard both to the Section 182 guidance and this licensing policy.

All references to guidance refer to statutory guidance issued under Section 182 of the Act and references to premises also apply to club premises.

THE LICENSING OBJECTIVES

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely;

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children From Harm

These objectives are the only factors that can be taken into account in determining an application and any conditions attached to a licence must be necessary to promote the licensing objectives. If there are no relevant representations then, for example, an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage. (April 2018 Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

Where it is appropriate to promote these licensing objectives the controls the licensing authority and responsible authorities will expect to see include:

Prevention of Crime and Disorder:

- The use of toughened glass/ polycarbonate or other plastic / non glass bottles/ receptacles
- Measures to prevent open bottles or other drinks containers being carried from premises
- Restriction of drinks promotions and responsible retailing
- Means of providing free water
- Marketing promotions do not encourage excessive consumption and should be socially responsible
- Measures to prevent binge drinking
- Participation in pub/club watch schemes and attendance at meetings
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements.
- Adequate Lighting
- Design premises to minimise the opportunity for crime and disorder
- Quality of supervision and surveillance in premises
- Regular checks by staff of all public areas including toilets
- Assessment of customer profile ensuring effective management of customers both inside premises and in outside smoking / external seating areas
- Anti-discriminatory policies and practice covering e.g. homophobia and racism

- Provision of a means of communication to other venues and the Police

Public Safety:

- Promotion of responsible drinking
- Awareness of drink spiking
- Zero tolerance drug policies including the maintenance of an incident log; signage; staff training; appropriate use of searching/amnesty boxes to combat drug crime; an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding. Special arrangements for large events.
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation / temperature control
- Assessment, monitoring and management of noise exposure
- Assessment of crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water
- Maximum occupancies
- Participating in safety incentives such as 'Ask Angela Campaign'

Prevention of Public Nuisance:

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light.
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and night clubs etc.
- Litter collection in vicinity
- Fly posting and promotional material throughout the city
- Disposal of waste, particularly recycling of glass and plastics
- Use and maintenance of plant, including air extraction and ventilation systems
- Consideration of an adequate traffic management plan.
- Noise from deliveries/collections

- Odour and light nuisance
- Traffic Management
- Measures to supervise customers use of beer gardens, smoking and external seating areas

Protection of Children from Harm:

- Limitation of access dependent on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include prevention of under 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards
- Requirements for accompanying adults
- Adoption of a proof of age scheme such as Challenge 25
- Adequate staff training on age restricted sales
- Adequate warning signage
- All external areas to be routinely monitored to prevent children from being at risk from harm
- Measures to avoid proxy sales
- Control measures to protect child performers
- Records of refusals (refusals log)
- Suitable design and layout of alcohol display

It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Fire Authority, local businesses and local people towards the promotion of the objectives as outlined.

PROMOTION OF THE LICENSING OBJECTIVES

The following information is designed to clearly state in more detail the Councils expectations and standards for some of these matters.

PREVENTION OF CRIME AND DISORDER

In applying this policy, the Licensing Authority will have regard to their obligations under Section 17 of the Crime and Disorder Act 1998 in that we will do all that we reasonably can to prevent crime and disorder in the Plymouth area.

Best Bar None, Pubwatch

The Licensing Authority will support organisations such as Best Bar None, Pubwatch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Plymouth that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour.

The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

Drug Use and Safer Nightlife

The use of illegal drugs particularly those which are commonly referred to as 'recreational drugs' can be harmful and in some cases contribute to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs. Drugs alter the way people behave, so their distribution and possession is controlled by law.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

Door Supervisors

Whenever persons are employed at licensed premises to carry out any security function they must be licensed with the Security Industry Authority (SIA). Competent and professional door supervisors are central to maintaining public safety at licensed premises.

The Police may consider that certain premises require strict supervision to promote the licensing objective to prevent crime and disorder. In particular, the Council will normally support an approach that requires door supervisors to be employed at premises that open beyond midnight, where the responsible authority can demonstrate that it is necessary to prevent crime and disorder.

Where premises close before midnight, door supervisors may still have to be employed, if the risks associated with the operation warrant such an approach. The number of door supervisors to be employed, would need to be determined as a result of a risk assessment, carried out by the management of the premises, in most cases, in consultation with the Police Licensing Team. The suggested ratio is a minimum of 2 door supervisors for the first 100 patrons and an additional door supervisor per extra 100 patrons thereafter.

Dispersal Policy

In cases where there is a likelihood that the local community living near a licensed premises will be disturbed by patrons leaving the premises, or where there is likely to be an impact on crime and disorder the licence holder will be expected to implement a dispersal policy.

Such a policy would set out the steps to be taken to minimise the potential for crime and disorder and public nuisance as customers leave the premises.

Other measures which would assist in promoting the licensing objectives at closing time and which the Licensing Authority would usually expect to see addressed in the applicant's operating schedule are to have a dedicated taxi/private hire vehicle service for the premises to assist in facilitating the quick removal of patrons from the premises and the immediate area, also for door staff should be stationed outside the premises to direct patrons to booked taxis and generally encourage customers to leave quietly.

Licensing Hours

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Staggered licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing conflict at late night food outlets, taxi ranks and other areas where there have previously been incidents of disorder and disturbance.

The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application.

Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation.

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

New premises or variations should be in keeping with the existing trading hours of the area and have closing hours that allow for a staggered release of customers.

Closing hours will be set to protect local residents near to the venue.

Drinking Up Time and Winding Down Time

In the interests of reducing crime and disorder and anti-social behaviour, the Licensing Authority consider that it is reasonable that patrons have the opportunity to remain on the premises for a period of time to encourage 'wind down' where music ceases and the tone within the premises substantially changes.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

In the case of nightclubs and other similar dance venues, during the 30 minutes immediately after the service of alcohol ceases, the operator will be expected to have a clearly defined strategy of how they implement a 'winding down' time. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements, serving hot food, coffee and other soft drinks, supervisors engaging positively with groups of patrons. This will help in ensuring that patrons do not exit the premises in an agitated state which is likely to increase the likelihood for crime and disorder.

Late Night Refreshment

Late night refreshment can form an integral part of the operation of the premises and help reduce alcohol related crime and disorder and other anti-social behaviour within the vicinity of the premises.

Operators of late night refreshment premises will need to demonstrate clearly that nuisance, crime, disorder or other anti-social behaviour will not result as a consequence of their later operation.

Healthier Food Provision

The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the city's ambitions to be a city where the healthy choice is the easy choice.

We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

| | |
|-----------|------------------------|
| Main meal | less than 600 calories |
| Snack | less than 200 calories |
| Breakfast | less than 400 calories |

Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at ODPH@Plymouth.gov.uk.

- www.nhs.uk/oneyou/be-healthier/eat-better/<https://www.nhs.uk/oneyou/be-healthier/eat-better/>
- www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf

Maximum Occupancies

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety.

It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as the levels of drunkenness and the extent of server intervention.

It is for the applicant to consider the maximum safe occupancy for each premise. A maximum occupancy figure may be expected as part of the operating schedule for premises or activities that present a higher risk, for example:

1. Where the licensable area involves two or more floors, including mezzanines
2. Where there is an expected capacity of greater than 500
3. Premises which may be described as high volume vertical drinking establishments, including any premises which attracts the fees multiplier
4. Premises which have a licence to trade beyond midnight
5. Where the use of pyrotechnics is likely
6. Any premise within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

Availability of Free Water

Although the provision of free tap water is a mandatory condition the Licensing Authority wants to set out the expectations on how a business should comply with this requirement. The Council wishes to ensure that free tap water is readily available in suitable places and in suitable containers to ensure those wishing to drink responsibly can do so with ease.

Where the mandatory condition applies, licensed premises may be expected to:

- Prominently advertise the availability of free tap water
- Provide tap water supplied from a mains tap within a kitchen or bar area or via suitable dispenser easily accessible by a customer
- Provide water that meets the legal requirements for safe drinking water
- Provide a container free of charge where appropriate
- Refer to the Plymouth Plan for Plastics (<https://www.plymouth.gov.uk/environmentandpollution/plastics>) and avoid the use of single use plastics where possible (for example use of reusable polycarbonate plastics) and ensure all plastics are recycled

Where licensees fail to meet these standards, additional conditions may be added to the licence following representations or following a review. We would hope that licensees will voluntarily meet these requirements.

Designated Premises Supervisors (DPS)

The main purpose of the 'designated premises supervisor' is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The Licensing Authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises. It is recommended that each premises details their Age Verification Policy in writing, stipulating who has been delegated responsibility for day to day tasks.

A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.

A DPS should be able to demonstrate that they:

- Have sufficient knowledge and experience appropriate to the premises that they intend to control
- Are able to respond to problems quickly and to meet with responsible authorities, local residents and ensure adequate direct management of an individual premise in a timely manner.

Following a Police objection the Licensing Authority may refuse an application or remove a DPS where

- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
- A proposed DPS cannot demonstrate their suitability for the licenced premises

Preventing Glass Injuries

Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Glasses and bottles can be used as weapons in the drinking environment. By removing glass from premises, injuries may fall. Using alternatives for glass can place extra financial burdens on businesses, and customers may prefer glass containers. Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.

The Licensing Authority expects:

- Licensees to consider the need for alternatives to glass as part of their application. It may be appropriate to provide alternatives to glass in the following circumstances:
 - Where the nature of the event or activity prevents the frequent collection of glass from the venue
 - High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area
 - Large outdoor events
 - Areas where children or vulnerable adults are likely to be present, e.g. play areas, children's parties
 - Where there is a history of glass incidents
- Applicants to have early discussions with Devon and Cornwall Police on suitable alternatives. Alternatives to glass bottles must also be considered as part of the operating schedule or supporting information.
- Licensees to maintain an on-going review of the need for alternatives to glass

Where a review has been requested due to glass incidents, the application of alternatives to glass containers as conditions are very likely to be applied.

Applicants should also refer to ‘Plymouth’s Plan for Plastics’ and avoid the use of single use plastics where possible for example using reusable polycarbonate plastics. Where this is not possible due to public safety and crime and disorder then all plastics must be recycled.

Control of Adult Entertainment

The Policing and Crime Act has amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. This means that premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12-month period, in addition to any relevant entertainment, will be required to obtain a separate sex establishment licence, authorising such activity.

The Sex Establishments Policy has been the subject of a separate public consultation and the adopted policy will stand alone to this Licensing Policy.

When an applicant does not give any indication on their premises licence application form as to whether or not they propose to hold any performance of an adult nature, the Licensing Authority will include a condition on the premises licence that ‘there will be no adult entertainment at this premise’ as being consistent with the operating schedule and necessary to promote the licensing objective of preventing children from harm.

The Licensing Authority will consider the following factors when assessing applications and operating schedules:

The venue’s location is an important factor, particularly in sensitive locations, such as:

- Near residential accommodation
- Near schools, play areas or other areas where children might be present
- Family leisure areas
- Near historic buildings or tourist locations
- Near places of worship

Specific additional controls are expected as part of the operating schedule or supporting information, such as:

- Exclusions of under 18s
- Code of conduct for customers, dancers and performers
- Documentary checks of dancers and performers to include proof of age, identity and (where necessary), permission to work
- How the entertainment will be advertised and promoted at the premises and more generally, including any external signs or posters
- Minimising external advertising relating to sexual entertainment

Responsible Retailing for Off-Sales

The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

Some parts of the city have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas (www.plymouth.gov.uk/antisocialbehaviourandcrime/communitysafetypartnership). Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime. Local research has established that many people now drink at home before heading out for the evening, which contributes significantly to the problems of drunken and disorderly behaviour. Businesses involved in the city’s evening and night time economy are left to deal with this issue.

When considering an application or review the Licensing Authority will consider:

Off Licence design and layout

All new applications must specify the area to be used for the sale or exposure for sale of alcohol. Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol.

Applicants should note that a display will not be considered suitable:

- At entrance/exit points of premises
- Where it might interfere with customer flow
- Near check outs, entrances or exits where shop lifting may become easier
- By using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
- Consisting of significant amounts of high strength alcohol or give undue prominence to high-strength alcohol

Location and Trading Restrictions

The Licensing Authority may not approve applications for off sales in the following locations:

- Near to alcohol addiction recovery activities or buildings
- In areas where drinking in public spaces affects any of the licensing objectives

Responsible authorities and applicants are advised to refer to the Alcohol Harm Mapping tool which has been produced by Plymouth Public Health Team. This tool brings a number of indicators of alcohol related harm and presents them at a neighbourhood level. Using the best available evidence, this provides a picture of how communities in Plymouth are affected by Alcohol. This can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population's health and wellbeing. The latest copy of the Alcohol harm mapping: Plymouth Neighbourhood Profiles can be found at:

<https://www.plymouth.gov.uk/publichealth/factsandfiguresjointstrategicneedsassessment/ourjsnatopics/alcohol>

Where applications are granted additional conditions or limitations, such as trading hours may be appropriate.

Additional conditions may include:

- No single cans or bottles of beer or cider will be sold
- No sale of high strength beers or ciders of 6.5% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must obtain nationally recognised training on responsible alcohol retailing within 2 months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises
- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)
- Restrictions on the design and placement of alcohol for sale

PROTECTING CHILDREN FROM HARM

The protection of children from harm includes the protection from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, in the context of film / video exhibitions, or where adult entertainment is provided.

The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Where relevant representations are received indicating that a particular application raises concerns under the Protection of Children from Harm licensing objective, access by children to all types of premises will not be limited unless it is considered necessary to do so and addresses the concern raised in representations..

Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided
- Where there is a strong element of gambling taking place
- With a known association with drug taking or dealing
- Where there have been convictions or other forms of proof of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

The Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule then, if relevant representations are made, the licensing authority can then consider making such restrictions as are deemed necessary to meet the licensing objectives.

Where the exhibition of film or video is permitted, the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification's recommendations in respect of the film/video to be exhibited. Only in exceptional cases will the authority consider variations of this general rule.

Conditions may be imposed, if not covered in other legislation on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

The options available for limiting access by children would include:

- A limit on the hours when children may be present
- A limitation or exclusion when certain activities are taking place
- The requirement to be accompanied by an adult
- Access may be limited to parts of the premises but not the whole
- An age limitation (for under 18s)

The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

The Licensing Authority will take strong measures to protect children where any licence holder is convicted or other forms of proof of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided.

Film Classification

The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated - or by the Licensing Authority itself.

The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children and supports any relevant BBFC Guidelines and shall not seek to duplicate their recommendations. The Film Authorisation Procedure can be found on the Council's website. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

PUBLIC NUISANCE

The Licensing Authority will assess each application having regard to noise and the likelihood of nuisance being caused to local residents.

The imposition of conditions to a premises licence may only be attached if such conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.

The Licensing Authority may impose conditions in relation to licensed premises to prevent unnecessary noise, vibration and disturbance to local residents, as it considers appropriate subject to the submission of relevant representations. This may include sound proofing requirements, restrictions on times when music or other licensable activities take place and may include the use of sound limiting devices properly set to prevent noise breakout and disturbance.

The Licensing Authority may impose conditions relating to the limitation of the hours of open-air entertainment, the use of outdoor areas, gardens and patios to control and prevent unnecessary noise and disturbance.

The Licensing Authority may impose conditions requiring the display of signs both inside and outside of the premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

No Smoking Legislation

The government introduced legislation to prohibit smoking in public places and workplaces. This includes all licensed premises both permanent and temporary structures such as tents and marquees.

The introduction of smoke free legislation has created problems for some licensed premises in respect to noise disturbance and nuisance. It is the responsibility of the premises licence holder to ensure by proper management and control that, at all reasonable times, they minimise the effects on the surrounding residential property.

In many areas premises do not have the benefit of a beer garden or similar area which results in their customers having to smoke on the public pavement outside the front of the premises. The Licensing Authority acknowledge the potential problems in respect to crime and disorder that can arise as a consequence and would encourage the operator to contact the Police Licensing team in order to seek advice on how best to manage the risk of crime and disorder.

Where representations are submitted where the use of the outside of the premises i.e. beer garden, public pavement or thoroughfare, is a contributory factor, the Licensing Authority will give due consideration to imposing reasonable conditions that are designed to reduce noise nuisance and anti-social behaviour to local residents.

Fly posting and promotional material

Plymouth often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

Existing legislation seeks to address this problem; however it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.

The Council expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or give risk to crime and disorder.

Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request.

Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged.

Fire Safety

The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application for, or variation of, a premises licence and seek to protect the safety of persons, both public and employees at all licensed premises by ensuring that the requirements of the Fire Authority are met.

In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.

The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

OPERATING SCHEDULE

Where an application is approved conditions which are taken from the operating schedule and relevant mandatory conditions will form part of the licence. Licensing Officers will replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

Applicants that carry out inadequate research or fail to consider their business operation often submit very poor quality schedules; this can prejudice their application and cause unnecessary work for responsible authorities who have to negotiate and discuss in detail the business operation in order to get a better understanding of the business and propose voluntary conditions.

