

Licensing Committee

Tuesday 6 December 2022

PRESENT:

Councillor Partridge, in the Chair.
Councillor Mrs Pengelly, Vice Chair.
Councillors Cree, McDonald, Rennie, Stoneman, Tippetts and Tuffin.

Apologies for absence: Councillors Allen and Singh.

Also in attendance: Rachael Hind (Licensing Service Manager), Emily Bullimore (BID Street Operations & Trading Manager), Ian Wills (Senior Lawyer), Sharon Day (Lawyer), Andrea Gilbert (Lawyer), and Elliot Wearne-Gould (Democratic Advisor).

The meeting started at 11:00 and finished at 11:53.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. **Change to Vice-Chair**

The Committee agreed to note-

1. The change of Vice-Chair from Councillor Tofan, to Councillor Salmon;
2. The changes to Committee membership, as agreed at Full Council on 21 November 2022.

Due to the apologies of Councillor Salmon, the Committee agreed to appoint Councillor Pengelly as Vice-Chair for this particular meeting.

2. **Declarations of Interest**

There were no Declarations of Interest in relation to items on this agenda.

3. **Minutes**

The Committee agreed the following minutes as a correct record:

Licensing Committee –

- a) 07 December 2021

Licensing Sub-Committee –

- b) 04 January 2022

- c) 11 January 2022
- d) 22 March 2022
- e) 19 April 2022
- f) 03 May 2022
- g) 02 August 2022
- h) 25 October 2022

4. **Chair's Urgent Business**

There were no items of Chair's urgent business.

5. **Annual Street Trading Report 2023/24**

Emily Bullimore (BID Street Operations & Trading Manager) outlined the 'Annual Street Trading Report' to the Committee, and highlighted the following points-

- a) Street Trading could legally only cover the costs of its operation such as staffing, enforcement, and maintenance, and could not be run for profit;
- b) This report aimed to maximise income for the Street Trading account, maximise a fair market rate for the street traders, and maximise the vibrancy and footfall of the city centre, particularly during its redevelopment;
- c) Having tested the market and trading conditions, it was recommended that market rent levels were kept at 2022/23 levels for the years 2023/24, to maintain trader numbers and generate the optimum income. Projections had showed this would generate an income of £88,000, leaving no surplus after operational costs;
- d) There was a considerable risk that the loss of a few traders would result in a financial deficit however, increasing rental prices would likely be more financially damaging. Plymouth City Council understood and sympathised with traders impacted by the redevelopment of the City Centre however, it was recognised by all parties that this work was essential to enhance its look, feel and footfall.

Following question from the Committee, it was highlighted that-

- e) Over the summer a number of short-term street trader applications had been received however, due to the requirement to go to committee, many of these opportunities had been missed. The recommendations contained within this report would allow the Council to react faster to new requests, and thus maximise economic opportunities for both street traders and the Council;
- f) A 0% rent price rise was aimed to prevent the loss of any traders, which would result in a difficult financial position;
- g) There were ongoing plans to install electric hook-ups at all Ice-cream van sites across the city to prevent the requirement for engines to be running all day. As this came at

a cost to both the Council (through installation) and traders (through vehicle conversion), these electric points were being implemented in a phased approach to allow an easier transition, and prevent exclusion;

- h) Public complaints regarding street trading had been very low however, where necessary, the team had worked to overcome these issues with both residents and traders.

It was highlighted to the Committee that recommendation 10 contained a grammatical error, and should have read "...new traders or contested sites..."

The Committee agreed to-

1. Approve the Consent dates for 2023/2024 as 1 April 2023 – 31 March 2024;
2. Approve the Consent fees for 2023/2024 as set out in Appendix A;
3. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading;
4. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to new traders or contested sites for city centre sites in consultation with the Chair of the Licensing Committee and Lead Opposition member;
5. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, short-term street trading Consents in association with other city centre events and commercial activity;
6. Delegate to the Service Director for Economic Development, authority to approve and set fees for ad hoc street trading applications, within Committee policy;
7. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to existing ice cream traders seeking to continue trading;
8. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and Lead Opposition member;
9. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading;
10. Delegate to the Service Director for Economic Development, authority to approve within Committee policy, the issuing of Consents to new traders or contested sites for vacant Waterfront trading sites in consultation with the Chair of the Licencing Committee and Lead Opposition member.

