



#plymlicensing



Oversight and Governance

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LICENSING COMMITTEE

Tuesday 6 December 2022
11.00 am
Council House, Plymouth

Members:

Councillor Partridge, Chair

Councillor Salmon, Vice Chair

Councillors Allen, Churchill, Cree, Hulme, McDonald, Mrs Pengelly, Rennie, Singh, Stoneman, Tippetts and Tuffin.

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

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Tracey Lee

Chief Executive

Licensing Committee

Agenda

1. Apologies

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

2. Change to Vice-Chair

For Members to note the change of Vice-Chair from Councillor Tofan, to Councillor Salmon.

3. Declarations of Interest

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

4. Minutes

(Pages 1 - 52)

To confirm the minutes of the meetings held on:

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

5. Chair's Urgent Business

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

6. Annual Street Trading Report 2023/24:

(Pages 53 - 72)

7. Mediation Report:

(Pages 73 - 76)

8. Licensing Activity Report:

(Pages 77 - 88)

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Licensing Committee

Tuesday 7 December 2021

PRESENT:

Councillor Partridge, Vice Chair in the Chair.

Councillor Salmon, Vice Chair.

Councillors Corvid, Goslin, Hendy, Hulme, McDonald, Patel, Rennie, Smith, Stoneman and Wakeham.

Apologies for absence: Councillors Allen and Jordan.

Also in attendance: Emily Bullimore (BID Street Operations and Street Trading Manager), Ann Gillbanks (Senior Lawyer), Rachael Hind (Licensing Service Manager), David Moore (Licensing Sergeant) and Helen Prendergast (Democratic Support Adviser).

The meeting started at 10.00 am and finished at 10.55 am.

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.

9. **Declarations of Interest**

Councillor Smith declared a private interest, in accordance with the code of conduct, as she was the Chair of the new Commission on Violence Against Women and Girls.

10. **Minutes**

The Committee agreed that the following minutes were a correct record –

(1) Licensing Committee -

- 8 December 2020;

(2) Licensing Sub Committee -

- 8 June 2021;
- 24 August 2021;
- 31 August 2021.

11. **Chair's Urgent Business**

There were no items of Chair's urgent business.

12. Licensing Activity Report

David Moore (Licensing Sergeant) and Rachael Hind (Licensing Service Manager) presented the licensing activity report 2020/21. The report had been compiled to provide the Licensing Committee with an overview of the various aspects of the work undertaken by agencies involved in regulating the licensing regimes within the remit of this Committee.

The main areas of questions from the Committee included –

- (a) the measures that the police were undertaking to address illegal activities such as drinks spiking and safety of women;
- (b) sought clarification -
 - on the process for undertaking alcohol and gambling test purchase operations;
 - on when the safe bus would be available in December 2021 and how this would be advertised;
- (c) raised concerns that -
 - Security Industry Authority (SIA) trained individuals had limited powers to deal with issues that arose on the safe bus and suggested that Special Constables should be engaged instead;
 - if the safe bus was only going to drop off at specific points, rather than individuals being able to alight the bus where required, this could lead to safety issues (as the drop off points would be advertised this could attract undesirable behaviour).

Councillor Smith advised that she was the Chair of the new Commission for Violence Against Women and Girls and suggested that a report be brought back to the Committee in 12 months' time providing details of how the licensing team and the police were liaising with Commission.

The Committee noted the report.

13. Annual Street Trading Report

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Annual Street Trading report which sought to set the process for the issuing and terms and conditions of consents for the 2022/23 trading year. The following key points were highlighted –

- (a) due to the Covid 19 pandemic the financial pressures placed on existing street traders during the 2021/22 trading year, teamed with the decrease in footfall in the city centre, there had been no increase in consent fees;

- (b) 2021/2022 had been a challenging year for all street traders and the issues that hit the high street at the start of the pandemic in March 2020 had continued through this financial year with most traders experiencing the strain of price rises and less income with no grants to assist them this year;
- (c) it was proposed that there was no increase in consent fees for city centre street traders for the 2022/23 trading year, in order to support street traders to continue to trade;
- (d) it was further proposed that there was a restructure of consent fees for the ice cream trading pitches for the 2022/23 year; during 2020 and 2021 several establishments along the waterfront had started to sell ice cream from their premises, some operating on to the highway; this had caused upset and some anger between traders;
- (e) the ice cream traders had highlighted the difference in site fees along the ice cream sites on the waterfront and there had been historically a large difference in consent fees; however, the footfall had changed as have the locations and parking arrangements for the ice cream vehicles, so it was proposed that there was a levelling out of fees across the waterfront; this means that the highest consent payers would not have an increase in fees but others would; the sites would be equal opportunity for all traders with the new price proposal with street trading suffering no loss of income;
- (f) the ice cream consent holders had asked for consideration to be given for them to extend their offer to include hot drinks and hot snacks from the mobile ice cream vans; this would provide a fair opportunity for trade over the colder months; all consent holders would need to meet all health and safety and hygiene requirements;
- (g) it was therefore proposed that the paragraph in the application form (permitted trades for ice cream pitches) was changed to 'all the trading locations would be allocated for the sale of ice cream, frozen confectionery, hot and cold soft drinks; hot drinks and snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location would be decided as part of the application process in consultation with the Chair of the Licensing Committee and lead opposition member'.

The main areas of questions from the Committee included –

- (h) whether in order to alleviate the large increase in consent fees, for some of the consent holders, could be phased in over a period of time;
- (i) concerns relating to the type of hot snacks that the ice cream consent holders could provide; for examples no burgers or chips would be acceptable;
- (j) whether the ice cream mobile vehicles would be complaint in order to be able to use the proposed electrical charging points;

- (k) sought clarification -
- as to the process that would be adopted in order to ensure that consent holders used the electrical charging points once they had been introduced;
 - as to how long the work would take to complete the installation of the electrical charging points, in order to avoid disruption to this busy location and whether the power companies had been consulted;
 - as to the type of vehicle that would be permitted with the proposal to permit hot drinks and snacks to be sold by consent holders;
 - that should the Committee approve the phase-in of the fees for some of the consent holders what would be the proposal to amend the figures stated in the report (with this be done at this meeting or outside of this forum).

The Committee agreed –

- (1) the approval of the consent dates for 2022/23 as 1 April 2022 – 31 March 2023;
- (2) the approval of the consent fees for 2022/23, as set out in Appendix A;
- (3) that the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to existing city centre traders, seeking to continue trading;
- (4) that the Service Director for Economic Development has delegated 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 the lead opposition member;
- (5) that the Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity;
- (6) that the Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
- (7) that the Service Director Economic Development has delegated authority to approve, within Committee policy the issuing of consents to existing ice cream traders seeking to continue trading;
- (8) that the Service Director for Economic Development has delegated 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) that the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading;
- (10) for the Hoe and Madeira Road Waterfront trading sites the Licensing Committee delegate approval to the Licensing Sub Committee for all new applications;
- (11) to approve the proposal for ice cream consent holders to also serve hot drinks/snacks from mobile ice cream vehicles; the decision with regard to the acceptable type of trade at each location would be decided as part of the application process in consultation with the Chair of the Licensing and lead opposition member.

The Committee agreed in principle for the fees to be levelled up over a phased period of time and the Service Director for Economic Development has delegated authority to approve the fees, in consultation with the Chair of the Licensing Committee and lead opposition member.

14. **Information regarding Delegated Decisions for Applications for the Grant/Variation of Premises Licences**

Racheal Hind (Licensing Services Manager) presented the delegated decisions for applications for the grant/variation of premises licence report.

Members were advised that between 1 November 2020 and 31 October 2021 there had been 33 applications that had been mediated out by officers which negated the need for these applications to be submitted to the Licensing Sub Committee for consideration.

The Committee noted the report.

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Licensing Sub Committee**Tuesday 4 January 2022****PRESENT:**

Councillor Stoneman, in the Chair.
Councillor Patel, Vice Chair.
Councillors Corvid (fourth member) and Rennie.

Also in attendance: Sharon Day (Lawyer), Marie Price (Senior Enforcement Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 12.10 pm.

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.

15. Appointment of Chair and Vice-Chair

The Committee agreed that Councillor Stoneman was appointed as Chair, and Councillor Patel was appointed as Vice Chair, for this particular meeting.

16. Declarations of Interest

There were no declarations of interest made by Members in accordance with the code of conduct.

(Councillor Corvid left the meeting after the conclusion of this item)

17. Chair's Urgent Business

There were no item's of Chair's Urgent Business.