The Licensing Authority expects that the content of an Operating Schedule should have regard to the following points;

1. Applicants are expected to demonstrate that they understand:
 - the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
2. It should be specific to the individual application
3. Is sufficiently comprehensive to enable the Licensing Authority and other responsible authorities to consider the application fully
4. Where appropriate, specify the maximum intended occupancy including staff, performers and members of the public and how these numbers are controlled
5. Address the Council's expectations contained within this Licensing Policy

Responsible authorities will not be expected to provide a form of consultancy in modifying Operating Schedules. Representations may be used to seek clarification on how the applicant intends to manage their operation. However, prior to submitting an application, the Licensing Authority recommends that an applicant seek expert advice and guidance from all responsible authorities on matters relating to the licensing objectives as this will assist in completing their operating schedule. This will ensure the application is processed efficiently.

Potential wording of the operating schedule can be based on separate guidance issued by the Licensing Authority and responsible authorities.

The applicant may wish to submit supporting information to be read alongside the Operating Schedule; this information will not normally form part of the voluntary conditions offered through the Operating Schedule, but it is intended to advise responsible authorities about how the business will be managed and operated. It may be necessary to include some aspects of the supporting information into conditions where representations are received.

LICENSING CONDITIONS

Primary Considerations

The Licensing Authority recognises that it may not impose conditions (other than the mandatory conditions and those consistent with the applicants operating schedule) unless its discretion has been engaged following the receipt of relevant representations and upon it being satisfied of the necessity to impose conditions to promote the licensing objectives.

Where licensing conditions are imposed following relevant representations, they shall be appropriate to promote one or more of the licensing objectives and proportionate having regard to the size, style, characteristics and activities undertaken. Any condition imposed must also be practical, achievable and enforceable.

The Licensing Authority recommends that responsible authorities draw up their own pool of conditions to assist licence holders and applicants in developing an operating schedule that is suitable and sufficient for their licensed premises.

Where appropriate conditions will be designed to deter and prevent crime and disorder, improve public safety; limit public nuisance; and protect children from harm.

All representations will be considered during the decision making process unless they are considered to be not relevant to the licensing objectives, frivolous or vexatious or repetitious.

When imposing conditions, the Licensing Authority shall consider the direct impact the activities taking place at the licensed premises will have on members of the public living, working or engaged in normal activity in the vicinity of the premises. In addition, the Licensing Authority shall focus on matters within the control of licensed operators on or outside the premises. Whilst “vicinity” has not been defined in the Act this Licensing Authority shall take a “common sense” approach and shall treat each application on its own merit.

The initial application and subsequent approval is often closely linked to the individual nature of the activities intended for the business. For example, premises where the initial application for music is intended to be low key can be transferred and turned into a venue with very loud bands regularly throughout the week, leading to public nuisance. Depending on the nature of the application if representations are received then additional conditions may be placed on the licences by Committee that prevent the activities initially proposed by the applicant from altering to a degree that may affect any of the licensing objectives.

LICENSING APPLICATIONS

Primary considerations:

Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule. To assist some policies and guidance sources are set out in Appendix 2

When an application is received the Licensing Authority will consider each:-

- On its own merits
- In accordance with the Act, any subsequent amendments and supporting Regulations
- With regard to Guidance issued under Section 182 of the Act and this policy

In particular it is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

The Licensing Authority will expect that any regulated entertainment that incorporates any of the following activities for the entertainment or attraction of the public are properly defined and explained in the operating schedule of the application

- Striptease, lap dancing or any similar performance
- The installation of strobe or laser equipment
- The use of special effects such as pyrotechnics or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff
- The use of any temporary structure or staged area

The Licensing Authority will expect that an applicant will indicate whether or not the area to be licensed includes or comprises any part of the public highway. It is the policy of the Council to support the provision of street cafés that make a positive contribution to the street scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Council may grant permission under S.115E of the Highways Act 1980 for an applicant to use the public highway outside premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highways Act 1980.

Further details can be found at

www.plymouth.gov.uk/licensingandpermits/tablesandchairspermitonpublicroadorstreet.

New Applications and Full Variations

All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the responsible authorities within the district of Plymouth. The contact details (current at the time of writing this policy) for the responsible authorities are detailed at the rear of this policy. However applicants are advised to check the specific details in the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.

Where an application for the grant of a premises licence or club premises certificate, variation of the same or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all responsible authorities as stipulated in the Act. Where such applications have been submitted electronically copies of the application will be forwarded to the responsible authorities by the Licensing Authority.

Where an application for the grant of a new application or variation of a premises licence is located in a residential area the Licensing Authority will expect to see measures set out in the operating schedule of how the potential effects of for example public nuisance and noise disturbance will be minimised and controlled.

Applicants for new licences are strongly advised to liaise with the relevant responsible authorities in relation to adopting measures to avoid crime and disorder problems; improve public safety; limit public nuisance; and protect children from harm in the premises to be licensed.

Minor Variations

In August 2009, the Government introduced a streamlined process for applicants to make minor variations to their premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four licensing objectives.

Minor variations **can be** used to:

- Make minor changes to the structure or layout of a premises
- Make small adjustments to the licensing hours
- Remove out of date, irrelevant or unenforceable conditions
- Add or remove certain licensable activities
- Add volunteered conditions to a premises licence or club premises certificate.

Examples of where the new minor variation process **cannot be** used to;

- Extend the period for which the licence or certificate has effect
- Specify, in a premises licence, an individual as the premises supervisor
- Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
- Authorise the sale by retail or supply of alcohol at any time between 23.00 and 07.00
- Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
- Vary a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee.
- Substantially vary the premises to which the licence or club premises certificate relates.

Under a 'minor variation' the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is **not** required to advertise the variation in a local newspaper or send a copy to responsible authorities.

On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

Review of Premises Licence

A responsible authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. Examples may be where there has been a breach of licensing conditions, failed test purchases or its activities do not promote the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.

Where the request originates from other persons the Licensing Authority may reject the application if it is considered not to be relevant to one or more of the licensing objectives; is frivolous or vexatious; or repetitious. The Licensing Authority will consider each case on its own merits having regard to the relevant statutory instruments and Guidance.

Where a review is brought the Licensing Authority may take any of the following actions:

- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
- To exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
- To remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action

In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the representations identify. The remedial action taken should be directed at these causes and should always be appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Equally, it may be that poor management is a direct reflection of poor company practice or policy and the removal of the designated premises supervisor may be an inadequate response to the problems presented.

Relevant, Vexatious and Frivolous Representations

Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regarded all the available facts and not on the basis of any political judgment. A frivolous representation could be categorised by a lack of seriousness and vexatious circumstances may arise because of disputes between rival businesses. A representation would only be relevant if it relates to the likely effect on, at least one of the licensing objectives.

Where representations are rejected, the responsible authority or other persons making that representation will be given a written reason as to why is the case. Anyone who wishes the decision to be reconsidered should write to the Licensing Authority explaining why they have a relevant representation.

Use of petitions

Standard letters of support or objection, and petitions are submitted in response to an application or review.

Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation, and it will be published separately as part of any Committee report.

Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. Notification about any Committee hearing will not be sent to names received via a petition.

Temporary Event Notices (TEN's)

The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

A TEN is typically used to:

- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a fete
- Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
- Provide for licensable activities not authorised by the existing licence.

The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police and Environmental Health.

Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the responsible authorities by the Police.

The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does **NOT** include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health. The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.

The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance. In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, however they are encouraged to do so to ensure that any relevant planning consent is in place.

CUMULATIVE IMPACT ASSESSMENT

Primary Considerations

For the purposes of this policy “cumulative impact” means the potential impact that a significant number of licensed premises concentrated in one area can have on the promotion of the four licensing objectives. For example, it is not always possible to attribute incidences of crime and disorder and/or public nuisance to particular licensed premises where enforcement action can be taken using existing licensing provisions.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

The Licensing Authority may receive relevant representations from either a “responsible authority” or “other person” that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

The Licensing Authority will consider any application for a defined area to be covered by a cumulative impact assessment having regard to the legislative framework and the individual merits of the application. The onus is on any person or organisation making such representations to prove any assertion that the addition of the licensed premises would cause cumulative impact on crime and disorder and/or public nuisance.

In determining whether to adopt a cumulative impact assessment for a particular area the licensing authority may, among other things:

- Consider evidence from responsible authorities and local residents about public nuisance and disorder arising from a concentration of licensed premises in a particular area of Plymouth that is impacting on one or more of the licensing objectives
- Identify the area from which problems arise and the boundary of that area
- Make an assessment of the causes
- Adopt a policy about future applications for premises within that area

Premises Applications within a Cumulative Impact Area

For new applications or applications to vary an existing premises licences or club premises certificates located within an existing cumulative impact area the Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours but will consider it on its own merits with regard to the individual characteristics of that premises and its impact on cumulative impact within that area.

A cumulative impact policy creates a rebuttable presumption that applications within a cumulative impact area will normally be refused, if relevant representations are submitted, unless the applicant can demonstrate why the proposed operation of the premises will not add to the cumulative impact already being experienced.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure.

On the 23 June 2008 the Council originally designated five areas within Plymouth as cumulative impact areas, these are Mutley Plain, North Hill, Stoke Village, Barbican, Union Street (including Derry's Cross). The Special Policy (including maps) is set out in Appendix I and contains the Council's Cumulative Impact Assessment which is to be read in conjunction with this policy.

Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018.

After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

ENFORCEMENT

Primary Considerations

The Licensing Authority has established protocols with the Police and other enforcing authorities. These protocols provide for the targeting of 'problem' and 'high-risk' premises with a proportionate, but vigorous and intelligence led enforcement approach. Premises which are shown to be well managed and maintained a 'lighter' approach is applied.

The Licensing Authority has adopted an [Enforcement Policy](#) that is available on the Council's web site which adopts the good principles of consistency, transparency, proportionality and accountability set out in the Regulators Compliance Code.

The Licensing Authority conducts its inspection and enforcement procedures in accordance with the Enforcement Policy and better regulation to ensure that it is effective, well targeted and contributes to economic progress.

The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**Licensing Authority**

The licensing function under the Act must be carried out by the Licensing Committee (Miscellaneous) other than for certain exemptions under the Act such as the setting of policy. This committee may further delegate its functions down to a Sub-Committee or officers.

Where the decision or function is purely administrative in nature in the interests of efficiency and effectiveness such decision making will for the most part be carried out by officers.

Set out in the table below is how the Licensing Authority intends its functions to be carried out:

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|---|-----------------------|-----------------------------------|------------------------------------|
| Application for personal licence | | If a police objection | If no objection made |
| 1. Application for personal licence with unspent convictions | | If a police objection | If no objection made |
| 2. Application for premises licence/club premises certificate | | If a relevant representation made | If no relevant representation made |
| 3. Application for provisional statement | | If a relevant representation made | If no relevant representation made |
| 4. Application to vary premises licence/club premises certificate | | If a relevant representation made | If no relevant representation made |
| 5. Application to vary designated premises supervisor | | If a police objection | All other cases |
| 6. Request to be removed as designated premises supervisor | | | All cases |
| 7. Application for transfer of premises licence | | If a police objection | All other cases |
| 8. Applications for interim authorities | | If a police objection | All other cases |
| 9. Application to review premises licence/ club premises certificate | | All cases | |
| 10. Decision on whether a complaint is irrelevant frivolous vexatious etc. | | | All cases |
| 11. Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |

| | | | |
|--|--|--|--|
| 12. Determination of an objection to a temporary event notice | | All cases unless all parties agree to conditions | Where all parties agree to the imposition of conditions. |
| 13. Decision whether to consult other responsible authorities on minor variation applications | | | All cases |
| 14. Determination of application to vary premises licence at community premises to include alternative licence condition | | If a Police objections | All other cases |
| 15. Determination of minor variation application | | | All cases |
| 16. Decision to suspend a premises licence / club premises certificate for failure to pay for the annual fee / late night levy | | | All cases |

RESPONSIBLE AUTHORITIES LIST

Applicants are required to submit the original licensing application to the licensing authority and send a full copy of the application (including plans) to each of the following responsible authorities.

Where an application, or any part of it, is submitted in writing it is the responsibility of the applicant to ensure that a full copy of the application (including plans) has been sent to each of the following responsible authorities numbered 1 to 9.

Where an application (for a premises licence, club premises certificate (or variations to the same) or provisional statements or Temporary Event Notice) has been submitted electronically copies of the application will be forwarded to the relevant responsible authorities by the Licensing Authority.

Licensing Authority

Licensing Team, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304141

E-mail: licensing@plymouth.gov.uk

Responsible Authorities – Contacts

(Non-emergency calls only)

(1) **Safeguarding Team, Children Young People and Families, Plymouth City Council**, Midland House, Notte Street, Plymouth, PL1 2EJ

Tel: 01752 306340

Email: childprotect@plymouth.gov.uk

(2) **Devon and Cornwall Police**, Police Licensing Team, Launceston Police Station, Moorland Road, Launceston, Cornwall, PL15 7HY

Tel: 01566 770500

Email: licensing.team@devonandcornwall.pnn.police.uk

(3) **Devon & Somerset Fire & Rescue Service**, West Devon Headquarters, Glen Road, Plympton, Plymouth, PL7 3XT

Tel: 01752 333600

Email: plymouthfs@dsfire.gov.uk

(4) **Environmental Health Authority**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304147

E-mail: public.protection@plymouth.gov.uk

(5) **Trading Standards**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF.

Tel: 01752 304147

E-mail: public.protection@plymouth.gov.uk

(6) **Health and Safety Executive**, North Quay House, Sutton Harbour, Plymouth, PL4 0RA,
Fax – 01752 226024

(7) **Planning Authority**, Development Consents Manager, Plymouth City Council, Level 2 West Wing, Ballard House

Plymouth, PL1 3BJ

Tel: 01752 304471

E-mail: letters.of.representation@plymouth.gov.uk

(8) **Health Authority**, Office of the Director of Public Health, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 398616

Email: odphlicensingapplications@plymouth.gov.uk

(9) Home Office (Immigration Enforcement)

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

Email: Alcohol@homeoffice.gsi.gov.uk

In relation to vessels responsible authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities

Maritime & Coastguard Agency, Plymouth Marine Office, Unit 35, 235 Union Street, Stonehouse, Plymouth, PL1 3HQ.

Tel: 01752 266211

E-mail: mcaplymouthadmin@mcga.gov.uk

APPENDIX I – SPECIAL POLICY – CUMULATIVE IMPACT ASSESSMENT

The five areas on the attached plans (page 35 – 39) are areas that were identified by Devon and Cornwall Police or Environmental Health as being subject to high levels of alcohol related crime or nuisance. Following extensive consultation exercises, evidence was provided which satisfied the Licensing Authority that the number of existing relevant licences in respect of premises in one or more of the areas (shown on the attached plans) are such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further relevant licences in respect of premises in those areas due to crime and disorder and/or public nuisance. This information was considered by Cabinet on the 13 November 2018 and City Council on the 28 January 2019.

Within any cumulative impact assessment area, any licence application will have the ability to either improve or add to any problems experienced by an area with a high density of licensed premises.

Any licensed premises will be within the scope of this cumulative impact policy. This means that the following licences will have to comply with the requirements of the cumulative impact policy:

- Sale of alcohol either on or off the premises
- Provision of regulated entertainment
- Provision of late night refreshment (sale of hot food between 11pm and 5am)

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these areas will normally be refused where:

1. Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas
2. The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing objectives.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure. The Licensing Authority will consider the locality and local trading environment when assessing applications.

For example, while a large nightclub or high capacity public house might add to problems, a small restaurant or theatre may not.

Examples of where applications may not have a significant negative impact include:

- Direct replacement for similar licences where impact will be similar or less
- Substitution of activities where the impact will be similar or less
- Replace vertical drinking with seated consumption
- Alcohol is ancillary to other activities or services
- Time limited applications, e.g. events
- Phased closing times for the premises to cause gradual dispersal
- Small maximum occupancies

In order for this Policy to be utilized it will still be necessary for responsible authorities or other person to make relevant representations, referring to information, which was before the Licensing Authority when this special policy was developed. This must be done before the Licensing Authority can lawfully consider giving effect to this special policy.