6. **Mediation Report**

Rachael Hind (Licensing Service Manager) delivered the 'Mediation Report' to the Committee, and highlighted the following points-

- a) When a licensing application was submitted, responsible authorities and other parties were invited to submit representations, providing support or concerns relating to the application. Mediation was a process designed to work collaboratively between the applicant and those submitting representations, to ensure the concerns of all parties were addressed. Should these fail to be mediated, matters were brought before the Licensing Committee for determination;
- b) The number of applications brought before the Licensing Committee this year had been low, demonstrating the proactivity of responsible authorities, and success of the mediation process.

In response to questions raised by the Committee, it was reported that-

- c) When a Licensing application was submitted, responsible Authorities with concerns were able to contact the applicant and suggest additional conditions to be added to the License. If these were agreed, and all representations were withdrawn, officers had delegated authority to determine the application, without the need for Committee referral;
- d) The Committee would be provided with further information regarding how to comment on licensing issues and applications by the licensing team.

The Committee thanked the licensing team and responsible authorities for their work, and agreed to note the report.

7. **Licensing Activity Report**

Rachael Hind (Licensing Service Manager) and David Moore (Devon and Cornwall Police) delivered the 'Licensing Activity Report' to the Committee, and highlighted the following points-

- a) This annual report was brought before the Committee to provide an update on the work undertaken by the licensing team and agencies involved in regulating licensable activities;
- b) There had been 2149 licensing applications received in 2021/2022, an increase of 61% compared to 2020/2021, largely due to the lifting of Covid-19 restrictions. 8 of these applications had been referred to the Licensing Sub-Committee;
- c) There had been 172 formal noise complaints made against licensed premises during the years 2021/2022, remaining high, however the majority of these did not require formal action due to negotiation between affected parties and the licensing team;

- d) 145 licensing inspections had been carried out during this period. While Trading Standards and Environmental Health work had been scaled back over the pandemic, these inspections were now being resumed;
- e) Full inspections had been conducted of licensed gambling premises, as required by the Gambling Act 2005;
- f) The responsible authorities had met on a regular basis to discuss ongoing work surrounding the enforcement of 'problem premises', as well as measures to improve the regulation and safety of the Evening and Night Time Economy (ENTE).

In response to questions from the Committee, it was reported that-

- g) The licensing team would conduct a review into the 'Private Shop', Plymouth's only licensed 'sex shop', following its recent changes and reopening. Following this, the Committee would be provided with an update;
- h) The Committee raised concerns regarding the potential dimming of street-lighting and the safety implications for the public leaving premises in the dark. The Chair agreed to consult with the relevant cabinet member to address these concerns;
- i) The Committee praised the success of the licensing team and responsible authorities for acting proactively and contributing to the safety of the Evening and Night Time Economy through measures such as the Plymouth 'Safe Bus', 'Best Bar None' scheme, and 'Ask for Angela' scheme. This had been the culmination of years of hard work by all parties;
- j) There were significant concerns regarding the financial sustainability of the Plymouth 'Safe Bus', with public uptake remaining relatively low. This had been widely advertised in the Herald, University campuses, and on social media. The Committee and responsible authorities highly encouraged the public to make use of this valuable service;
- k) While these bus routes had been designed to provide the largest possible city coverage, particularly covering high density population areas, it was recognised that patrons would still have to walk the final distance from drop off, to home. There were however, no designated stops, with patrons able to request to get off at any point along the route, and security officers were present with body-worn cameras for safety. Statistics of usage and drop-off locations were being compiled to enable enhanced targeting for future route planning;
- l) Since its successful trial in Plymouth in 2019, the 'Anti Drink-Spiking' campaign had been expanded force-wide, providing training and greater awareness to staff at drinking venues surrounding spiking prevention, recognition and resolution. Ongoing work was being conducted to raise the awareness of drink-spiking, and the number of incidents reported had dramatically reduced this year;
- m) Following the Motion on Notice raised at Full Council on 21 November 2022, Devon and Cornwall Police had proactively worked to increase the police presence and security camera coverage of reported 'unsafe areas' within the city. Additional

resources had been used to enhance CCTV coverage, and plans were in place to provide 'plain clothed' officers on the periphery of the City Centre;

- n) Opportunities were still available for Committee members to join Devon and Cornwall police during their patrols of the Evening and Night Time Economy, to gain an inside experience of the work undertaken;
- o) Devon and Cornwall Police continued to provide communication and conflict management training for free, to organisations operating in the Evening and Night Time Economy.

The Committee praised the ongoing work of the Licensing team, Devon & Cornwall Police, and responsible authorities. The Committee agreed to note the report.