18. Variation of Premises Licence - Spar 171 - 173 Pike Road, Efford, Plymouth, PL3 6HJ

The Committee having:

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant as follows:
 - the existing premises licence hours were between 8am – 11pm Monday – Saturday and 10.30pm on Sundays. The application was to vary the opening time to 6am in line with the shops opening times and to change closing time on a Sunday to 11pm and to remove the restrictions in relation to Good Friday and Christmas Day. This was in line with other Spar shops. Experience suggested

that to have the alcohol sales time in line with opening hours also prevented problems with customers as refusing sales during opening hours was a potential source of conflict and tended to cause problems;

- the premises had been recently acquired and would be staffed by two experienced staff who have previously operated the branch in Devonport. The company itself has a wealth of experience in operating these stores;
- there had been no representations against the application from Responsible Authorities;
- in response to the concerns laid out in the representations:
 - need for the licence was not a relevant consideration for the committee in its decision making;
 - regarding the licence exacerbating existing problems with drugs and anti-social behaviour, the addition of hours was at the beginning of the day and also if it were a concern the Police or Environmental Health would have made representations;
 - with regards to potential abuse of its staff, this was a factor in retailing regardless of alcohol sales;
 - the notices advertising the application were displayed appropriately and evidence had been sent into the Licensing Officer to prove this;
 - there was no evidence about alcohol issues in the store and the extension sought will not lead to the concerns raised as it is only 2 hours at the start of the day, 30 minutes on a Sunday and the removal restrictions on a Good Friday and Christmas Day;
 - their business is a community food store and it is the only one in the immediate area. As they rely on the local community for their business the store would be unwise to do anything that would cause a problem for the local residents as it would affect business;
 - there was no causal link for the concerns mentioned in the representations and no evidence to support them;
 - all staff are individually trained and are re tested every six months. They have a challenge 25 policy and a refusal log. Their plans have been discussed in detail with the Police;

- referred the committee to paragraph 9.15 of the statutory guidance and paragraphs 54 and 55 of the Thwaite's case;

(c) considered the written representations from other parties as follows:

- there were existing problems with drug misuse in the area and the extension applied for would encourage more anti-social behaviour and late night disorder. Staff of the Coop, who used to operate the premises, have been verbally abused by alcohol fuelled customers in the past and the extension will not improve the situation. The extension will encourage more ASB and make the area more undesirable and frightening for residents and young children.

This was considered to be relevant under the crime prevention and prevention of public nuisance licensing objectives. It was noted that the extension related mainly to the morning hours and therefore the committee did not consider that the hours sought would lead to problems envisaged by the representation. It also noted that there had been no representation by any Responsible Authority. Therefore, the committee did not consider it appropriate to take any action to promote the licensing objectives in respect of this representation;

- the existing hours are entirely sufficient and there is no local need to extend the availability of alcohol. There is no benefit to the community by allowing this extension. This was not considered to be relevant as it did not relate to any of the licensing objectives.

(d) noted that there had been no representations from Responsible Authorities on any issue.

Agreed that having considered the representations as set out above and taken into account what was said by the applicant's representative as detailed above, the application would be granted as applied for subject to the conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

19. **Grant of Premises Licence - The Grosvenor Hotel, 7-11 Elliott Street, The Hoe, Plymouth, PL1 2PP**

The Committee having:

- (a) considered the report from Director for Public Health;
- (b) heard from the applicant and considered the response to the Notice of Hearing, as follows:
- this was effectively a re-application for a premises licence as the previous owners did not renew the licence during the pandemic;

- that they continue to implement the management controls recommended by the Police and have been in contact with the CCTV provider and have raised all issues mentioned in Appendix 3 of the report with them;
- with regards to public safety, all records on risk assessment and health and safety are up to date. Regular fire checks are carried out and records updated by trained staff members. They use industry guidelines with their housekeeping policy and current government guidelines which they will keep going such as hand sanitiser provided for guests and staff;
- in relation to public nuisance, on check-in guests are made aware of the area being residential, the need for consideration for residents and not to drink alcohol outside. There is also signage outside the front and back entrances;
- in respect of the protection of children from harm, as outlined in Appendix three of the report, they have allocated space in the lounge as a games area with games and books. Children are to be always accompanied by an adult throughout the hotel;
- of the staff employed, three of them have been with the hotel for over seven years and another three over three years. Three of the reception staff have a personal licence;
- two staff members live in the hotel and another two within 50 yards of the hotel;
- the hotel has been in operation for over 13 years and there have been no major incidents;
- the hotel has a very good relationship with the residents of Elliot Street and they take in deliveries for nearby residents and they hope to be able to work with the local residents in Elliot Street and the surrounding area;
- there was a change in ownership of the hotel two years ago. The new owners are looking at refurbishing sections of the hotel inside and outside;
- the idea was to serve light refreshments from 11pm onwards to a few small groups of friends who go to the theatre etc;
- one staff member who lives in the hotel is tasked with general maintenance for inside the hotel to make sure it is kept in good condition;
- regarding people leaving the building and causing a nuisance in the early hours of the morning then the only people that could be is

hotel guests checking out. Alcohol is only served until 11pm and so guests are not drinking into the early hours;

- there are smoking bins outside the hotel and guests are not allowed to take alcohol outside;
 - visitors who are not already guests will not be served alcohol after 11pm;
 - the hotel has been there for 13 years and is very much a central part of the Hoe and has many returning guests;
- (c) disregarded the letter in support of the application as this was effectively a representation submitted outside of the timescales laid out within Licensing Act 2003 and as such could not be considered as a relevant representation;
- (d) noted that conditions had been agreed with the Police but that there had been no other representations from Responsible Authorities on any issue;
- (e) considered the written representations from other parties as detailed below:
- there was concern around the potential for noise during the night and early hours from the smoking area, loud music, shouting and singing etc. if permission is given for the extension to 5am.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. However, the committee did not consider that the addition of an alcohol licence would lead to the problems envisaged given that the premises already operate as a hotel and are only going to be open to the public until 11pm. It was also noted that there had been no objections from any Responsible Authority. It was therefore not considered appropriate to take any action to promote the licensing objective in respect of this representation.

- the premises have no suitable outside space for smokers who congregate outside the main entrance on Elliot Street and opposite a number of flats so there is a potential for noise disturbance at all hours and it is not reasonable to expect residents to put up with this until 5am. Patrons should not be allowed to bring their drinks outside onto the street.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. It was noted that the management confirmed that the smoking area is outside the front of the hotel however they would not allow residents to take alcohol outside. Therefore, in light of the information provided and to prevent any problems with noise from the use of the smoking area it was appropriate to impose the following condition to promote the above licensing objective:

No alcohol may be taken out of the hotel into the smoking area

- problems could be caused if events are held into the early hours, as non-residents leave. There are already problems with shouting and noise when groups leave the Hoe after a BBQ or drinking session late at night, especially in the summertime.

This was considered to be relevant under the Prevention of Public Nuisance licensing objective. However, it was noted that the premises are closed to the public from 11pm onwards and the premises are not licenced for events beyond this time. Therefore, the problems envisaged in the representation should not occur and it was therefore not considered appropriate to take any action to promote the licensing objective in respect of this representation.

It was agreed that having considered the relevant representations as set out above and taken into account what was said by the applicant representative as detailed above, the application would be granted as applied for subject to the conditions agreed with the Police, conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

20. **Variation of Premises Licence - The Craft House, 5 Elliot Street, Plymouth, PL1 2PP**

The Committee having:

- (a) considered the report from Director for Public Health;
- (b) heard from the applicant and considered the response to Notice of Hearing as follows:
 - the bar itself had a capacity of 40 people. The hotel had a capacity of around 30 people which would mean that with a full hotel the most the bar could accommodate would be 10 non-members;
 - the premises is primarily a hotel and is it that which the variation to the premises licence seeks to build upon rather than be a detriment to it. Their best room is right above the bar and so it would not be wise for them to have events that affected that room. It was envisaged that it would be Friday and Saturday evenings when the hotel would be open to non-residents. They have no ambition to be a nightclub or pub as the hotel is their primary focus. They have no wish to throw people out or create rowdy bar. They are trying to achieve a venue where people can have a quiet drink. The owners live on site themselves;
 - the applicant believed that the application was relevant to the Council's corporate plan in that it would help unlock the City's potential by attracting visitors, utilising social and cultural offers and

creating opportunities for increased levels of employment. They would achieve this by offering a relaxed adult social hub for local residents, businesses and visitors alike to enjoy a drink in the bar but also to participate in planned craft workshops run by local makers and creators with the opportunity for a social drink during or after the workshop;