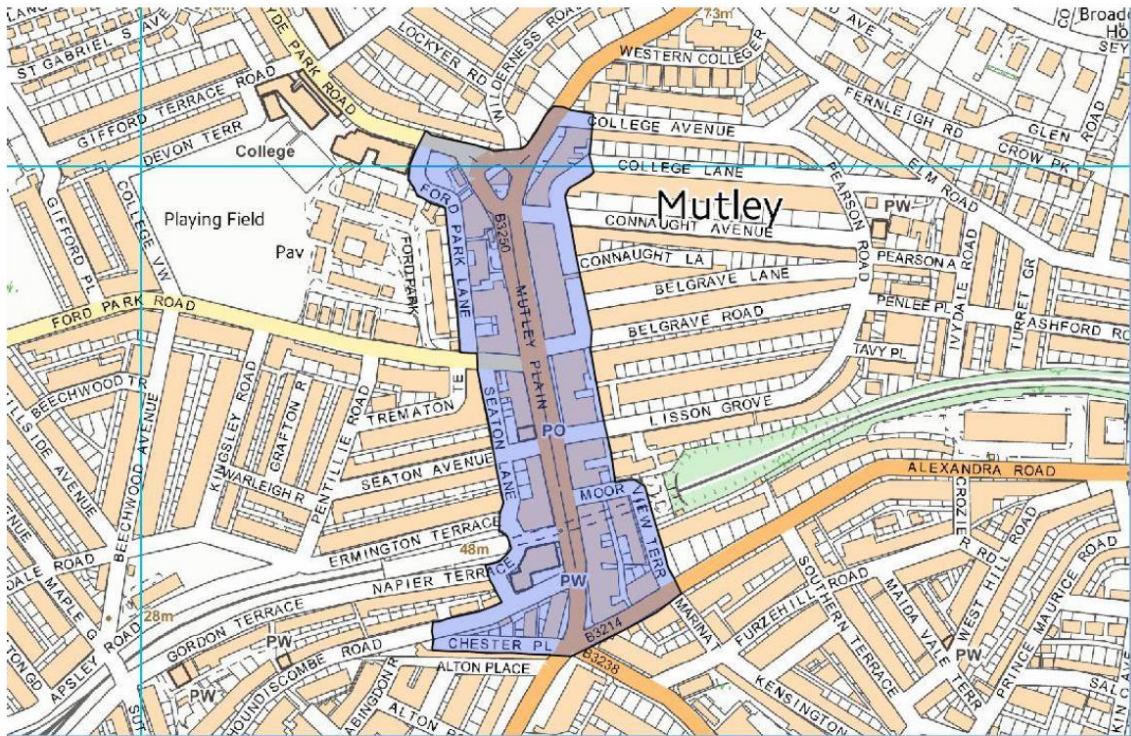
If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

This special policy is to be read in conjunction with Plymouth City Council's Licensing Policy and will be subject to review every three years in accordance with the Licensing Act 2003. It will form part of the formal reconsideration at each review of the Statement of Licensing Policy. If during any review it is clear that the original concerns regarding crime and disorder and public nuisance are no longer present the cumulative impact policy may be amended or removed.

MUTLEY CUMULATIVE IMPACT POLICY BOUNDARY



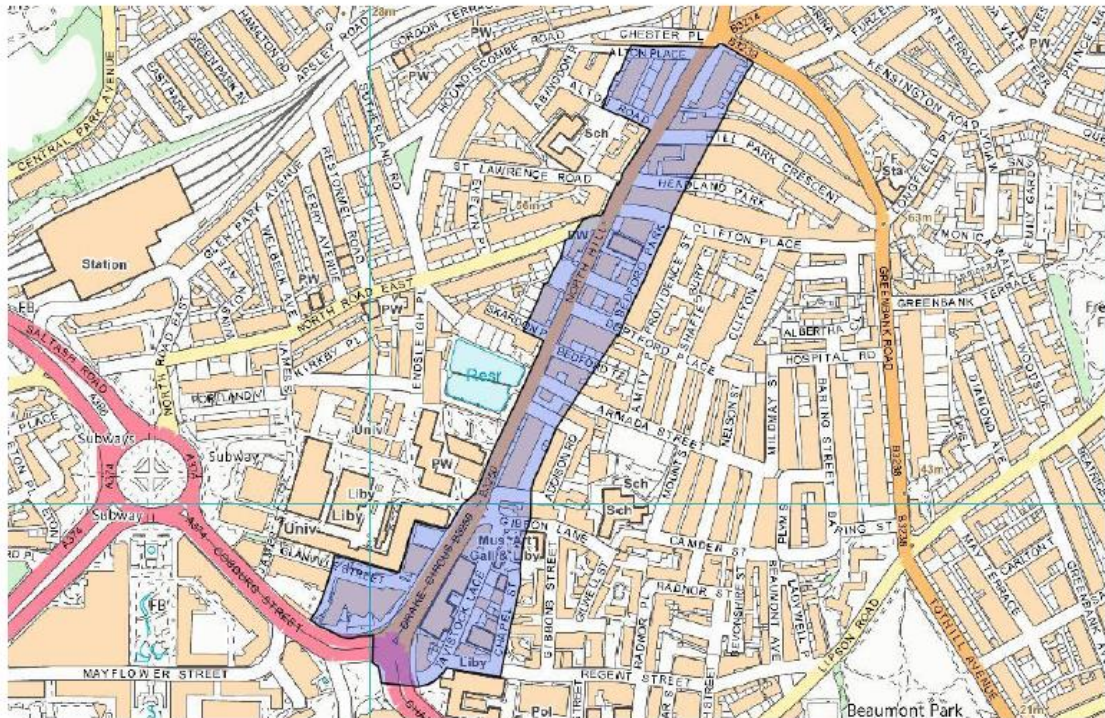
RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



NORTH HILL CUMULATIVE IMPACT POLICY BOUNDARY



RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



STOKE CUMULATIVE IMPACT POLICY BOUNDARY



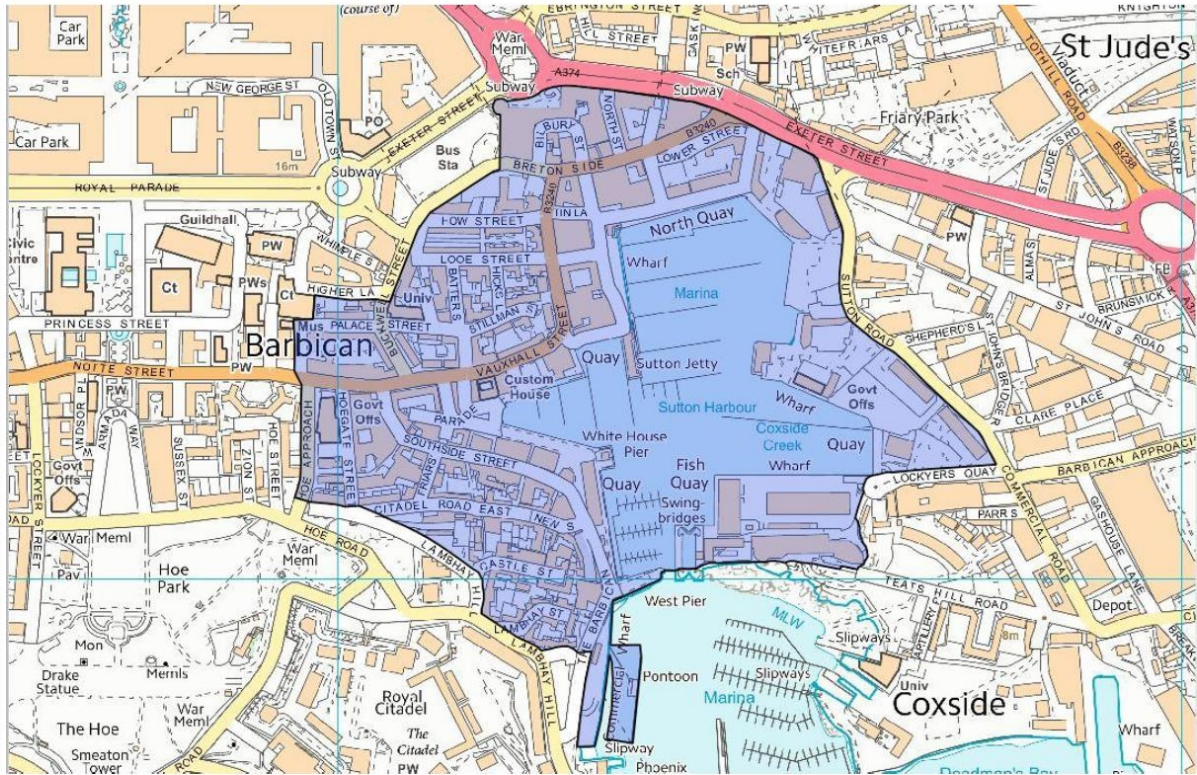
RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



BARBICAN CUMULATIVE IMPACT POLICY BOUNDARY



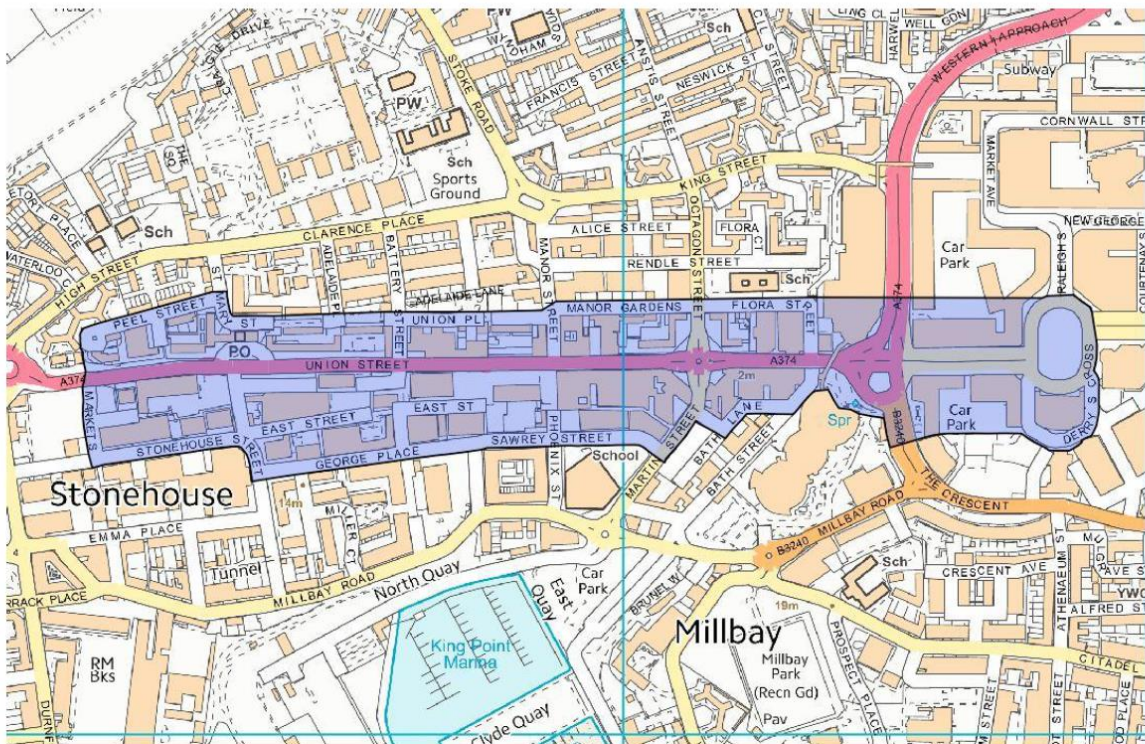
RATIFIED BY FULL COUNCIL ON THE 23 MARCH 2015



UNION STREET CUMULATIVE IMPACT POLICY BOUNDARY



RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



APPENDIX 2

OTHER POLICIES, LEGISLATION, CASE-LAW AND GUIDANCE SOURCES

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

Relevant Plymouth City Council Strategies and Policies

The Plymouth Plan: www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan

Local Transport Plan: www.plymouth.gov.uk/parkingandtravel/transportplansandprojects

Local Development Framework Strategy:
www.plymouth.gov.uk/planningandbuildingcontrol/localdevelopmentscheme

Local Economic Strategy: www.plymouth.gov.uk/investmentandgrowth/strategicgrowth

Strategic Alcohol Plan for Plymouth: www.plymouth.gov.uk/publichealth/alcohol

Related Strategies and Policies

British Beer and Pub Association Partnerships Initiative

Community Safety Strategy

Crime & Disorder Reduction Strategy

Cultural and Tourism Strategies including promotion of live music and community events

Drugs and Alcohol Strategy

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

National and local Pubwatch schemes

[Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.](#)

Purple Flag (ATCM)

Useful References (organisations)

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

UK Hospitality (*Formerly Association of Licensed Multiple Retailers (ALMR) and British Hospitality Association (BHA)*)

<https://www.ukhospitality.org.uk/page/About>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Best Bar None: <http://bbnuk.com/>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

www.bbfc.co.uk

BII (Formerly British Institute of Inn Keeping (BII))_

<http://www.bii.org/>

British Retail Consortium (BRC)

<http://www.brc.org.uk/default.asp>

Circus Development Network

www.circusarts.org.uk

UK Cinema Association Limited(UKCA)

<http://www.cinema.uk.org.uk/>

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

www.culture.gov.uk

Equity

<http://www.equity.org.uk/>

Outdoor Arts UK (Formerly Independent Street Arts Network)

<http://outdoorartsuk.org/>

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Justices Clerks' Society Good Practice Guide, Licensing

www.jc-society.co.uk

Federation of Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Local Government Arts Officers

<http://www.culturehive.co.uk/authors/national-association-of-local-government-arts-officers/>

National Pub Watch

<http://www.nationalpubwatch.org.uk/index.php>

The Portman Group

<http://www.portmangroup.org.uk/>

APPENDIX 3: SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

Introduction

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

General Information

Plymouth City Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working together with key partners, particularly Devon and Cornwall Police, Children and Adult Services within the Council, the Safeguarding Children Board and the Adults Safeguarding Board. The Boards also work with the police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

How licence holders can help tackle child exploitation, abuse and modern slavery

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

Child Exploitation

Exploitation of children and young people involves exploitation situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police (Tel:101 or if immediate risk 999) and Plymouth Children's Gateway Service (Tel: 01752 668000 or email for enquiries and referrals : gateway@plymouth.gov.uk)

Alternatively please complete the online form:

Children – <https://www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect>

Adults - <https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Safeguarding Children Board can be found at www.plymouthscb.gov.uk

Further information about Plymouth's Adult Safeguarding board can be found at <http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

Adults with care and support needs

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). If you or the person concerned need to raise a concern with Plymouth City Council to help, please contact 01752 668000 or out of hours 01752 346984.

Alternatively, please complete the online form -

<https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Adult Safeguarding board can be found at

<http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

Modern Slavery and human trafficking

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.

For England and Wales, please call the Modern Slavery 24 hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at <https://www.modernslaveryhelpline.org>



Devon & Cornwall Police

Building safer communities together

Devon & Cornwall Police
Local Policing & Partnerships
Headquarters
Middlemoor
Exeter
Devon
EX2 7HQ

10th October 2018

Plymouth City Council Licensing Cumulative Impact Policy Review 2018.

Plymouth has the largest Evening and Night-time Economy (ENTE) within Devon and Cornwall.

Devon and Cornwall Police support the continued development of Plymouth's ENTE and recognises the social and economic benefits it provides the community through employment, leisure activities and entertainment.

The police also recognise that the impact which alcohol, and hence, the ENTE has on crime, disorder and anti-social behaviour, especially where operators within the ENTE do not work to the highest possible standards.

Devon and Cornwall Police fully supports the Plymouth City Council's licensing policy and feels that through ongoing consultation it is effective in aspiring to the highest possible standards for those within the ENTE.

As Plymouth heads toward 2020, it is striving to become one of Europe's most vibrant and cultured waterfront cities and the development of the ENTE and licensed venues is instrumental in this.

The following report outlines the five Cumulative Impact Areas (CIA) within the city of Plymouth and will outline, through the use of quantitative analysis (crime statistics) and qualitative analysis (anecdotal evidence) the effect of Cumulative Impact Policy on these areas in particular.

This report is submitted for your consideration.

Yours sincerely,

David Moore
Alcohol Licensing Sergeant
Devon and Cornwall Police

1.0 Cumulative Impact Areas

Plymouth Currently has 5 CIAs within the city boundaries. They are –

Union Street – From Stonehouse Bridge up to and including Derry's Cross
Barbican – including the Barbican Leisure Park in Coxside
North Hill
Mutley Plain
Stoke Village

The statistics around crime data have been obtained covering these five areas from the period 1st October 2013 to 30th September 2018. Each year's data is covered on a calendar year (from January 1st – January 1st) and so the statistics from 2013 only cover 3 months and 2018 statistics cover a 9 month period. This is factored into the analysis offered below.

It will also need to be noted that the crime recording standards for Devon and Cornwall Police changed in April 2016, whereby more incidents were being recorded as 'crimes' and this has seen a general upsurge in crime figures across the force area of between 17%-20%. This means that those figures from April 2016 – September 2018 would need to be lowered slightly to be comparable to the earlier years from October 2013 – March 2016. All variables are noted in APPENDIX 1a.

The categorisation of crimes analysed in this report relate to the types of offence which are more regularly associated within the ENTE community. It is felt that this gives a better indication of the effect of the ENTE on crime in general. A list of the categories and types of offence are noted in APPENDIX 1.

1.1 UNION STREET –

Total Crime analysis –

APPENDIX 2 shows that there is a regular level of violent crime taking place within the Union Street area. This total is fairly constant around the 300 offences (not including the variables noted above in APPENDIX 1a). It is clear that there is a dramatic difference between violent crime recorded in the daytime and that within the ENTE, with violent crime within the ENTE accounting for between 81% and 93% of the violent crime for the area. There was an increase in violent crime numbers in the daytime in 2016 and 2017, which accounts for a lowering of the percentage over those years, likely linked to the change in recording standards at that time.