- they opened at the end of September 2021 and feel they have already started to make a strong case for being a favoured hotel destination within the city. As a result they are already looking for additional staff members;
- they are applying for earlier licensing hours, the ability to serve non-residents and for off-sales to both residents and non-residents because their aim is to promote local businesses by either selling their products in the bar (wine, beers, spirits) whether through on or off sales or by running craft workshops, such as ticketed painting and making workshops which will be available to both staying guests and non-guests. Therefore, by having a venue which can allow for social drink to be consumed either on the premises or for takeaway, they will be able to promote the small business and creators more effectively;
- earlier licensing hours are for guests of a local event e.g. wedding day, graduation day who may want to consume a drink slightly earlier in the day;
- in direct response to the objections:
 - no suitable smoking area - there is a segregated, gated outside area on their premises to the side of their entrance accessed through a small gate - it contains tables and chairs and a cigarette bin. Guests are told that this is the area and are encouraged to use it. It is also published on their business terms and conditions on their website as well as being on the guest registration form. Smoking is not promoted on the premises and they don't sell tobacco products or any accessories. As they are an existing hotel they cannot control which of their guests are smokers. However, their experience at present is that most of their guests are non-smokers. They do not envisage that their customers will be consuming copious amounts of alcohol and then going into the smoking area and being noisy but if that happened the management would be asking patrons to keep the noise down;
 - off sales mean entering and leaving more frequently causing noise, and litter: The inclusion of off sales is aimed primarily but not limited to the desire to sell gift hampers. It was hoped it would allow guests and non-staying visitors to drink more sensibly knowing that they can leave and take a drink home

with them. They do not intend to become known as the local pub or the local off licence. The aim is to create a calm and mature social venue. Drinks are primarily bought from small/micro-breweries or distillers and as such their prices will be no match for pubs or supermarkets in the vicinity of Elliot Street. In their discussions with the Police, they report that the police felt that their prices were not something that would work for party goers or street drinkers and so there is no need for a no single can sales condition;

- selling to non-residents is again to allow people to sample the local products on sale, at home. They would be able to take home unfinished wine or to purchase hampers on sale that may contain alcohol;
- in relation to the concern about litter, they keep the immediate area clear of rubbish and actively checking the exterior of the premises for litter and disposing of it correctly;
- concerns about the impact from late night events, and no adverse noise from loud music or singing: They have not applied for late night entertainment and would not do so unless through a temporary event notice. The area has only recently had more residential properties and this is because of the properties deregistering as businesses. There are two other aparthotels/hotels in Elliot Street. The main revenue for the Craft House is through room sales and therefore it would be counter to their own interests to pursue extra bar sales to the detriment of the room sales;
- they live in the hotel themselves (at the front of the premises) and have not been disturbed by noise from people leaving the Hoe;

(c) disregarded the three letters in support of the application as these were effectively a representation submitted outside of the timescales laid out within Licensing Act 2003 and as such could not be considered as a relevant representations;

(d) considered the following written relevant representations:

- there was concern around potential for noise during the night and early hours of the day regarding permission for off sales until 1am. Additionally, off sales could mean people are entering and leaving more frequently causing more noise and litter in the area.

This was considered to be relevant to licensing objective of Prevention of Public Nuisance. The committee did not consider that the problems envisaged would occur given the business model to be operated by the applicant and therefore it was not considered

appropriate to take any action to promote the licensing objectives in respect of this representation;

- there is no suitable smoking area at the premises and patrons congregate outside the front of the premises opposite flats which would create noise problems. Patrons should not be allowed to take drinks outside.

This was considered to be relevant to the licensing objective of Prevention of Public Nuisance. However, it was noted that the smoking area is to the side of the premises. Additionally, the premises already operates as a hotel and given that the main variation is the addition of hours in the morning and the addition of off sales, the committee did not consider that the problems envisaged in the representation would occur. The management had also been clear that if any problems did occur they would address them. Taking all of this into account the committee considered that it was not appropriate to take any action to promote the licensing objectives in respect of this representation;

- there was a concern about the impact from late night events and that there is no loud music or singing etc.

This was considered to be relevant to the licensing objective of Prevention of Public Nuisance however, the premises were not licensed for late night events and so the committee considered that it was not appropriate to take any action in respect of this representation;

- (e) noted that conditions had been agreed with the Police but that there had been no other representations from Responsible Authorities on any issue.

Agreed that having considered the relevant representations as set out above and taken into account what was said by the applicant as detailed above the application would be granted subject to the conditions agreed with the Police, conditions consistent with the operating schedule and the mandatory conditions as set out in the Licensing Act 2003.

21. **Exempt Business**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 11 January 2022

PRESENT:

Councillor Jordan, in the Chair.
Councillor Patel, Vice Chair.
Councillor Rennie.

Also in attendance: Ann Gillbanks (Senior Lawyer), Helen Prendergast (Democratic Advisor), Marie Price (Senior Enforcement Officer) and Ian Wills (Lawyer).

The meeting started at 10.00 am and finished at 10.55 am.

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.

22. **Declarations of Interest**

Councillor Jordan declared a private interest with regard to minute 24, as his daughter was employed by Tesco (but not in a managerial role within the organisation).

23. **Chair's Urgent Business**

There were no items of Chair's urgent business.

24. **Grant of Premises Licence - Tesco Stores Limited, Mount Wise Crescent, Devonport, Plymouth, PL1 4GU**

The Committee having –

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant's Licensing Manager as follows -
 - Tesco had 2800 stores and 300,000 colleagues across the UK, made up of Extra stores, Superstores and Express convenience stores; this application was for a convenience Express store; it would be used as a top up shop with small baskets rather than a full shop, so it would hold a limited and targeted range of goods which would reflect the local community; alcohol was a small part of this range; the shop would have 20 colleagues and three managers, consisting of full and part time staff; roles were offered to the local community prior to going out to the wider area, so the store would have a mixed of experienced and new colleagues;
 - the store would stock a selected range of alcohol with spirits kept behind the counter; the manager of the store had yet to be recruited;
 - Tesco operated a Good Neighbour policy and had been involved in 50 projects; £180,000 had been given through its community grants which had delivered 128,000 meals;

the store manager would be happy to join the local resident groups and would hope that the resident who had made the objection could contact them, once the store opened in order to discuss their concerns;

- there had been no representations from any of the responsible authorities; Tesco worked closely with Mr Seymour, Police Licensing Officer in Plymouth, who would contact the applicant if there were any problems in the area; nationally they had great relationships with the responsible authorities and other retailers and had also produced alcohol sales and product guidance for use by smaller independent retailers to promote the responsible sale of alcohol by all;
- Tesco supported the Portman drink awareness initiative; the company's training records were endorsed by BII and had a documented and audited compliance route of induction training which also included check out and age restricted sales training, as well as training on the licensing objectives; the training was refreshed on a twice yearly basis;
- Tesco operated a challenge 25 policy and also an 'eyes wide open' policy whereby the manager would support the cashiers in any decision they made to refuse a sale of alcohol; training was also included conflict training; there was a check out till prompt which locked the screen to prevent further purchases until ID had been verified (only Home Office approved ID was acceptable);
- sales staff training included what to look out for when an individual was buying alcohol for younger people outside of shops; there was an internal communications system which had the ability to send a message to all stores in Plymouth if there was an incident; security in the stores would be an up to date CCTV system which linked to a monitored office based hub; there was the provision to make safeguarding announcements and staff were equipped with panic alarms;
- target, high value items were security tagged and staff teams would wear bodycams and headsets for communication; store managers had discretion to close the store, in the even to any serious problems (for example the store at Wembley may close when there was a football match until the match crowds had dispersed);
- the company worked closely with children's groups and would carry out test purchases four times a year in this store which it tested with 18 or 19 year olds trying to purchase alcohol; if alcohol was sold then the store would have failed and more regular testing would be undertaken;

- deliveries of alcohol to the store would be include with the rest of the deliveries; the pricing of alcohol was set nationally;
 - Tesco had applied for a late night refreshment licence to cover sales from the Costa machine in the store;
 - with regard to the written representation, the applicant understood the concerns of the resident and could put up notices in the store to remind customers to leave quietly; the applicant was not expecting many people to drive to the store and would expect that customers would mainly walk to the store; the applicant would be happy to be involved with any local residents association;
 - the applicant was not aware of any issues in the area;
 - each application was granted on its own merits, so the representation relating to the Co-op closing hours should not be taken into account by the Committee;
- (c) responded to questions from Members of the Committee as follows -
- the applicant could work with the Salvation Army to identify individuals to work with, if required; the company had made contact with similar organisations in relation to other stores across the country; it was also able to operate a self-exclusion policy to support any particular individuals identified from this work;
 - the company had a strong challenge 25 policy for the sale of alcohol and would work closely with Mr Seymour (Police Licensing Officer) to identify any trends for anti-social behaviour but was unsure how much it could do about this issue but Tesco took pride in its branding and being a responsible retailer;
 - the applicant would be happy to reduce the hours to close of 11pm;
 - the applicant could liaise with the relevant officer in the Council and other community alcohol partnerships in order to reduce underage drinking and any projects in this area; Tesco was a recognised excellent retailer and had policies and practices in place; there was no evidence not to grant the licence applied for and there had been no objections from the police to this application;
- (d) the Committee considered the written representation from another party, as follows -
- the late night opening hours which would include the sale of alcohol, would inevitably lead to an increase in both footfall and traffic along Charles Darwin Road and Mount Wise Crescent late at night; there was a Co-op store in very close proximity to this location which already sold alcohol;

this store regularly had people loitering outside until late at night, drinking and leaving litter; as the new Tesco store plan to sell alcohol for two hours after the Co-op store closed, there was a high likelihood that people would migrate to Charles Darwin Road in order to continue;

- this would result in an increase in litter along the street, evidenced by the high number of cigarette ends on the road, paths and benches outside of the Co-op, despite the provision of bins outside the store;
- with the shop opening until midnight, noise and light pollution on Charles Darwin Road would significantly increase, in comparison to the current conditions which would affect the ability of residents in close proximity to experience quiet enjoyment of their property; there was a number of children living in houses on the street, who would be prevented from sleeping properly due to the increased vehicle noises (driving past, engines starting, doors opening and closing, parking sensor, etc) and people talking in the street as well as coming and going from the shop; due the design of the houses, noise did travel well along the street, including to the top floor of the houses;
- late night alcohol sales could also encourage increased instances of anti-social behaviour within the site itself; unfortunately, alcohol consumption and anti-social behaviour could often go hand in hand together; the objector was concerned that this could lead to damage to both public property (benches etc) and private property (cars and homes);
- to reduce these factors the sale of alcohol could be stopped at the same time as the nearby Co-op and to further reduce noise nuisance and light pollution to local residents, the store should close at the same time as the nearby Co-op (22:00 hours).