There has been a dramatic reduction in the number of drunkenness-related crimes recorded since 2015 with only 30% of drunkenness-related offences being recorded in these 3 years. This is very likely due to the change in force policy of not arresting those suspected of being 'drunk and incapable' and instead dealing with them as a medical issue. However, the vast majority of drunkenness-related offences (between 72% and 100%) occur during the ENTE hours.

There has been a drop in the level of Public Order Act offences since 2015, with more of a balance of offences occurring between the day and ENTE hours (55%-63% over the last 3 years). This drop is likely linked to the reduction in police officers, particularly within the ENTE, as well as more responsibility being accredited to doorstaff and ENTE workers in dealing with more low-level incidents effectively at an early stage.

The reporting of sexual offences and robbery have remained low over the years, with sexual offences dropping by 73% this year, although all have been attributed to the ENTE.

Days of the week –

There is a clear link between the number of recorded offences and the days of the week. 22% of total offences recorded take place on a Friday, with 36% of offences taking place on a Saturday. Within the ENTE timings on those days, 87% of the offences recorded on a Friday took place within the ENTE hours and 94% on a Saturday took place within the ENTE hours. The levels of crime recorded over the years appears to remain constant, with the projected figures for 2018 remaining similar to 2017 on Saturdays and a slight increase on Fridays. This indicates that the majority of these offences occur on the main two nights of the week where the ENTE is heavily attended by users.

Time related analysis –

The vast majority of crimes within the Union Street area take place from the hours of 2300-0500. 66% of all recorded crime took place between those hours, with 0100-0300 having the highest levels as crime numbers rise to this peak and then fall off gradually afterwards. However, there has been a small decline in crime numbers between those hours since 2015, although 2018 is showing a slight rise again which will need to be monitored.

Number of licenses within CIA –

Public houses – 5
Clubs – 10
Café/restaurants – 7
Take-aways – 12
Off-licences – 6
Others - 6

Summary –

It is clear from the data that the majority of these offences are linked to the ENTE and occur between the hours of 2300-0500, particularly on a Friday and Saturday night. There has been a drop in levels of drunkenness-related crime due to a change in police working practices around 'drunk and incapable' offences. Overall, crime levels have remained steady (and actually show a reduction if crime recording changes are taken into account). Lower level Public Order Act offences have also reduced, but this is likely to be as a result of less police officers within the city (as a result of police cutbacks) and more positive relationships with licensees and doorstaff, who are likely preventing incidents from developing into situations where the police need to be called. Overall, it looks as though there may be a slight increase in crime (when projected to year's end of 2018) of approximately 3.3%, and this may be attributed to a brand new venue (Fever & Boutique) opening, which has increased the number of users of the Derry's Cross area quite considerably. However, some changes in DPS at some of the busier late-night venues and the introduction of the Safe Bus and taxi marshalls over the summer has helped to keep this in check.

The area for the original CIA covered the bottom end of Union Street from Stonehouse Bridge up to Derry's Cross. Although a number of the licensed venues from Stonehouse Bridge to Western Approach have now gone, the requirement for this area to remain in consideration for the renewal of the CIA is very important. A number of the buildings in that part of Union Street are unoccupied and could be leased or purchased very cheaply, but this could lead to a spreading out of the ENTE, with a subsequent drain on resources across all of the statutory authorities and therefore a diminishing coverage for those using the current more highly populated areas. There

have been applications for off-licensed premises and some of these, which already exist in this area are believed to have an impact on alcohol-related crime in the area, due to the sale of high-strength products.

It is strongly recommended therefore by Devon and Cornwall Police that the Union Street CIA remains in place in its entirety.

1.2 BARBICAN –

Total Crime analysis –

APPENDIX 2 shows that the majority of offences in this area are violent crime offences, accounting for 76% of the analysed crime types for this report. There has been a steady level of between 71% and 81% of these offences taking place during the ENTE hours. This is lower than the Union Street percentage during these hours due to the difference in use of the Barbican, as an earlier evening and daytime location for visitors, especially on Saturday and Sunday. From 2013-2016 there was a pattern of more Public Order Act offences occurring during the daytime hours, but from 2017-2018, this trend has changed with more offences occurring during the ENTE hours. Although the numbers are low, this is a pattern which will need monitoring, but may be linked to the development of the Barbican area and a number of changes of DPS over the last 2 years. Drunkenness, sexual offences and robbery all remain low and have no specific pattern which can be determined due to the low sample base. The total recorded crime levels appear to have stayed fairly steady over the sampled time (when taking into account projections for 2018) and this is a positive sign, especially with a number of venues changing DPS and new venues opening, which add to the vibrancy of the area.

Days of the week –

The Barbican has its crime reports a little more spread out over the week, with the 3 main days for offending being Saturday (34%), Friday (20%) and Sunday (13%). This would tend to show that these offences are linked to the licensed venues and the licensing community. The Barbican is well attended on Sundays, when a different demographic of the population attend the area and is more family oriented. Bank Holiday Sundays and Mondays are very busy with a lot of users attending the area throughout the day and into the evening for the sole use of licensed premises, which explains the increase on Sundays in particular.

Time related analysis –

APPENDIX 4 shows that the Barbican has an increased level of offences committed between the hours of 2100-0300, with a peak between 2300-0100. The statistics for 2017 and projected statistics for 2018 show that there has been an increase in these late hour offences in comparison to previous years. This would indicate that there is a greater footfall during these hours, especially as there are more venues now operating later into the night. The area also contains Plymouth's largest ENTE venue, Pryzm, which is a popular venue for students. There has also been an increase between 1300 and 1400. This is likely to be linked to lunchtime drinking on a Saturday, Sunday and Bank Holiday Monday, which is a very busy time for the area.

Number of licenses within CIA –

Public houses – 26

Clubs – 4

Café/restaurants – 46
Take-aways – 14
Off-licences – 3
Others - 16

Summary –

The Barbican has shown more of a shift towards some later night venues over recent years. It has once again become a popular location for users of the ENTE, who used to start their evenings there and then move to other areas of the city to complete their evenings. With some venues having later opening hours in the Barbican, it appears that there may be less transition occurring, which, linked to a previous fall in users (possibly due to pre-loading) has begun to have an effect on the area. There have been a number of changes of DPS and over the last year, there has been a renewed appetite for partnership working looking at developing better working practices in the future. The funding of taxi marshalls in the Barbican has helped to deter lower-level crime and disorder. Pryzm is a popular venue for students and a new DPS there 15 months ago has helped turn things around in that area of the Barbican CIA, with more preventative measures and partnership working having a positive effect.

It is important that the Barbican retains its identity as a vibrant area with many options for a good night out for the users. It is in close proximity to a number of residential premises and the continuation of a CIA in the area is imperative to keeping this vibrancy and cultural experience as well as supporting the local residents.

Devon and Cornwall Police therefore recommend that this CIA is retained in its full format and with its current boundaries.

1.3 NORTH HILL –

Total Crime analysis –

APPENDIX 2 shows that the majority of offences in the North Hill area fall within the violent crime category (77%). 95% of all crime take places in the ENTE time frame, with between 96% and 99% of all violent crime taking place then. This shows a direct link to the ENTE. Public Order Act offences cover 10% of all crime in this analysis. North Hill is very much a transitional area as well as having 2 main venues attended by students. This transition can have an effect as the main clubs in the area Q-Bar and Switch have their entrances onto the pavement of this transitional area. Rape and sexual offences cover 5% of the crimes in this area, which is a concern as it is the highest percentage for this type of offence across all 5 CIAs and twice the level recorded in the Union Street CIZ. This will need to be monitored, although factors (along with the poor street lighting) could be attributed to a lack of CCTV and proximity to nearby student accommodation.

Days of the week –

APPENDIX 3 shows that there is a more balanced spread of offending across more days of the week. There are higher levels of crime from Wednesday (15%), Thursday (17%), Friday (21%) and Saturday (20%). This spread of days is directly linked to the demographic of user, mainly being a student-oriented area, student nights occur on Wednesdays and Thursdays, where many students go out to all areas of the city, but tend to return to the main area of Q-Bar and Switch due to their proximity to student residences and also the later opening hours.

Time related analysis –

The highest level of crime takes place between 0000 and 0600 (82%), with a peak between 0200 and 0500 (54%). Although there are a number of venues in the North Hill CIA, the two main venues, Q-Bar and Switch, have a late licence and are open until 0600. The level of offending, especially between 0300 and 0500 has generally shown an increase since 2015 and is likely linked to the decline of other late licenced venues in the city, meaning more users are attending this area. This will need to be monitored, although the DPSs at these venues are very co-operative and professional.

Number of licenses within CIA –

Public houses and clubs – 14

Off-licenses/late night refreshment – 16

Summary –

There is a definite link between the North Hill CIA and the ENTE with 95% of crimes happening in this CIA occurring during the ENTE hours. There are a number of licensed premises in the existing CIA, who manage their businesses well, with 2 late-night venues, Q-Bar and Switch, attracting a number of very late-night users to the area. The area is also a transitional area between the Mutley Plain CIA and the city centre, as well as being located within a number of student residences, so there is a lot of transient students in the area. There are concerns about the poor lighting and CCTV coverage going up North Hill, towards Mutley and these may be contributing factors towards the relatively high level of sexual offences when compared to other areas of the ENTE. Doorstaff and licensees work well with other agencies and the police and have prevented potential sexual offences through early intervention and action.

There is a venue on the edge of the CIA, in Gibbon Street and a Co-op on Regent Street with an off-licence. There is information and intelligence which suggests that a number of users are coming from nearby venues (outside the CIA) between 0200 and 0300 and trying to get into Q-Bar and Switch, but being refused entry as they are too drunk. Efforts are being made to confirm that these users are indeed coming from this venue, but this is creating possible conflict within the existing CIA and may well be leading to the levels of violence and vulnerability which we are seeing within the CIA.

Devon and Cornwall Police strongly recommend that this CIA remains, with a recommendation that a period of consultation that it is extended to cover the area of Gibbon Street and Regent Street up to the far end of Hampton Street. Further police work around the intelligence which has been submitted can be carried out in order to identify if there is indeed a link between the intelligence and crime figures and vulnerability. It is suggested that this work takes place over the next 3 months until the end of January 2019.

1.4 MUTLEY PLAIN –

Total Crime analysis –

APPENDIX 2 shows that there are 2 main categories of crime, violent crime comprising of 63% of the total and Public Order Act offences (24%). Of the violent crime offences, 73% take place within the ENTE timescale showing a direct link. There

is a concern around the changes in Public Order Act offences, where, from 2013-2016 32% of these offences took place during the ENTE hours. In the period 2017-2018, this had increased to 55% taking place during the ENTE. The number of Public Order Act offences over the last 2 years has increased, mainly through additional ENTE offences, with the number of daytime offences staying constant. This may be linked to more positive action being taken by police with regards to street drinking and begging, which can lead to such offences being committed, but will require further analysis and monitoring. Other crime types were negligible in number with no specific developments of patterns. Overall crime in the area has increased very slightly over the last 2 years, with 65% occurring in the ENTE times.

Days of the week –

APPENDIX 3 shows that the main 2 days of crime occurring are on Friday (23%) and Saturday (21%). There are slightly raised numbers for Wednesday and Thursday, which are traditional student nights and may be attributed to students, living locally, beginning their evenings in Mutley Plain before heading into the city centre. This tends to show that the majority of the offences take place on the traditional ENTE nights of the week.

Time related analysis –

APPENDIX 4 shows that the offending times are more spread out over the day than other CIAs within the city. There are a limited number of late-night venues, and one of which has recently reduced their hours after it was recognised that a pattern of late-night incidents were occurring, which appeared to be linked to the venue. There is a noticeable increase in crime from 2100 until 0300, reaching a very specific peak between 2300 and 0000 when 14% of all offences take place. This period has also shown a significant increase over the last 2 years and is likely linked to the transition from regular pub closing hours into the later night-time environment. The increase in crime between 0300 and 0400 has now been dealt with after the adjustment of hours for one venue. The total crime taking place between 2200 and 0400 accounts for 40% of crime throughout the day. It is clear that attention needs to be paid to the area at the start of this transition time (2300-0000) and that many of the offences are linked to the ENTE.

Number of licenses within CIA –

Public houses and clubs – 12

Off-licenses/late night refreshment – 16

Summary –

Mutley Plain, although believed to be having less footfall, still has significant levels of crime attributed to the ENTE hours. It has the 3rd highest crime total of all of the CIAs, although a lower percentage is attributed to the ENTE hours, it has an earlier evening and afternoon demographic of user. The benefit of having a CIA has allowed the authorities to have more impact on later opening venues, such as the one previously mentioned and also on off-licenses with regards to selling high-strength alcohol.

Devon and Cornwall Police recommend that the Mutley Plain CIA remains in place with its current boundaries.

1.5 STOKE VILLAGE –

Total Crime analysis –

APPENDIX 2 shows that the vast majority of crime within the Stoke Village CIA consisted of violent crime (83%). 80% of this violent crime occurred within the ENTE hours. The only other category of note was Public Order Act offences at 12%. Other categories of offence were negligible in number and showed no specific pattern due to the low sample base. Overall, 76% of all crime took place within the ENTE hours. The total number of crimes within the CIA was relatively low over the 5 year period, with a year-on-year increase and projected to remain constant this year for the first time.

Days of the week –

APPENDIX 3 shows that Friday (30%) and Saturday (25%) are the days when most crime occurs. With 55% of crime taking place over these two days, this would tend to point to a link to the traditional ENTE days.

Time related analysis –

APPENDIX 4 shows that there is a definite period where more crime takes place within the Stoke Village CIA. This period between 2100 and 0100 accounts for 57% of crime recorded in the area in this analysis. There are 2 peaks, 2100-2200 where 17% of crime is committed and 2300-0000 where 18% of crime is committed. These times would tend to point towards the earlier transition period where users are likely to begin their journey towards the more distant city centre and also the regular closing time of many of Stoke Village's licensed venues. The first of these peaks has shown a significant increase (more than doubling last year's figure) and will need to be monitored.

Number of licenses within CIA –

Public houses and clubs – 8

Off-licenses/late night refreshment – 3

Summary –

Stoke Village is, geographically, the smallest of the CIAs and has the fewest venues. The majority of the venues are local public houses, with one later-night venue and a number of takeaways. It is in the middle of a residential area and has limited CCTV coverage of the street outside. With regards to other CIAs, its level of crime may seem comparatively low, but the type of crime taking place (mainly violent crime) gives cause for concern that regulation of the area is still required. There has also been a recent demographic change over the last year. Although many of the users are locals, a larger number of Plymouth Argyle Football Club fans are meeting in the area on match days, before and after the match. This could account for the significant rise of offences around the 2100-2200 time period and will need to be monitored in more detail as this season progresses. There is a concern that the area may begin to be used for this purpose on match days.

Devon and Cornwall Police recommend that the Stoke Village CIA remains in place in its current format and with its current boundaries, with a suggestion that this CIA is reviewed closely on an annual basis to determine whether there has been any significant impact through the potential changes in users in the area. This recommendation is based upon the prevalent type of crime (violent crime) and also the recent change in demographics, which may lead to further applications for new

premises and applications for extended hours to cover this new demographic of football supporter. This could potentially cause an increase in crime and disorder and up to this point, there has been a very short timescale to have observed any specifically linked changes which can be used to support this change quantitatively.

2.0 OVERALL SUMMARY –

Devon and Cornwall Police have been impressed by the level of multi-agency working which has been taking place within the city of Plymouth, especially over the last 18 months. There has been an undertaking from all of the interested parties in improving the ENTE of Plymouth and adding to the vibrancy and safety of the city. These agencies include the Local Authority, Licensees, Pubwatch, Security companies, Best Bar None, SIA, Plymouth Argyle, Plymouth University, PARC and the different departments within the police.

The support that each of these organisations has shown to each other has been epitomised in the excellent working relationships and achievements over the last year. These include the introduction of a 'Safe Bus' to the ENTE on Saturday nights, the trial of taxi marshalls at Derry's Cross throughout July, August and September, the re-establishment of a Barbican Pubwatch and affiliation of Torpoint Pubwatch to the Plymouth Pubwatch scheme and the Ask for Angela campaign. Many of the organisations are part of the ENTE alcohol harm reduction group, who have also begun to co-ordinate their resources in order to achieve the coveted Purple Flag status for the city. A visit by the national Purple Flag co-ordinator resulted in a positive recognition of this partnership working and the strong bonds involved.

The statistics and report included here all identify areas which have undergone some form of transition over the last 5 years. There have been many improvements in relationships and there is no doubt that, overall, there is a better quality of licensee in the trade, with a view to co-operating and promoting the four licensing objectives. However, there are constantly changing social structures and behaviours which mean that the partners involved in the licensing community cannot become complacent with their recent achievements and must continue to strive to make Plymouth a safer and better place.

Ultimately, co-operation with licensees is perhaps at its best point for many years, but there are occasions where legislation is still required to achieve the best possible results. Co-operation and negotiation will always remain the first options whenever licensing conditions and applications are reviewed, but sometimes the authorities will need the presence of legislation to assist them in their quest for developing the best and safest ENTE. The CIP is an important piece of legislation which Devon and Cornwall Police regard as a necessary tool in order to support those businesses who are working hard to do a good job in promoting the licensing objectives and also to prevent those who the police regard as potentially having a negative impact on those licensing objectives and ultimately the city and its people.