The Committee considered these representations as relevant concerns under the licensing objectives of public nuisance and prevention of crime and disorder.

The Committee noted the resident's concerns about the potential effect the application would have on the local residential community in respect of encouraging people to the store who may linger in the area after closing time, causing noise nuisance and affecting residents' sleep and particularly young people going to school and noted the applicant's indication that they were willing to place signs in the shop to ask customers to respect local residents when leaving.

The Committee was concerned that the store would be selling alcohol in an area where there was a known problem with drink related anti-social behaviour. The Committee recognised that the applicant was a nationally responsible alcohol retailer and accepted the assurances that they would work with the police and Salvation Army but would also expect the applicant to make contact and work closely with the Council's Community Connections team when the store opened for business.

In light of the Committee's concerns and the concerns raised by the resident, the Committee considered that it was reasonable and appropriate for the promotion of the licensing objectives to –

Agree to grant the application subject to the conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act, 2003 and with the following additional conditions –

- (1) the sale of alcohol could take place between 06:00 and 22:00 hours, Monday to Sunday for a trial period of six months from the opening date of the store;
- (2) if, during the six month period any objection or representation was received by the Licensing Authority from any resident or responsible authority about the premises, the application would be referred back to the Committee;
- (3) if no representations were received during this time, then the hours applied for (06:00 to 00:00 hours Monday to Sunday) would become permanent;
- (4) the Premises Licence Holder or nominated person shall ensure that suitable signage was positioned at the exits to request the co-operation of customers, in particular to make as little noise as possible when leaving the premises; customers would be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.

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Licensing Sub Committee

Tuesday 22 March 2022

PRESENT:

Councillor Rennie, in the Chair.
Councillor Patel, Vice Chair.
Councillors Allen and Stoneman (Fourth Member).

Also in attendance: Marie Price (Senior Enforcement Officer), Sharon Day (Lawyer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 10.45 am.

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.

25. **Appointment of Chair and Vice-Chair**

The Committee agreed that Councillor Rennie was appointed as Chair, and Councillor Patel was appointed as Vice Chair, for this particular meeting.

26. **Declarations of Interest**

There were no declarations of interest in accordance with the code of conduct.

27. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

28. **Grant of Premises Licence - The Catch situated at 47 Southside Street. The Barbican, Plymouth. PL1 2LD**

The Committee having:

I. heard from the applicant as follows:

- the concerns of local residents have been factored into their plans for the business;
- no objections to the licence from any relevant authorities;
- they have adhered to all the licensing conditions from the Police;
- the premises is a food orientated venue, with a substantial food in the form of a table meal being made available when the venue is open;

- it is a premium seafood restaurant targeting the affluent and mature diners looking for something different;
- the plan is to offer a selection of premium wines and alcoholic beverages; they will not be providing discounted beverages, happy hours or any other offer that would encourage excessive drinking or problematic behaviour. The alcohol is to compliment the food;
- the premises previously operated as a shop/restaurant with similar opening hours to those proposed. It had, on occasion temporary event notices to provide alcohol for special events;
- the licensing objectives will be adhered to through effective, responsible training and management, supervision of staff and the premises;
- having the venue open and active in the later hours of the day will help elevate and discourage the mentioned antisocial behaviour within the Mitre Court gated entrance. Visible CCTV camera that have been installed will also help to discourage this;
- public safety is key to provide a safe working environment for their staff and customers and the public who are passing the venue. They would ensure that there would be a minimum of 1.5 meters of space between any tables used outside and the pavement edge to prevent the public having to walk on the road. Any A-boards would be positioned so as not to cause any obstruction and would ensure accessibility for all;
- music will be for background ambience only and they are very conscious of residents in the vicinity. They have installed a low decibel extraction system within the kitchen area to alleviate the need to have the front door open during busy times and to help reduce noise pollution from the venue;
- all customers using the venue will be asked to be respectful of the local residents and keep the noise to a minimum when outside the venue;
- the venture is in line with Plymouth's Ocean City vision as the produce will be promote local fishing boats and local seafood products catering to a more mature clientele;
- clients will be asked to smoke away from the premises on the pavement opposite as there is much more space there, to be respectful of residents and the area will be monitored to ensure that no nuisance is caused to neighbours;
- it is not envisaged that queues will form but if they did then clients phone numbers will be taken and an electronic system (open table) will be used to notify clients when their table is ready;

- the size of the venue is for 18 covers;
- Mr Baker outlined his 20 year experience of working in hospitality in high end venues;
- with correct supervision he did not believe that the venue would cause any additional issues in the area;

2. considered the written representation from the other party as follows:

Prevention of Crime and Disorder Licensing Objective:

- there is a community trigger currently in place regarding ASB in the vicinity of the new premises. The night time economy attracts street drinkers, rowdy behaviour and public urination in residents doorways and destruction of property. Having another alcohol outlet will exasperate an already out of control problem (footfall, crowds) having another establishment will cause further conflict with the residents that live and sleep in the area overnight and will add to current ASB problems. The gated entry to Mitre Court is located next to the premises and is an historic spot for public urination. Residents have used the 101 web chat services four times in February to report ASB. Reference was made to a Plymouth Live article which reported an Airbnb was used for a drug fuelled party which took place within Mitre Court which is situated behind the premises.

Members considered this representation to be relevant under this licensing objective. Members disregarded the reference to the news article about the Airbnb as this was not relevant to any of their considerations for this licence.

Members did not consider that the premises would add to the problems outlined in the representation for the following reasons:

- the problems regarding public urination would be mitigated by the installation of the CCTV at the premises which was a positive factor;
- the venue has only 18 covers and so is a small venue which will not cause a large increase in footfall or crowds. The booking system will ensure that queuing is dealt with effectively;
- the business is a food based business with alcohol being an accompaniment to the food;
- given nature of business and its target audience it would not contribute to existing problems in the area and will help to address some of the problems;

- there had been no representations from any of the Responsible Authorities;

Public Safety Licensing Objective:

- There was the potential for the obstruction of the pavement outside. Previous owners had tables and chairs outside which caused people to walk out into the traffic. The pavement is already narrow and if large crowds gather outside (smoking) it will cause pedestrians to walk into the road.

This was considered to be relevant under this licensing objective however the applicant had confirmed that if tables were placed on the pavement there would be 1.5m for pedestrians to pass by. With regards to smokers causing obstruction on the pavement outside the premises, this was not directly linked to the alcohol licence as even without an alcohol licence patrons of the restaurant would need to go outside to smoke. However, the committee had noted that patrons would be encouraged to smoke in the area over the road from the premises where there was plenty of room and that the area would be monitored by the premises. Therefore, given this, the size of the premises and the management of the booking system the committee did not consider that this licensing objective would be undermined;

Prevention of Public Nuisance Licensing Objective:

- Noise is already loud from neighbouring premises and can be clearly heard in the other party's property. Music can only be heard from establishments on The Parade and Quay Road and it already affects their sleep. Music noise echoes around the area. The close proximity of this premises will make matters worse with crowds gathering outside and music being played. The other party has a partner who suffers from autism and already struggles with the noise. The new licence will exasperate that. They have already spent £3000 on sound proofing. Due to the construction of the premises they believe that noise pollution will occur (they don't believe it will pass E1 building regulation). The property does not have any air conditioning, leading to the door being propped open and music from the property has previously been reported to PPS. The noise will cause them to be displaced from their home and it will affect their quiet enjoyment of the property. The Premises used to be a fudge shop with no issues in the 5 years the person has lived there. The issues have only arisen when the premises changed into an alcohol establishment serving food. It will not be in keeping with the immediate vicinity as most other businesses are shops and close at 6pm

This was considered to be relevant under this licensing objective, however the committee did not believe that licensing objective would be undermined for the following reasons:

- the playing of music was not a licensable activity in relation to this application and was therefore not taken into consideration. The committee also disregarded reference to whether the building would come up to building regulation standards as this was not linked to the licensing objectives;
- whilst whether not the premises was in keeping with the immediate vicinity was not strictly relevant to the committee's deliberations, it was noted that there were 3 other restaurants in the area rather than it being shops as mentioned in the representation;
- the applicant had taken measures to reduce the risk of noise breakout by the installation of a low decibel kitchen fan which would save the door being opened for ventilation.
- this was not a large venue as it only has 18 covers and the management have a booking system to prevent queues forming or problems with crowds;
- the clientele will be there for food rather than purely for alcohol;
- the last order for food will be at 9pm with the gradual dispersal of customers from then until 10pm which would avoid problems with dispersal and crowds.