I respectfully submit this report for your consideration.

Yours sincerely,

David Moore
Alcohol Licensing Sergeant

APPENDIX 1

Parameters for the analysis

Day/ENTE –

Day - 0700-1859

ENTE (Evening and Night Time Economy) - 1900-0659

Weekday –

Runs from 0700 to 0659 (shift day)

Note: All data is only for offences where Day, ENTE & weekday, Venue Main Category and an Easting and Northing can be identified and where the crime started and ended in the same DAY / ENTE

Offence types –

All Violent Crime – Offence groups: homicide, violence with injury, violence without injury (except Harassment,) possession of weapons,

Sexual Offences – offence groups: rape and other sexual offences

Robbery - offence groups: robbery

Public order - offence groups: Public Order offences, harassment offences.

Drunkenness - drunk in a highway/public place/licensed premises, drunk premises, drunk and disorderly

APPENDIX 1a

Statistical considerations

The date period are from 1st October 2013 until the 30th September 2018. Each year is calculated on an annual calendar from January 1st to December 31st. This means that the 2013 data incorporates 3 months (October, November and December) and the 2018 data incorporates 9 months (January-September, inclusive).

Devon and Cornwall Police changed their crime recording standards from April 2016 on recommendations from HMIC. This meant that the number of recorded crimes increased across the force by between 17% and 20%. This means that 8 months of 2016 and all of 2017 and 2018 are recorded under these new crime recording standards and will need to have this difference considered.

APPENDIX 2

Crime distribution by crime type and day/ENTE

| NORTH HILL CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|---|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|---|-------|----|
| CRIME TYPE | 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | 2018 | | Total | |
| | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | | |
| All Violent Crime | 2 | 8 | 10 | 2 | 64 | 66 | 1 | 70 | 71 | 2 | 77 | 79 | 3 | 70 | 73 | 3 | 65 | 68 |
| Drunkness | 0 | 5 | 5 | 2 | 6 | 8 | 0 | 8 | 8 | 0 | 4 | 4 | 0 | 6 | 6 | 0 | 0 | 0 |
| Public order | 0 | 2 | 2 | 1 | 11 | 12 | 3 | 6 | 9 | 0 | 5 | 5 | 1 | 12 | 13 | 3 | 5 | 8 |
| Rape and Other Sexual Offences | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 3 | 3 | 0 | 3 | 3 | 0 | 4 | 4 | 2 | 6 | 8 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 1 | 2 | 3 | 0 | 4 |
| Total | 2 | 15 | 17 | 5 | 85 | 90 | 4 | 90 | 94 | 2 | 89 | 91 | 5 | 94 | 99 | 8 | 80 | 88 |

| BARBICAN CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|---|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|----|-------|-----|
| CRIME TYPE | 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | 2018 | | Total | |
| | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | | |
| All Violent Crime | 5 | 12 | 17 | 20 | 63 | 83 | 26 | 74 | 100 | 15 | 64 | 79 | 21 | 74 | 95 | 21 | 57 | 78 |
| Drunkness | 0 | 0 | 0 | 6 | 6 | 12 | 2 | 2 | 4 | 0 | 6 | 6 | 0 | 8 | 8 | 0 | 2 | 2 |
| Public order | 3 | 1 | 4 | 10 | 8 | 18 | 9 | 16 | 16 | 9 | 6 | 15 | 6 | 12 | 18 | 10 | 8 | 18 |
| Rape and Other Sexual Offences | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 3 | 3 | 1 | 3 | 4 | 0 | 3 | 3 |
| Robbery | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 5 | 5 | 1 | 0 | 1 |
| Total | 8 | 13 | 21 | 36 | 78 | 114 | 38 | 85 | 123 | 24 | 80 | 104 | 28 | 102 | 130 | 32 | 70 | 102 |

| MUTLEY PLAIN CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|---|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|----|-------|-----|
| CRIME TYPE | 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | 2018 | | Total | |
| | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | | |
| All Violent Crime | 4 | 6 | 10 | 19 | 34 | 53 | 16 | 38 | 54 | 15 | 39 | 54 | 17 | 58 | 75 | 15 | 48 | 63 |
| Drunkness | 0 | 2 | 2 | 1 | 7 | 8 | 3 | 10 | 13 | 0 | 8 | 8 | 3 | 1 | 4 | 2 | 4 | 6 |
| Public order | 2 | 3 | 5 | 20 | 8 | 28 | 11 | 3 | 14 | 12 | 7 | 19 | 13 | 17 | 30 | 12 | 13 | 25 |
| Rape and Other Sexual Offences | 0 | 0 | 0 | 0 | 3 | 3 | 0 | 1 | 1 | 0 | 3 | 3 | 0 | 1 | 1 | 1 | 1 | 2 |
| Robbery | 0 | 0 | 0 | 2 | 1 | 3 | 2 | 1 | 3 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 4 | 4 |
| Total | 6 | 11 | 17 | 45 | 51 | 96 | 32 | 53 | 85 | 27 | 58 | 85 | 33 | 78 | 111 | 30 | 70 | 100 |

| STOKE VILLAGE CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|--|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|---|-------|----|
| CRIME TYPE | 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | 2018 | | Total | |
| | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | | |
| All Violent Crime | 0 | 0 | 0 | 1 | 7 | 8 | 1 | 15 | 16 | 11 | 16 | 27 | 4 | 22 | 26 | 3 | 19 | 22 |
| Drunkness | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 |
| Public order | 0 | 0 | 0 | 3 | 0 | 3 | 1 | 1 | 2 | 0 | 1 | 1 | 2 | 3 | 5 | 0 | 3 | 3 |
| Rape and Other Sexual Offences | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 4 | 8 | 12 | 2 | 18 | 20 | 11 | 18 | 29 | 8 | 25 | 33 | 3 | 22 | 25 |

| UNION STREET CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|---|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|----|-------|-----|
| CRIME TYPE | 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | 2018 | | Total | |
| | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | | |
| All Violent Crime | 6 | 78 | 84 | 40 | 284 | 324 | 24 | 276 | 300 | 49 | 253 | 302 | 57 | 249 | 306 | 26 | 238 | 264 |
| Drunkness | 1 | 10 | 11 | 8 | 63 | 71 | 11 | 64 | 75 | 8 | 21 | 29 | 3 | 22 | 25 | 0 | 13 | 13 |
| Public order | 9 | 18 | 27 | 27 | 90 | 117 | 33 | 70 | 103 | 34 | 42 | 76 | 21 | 36 | 57 | 14 | 19 | 33 |
| Rape and Other Sexual Offences | 0 | 0 | 0 | 1 | 7 | 8 | 1 | 14 | 15 | 1 | 10 | 11 | 1 | 15 | 16 | 0 | 4 | 4 |
| Robbery | 0 | 1 | 1 | 2 | 3 | 5 | 1 | 4 | 5 | 4 | 4 | 8 | 3 | 4 | 7 | 0 | 5 | 5 |
| Total | 16 | 107 | 123 | 78 | 447 | 525 | 70 | 428 | 498 | 96 | 330 | 426 | 85 | 326 | 411 | 40 | 279 | 319 |

APPENDIX 3

Crime distribution by weekday and day/ENTE

| NORTH HILL CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | | |
|--|-----|------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|-------|-----|
| 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | | 2018 | | | Total | |
| Day of Week | DAY | ENTE | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | | |
| Monday | 0 | 1 | 0 | 8 | 8 | 1 | 11 | 12 | 1 | 11 | 12 | 2 | 2 | 4 | 9 | 11 | 20 | 4 | 48 |
| Tuesday | 0 | 4 | 0 | 7 | 7 | 0 | 6 | 7 | 0 | 2 | 2 | 0 | 0 | 16 | 3 | 5 | 8 | 3 | 44 |
| Wednesday | 0 | 1 | 3 | 15 | 18 | 1 | 13 | 14 | 0 | 13 | 13 | 0 | 9 | 9 | 1 | 15 | 16 | 1 | 71 |
| Thursday | 1 | 0 | 0 | 16 | 16 | 0 | 18 | 18 | 1 | 14 | 15 | 2 | 15 | 17 | 1 | 13 | 14 | 1 | 81 |
| Friday | 1 | 1 | 2 | 22 | 23 | 1 | 16 | 17 | 0 | 21 | 21 | 0 | 22 | 22 | 1 | 13 | 14 | 1 | 101 |
| Saturday | 0 | 5 | 0 | 1 | 15 | 0 | 17 | 17 | 0 | 20 | 20 | 0 | 19 | 19 | 1 | 21 | 22 | 2 | 98 |
| Sunday | 0 | 3 | 0 | 3 | 3 | 0 | 9 | 9 | 0 | 8 | 8 | 1 | 4 | 5 | 1 | 7 | 8 | 1 | 36 |
| Total | 2 | 15 | 17 | 85 | 90 | 4 | 90 | 94 | 2 | 89 | 91 | 5 | 94 | 99 | 8 | 80 | 88 | 8 | 479 |

| BARBICAN CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|--|-----|------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|-------|
| 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | | 2018 | | | Total |
| Day of Week | DAY | ENTE | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | |
| Monday | 4 | 0 | 8 | 0 | 8 | 4 | 5 | 9 | 1 | 4 | 5 | 4 | 5 | 9 | 1 | 1 | 2 | 37 |
| Tuesday | 2 | 0 | 4 | 0 | 4 | 11 | 4 | 15 | 7 | 2 | 9 | 1 | 1 | 6 | 7 | 4 | 11 | 48 |
| Wednesday | 0 | 0 | 9 | 2 | 11 | 7 | 11 | 18 | 4 | 4 | 8 | 6 | 5 | 11 | 3 | 9 | 12 | 60 |
| Thursday | 1 | 1 | 6 | 1 | 7 | 2 | 7 | 9 | 0 | 4 | 4 | 5 | 11 | 16 | 7 | 4 | 11 | 49 |
| Friday | 1 | 1 | 3 | 21 | 24 | 7 | 14 | 21 | 6 | 24 | 30 | 2 | 16 | 18 | 7 | 15 | 22 | 117 |
| Saturday | 0 | 10 | 1 | 40 | 41 | 3 | 34 | 37 | 6 | 33 | 39 | 4 | 41 | 45 | 5 | 27 | 32 | 204 |
| Sunday | 0 | 1 | 5 | 14 | 19 | 4 | 10 | 14 | 9 | 9 | 18 | 6 | 18 | 24 | 2 | 10 | 12 | 79 |
| Total | 8 | 13 | 21 | 78 | 114 | 38 | 85 | 123 | 24 | 80 | 104 | 28 | 102 | 130 | 32 | 70 | 102 | 594 |

| MUTLEY PLAIN CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|--|-----|------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|-------|
| 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | | 2018 | | | Total |
| Day of Week | DAY | ENTE | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | |
| Monday | 1 | 0 | 1 | 2 | 3 | 4 | 3 | 7 | 4 | 5 | 9 | 3 | 4 | 7 | 6 | 8 | 14 | 41 |
| Tuesday | 0 | 0 | 4 | 4 | 8 | 2 | 5 | 7 | 3 | 5 | 8 | 5 | 5 | 10 | 2 | 10 | 12 | 47 |
| Wednesday | 2 | 3 | 5 | 9 | 19 | 4 | 9 | 13 | 4 | 4 | 8 | 4 | 4 | 13 | 4 | 10 | 14 | 73 |
| Thursday | 1 | 2 | 3 | 8 | 17 | 4 | 4 | 8 | 1 | 7 | 8 | 6 | 9 | 15 | 5 | 8 | 13 | 64 |
| Friday | 1 | 2 | 3 | 18 | 25 | 8 | 9 | 17 | 4 | 17 | 21 | 3 | 27 | 30 | 5 | 15 | 20 | 116 |
| Saturday | 1 | 4 | 5 | 6 | 15 | 8 | 17 | 25 | 3 | 13 | 16 | 8 | 16 | 24 | 5 | 15 | 20 | 105 |
| Sunday | 0 | 0 | 6 | 3 | 9 | 2 | 6 | 8 | 8 | 6 | 14 | 4 | 6 | 10 | 3 | 4 | 7 | 48 |
| Total | 6 | 11 | 17 | 45 | 66 | 32 | 53 | 85 | 27 | 58 | 85 | 33 | 78 | 111 | 30 | 70 | 100 | 494 |

| STOKE VILLAGE CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|---|-----|------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|-------|
| 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | | 2018 | | | Total |
| Day of Week | DAY | ENTE | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | |
| Monday | 0 | 0 | 1 | 2 | 3 | 0 | 0 | 0 | 2 | 1 | 3 | 1 | 1 | 2 | 0 | 1 | 1 | 9 |
| Tuesday | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 2 | 6 |
| Wednesday | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 2 | 1 | 4 | 5 | 1 | 1 | 2 | 10 |
| Thursday | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 3 | 1 | 4 | 3 | 3 | 6 | 2 | 5 | 7 | 16 |
| Friday | 0 | 0 | 0 | 2 | 2 | 0 | 8 | 8 | 2 | 8 | 10 | 2 | 9 | 11 | 0 | 3 | 3 | 36 |
| Saturday | 0 | 0 | 0 | 2 | 2 | 0 | 6 | 6 | 2 | 5 | 7 | 0 | 8 | 8 | 0 | 7 | 7 | 30 |
| Sunday | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 4 | 1 | 1 | 2 | 1 | 1 | 2 | 0 | 3 | 3 | 12 |
| Grand Total | 0 | 0 | 4 | 8 | 12 | 2 | 18 | 20 | 11 | 18 | 29 | 8 | 25 | 33 | 3 | 22 | 25 | 119 |

| UNION STREET CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018 | | | | | | | | | | | | | | | | | | |
|--|-----|------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|------|------|-------|-------|
| 2013 | | | 2014 | | | 2015 | | | 2016 | | | 2017 | | | 2018 | | | Total |
| Day of Week | DAY | ENTE | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | DAY | ENTE | TOTAL | |
| Monday | 3 | 4 | 17 | 18 | 35 | 12 | 24 | 36 | 10 | 10 | 20 | 15 | 17 | 32 | 6 | 8 | 14 | 144 |
| Tuesday | 1 | 8 | 5 | 34 | 39 | 9 | 24 | 33 | 15 | 7 | 22 | 9 | 11 | 20 | 3 | 21 | 24 | 147 |
| Wednesday | 0 | 13 | 10 | 52 | 62 | 11 | 39 | 50 | 14 | 37 | 51 | 10 | 35 | 45 | 4 | 20 | 24 | 245 |
| Thursday | 1 | 11 | 11 | 39 | 50 | 11 | 40 | 51 | 16 | 40 | 56 | 14 | 17 | 31 | 6 | 12 | 18 | 218 |
| Friday | 2 | 19 | 12 | 110 | 122 | 9 | 97 | 106 | 18 | 77 | 95 | 17 | 73 | 90 | 7 | 76 | 83 | 517 |
| Saturday | 2 | 46 | 8 | 156 | 164 | 6 | 172 | 178 | 12 | 133 | 145 | 13 | 154 | 167 | 8 | 119 | 127 | 829 |
| Sunday | 7 | 6 | 15 | 38 | 53 | 12 | 32 | 44 | 11 | 26 | 37 | 7 | 19 | 26 | 6 | 23 | 29 | 202 |
| Total | 16 | 107 | 78 | 447 | 525 | 70 | 428 | 498 | 96 | 330 | 426 | 85 | 326 | 411 | 40 | 279 | 319 | 2302 |

APPENDIX 4

Offence Heat map by time of day

| NORTH HILL ALL HOURS | | | | | | | |
|----------------------|------|------|------|------|------|------|-------|
| HR From | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| 07:00 - 07:59 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 08:00 - 08:59 | 1 | 1 | 0 | 0 | 0 | 1 | 3 |
| 09:00 - 09:59 | 0 | 1 | 0 | 0 | 0 | 2 | 3 |
| 10:00 - 10:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11:00 - 11:59 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| 12:00 - 12:59 | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| 13:00- 13:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 14:00 - 14:59 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| 15:00 - 15:59 | 0 | 0 | 0 | 0 | 1 | 3 | 4 |
| 16:00 - 16:59 | 0 | 0 | 3 | 0 | 1 | 0 | 4 |
| 17:00 - 17:59 | 0 | 1 | 0 | 0 | 1 | 0 | 2 |
| 18:00 - 18:59 | 0 | 2 | 0 | 1 | 1 | 0 | 4 |
| 19:00 - 19:59 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| 20:00 - 20:59 | 0 | 0 | 1 | 0 | 0 | 1 | 2 |
| 21:00 - 21:59 | 2 | 2 | 3 | 1 | 4 | 1 | 13 |
| 22:00 - 22:59 | 1 | 3 | 5 | 2 | 4 | 2 | 17 |
| 23:00 - 23:59 | 1 | 1 | 5 | 6 | 3 | 2 | 18 |
| 00:00 - 00:59 | 0 | 11 | 10 | 1 | 8 | 8 | 38 |
| 01:00 - 01:59 | 1 | 9 | 13 | 10 | 8 | 8 | 49 |
| 02:00 - 02:59 | 2 | 16 | 16 | 19 | 18 | 8 | 79 |
| 03:00 - 03:59 | 6 | 19 | 12 | 17 | 17 | 17 | 88 |
| 04:00 - 04:59 | 2 | 21 | 15 | 19 | 14 | 22 | 93 |
| 05:00 - 05:59 | 0 | 2 | 9 | 11 | 17 | 8 | 47 |
| 06:00 - 06:59 | 0 | 1 | 0 | 3 | 1 | 3 | 8 |
| Total | 17 | 90 | 94 | 91 | 99 | 88 | 479 |

| BARBICAN ALL HOURS | | | | | | | |
|--------------------|------|------|------|------|------|------|-------|
| HR From | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| 07:00 - 07:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 08:00 - 08:59 | 0 | 2 | 2 | 0 | 1 | 2 | 7 |
| 09:00 - 09:59 | 1 | 1 | 3 | 2 | 1 | 0 | 8 |
| 10:00 - 10:59 | 2 | 2 | 4 | 4 | 0 | 2 | 14 |
| 11:00 - 11:59 | 0 | 2 | 0 | 4 | 5 | 2 | 13 |
| 12:00 - 12:59 | 1 | 2 | 2 | 1 | 3 | 2 | 11 |
| 13:00- 13:59 | 1 | 6 | 5 | 0 | 9 | 11 | 32 |
| 14:00 - 14:59 | 2 | 7 | 6 | 3 | 2 | 3 | 23 |
| 15:00 - 15:59 | 0 | 2 | 2 | 1 | 2 | 2 | 9 |
| 16:00 - 16:59 | 0 | 3 | 5 | 1 | 0 | 1 | 10 |
| 17:00 - 17:59 | 0 | 3 | 4 | 4 | 3 | 3 | 17 |
| 18:00 - 18:59 | 1 | 6 | 5 | 4 | 2 | 4 | 22 |
| 19:00 - 19:59 | 0 | 3 | 3 | 7 | 10 | 6 | 29 |
| 20:00 - 20:59 | 0 | 4 | 3 | 7 | 5 | 3 | 22 |
| 21:00 - 21:59 | 0 | 9 | 12 | 7 | 10 | 4 | 42 |

| | | | | | | | |
|---------------|----|-----|-----|-----|-----|-----|-----|
| 22:00 - 22:59 | 2 | 12 | 7 | 15 | 18 | 10 | 64 |
| 23:00 - 23:59 | 3 | 10 | 24 | 10 | 13 | 9 | 69 |
| 00:00 - 00:59 | 3 | 14 | 17 | 11 | 17 | 15 | 77 |
| 01:00 - 01:59 | 2 | 10 | 12 | 8 | 10 | 10 | 52 |
| 02:00 - 02:59 | 0 | 6 | 6 | 9 | 10 | 10 | 41 |
| 03:00 - 03:59 | 3 | 7 | 1 | 1 | 6 | 1 | 19 |
| 04:00 - 04:59 | 0 | 1 | 0 | 4 | 3 | 1 | 9 |
| 05:00 - 05:59 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 06:00 - 06:59 | 0 | 2 | 0 | 1 | 0 | 0 | 3 |
| Total | 21 | 114 | 123 | 104 | 130 | 102 | 594 |

| MUTLEY PLAIN ALL HOURS | | | | | | | |
|------------------------|------|------|------|------|------|------|-------|
| HR From | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| 07:00 - 07:59 | 0 | 2 | 1 | 2 | 0 | 2 | 7 |
| 08:00 - 08:59 | 0 | 2 | 0 | 1 | 2 | 2 | 7 |
| 09:00 - 09:59 | 0 | 7 | 0 | 1 | 2 | 2 | 12 |
| 10:00 - 10:59 | 1 | 1 | 1 | 2 | 4 | 1 | 10 |
| 11:00 - 11:59 | 0 | 2 | 3 | 1 | 5 | 1 | 12 |
| 12:00 - 12:59 | 0 | 3 | 3 | 3 | 1 | 2 | 12 |
| 13:00 - 13:59 | 1 | 4 | 3 | 4 | 0 | 5 | 17 |
| 14:00 - 14:59 | 1 | 2 | 1 | 4 | 6 | 1 | 15 |
| 15:00 - 15:59 | 0 | 4 | 7 | 4 | 4 | 1 | 20 |
| 16:00 - 16:59 | 3 | 8 | 6 | 4 | 3 | 5 | 29 |
| 17:00 - 17:59 | 0 | 6 | 2 | 1 | 4 | 2 | 15 |
| 18:00 - 18:59 | 0 | 4 | 5 | 0 | 2 | 6 | 17 |
| 19:00 - 19:59 | 0 | 2 | 4 | 2 | 5 | 7 | 20 |
| 20:00 - 20:59 | 1 | 4 | 3 | 5 | 4 | 4 | 21 |
| 21:00 - 21:59 | 1 | 4 | 9 | 6 | 6 | 7 | 33 |
| 22:00 - 22:59 | 5 | 7 | 9 | 5 | 12 | 6 | 44 |
| 23:00 - 23:59 | 0 | 15 | 13 | 7 | 15 | 19 | 69 |
| 00:00 - 00:59 | 0 | 6 | 6 | 13 | 12 | 3 | 40 |
| 01:00 - 01:59 | 0 | 5 | 4 | 5 | 7 | 9 | 30 |
| 02:00 - 02:59 | 2 | 4 | 3 | 8 | 8 | 6 | 31 |
| 03:00 - 03:59 | 0 | 2 | 2 | 4 | 2 | 7 | 17 |
| 04:00 - 04:59 | 1 | 2 | 0 | 1 | 4 | 1 | 9 |
| 05:00 - 05:59 | 1 | 0 | 0 | 0 | 2 | 1 | 4 |
| 06:00 - 06:59 | 0 | 0 | 0 | 2 | 1 | 0 | 3 |
| Total | 17 | 96 | 85 | 85 | 111 | 100 | 494 |

| STOKE VILLAGE ALL HOURS | | | | | | | |
|-------------------------|------|------|------|------|------|------|-------|
| HR From | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| 07:00 - 07:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 08:00 - 08:59 | 0 | 0 | 1 | 1 | 1 | 2 | 5 |
| 09:00 - 09:59 | 0 | 0 | 0 | 1 | 0 | 1 | 2 |
| 10:00 - 10:59 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 11:00 - 11:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12:00 - 12:59 | 0 | 1 | 0 | 3 | 0 | 0 | 4 |
| 13:00 - 13:59 | 0 | 1 | 0 | 0 | 1 | 0 | 2 |
| 14:00 - 14:59 | 0 | 1 | 0 | 1 | 0 | 0 | 2 |
| 15:00 - 15:59 | 0 | 0 | 1 | 1 | 1 | 0 | 3 |

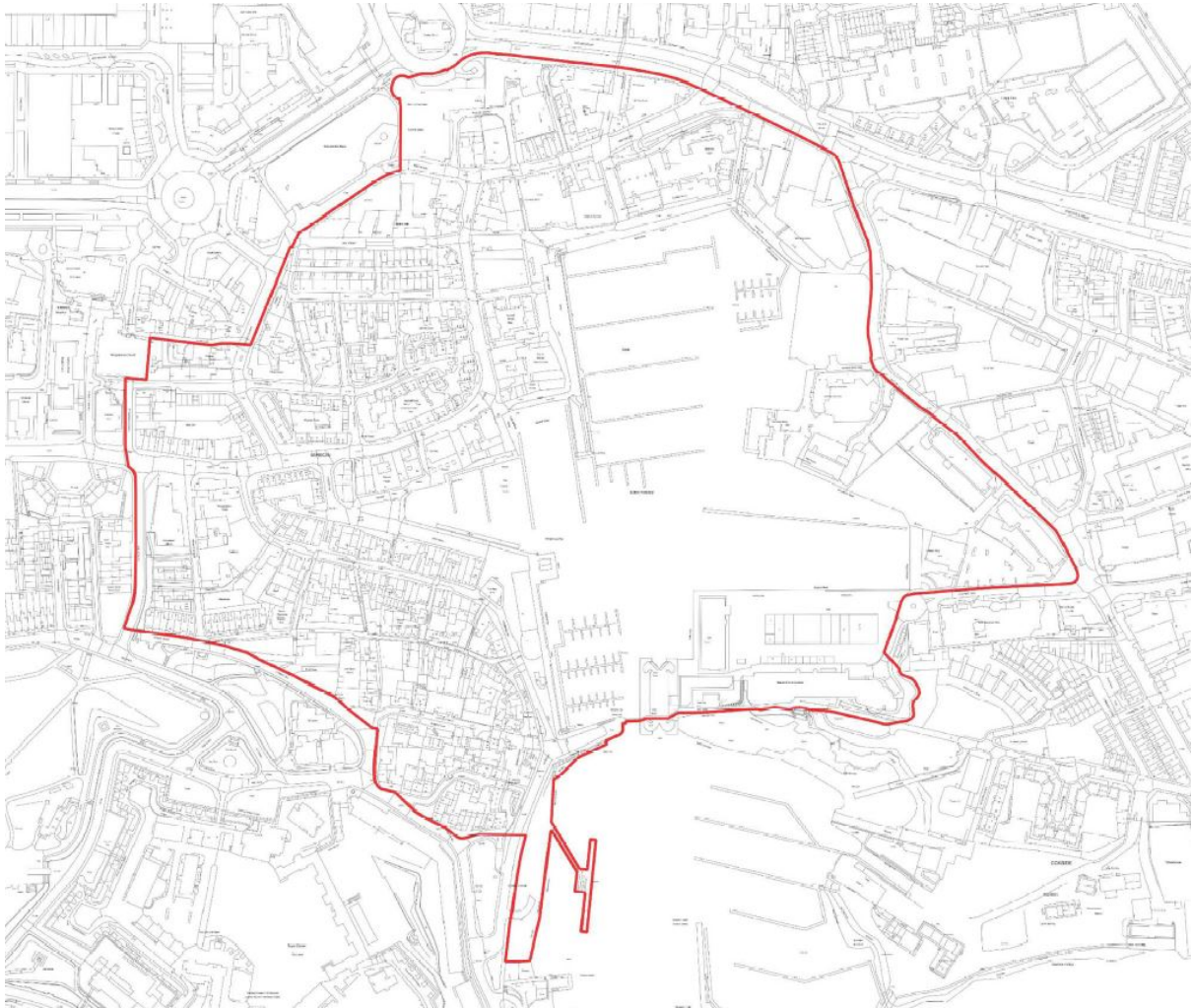
| | | | | | | | |
|---------------|---|----|----|----|----|----|-----|
| 16:00 - 16:59 | 0 | 1 | 0 | 0 | 2 | 0 | 3 |
| 17:00 - 17:59 | 0 | 0 | 0 | 1 | 3 | 0 | 4 |
| 18:00 - 18:59 | 0 | 0 | 0 | 2 | 0 | 0 | 2 |
| 19:00 - 19:59 | 0 | 1 | 1 | 1 | 2 | 2 | 7 |
| 20:00 - 20:59 | 0 | 0 | 1 | 2 | 1 | 0 | 4 |
| 21:00 - 21:59 | 0 | 4 | 4 | 2 | 3 | 7 | 20 |
| 22:00 - 22:59 | 0 | 0 | 4 | 5 | 2 | 3 | 14 |
| 23:00 - 23:59 | 0 | 1 | 3 | 4 | 9 | 5 | 22 |
| 00:00 - 00:59 | 0 | 2 | 1 | 2 | 4 | 3 | 12 |
| 01:00 - 01:59 | 0 | 0 | 2 | 2 | 2 | 1 | 7 |
| 02:00 - 02:59 | 0 | 0 | 1 | 0 | 2 | 0 | 3 |
| 03:00 - 03:59 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| 04:00 - 04:59 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 05:00 - 05:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 06:00 - 06:59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 12 | 20 | 29 | 33 | 25 | 119 |

| UNION STREET ALL HOURS | | | | | | | |
|------------------------|------|------|------|------|------|------|-------|
| HR From | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| 07:00 - 07:59 | 7 | 10 | 5 | 0 | 0 | 1 | 23 |
| 08:00 - 08:59 | 0 | 4 | 5 | 1 | 4 | 1 | 15 |
| 09:00 - 09:59 | 0 | 4 | 4 | 2 | 2 | 4 | 16 |
| 10:00 - 10:59 | 1 | 4 | 2 | 2 | 4 | 3 | 16 |
| 11:00 - 11:59 | 2 | 4 | 2 | 5 | 5 | 3 | 21 |
| 12:00 - 12:59 | 1 | 12 | 3 | 4 | 14 | 2 | 36 |
| 13:00 - 13:59 | 0 | 4 | 7 | 8 | 14 | 2 | 35 |
| 14:00 - 14:59 | 3 | 2 | 8 | 26 | 9 | 3 | 51 |
| 15:00 - 15:59 | 1 | 7 | 17 | 22 | 10 | 4 | 61 |
| 16:00 - 16:59 | 0 | 6 | 4 | 8 | 11 | 6 | 35 |
| 17:00 - 17:59 | 0 | 12 | 10 | 13 | 7 | 9 | 51 |
| 18:00 - 18:59 | 1 | 9 | 3 | 5 | 5 | 2 | 25 |
| 19:00 - 19:59 | 2 | 7 | 14 | 13 | 8 | 8 | 52 |
| 20:00 - 20:59 | 2 | 12 | 16 | 14 | 8 | 11 | 63 |
| 21:00 - 21:59 | 7 | 12 | 11 | 7 | 10 | 5 | 52 |
| 22:00 - 22:59 | 0 | 13 | 22 | 24 | 17 | 15 | 91 |
| 23:00 - 23:59 | 10 | 35 | 26 | 31 | 29 | 26 | 157 |
| 00:00 - 00:59 | 21 | 67 | 49 | 55 | 41 | 40 | 273 |
| 01:00 - 01:59 | 21 | 72 | 73 | 39 | 66 | 49 | 320 |
| 02:00 - 02:59 | 17 | 78 | 81 | 63 | 48 | 52 | 339 |
| 03:00 - 03:59 | 14 | 63 | 60 | 38 | 50 | 47 | 272 |
| 04:00 - 04:59 | 7 | 49 | 40 | 21 | 26 | 11 | 154 |
| 05:00 - 05:59 | 5 | 29 | 27 | 18 | 14 | 12 | 105 |
| 06:00 - 06:59 | 1 | 10 | 9 | 7 | 9 | 3 | 39 |
| Total | 123 | 525 | 498 | 426 | 411 | 319 | 2302 |