Agreed, that taking into account the representations and all that was said by the applicant detailed above, the committee agreed it was appropriate to grant the licence as they were satisfied that to do so would not undermine the licensing objectives. It was considered appropriate to depart from policy in this case as given the size of the premises, business model and steps to be taken by the applicant to mitigate any potential problems and the fact that there had been no representations from any of the Responsible Authorities, the committee did not consider that granting the licence would add to the cumulative impact in the area. The licence is granted subject to the following:

- Mandatory conditions set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule;
- Conditions agreed with the police.

Exempt Business

There were no items of exempt business.

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Licensing Sub Committee**Tuesday 19 April 2022****PRESENT:**

Councillor Jordan, in the Chair.
Councillor Hendy, Vice Chair.
Councillor Corvid.

Also in attendance: Sharon Day (Lawyer), Marie Price (Senior Enforcement Officer), Catherine Macdonald (Enforcement Officer), Ian Wills (Lawyer – observing) and Jake Metcalfe (Democratic Advisor).

The meeting started at 10.00 am and finished at 12.00 pm.

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.

30. Appointment of Chair and Vice-Chair

The Committee agreed that Councillor Jordan was appointed as Chair, and Councillor Hendy was appointed as Vice Chair for this particular meeting.

31. Declarations of Interest

There were no declarations of interest in accordance made by Members in accordance with the code of conduct.

32. Chair's Urgent Business

There were no items of Chair's Urgent Business.

33. Grant of Premises Licence - Stoke Grill, 62 Devonport Road, Plymouth PL3 4DF

The Committee:

1. considered the report from the Director of Public Health, including the guidance and policy referred to therein;
2. heard from the applicant as follows:
 - with regards to litter they intend to take responsibility for any litter or rubbish belonging to their shop, collect it and put it in a bin. They will put extra bins out at the entrance and inside the shop and will be putting up a notice and asking customers to put all litter in those bins. Their staff will take responsibility to collect them around the shop and street;

- noise: the staff do not make noise as they are all busy preparing food, cleaning and packing. They have given a note to all drivers not to take calls during work. If it is an emergency they can take the call inside the car;
- they will stop drivers parking or blocking the 'car park';
- they do not think that the drivers will cause a problem and will do their best to make everything smooth and quiet. The staff do not use their cars to shop or return. The number of delivery drivers will be reduced with only one driver expected to work during that time. The applicant confirmed during questioning that the busy time of operation for deliveries was prior to 9pm and, based on the operation of a nearby Kebab shop, he did not consider that more than one driver was needed. He considered that the business would be more based on walk-ins at the time of night during which the licence would operate;
- all food waste will be put inside bags and put in bins to address the smell of bins. The waste will be collected weekly by a company;
- they will clean the front of the shop of any customer vomit;
- they will make sure that their customers do not make a noise or act in an anti-social manner in their shop. They will try to do everything safely and follow all the rules and laws;
- Stoke Village is a big area and is crowded with a lot of pubs around it;
- there is only one additional take away shop open and that is next door to this premises;
- the applicant's shop opened approximately 20 years ago and he had run the business for the last 12 months. Because of the length of time the shop had been open he felt he should have priority for having a later licence. There are already premises open until 2am in the area otherwise he would not have thought of applying for the licence;
- the first time he had spoken to the neighbour who had made a representation was yesterday. She had not spoken to him directly about the problems being caused by his delivery drivers prior to that. The problems she had reported to the drivers or other members of staff had not been communicated to him. Now he was aware of the problem he would sort it and would only have one delivery driver working if the licence was granted. Existing problems would stop as he would start an arrangement whereby he called the delivery drivers one by one to collect their orders;
- he has changed his waste collection company and they now collect once a week. He has two bins now which is plenty for his waste. They are always kept locked. He did not accept that there was any waste

overflowing from his bins and said the waste belonged to someone else;

- the operational noise was likely to be from the fan and if there were noise problems from the operation of the business, he would change the system of work. He said that the back door is locked and he will tell drivers not to pick up from the back lane.
3. heard and considered both written and verbal representations from other parties as summarised below:
- **Litter:** There would be an increase in waste and litter if the licence was granted and the area already has a huge problem with overflowing bins and commercial packaging being fly tipped. One resident compared it to be like living on a rubbish tip and that owners of the takeaways take no responsibility for the rubbish their businesses create. They said the filth is abhorrent, with an awful smell which attracts seagulls and rats. Each morning (and particularly at weekends) there was a shameful amount of takeaway paper and trays discarded on the street. Vomit from the takeaways on streets and doorways is a regular occurrence.

This was considered to be relevant under the licensing objective of prevention of public nuisance

Whilst the committee noted that the applicant had said that he would take steps to clean up around his premises the problem was likely to be more widespread than that. The applicant had accepted that the business will mainly be walk-ins. As such this would increase footfall and the logical progression was that an increase in people buying takeaway food at that time of night had the potential to increase littering in the surrounding area as people eat their food and make their way home discarding their waste as they go. This was especially so when considering that the granting of the licence would effectively create a further 21 hours trading in a seven day period and, based on the number of hours the applicant currently trades, equates to almost another three days of trading. The committee were therefore satisfied that this would add to an existing problem with litter in the area and would undermine the prevention of public nuisance licensing objective. In light of this the committee considered what steps could be taken to address these concerns and ensure the promotion of the licensing objective. The committee did not consider that there were any suitable conditions that could be imposed to prevent littering being a problem, neither could the hours of operation be reduced because if the area already had a problem with litter then the addition of anything that would bring additional litter issues would undermine the licensing objective.

- **Delivery Driver Noise:** There will be an increase in noise and disruption caused by delivery drivers using lanes between residential

properties and reversing and driving the wrong way at speed down one way streets. Additionally, there is an existing noise created from takeaway drivers during the evening from door slamming, drivers shouting on their phones whilst waiting for their next delivery and keeping their engines constantly running. If this were to continue into the early hours of the morning it would be worse for residents.

This was considered to be relevant under the licensing objective of prevention of public nuisance.

The committee noted that the applicant would only be using one delivery driver if the licence were granted however were concerned that if the business demands increased it was entirely possible that he would want to employ more drivers. Given that residents were already experiencing problems driver noise with the current times of operation it was likely that this issue would continue if the licence were granted. However, the committee considered that if the licence were to be granted the promotion the licensing objective could be upheld by the imposition of a condition preventing deliveries during the licensing hours and limiting the business to walk-ins only.

- **Parking:** Residents reported existing problems with parking in the area with problems being enhanced with the 15 - 20 minutes wait to pick-up and collect takeaways. Service lanes to residential premises are often blocked by anything up to 6 drivers, blocking garages. It was said that the only entrance to a block of apartments was at the bottom of the lane and residents have constantly and repeatedly asked them to park in a more convenient place for everyone. There was a concern over access to residential properties by emergency service vehicles if the opening hours are extended. There was also a report of drivers being abusive when being asked to move so residents can access their homes. The attitude of some drivers is abusive and angry and the owner is frightened to upset them.

This was considered to be relevant under the licensing objective of prevention of public nuisance

The committee acknowledged that this was a potential problem if the licence was granted and had the potential to undermine the licensing objective. The committee considered that whilst aggressive and abusive drivers was a matter for the police it was also something that could be addressed by the applicant as these were drivers connected with his business. However, with regards to the parking issues mentioned, it was considered that those concerns could be addressed by the imposition of the above condition relating to driver noise.

- **Operational Noise:** The continuation of operational noise (pans clanging, bins being emptied, rear doors being opened and closed) will be disruptive to nearby residents if the application is granted.

This was considered to be relevant under the licensing objective of prevention of public nuisance.

The committee noted that the applicant had said that he would change his system of work if there were problems. However, there appeared to be an existing problem with noise from the premises and the addition of another three hours per day into the small hours of the morning in a residential area would undermine the licensing objective. Whilst it was possible to impose a condition to ensure that noise from the kitchen did not escape during licensing hours by requiring the door to be kept shut, the committee did not consider that there was any way to control the inevitable noise which would be associated with closing up each night with the requirement to take out the waste and empty the bins. This would be noisy and such noise would travel further at night. Given the hours of operation of a late night refreshment licence the hours could not be reduced to address the problem as it would still occur during time sensitive hours in a residential area.

- **Noise from Customers:** There was a concern that being open to 2am every day would disturb residents with people gathering at the premises until closing. This could impact on children and young people's sleep and affect schooling and would affect the quiet enjoyment of the area in general.

This was considered to be relevant under the licensing objective of prevention of public nuisance and protection of children from harm.