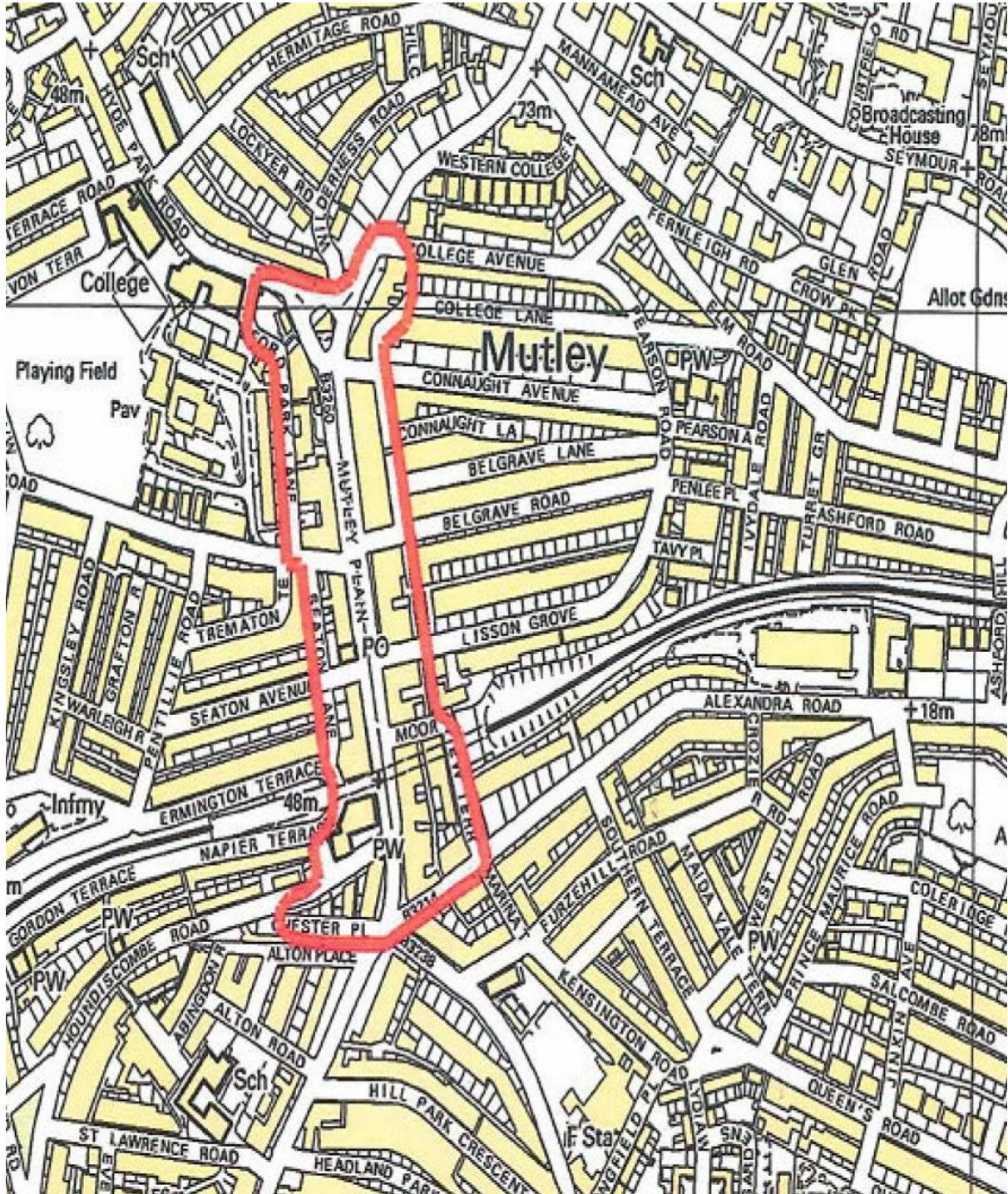
APPENDIX 5

Maps of Cumulative Impact Areas in Plymouth

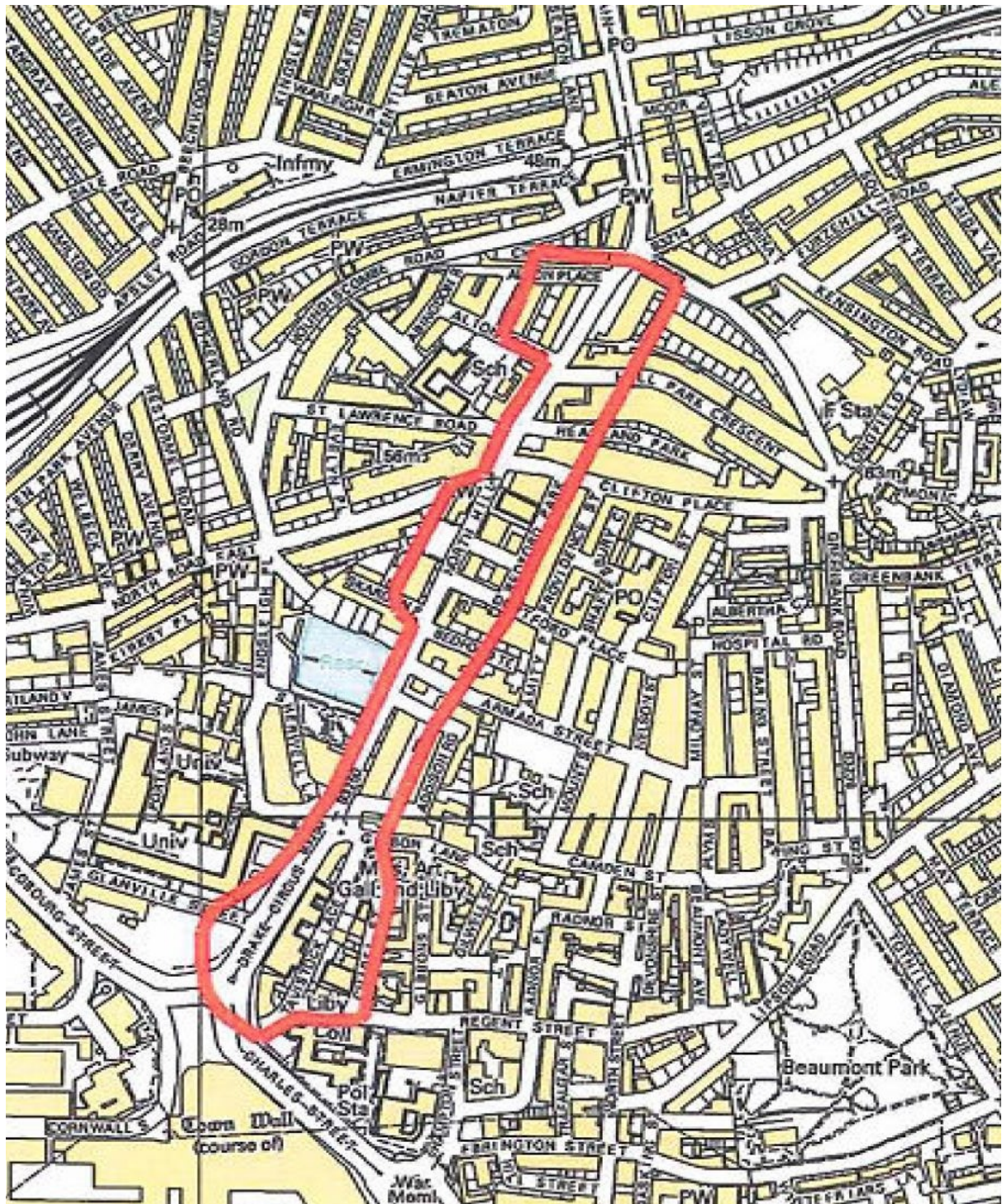
Barbican -



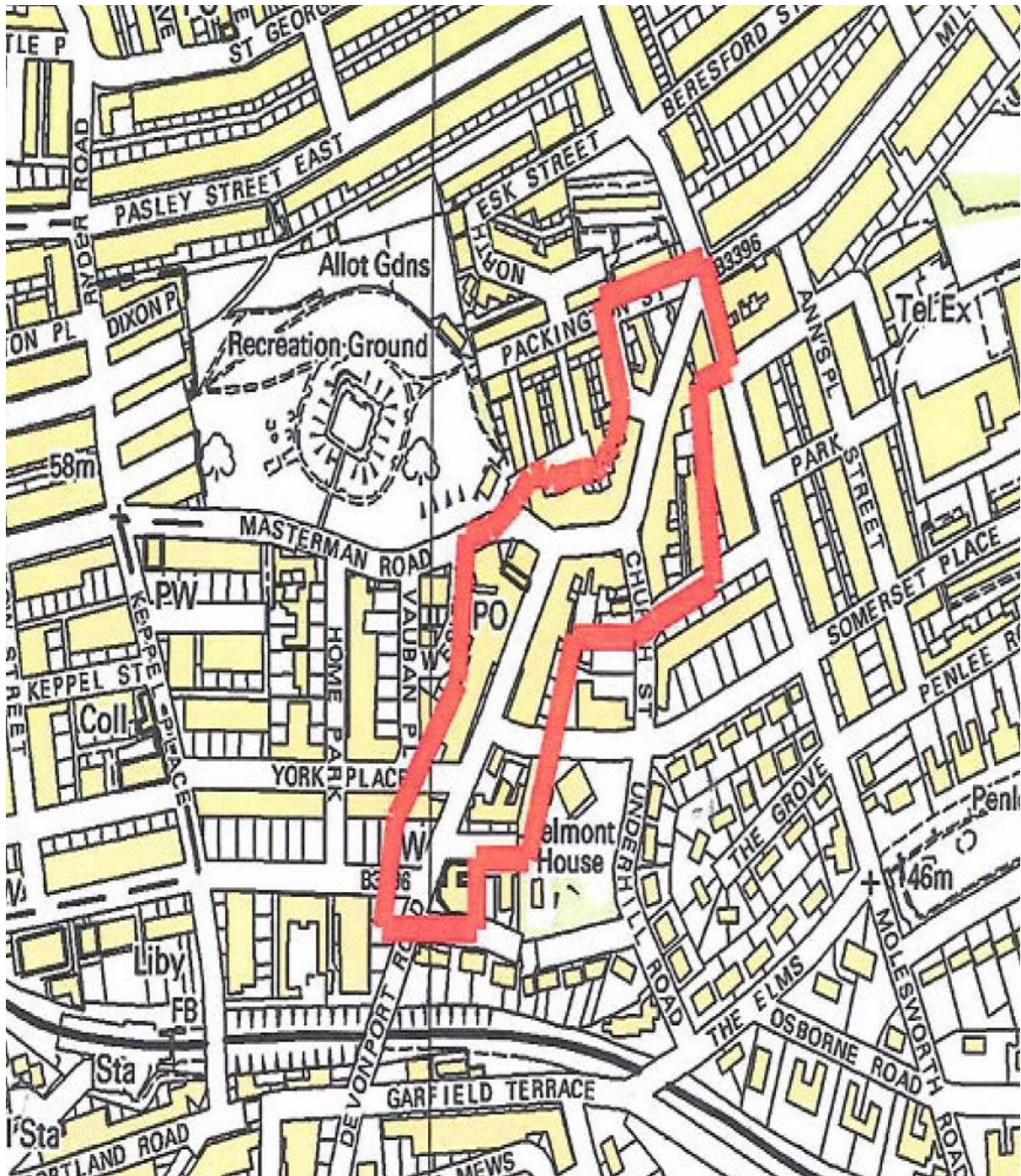
Mutley Plain -



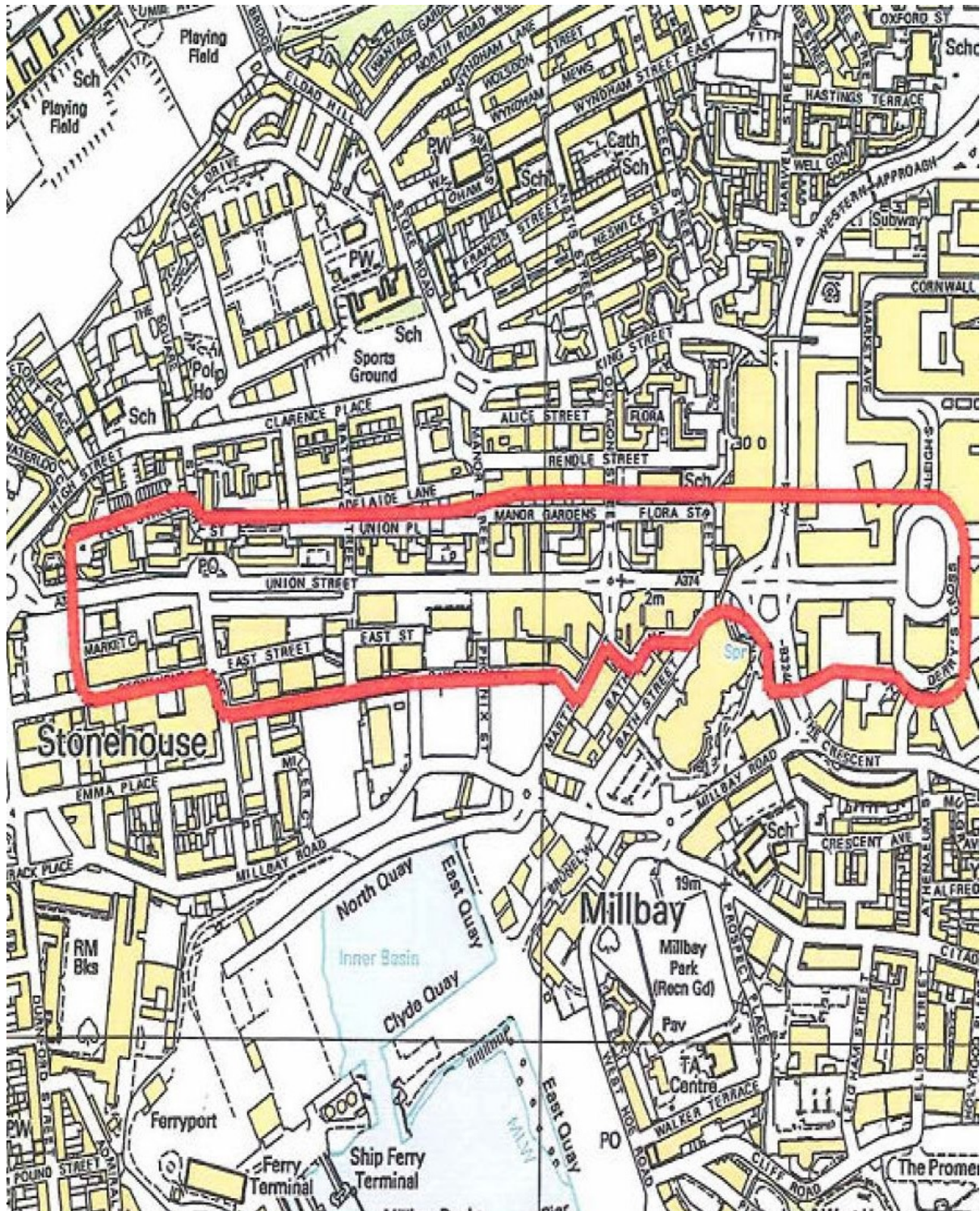
North Hill -



Stoke Village -



Union Street -



Appendix C: Response form a Large Pub Company

| Comments from a pub company | Response |
|---|-------------------------------------|
| <p>XXXXXX is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.</p> <p>We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations. Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.</p> <p>Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.</p> <p>The XXXXXXXX Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used pub managers and team members.</p> <p>As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).</p> <p>We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.</p> <p>We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.</p> <p>This response is produced in relation to both the statement of licensing policy and cumulative impact assessment consultations. We would ask that it is read in relation to both documents as necessary.</p> | <p>Thank you for your response.</p> |

| | |
|---|---|
| <p>GENERAL MATTERS Integrating other guidance, policies, objectives and strategies We feel that this policy would benefit from a section in the General Matters referencing Integrating other guidance, policies, objectives and strategies into licensing decisions. Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area. Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike. Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city. We note a reference to 'Plymouth plan for plastics, later in the policy. We feel that this should be referenced in the general section too under the above heading.</p> | <p>Please see the list contained in Appendix 2 page 40.</p> <p>An additional paragraph has been included in the General Matters with regards to the Plymouth Plan for Plastics which states: Plymouth City Council expect businesses to review their plastic use and stop using where possible items such as plastic straws, stirrers, disposable cups, takeaway packaging, cutlery and cling film. Businesses should work with suppliers to find alternative packaging that is biodegradable and speak to their waste contractors to ensure they maximise their recycling.</p> |
| <p>Planning We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.</p> | <p>The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by planning committee and vice versa. However, Licensing Officers regularly liaise with Planning Officers regarding operating hours and scheme designs. The Licensing Authority cannot prevent applicants requesting different times to their planning hours, however we</p> |

| | |
|--|---|
| | <p>always advise applicants that they must ensure they do not breach their planning requirements. Applicants need to ensure they apply for the same hours as their planning permitted hours so as not to cause any unnecessary expense for themselves.</p> |
| <p>Safeguarding We are pleased to see reference to safeguarding (and the relevant appendix), given its relevance in relation to protection of children from harm in particular. We would, however, have concerns about licensing policy setting this out as a general matter. This can be viewed as setting a higher bar for premises seeking to vary a premises licence or apply for a new licence than for other premises (certainly if the authority were to seek imposition of conditions on licences specifically relating to safeguarding) without clarification on the point. We would suggest that general safeguarding issues need to be addressed more broadly to ensure that the same essential advice is given to all leisure, retail and hospitality service providers across the board. Safeguarding is not a licensing objective per-se and any conditions or other requirements must address licensing objectives, not 'safeguarding' in general terms. It would assist if the above is made clear in the policy and at the beginning of the annex to avoid confusion.</p> | <p>The council expect all businesses to take measures regarding safeguarding and all licensed premises have an obligation to promote the licensing objectives.</p> <p>This has been included in our Gambling Policy and Taxi Licensing Policy and we continue to promote this message to all sectors through joint working with other agencies.</p> |
| <p>THE LICENSING OBJECTIVES Prevention of Crime and Disorder The prevention of crime and disorder is one of the 4 licensing objectives and clearly a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises. Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing</p> | <p>Each case is considered separately and any evidence will be reviewed by Members of the Committee and their legal advisor to ensure it is appropriate.</p> |

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| <p>authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves. For a city like Plymouth this is especially important given the close proximity of premises and the need to fairly differentiate between incidents that are directly related to the management of particular premises and those that are not.</p> | |
| <p>Prevention of Public Nuisance The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.</p> | <p>All claims of public nuisance are investigated by the department and appropriate action taken. If there is a private nuisance which is not associated with the premises, then no action would be taken against the premises. The policy explains what is meant by public nuisance and it is felt that explaining in detail may cause more confusion.</p> |
| <p>Protection of children from harm We note that you prefer challenge 25 policies and that this has changed from the previous policy where 'Challenge 21' was the preferred standard. Many premises operate Challenge 21 policies and have training and signage for this. To change it can be expensive and/ or time consuming. As such, we would suggest that the licensing authority would not expect responsible authorities to suggest a change to Challenge 25 where a premises is already trading with a different challenge policy, unless there have been identified risks to children at the specific premises.</p> | <p>This is only a preference and businesses can choose whatever scheme they wish. However, our Trading Standards Colleagues have found that the higher the challenge age, the less likely that underage sales occur. However, the wording has been amended slightly to 'a proof of age scheme such as Challenge 25'.</p> |
| <p>LICENSING CONDITIONS Whilst XXXXXX recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is</p> | <p>An additional paragraph has been included on page 9 stating 'The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing</p> |

important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area. XXXXXXXX has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing. We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake

disorderly conduct; sale of alcohol to any person who is drunk or is underage. (April 2018 Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences'.

Our Licensing Team and Council Members of the Licensing Committee ensure that conditions are only agreed that are necessary and proportionate.

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| <p>lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.</p> | |
| <p>LICENCE APPLICATIONS Minor Variations We are pleased to see details about the minor variation procedure in your policy. However, we would suggest that a little more detail in terms of the bullets might assist in clarifying for both officers and applicants what might be considered a minor variation. We would propose that the following bullets are added to the list of what minor variations can be used for:</p> <ul style="list-style-type: none"> • Make changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%). • Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005. | <p>Bullet point one on page 24 covers minor changes to the structure or layout of a premises. Please refer to s.182 guidance points 8.62 to 8.65 which provides further information about minor variations.</p> <p>The removal of conditions that are no longer relevant is already listed in bullet point three.</p> |
| <p>CUMULATIVE IMPACT POLICY We note that your cumulative impact policy section makes no reference to cumulative impact assessments ('CIA's'). Appendix 1 does mention that policies need to be reviewed every 3 years, rather than the 5 for the policy itself, but has no reference to the change in legislation or the creation of CIA's now required by law. We understand that there are occasions where CIP's provide a valuable tool to local authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving night time economy. XXXXXXXXXX as a promoter of entrepreneurship within our estate of leased pubs understands very well the challenges that small business operator's face when looking to enter a new market or adapt their offer. Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight- especially in large city centres, such as Plymouth.</p> | <p>On page 28, I have added the following paragraph: Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must consider, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.</p> |

As such, we suggest that any CIP makes it clear that it will consider small, independent and/ or otherwise innovative applications both for new licences and variations to existing licences as being outside of the CIP. Such applications will still need to demonstrate that they do not undermine the objectives, but we would hope that adding something to this effect into the policy will stimulate and incentivise smaller operators to make applications. Whilst it may sound counter-productive for a pub company with licenses already granted in the area to support the growth of competition, we recognise that innovation and new operators stimulate the economy for established premises and can often lead to raising standards across the board. This can only be good in the long-term for everyone.

Existing cumulative impact policies need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. We are pleased to see that specific types of licence are identified as being particularly problematic in certain areas, rather than just applying the CIP policy to all licensed premises. This allows for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

Since 1 April 2014, there have been a total of 32 applications for new premises or major variations in CIP areas, with only one being refused.

The policy (on page 27) states that “for new applications or applications to vary an existing premises licence or club premises certificate located within an existing cumulative impact area the Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours but will consider it on its own merits with regard to the individual characteristics of that premises and its impact on cumulative impact with that area”. This statement within the policy and the figures of applications granted within the CIP areas demonstrate that the Council has already been operating in the way you suggest.

ENFORCEMENT

We note that you have included reference to the council having adopted an 'Enforcement Policy'. We are pleased to see that this adopts the Regulator's Code. This is useful for all parties to licensing matters and recognises the important role that businesses play in local communities.

OTHER MATTERS WE WOULD ASK YOU TO CONSIDER REFLECTING IN YOUR POLICY

On and Off-Sales

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside a premises, for instance onto the pavement, and consume their drinks there. We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an

The definition of on and off sales is stated in the Licensing Act 2003 and the guidance gives examples of when off sales would apply (see para 8.35 of the guidance).

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| <p>open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.</p> <p>As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-</p> <p>"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.</p> <p>An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it".</p> | |
| <p>GDPR</p> <p>We note that the policy does not make reference to the GDPR</p> <p>One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.</p> <p>For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV condition's to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means</p> | <p>Each business must ensure it complies with GDPR. The Policy does not require us to go into detail about another piece of legislation and may lead to confusion.</p> |

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| <p>that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.</p> <p>Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.</p> <p>We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.</p> | |
| <p>Agent of Change</p> <p>Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.</p> <p>We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.</p> | <p>All complaints must be investigated and where a public nuisance has been witnessed then action must be taken to address this. The Licensing Officers work with businesses to ensure they fully understand their licensing conditions and are taking suitable measures to control any noise or other nuisance. This often involves no cost such as reducing the volume. All businesses should be able to operate with total sound containment. Once planning permission has been granted to a residential development then the surrounding area has changed not only for the residents but the commercial premises.</p> |
| <p>Tables and Chairs licences</p> <p>External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities. We would ask that your policy refers to any tables and chairs policy in place, with links to where application forms can be found on the council website etc. Whilst not strictly related to the Licensing Act 2003, the council policy document is a useful guide to licence holders and the more information that can be provided about ancillary matters, the more likely it is that licence holders and applicants will use this resource.</p> | <p>A link to the webpage for the application for a tables and chairs licence has been included on page 23.</p> |

Cabinet Minute No. 67

Licensing Act 2003 – Statement of Licensing Policy



13 November 2018

Minute No. 67

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety) introduced the Statement of Licensing Policy. Following a short debate Cabinet agreed to -

1. Recommend to the City Council that the draft Licensing Statement of Policy contained in Appendix A is adopted with effect from 31 March 2019.
2. Consider the evidence set out in Appendix B of this report and based on the concerns about crime and disorder:

Recommend to the City Council to retain the Special Policy on Cumulative Impact following Cumulative Impact Assessments for each of the following areas:

- Union Street (including Derry's Cross)
 - Barbican
 - North Hill
 - Mutley Plain
 - Stoke
3. Authorise officers to undertake a further Cumulative Impact Assessment consultation regarding the extension to the North Hill cumulative impact areas as recommended by Devon and Cornwall Police.

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MOTION ON NOTICE

City Council 19 November 2018



Policing for Plymouth

In October the Police and Crime Commissioner abandoned the potential merger between Devon and Cornwall and Dorset Police, despite a 17 month effort by her office and the Chief Constable's team at considerable expense to drive towards closer integration. The decision reflected Plymouth City Council's and other Local Authorities' views that there was not an adequate business case that could demonstrate any significant benefits to local policing that would justify the inevitable and substantial increase in the Police precept.

The Chancellor's Budget on 29 October disappointed many in failing to deliver any additional funding for Policing except for national level counter-terrorism. Reference was made to a provisional funding settlement in December, but there is no timetable for a comprehensive update to the funding formula that has been deferred since 2015 and now looks set for 2020/21.

A public backlash protesting at the lack of Police resources is backed by authoritative statements about the unsustainability of police funding by the National Audit Office and comments by the Police Federation for Devon and Cornwall highlighting significant increases in recorded crime (up 31% in the past 2 years), alongside the loss of 975 personnel overall including 510 Police Officers (down 15%) and Police Community Support Officer reductions continuing until 2021/22 (down 41%).

The Police Commissioner has, as far as we can see, remained quiet and the Police and Crime Panel meeting scheduled for 16th November has been cancelled for the time being due to a "lack of business". Meanwhile the Chief Constable of Devon and Cornwall spoke publicly to the BBC on 1 November calling for more government funding and stating that **"..the Thin Blue Line is broken"** across Devon and Cornwall, and admitted that lives are being put at risk as a direct result of Police cutbacks.

If Plymouth is not to see the safety of its citizens put further at risk as a direct result of political choices made outside this Chamber, then this Council must take greater action. The safety of Plymouth residents is increasingly being put at risk by a critically over-stretched Police Force, and a Police Commissioner who, in our view, lacks focus on driving the improvements needed to secure more effective policing in our city.

In these circumstances this Council resolves to:

1. Protest in the strongest possible terms to the Chief Constable at the reduction by 25% in PCSO numbers allocated to Plymouth as advised in a letter to this Authority signed by the Plymouth Police Commander, dated 2nd November 2018.

2. In a letter to the Home Secretary signed by the Leader of the Council, call for;

An uplift in funding for Devon and Cornwall to fully address the crisis in its Policing. The December provisional funding settlement for Devon and Cornwall Police to be at least adequate to ensure an immediate stabilisation of Police Force numbers at current strength (Officers, PCSOs and staff), and to note other actions being taken (described below).

3. Take immediate steps to conduct direct engagement with the Police and Crime Commissioner and Chief Constable as appropriate to ensure that policing in Plymouth is resourced fairly, and

to assess and plan the improvements necessary to address the requirements endorsed unanimously by full Council on 17 September 2018, namely;

- a. Investment back into Neighbourhood Policing, specifically the provision of more PCSOs and Neighbourhood Beat Officers.
 - b. Improvements to 999 call responses.
 - c. Commitment to improve the condition and use of the Police estate in Plymouth in line with the ambitions of a modern Police Force.
 - d. A spend profile for Plymouth that reflects the complexity of needs and demands of policing a major urban centre.
 - e. Retention of the city's Basic Command Unit.
4. Ensure that the requirements for enhanced Policing for Plymouth as developed under the action at 3. above are factored into any submissions by the Police and Crime Commissioner to the Home Secretary as part of the comprehensive review of the Police funding formula.
 5. Write to the Chair of the Police and Crime Panel, calling for an emergency meeting no later than December 2018, for the Panel to address these significant concerns.

Proposed – Councillor Gareth Derrick (via email)

Seconded – Councillor Sally Haydon (via email)

MOTION ON NOTICE

City Council 19 November 2018



Commit to the accelerated reduction in single-use plastic by 2020

Plymouth has already made great progress towards reducing single-use plastics, and we want to continue to be at the forefront of addressing this worldwide issue. Support is sought to accelerate the phasing out of single-use plastics such as plastic cutlery and plates, cotton buds, straws, drink-stirrers and balloon sticks across the City by 2020 ahead of the EU deadline. 49% of the marine litter found on EU beaches is composed of single use plastics so, given our location, Plymouth can be one of the first cities to really make a difference and build on the work that has already been achieved by the partners of the Plymouth Plastic Task Force, businesses and residents.

This aim will be achieved by supporting a number of initiatives that will enable us to work alongside businesses, organisations and individuals to collectively drive forward this agenda and for Plymouth City Council to lead by example by committing to the following:-

1. All events on Plymouth City Council land will complete an Environmental Assessment prior to the event to show how single-use plastic will be eliminated, replaced by alternatives or, at least, reduced to an absolute minimum and how the maximum level of recycling of other plastics will be achieved.
2. All Council buildings will go single-use plastic free by September 2019
3. Building on existing commitments, the Surfers Against Sewage [SAS] community campaigns, Plymouth City Council, working with the Plastic Task Force members, will develop and introduce a city-wide voluntary code of conduct to ban single-use plastics such as plastic straws, stirrers, cutlery and single-use coffee cups that will come in to place by the end of 2019.

Proposed by Cllr Darren Winter (via email)

Seconded by Cllr Mrs Vivien Pengelly (via email)

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MOTION ON NOTICE

City Council 19 November 2018

**Special Educational Needs and Disabilities (SEND) funding cuts**

This Council believes that the Government's refusal to provide additional funding for educational support of young people with special educational needs and disabilities (SEND) is driving deep and harmful cuts to support and services that many families rely upon. Research reveals that currently over 2,000 young people with SEND have no access to education. Furthermore, it is clear from national media reports and local councillor case work that many young people with additional needs are not receiving the support they need to thrive in school.

The Council believes that the devastating impact of this growing "national crisis" is already being felt in Plymouth and we are concerned that these cuts are pushing up rates of home education, increasing school exclusion rates and drive the practice of 'off rolling' in the City. Nationally SEND made up 46.7% of permanent exclusions and 44.9% of fixed-period exclusions in 2016-17, but only 14% of the student population.

A specific factor adding additional pressure to SEND budgets is the fact that in 2014 Local Authorities' requirement to fund education for High Needs pupils was extended to 0 to 25 years. The increase in costs associated with this extended obligation has become visible in the pressures on post 16 funding within the High Needs Block budget and the Council is anticipating an increased pressure of over £1m within the next 4 years.

Whilst this council is fully supportive of the policy objective – i.e. to enable young people with SEND to remain in education for longer if they choose to do so – the Government must act now and make funding available to LAs to deliver this commitment. Without dedicated funding, this well-intentioned policy will further exacerbate the existing crisis and will ultimately lead to further damaging cuts.

This Council resolves to write to the Secretary of State for Education, in letter signed by the Leader of the Council, and call for

- An increase in High Needs Block funding to local authorities, which will allow Plymouth City Council and local schools to provide appropriate support to children and young people with the most complex needs from 0 – 25
- An immediate increase in funding for schools which will allow them to deliver additional support for SEND children

Proposer: Councillor Jon Taylor (via email)

Seconder: Councillor Pam Buchan (via email)

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MOTION ON NOTICE

City Council 19 November 2018

**Public Health Funding**

The public health grant funds vital services and functions that prevent ill health and contribute to the future sustainability of the NHS. Local authorities are responsible for delivering most of these services, but their ability to do so is compromised by public health grant reductions and the broader funding climate.

In 2018/19 and 2019/20 every local authority will have less to spend on public health than the year before.ⁱ Taking funds away from prevention is a false economy. Without proper investment in public health people suffer, demand on local health services increases and the economy suffers. Poor public health costs local businesses heavily through sick days and lost productivityⁱⁱ. Unless we restore public health funding, our health and care system will remain locked in a 'treatment' approach, which is neither economically viable nor protects the health of residents.

The Government is looking to phase out the Public Health Grant by 2020/21. Thereafter, they plan to fund public health via 75% business rates retentionⁱⁱⁱ. Whatever the model, it is vital that local authorities have enough funding to deliver the functions and services they need to provide. Deprived areas often suffer the worst health outcomes, so it is also vital that areas with the greatest need receive sufficient funding to meet their local challenges^{iv}.

This Council notes that around four in ten cancers are preventable, largely through avoidable risk factors, such as stopping smoking, keeping a healthy weight and cutting back on alcohol^v. Smoking accounts for 80,000^{vi} early deaths every year and remains the largest preventable cause of cancer in the world^{vii}. Smoking-related ill health costs local authorities £760 million every year in social care costs^{viii}. Additionally, obesity and alcohol account for 30,000^{ix} and 7,000^x early deaths each year respectively. All three increase the risk of: cancer, diabetes, lung and heart conditions, poor mental health and create a subsequent burden on health and social care.

This Council believes that the impact of cuts to public health on our communities is becoming difficult to ignore. This case becomes more pressing given the Government's consideration of a 10-year plan for the NHS. For this reason, we support Cancer Research UK's call for increased and sustainable public health funding. This Council calls on the Government to deliver increased investment in public health and to support a sustainable health and social care system by taking a 'prevention first' approach. In turn, Plymouth City Council will continue to support and fund public health initiatives to the best of our abilities - to prevent ill-health, reduce inequalities and support a health and social care system that is fit for the future.

This Council therefore;

1. Ask the Portfolio Holder, on behalf of the Council, to write to Steve Brine Parliamentary Under Secretary of State for Public Health and Primary Care asking him to recognise the importance of the services that the L.A. Public Health Grant provides, and apply a similar uplift to the P.H. grant to that received by the N.H.S. rather than a reduction of 3.9% in real terms per year.
2. Ask the Portfolio Holder, on behalf of the Council, to write to Steve Brine Parliamentary under Secretary of State for Public Health and Primary Care asking him to implement the A.C.R.A. funding formula to redistribute the Public Health Grant based on the needs of the population.
3. Ask the Director of Public Health to brief Plymouth's Members of Parliament to support increases to the Public Health budget.

Proposed – Councillor Ian Tuffin (via email)

Seconded – Councillor Mary Aspinall (via email)

ⁱ DCLG. [Public health grants to local authorities: 2018 to 2019.](#)

ⁱⁱ Action on Smoking and Health (ASH). [Ready Reckoner: 2018 edition.](#)

ⁱⁱⁱ Hansard. [Local Government Finance Settlement](#), 19 December 2017

^{iv} Marmot, Michael G., et al. (2010). '[Fair society, healthy lives: Strategic review of health inequalities in England post-2010](#)'.

^v Cancer Research UK. [Can cancer be prevented?](#)

^{vi} NHS Digital. [Statistics on Smoking, England – 2017.](#)

^{vii} Cancer Research UK. [Smoking and cancer.](#)

^{viii} ASH. [Cost of smoking to social care - 2017.](#)

^{ix} National Obesity Forum. [Impact of obesity.](#)

^x ONS. [Alcohol-specific deaths in the UK: registered in 2016.](#)

MOTION ON NOTICE

City Council 19 November 2018


**Reducing accidents involving immovable objects on our roads**

Every year, deaths from collisions on roads in the country are causing pain and suffering to thousands of people and families.

We call upon:

1. Plymouth City Council to voluntarily consider in all future developments the repositioning of all immovable objects such as trees, road signs and lampposts away from the road curtilage;
2. The Chief Executive and Leader to write to the Secretary of State of the Department of Transport stating the need for a national policy on immovable objects on roads to be adopted on all roads that have a speed limit of 40mph or higher, on all major strategic routes e.g. motorways and 'A' roads.

Proposed: Councillor Coker



Mark A Coker

Seconded: Councillor Dann



Sue Dann

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