The applicant had said that the business would mainly be operating as walk-in for the hours of operation of the licence, and the committee accepted that the provision of late night food could mitigate the effect of drunkenness. However, the committee accepted that there was a real concern for noise from patrons of the premises until 2am every night and as such this would undermine the licensing objectives. The committee did not consider that there were any conditions which could be imposed which would address these concerns. Whilst signs could be put up to request patrons behave in a quiet manner the committee did not consider that this would be effective in preventing noise from customers occurring given that people would be congregating whilst waiting for food and would naturally be noisy. Again, given that the hours of operation of a late night refreshment licence are in a time sensitive period in a residential area, a reduction in hours would not have any effect either.

4. disregarded the following information contained in the responses to notice of hearing given by other parties as they were not raised in the original representations and were not therefore, relevant representations:
 - 'Lightening (sic) in the rear lane' - concerns were raised over the street light having been removed since the owner of the premises took over.

It was felt it made the area unsafe and a place for people to conduct their drug habit in the lane;

- overflowing bins for the premises, in a disgusting state, sometimes dangerous to walk in the lane due to spilt oil, no attempt by owners to clear up waste;
 - cooking smells - offensive - residents keep windows shut during business hours to prevent homes stinking;
5. disregarded the following from the representations as they were not relevant to the licensing objectives:
- Stoke is a conservation area
 - an 8 hour trading period is sufficient in a residential period and there is nothing to gain for residents but more aggravation, disruption and inconvenience;
 - there is already one takeaway business operating these hours which is sufficient to satisfy demand and there is no demonstrated need for the extension to hours;
 - the waste arrangements for the premises as this was dealt with under other legislation;

Having considered the representations, the application and all that had been said by the applicant, as set out above, the committee did not consider that any conditions would be sufficient to address the concerns relating to litter and noise, neither would altering the hours during which the application could operate have any effect, because the hours for late night refreshment commence during a time sensitive period for a residential area. Therefore, the committee considered that it was appropriate and proportionate for the licence to be refused on the basis that granting it would undermine the licensing objectives of prevention of public nuisance and prevention of children from harm. Whilst it noted that this application fell within a Cumulative Impact Assessment area, none of the representations raised matters which were relevant to the issues that were before the authority when that special policy was adopted and it therefore did not form part of the committee's considerations when deciding on this matter.

34. **Exempt Business**

There were no items of exempt business.

Licensing Sub Committee**Tuesday 3 May 2022****PRESENT:**

Councillor Rennie, in the Chair.
Councillor Corvid, Vice Chair.
Councillors Salmon and Jordan (fourth member).

Also in attendance: Ann Gillbanks (Senior Lawyer), Catherine MacDonald (Enforcement Officer), Rachael Hind (Licensing Service Manager) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.40 am.

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. Appointment of Chair and Vice-Chair

It was agreed that Councillor Rennie is appointed as Chair, and Councillor Corvid is appointed as Vice Chair for this particular meeting.

2. Declarations of Interest

There were no declarations of interest made by Members in accordance with the code of conduct.

3. Chair's Urgent Business

There were no items of Chair's Urgent Business.

The Chair thanked Councillor Corvid for her service on this committee as his was her last meeting.

4. Grant of a Gambling Premises License - Hot Slots Casino, 11 The Broadway, Plymstock, Plymouth, PL9 7 AA

The Committee –

1. considered the report from the Director of Public Health;
2. noted that there had been no representations made by the Devon and Cornwall police or any other responsible authorities;
3. considered the operational standards document that had been provided by the applicant in response to the notice of hearing;
4. heard from the two Directors of Tamar Gaming Limited (the applicant) as follows:
 - this was an application for an Adult Gaming Centre (AGC);
 - the two directors had over 50 years of industry experience and knowledge and have had their own business since 2008 supplying and operating gambling machines to social clubs and pubs;

- during their time in the industry they have been through many vetting processes as this is a heavily regulated job; they provide annual regulatory returns to the Gambling Commission and have an unblemished record with them; with their recent application to operate an AGC being granted by the Gambling Commission without any difficulties;
- the company will have sole control over the product and the premises in Plymstock;
- gambling needs to be taken seriously, but equally is a form of entertainment for people who like to have a “flutter”;
- the machines will be purely gambling machines and there will be no video gambling or push a prize/seaside arcade machines with jackpots ranging from £10 to £500;
- are limited to 20% of estate to be jackpot machines that offer £500 winnings, the rest will be limited to £100 or less;
- understand that gambling can be addictive but believe that problem gambling does not lie on the high street any longer. Bookmakers used to have casino type machines with stakes up to £100, but now machines have a £2 stake which puts them on a level with AGC; as a consequence many bookmakers have decided to abort the high street leaving shops empty;
- will operate a Think 25 age policy; photo ID will be requested if required before being allowed to enter the premises;
- if licence granted, we have an experienced manager with 15 years industry experience; all staff will receive industry standard training both in terms of identifying vulnerable people who may need a time out from gambling and in maintaining the Think 25 age policy;
- both Directors have children and the last thing they would want would be for children to enter an AGC; to control this they will have a minimum of three external age verification test purchases a year, carried out in accordance with BACTA (trade body) standards; compliance results on this type of external test recorded a rate of 94% compliance for AGC compared to only 85% for other gambling industries;
- the establishment will not be busy throughout the day, rather there will be a steady footfall of clients; this allows staff to get to know their clients;
- the Directors take their social responsibility very seriously; they will operate a controlled environment; have invested in the latest technology to prevent people over extending themselves so if playing for over 30 minutes, the machine will switch off and ask the person if they should continue;
- there will be an area where clients will be able to take a break away from the machines;
- had viewed local areas of Devonport, Plympton and City Centre before making the application for this premises;
- the request for 24 hours licence provides an opportunity to build the business; having the business in Plymstock will provide increased footfall to the area which will be of benefit to the other businesses; will spend

£250,000 on the machinery and refitting the premises;

- the demographic of customers will change throughout the day. Other establishments have shown that during the day there is a family vibe with parents and older children meeting up and having complementary tea and coffee/cakes;
- don't want to see their customers walking away having a horrible experience of losing lots of money, want to provide a responsible outlet for them;
- with regard to the representations, it is felt there is a misconception and being confused with family gaming centres which are loud as they need to attract customers; these premises will have no machines visible from the high street and will not be enticing people into the premises;
- gambling has changed over the years and there are many forms of gambling from buying a scratch card to the TV competitions to phone in to win large cash prizes;
- we live in a 24 hour 7 days a week society. People will not be encouraged late at night/will not be running any late night promotions; the facility will be there if they want to be able to have access to safe gambling on their way home from a night shift; if there proves to be no demand in the early hours of the morning, then they will close the premises; we are not a heavy footfall venue and will have a steady 2 or 3 people in at any one time;
- there will be 2 staff on duty throughout the night; the whole area is covered by CCTV and all stations have alarms if staff are in fear of confrontation;
- we will not allow anyone into the premises who is drunk; being open for 24 hours will allow us to highlight to the Police any suspicious activity we notice; this is not the sort of clientele we wish to attract;
- will work with the Police and the Licensing Authority; want to build a business opportunity but not at the expense of the community;
- have a complaints procedure where we can be emailed/telephoned with any complaints and the Directors deal with these personally; would be willing to display contact details at the premises;
- staff are CRB checked and vetted as they work in an environment that requires this;
- one of the Gambling Act objectives is for operators to prevent vulnerable people coming to harm from gambling and our staff are trained to deal with this and staff will also get 6 monthly refresher training;
- controlled entry to the premises via a foyer, which is monitored by facial recognition cameras, this allows staff to assess customers where they may have to check for suitable ID or any customers who have placed themselves on a period of self-exclusion where staff can discuss this with them prior to entering;
- do not currently have staff who are SIA trained, but from a health and safety point of view, would be prepared to look at this with the licensing officer.

The Committee also considered the written representations (1 supporting and 20 objecting) from Interested Parties and the various points raised which are summarised and grouped as follows:

INTERESTED PARTY	LICENSING AUTHORITY'S RESPONSE
Objecting representations(summarised)	
<p>Gambling is a serious addition problem throughout the UK causing misery and ruin to thousands of adults and children.</p>	<p>Not a relevant consideration for the Committee as this is an issue dealt with by the Gambling Commission codes of practice</p>
<p>Scores of Plymstock and Coombe Dean school children pass through the Broadway every day many looking 18 years or over. Having a casino slots business on their route to and from school would encourage some of them to gamble which could eventually ruin their young lives.</p>	<p>Relevant consideration under the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The Committee considered that the applicant's policy of Think 25 and the explanations during committee regarding control/checking of ID would prevent children from entering the premises</p>
<p>Will encourage and prey upon financially vulnerable people with the potential to cause hardship.</p> <p>Gambling addiction causes crime</p> <p>In a time when people are struggling with financial difficulties we shouldn't be adding to peoples difficulties by encouraging gambling/making it easier for them to gamble</p>	<p>Whilst the Committee recognise that gambling has the potential to cause hardship/addiction, this is not a relevant consideration for the Committee for the purposes of this application.</p> <p>These issues are deal with by the Gambling Commission codes of practice</p>
<p>A casino slots business would not be beneficial to the Plymstock community/this is not a suitable establishment to have on Plymstock Broadway as it will encourage people to get into debt.</p> <p>The shopping precinct is not somewhere to come for what is usually seen in a seaside resort</p> <p>The Broadway is the family shopping area and his business would change that dynamic</p> <p>There is already one gambling premises on the Broadway there is no need for a second one.</p> <p>It is an inappropriate use of a shop unit</p> <p>The Broadway has a lovely feel to it, a venue of this type will detract from its attraction</p>	<p>These representations are not relevant considerations for the Committee in respect of this application as they relate to Planning considerations.</p>
<p>People live above the shops and will suffer from the noise if it is open for 24 hours a day.</p> <p>There will be noise from inside the premises and outside when people are leaving.</p> <p>There is a risk of public nuisance in an area which already has rowdy behaviour</p>	<p>This is a relevant consideration for the committee under the licensing objective of Preventing gambling from being source of crime or disorder, being associated with crime or disorder, or being used to support crime. The Committee consider that the applicant demonstrated during the meeting, and by way of their operating risk assessment that they have procedures in place to manage any problems, but the Committee will place a condition on the licence for signs to be displayed with contact details to be able to make complaints if there are problems with such noise.</p>
<p>The Broadway has had many incidents of Anti-Social behaviour over the past year reported by</p>	<p>These representations would fall under the Licensing Objective of preventing gambling from</p>

<p>our social media. These primarily occur later in the day and if businesses began opening 24 hours this would inevitably increase traffic within the area during the evening and night. Subsequently this could lead to an increase in this behaviour</p> <p>There have been several muggings in the last 6 months without an all-night establishment</p> <p>There have been the various incidents of nuisance on the Broadway I fear that this type of premises will increase those.</p>	<p>being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</p> <p>The Committee consider the representations relevant as there is a potential for people to be drawn into the area by the proposed premises, but as there had been no representations from the Police or other responsible authorities, in addition to the fact that these incidents have occurred before the premises are trading so cannot be attributed to this business, the Committee cannot take these comments into consideration.</p>
<p>Plymstock Broadway has no other late night venues.</p> <p>Plymstock no longer has a the local police station or any form of late night warden, with just one community police officer during the day.</p> <p>The proposed use is also alien to the rest of the neighbouring businesses; with the customer profile that it currently attracts the local elderly community may be uncomfortable with the clients of a business such as this</p> <p>The surrounding businesses will not benefit from granting this licence</p>	<p>The Committee consider that the safety of all (in addition to the local elderly community) is of concern, however, there is no evidence of any of the issues expressed being linked to the premises as they are not trading. It is also noted that the Police or other Responsible Agencies have made no objections.</p> <p>The applicant did offer to consider having one SIA trained member of staff on the premises and although the Committee could not make this a condition at this particular time, would hope that this is something that the applicant will adopt; as having such a trained member of staff would help deal with a lot of these perceived problems.</p>
<p>There is already one gambling concern on The Broadway, adult gambling is provided for under safe gambling regulations and guidelines.</p> <p>The betting shop opening hours are 9 until 10pm only.</p>	<p>This is not a relevant representation for the Committee as demand cannot be taken into consideration.</p>
<p>Supporting representation:</p>	
<p>The premises will be no more of a nuisance than other outlets, there is no alcohol to be served, it's not the sort of place that young people will hang around and the hours will not be unsociable.</p>	<p>This is noted by the Committee</p>

The Committee noted the concerns that had been expressed in the representations about the potential for late night disturbance being of concern to the local elderly community and would hope that the applicant will work with the Licensing Officers (as volunteered) with regard to provision of a SIA trained member of staff on the premises to deal with any such issues.

In considering all of the above, the Committee considered that the applicant had demonstrated that the premises would be operated:

- in accordance with the Gambling Commission guidance under ss. 24 and 25 of the Gambling Act 2005;;
- would be reasonable consistent with the licensing objectives
- in accordance with the Council's own statement of licensing policy

The Committee therefore agreed to grant the licence subject to the following conditions:

- the Gambling Act 2005 mandatory conditions and the following additional condition:
- the Premises Licence Holder shall ensure a notice is prominently displayed providing email and telephone contact details for local residents to contact in the case of noise nuisance or anti-social behaviour by persons or activities associated with the premises. A record will be kept by management of all such contact, including the time, date and information of the caller, including action taken following the contact. Records will be made available for inspection by any responsible authority.

5. **Exempt Business**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 2 August 2022

PRESENT:

Councillor Partridge, in the Chair.
Councillor Allen, Vice Chair.
Councillors Hulme, & Stoneman (Fourth Member).

Also in attendance: Ian Wills (Lawyer- Legal Services), Catherine Macdonald (Enforcement Officer- Intelligence and Licensing), & Elliot Wearne-Gould (Democratic Support).

The meeting started at 11am and finished at 12:30pm.

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.

6. **Appointment of Chair and Vice-Chair**

The committee agreed that Councillor Partridge was appointed as chair, and Councillor Allen was appointed as vice-chair, for this particular meeting.

7. **Apologies**

There were no apologies submitted for this meeting.

8. **Declarations of Interest**

There were no declarations of interest in relation to items on the agenda.

9. **Chair's Urgent Business**

There was one item of chair's urgent business:

The chair, Councillor Partridge, forwarded an opportunity for members of the Licensing Committee to shadow Sergeant Moore (Devon & Cornwall Police), to experience the enforcement and patrolling of the night-time economy.

10. **Grant of Premises Licence - Brunel View, 7 Barne Road, St Budeaux, Plymouth, PL5 1EF**

The committee having:

1. Considered the report from the Director for Public Health
2. Heard from the applicant as follows:

- The conditions of the Police/Fire Service and the PCC Environmental Health Department were accepted
- Brunel View used to be a working men's club - trading for 103 years. The applicants is a brand new business with new management and significant investment refurbishing the premises
- The intention is it will be an asset to the community by having a bar, restaurant and entertainment. It is also the intention to provide facilities for darts and pool teams and a venue for a book club. It is intended to be a family venue.
- All members of the staff (it is anticipated there will be 30 members of staff) will be trained to a high standard particularly in relation to Challenge 25 and recognising drunkenness. The business will join Pubwatch which will ensure people who are known to cause issues in licensed premises are excluded from the Brunel View. The Designated Premises Supervision (DPS) has a significant experience in running family restaurants/public houses (Frankie and Benny's and Weatherspoons)
- They take the issue of crime and disorder seriously and this commitment is demonstrated by the installation of a £80K CCTV system which covers the inside and outside of the premises
- In relation to door supervisors and security within the premises the business accepts the police condition (Para 7). In addition there will be a risk assessment by the DPS regarding the provision of security.
- In relation the garden – the Environmental Health suggested conditions were read out to the applicant. Those conditions were accepted.
- It was accepted there would be some noise from the beer garden. The applicant agreed the fence surrounding the garden could be 5 feet high – he explained any higher would not affect the noise being heard because the noise would travel upwards.
- There will be no outdoor music
- The noise will be contained from the bar and restaurant areas because there are lobby doors
- Anti-social behaviour will be taken seriously. There will be signage requesting customers to be respectful of neighbours when they leave the premises – customers will also be told to be quiet.
- The applicant has a zero tolerance to anti-social behaviour and quoted an example of complaints from residents regarding foul language from a contractor – he spoke to the contractor about it but did not rectify the issue so he was dismissed.
- The applicant has tried to engage with the local community and knocked on residents doors listens to concerns and objections – he has tried to address any concerns

- The applicant noted the concerns over street parking but stated that the premises is on a nearby bus route and it is planned for a local taxi company to provide a dedicated phone booking line to the premises
 - Regarding hours the applicant's prediction would be Monday – Thursday and Sunday nights would not be particularly busy so the premises is likely to close at 10.30pm. In respect of the rest of the week and busy days the intention will be to offer sales until midnight and the customers to have left the premises by 00.15hrs.
 - The applicant understood that the license can where appropriate be reviewed by the committee if there are issues.
3. Heard from other parties (local residents) making representations

PREVENTION OF CRIME AND DISORDER

There were concerns the previous licensed premises was characterised by there being fights/vomiting and criminal damage to cars. There was a concern that there would be an increase in drink driving in the area.

The police do not effectively address the anti-social behaviour in the area– they are not on patrol when people go home and only respond to 999 calls. There is already a serious problem in the area.

The hours of the license are too long and will encourage the customer to drink too much resulting in the anti-social behaviour.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- The concerns expressed by the parties were in relation to the Working Men's Club – the committee need to consider the concerns in relation to this application.
- The committee accepts the applicant's representations that management and staff will try to pre-empt any crime or disorder by ensuring alcohol is not sold to persons under 18 (they will use the Challenge 25 approach) and will not serve alcohol to person in a drunken state
- Where appropriate there will be door supervisor security on the premises
- CCTV will monitor behaviour within the premises and the close proximity outside
- There is an emphasis on the consumption of food rather than just drinking
- There will be signage requesting customers leaving the premises to be quiet and respecting the neighbours

- There have been no representations from the Responsible Authorities in respect of this licensing objective

PUBLIC NUISANCE

Noise was the main concern of the other parties.

The other parties outlined the premises is in a residential area and the noise (from speech and music) from the beer garden would be a nuisance for neighbours. The suggested four foot fence would not contain the noise – there need to be acoustic insulation (this was dismissed by the applicants).

There was also concern that music could be heard from within the building and from people leaving the premises. This is a residential area not Mutley Plain or Union Street

In addition the parties expressed concern the premises does not have a dedicated car park which will result in parking pressures for residents.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- Again the Committee determined that the concerns expressed by the parties is based on historic issues – the application for a premises licence is by a new owners and management.
- The applicant has accepted the conditions recommended by the Environmental Health department specifically in relation to no music must emanate from the premises between 23.00 and 08.00 and the restriction on the use of the beer garden
- The committee accepts the applicants offer for a five foot fence around the beer garden
- There are lobby doors to the main premises, bar and restaurant which will assist to contain the noise/music
- The music level are controlled by a restricted access console by the management of the licensed premises not the DJ or parties
- Noise from customers will be reduced by people showing signs of drunkenness not being served (as per staff training)
- If there is excessive noise staff/security will be available to remind customers to moderate noise

- There are no plans for music in the beer garden
- Signage will remind customers to limit noise in residential area
- CCTV will monitor customers behaviour
- Pubwatch will assist in preventing disruptive customers entering the premises
- The hours of opening and the selling of alcohol are appropriate for this type of establishment
- The parties accepted that the applicants could not do much about the street parking issue – the committee noted the premises were on a nearby bus route and there was plans for a dedicated taxi book phone line

PROTECTION OF CHILDREN

Representations were made the hours of the licence would mean children walking by after school would be subjected to foul language and smoke fumes from customers from the beer garden.

The committee considered these representations to be relevant under this licensing objective.

The Committee decided that the premises would not add to the problems outlined in the representations:

- The intention of the applicants was the premises would be community focused - it was a venue for people to chat over coffee and have a meal. it is not anticipated at 3.00pm there would be significant drinking
- Customers behaviour will be monitored by CCTV
- If customers are disruptive applicants have a zero tolerance to anti-social behaviour and they could be removed from the premises
- The staff training is focused on preventing anti-social behaviour

DECISION

Taking into account the representations and all that was said by the applicant detailed above, the committee agreed it was appropriate to grant the licence as per the application since it was satisfied that to do so would not undermine the licensing objectives.

The committee noted the representations from the other parties but for the reasons outlined determined the concerns were historic from the previous licenced premises and was reassured the this applicant has addressed those concerns by staff training, experience management, zero tolerance to anti-social behaviour, significant investment in CCTV and acceptance of the conditions recommended by the police and Environmental Health.

The licence is granted subject to the following:

- Mandatory conditions set out in the Licensing Act
- Conditions consistent with the applicant's operating schedule
- Conditions agreed with the police.
- Conditions agreed with Plymouth Environmental Health Department
- An additional condition that a five foot fence is erected to surround the beer garden to contain customer noise

The committee requested the Applicants consider using the “Ask for Angela” scheme to assist people who feel unsafe on a night out.

11. **Exempt Business**

There we no items of exempt business for this meeting.

Licensing Sub Committee

Tuesday 25 October 2022

PRESENT:

Councillor Partridge, in the Chair.
Councillor Tippetts, Vice Chair.
Councillors Finn and Hulme.

Also in attendance: Sharon Day (Lawyer), Lee Staples (Senior Licensing Officer), Andrea Gilbert (Lawyer - observing), Hannah Whiting (Democratic Advisor – observing), Helen Rickman (Democratic Advisor).

The meeting started at 11.00 am and finished at 1.20 pm.

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.

12. **Appointment of Chair and Vice-Chair**

It was agreed that Councillor Partridge is appointed as Chair, and Councillor Tippetts is appointed as Vice Chair for this meeting.

13. **Declarations of Interest**

There were no declarations of interest made by Members in accordance with the code of conduct.

(Councillor Finn left the meeting after the consideration of this item).

14. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

15. **Review of Premises Licence - Nibana Indian Restaurant, 7/9 Morshead Road, Crownhill, Plymouth**

The Committee:

- (1) considered report from Director of Public Health and the law, policy and guidance contained therein;
- (2) considered the written application for review and verbal representations from Home Office Immigration Enforcement as follows:
 - they believed the Premises Licence Holder (PLH) had failed to meet the Crime Prevention licensing objective as illegal working had been identified at his premises;

- immigration safeguards had been brought in April 2017 with an amendment to the Licensing Act 2003 by S.36 and Schedule 4 of the Immigration Act 2016 with the intention to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment;
- following an immigration enforcement visit on 3.12.21, four workers found working illegally and penalty notices issued to the value of £40,000. One of the workers found working illegally was the same person as had been found working illegally in 2016. The PLH had been present when the officers entered the premises.
- previous visits have taken place in 2015 and 2016 where illegal workers had been found and penalty notices issued for £20,000 in 2015 and £15,000 in 2016. During a visit in April 2021 no illegal workers were found;
- on each occasion an advice leaflet would have been left with the premises stating what checks needed to be done to ensure employees has the right to work. In particular, the officer confirmed that she had handed a leaflet to Mr Hussain at the last visit;
- it was felt that the business had a clear history of employing illegal workers and had received three civil penalties and had failed to alter its practices;
- whether by negligence or wilful blindness, illegal workers were engaged in activity on the premises on three separate occasions;
- it is a simple process for an employer to ascertain what documents they should check before a person can work. It is an offence to work when disqualified from doing so, and the offence can only be committed with the cooperation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case;
- all operations conducted by Home Office Immigration Enforcement are intelligence led;
- the premises under the control of Mr Enayeth Hussain had repeatedly employed illegal workers going back as far as 2015 and had clearly failed to meet the crime prevention objective on multiple occasions;
- they believe the illegal workers were engaged for commercial reasons by the management of the premises and that a warning was inappropriate and therefore they proceeded straight to review;
- the penalty notices were issued to Future Spice Limited as they operate the restaurant itself;

- an illegal working compliance order had not been applied for through the courts, as given the history and fines issued they did not consider that this would work or deter the premises licence holder from employing illegal workers;
 - the request was that the licence be revoked as a deterrent to others and the management/owner of the premises. Applying conditions or suspension of the licence was not considered sufficient as it would not act as a deterrent to the licence holder or other premises licence holders from engaging in illegal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Illegal working is biggest driver for entry into UK and can be a part of modern slavery. Workers do not pay taxes or national insurance, they do not have a pension or any work rights. It is common place and premises are given multiple chances to comply. The checks required to be carried out are simple and if they are carried out, illegal working does not happen;
- (3) considered the written response to notice of hearing and verbal representations from the Premises Licence Holder (PLH) and his solicitor as follows:
- the PLH accepts that there is justification for the review in accordance with crime prevention licensing objective;
 - PLH is worried and disappointed about the application because he considered that he had been fined and that this was his punishment and had not appreciated that his licence would be reviewed;
 - he accepted that there had been failings with procedures to recruit staff which had result in the employment of people who were working illegally. The issues were down to genuine mistakes being made; it was not done intentionally. They were not cutting corners to make more money. All workers were paid by bank transfer and had the same rights as all other workers. They are part of PAYE and all get a wage slip;
 - they had not understood the information on the workers card relating to the occupation shortage limitation;
 - the PLH now have a new policy in place of how they do their checks and they are working with local councillors now to ensure they have the right processes in place. They do ID checks, passport checks and a checklist of employees is on file;
 - following the visit from Enforcement Officers in April, the director of the business had set up a gateway account on the Government website which both he and the PLH had access to. When asked why further illegal workers had been found after this had been set up the

PLH said that this was because it was a genuine mistake and had happened at a very busy time;

- there was no evidence from other responsible authorities or agencies to suggest that he is not complying fully with every other condition on the premises licence;
 - the premises does great charity work. This was supported by the letter from the Soup Run group that had been supplied. They operate the business from their heart and have never wanted a problem with licensing. The restaurant is a community place;
 - the PLH would also like the committee to take into account the livelihoods of the eleven employees at Nibana and the financial hardship that would be caused to them in the event of a suspension or revocation of the licence;
 - the workers who were interviewed gave a different account of their pay arrangements because they did not want to jeopardise their own cases;
 - the guidance issued by the Secretary of State suggested that Licensing Authorities should normally look to the police for the main source of advice in relation to Crime and Disorder. There had been no representations from them which indicated the police have no concerns about the way it operates;
 - the option was available to the committee to attach conditions to the licence and that the guidance indicated that these could be used to target illegal working. In particular, the committee were directed to paragraph 10.10 of the guidance. The Home Office were asking for the most severe penalty but the PLH had admitted his failings and paid substantial financial penalties. The problems had not arisen as an attempt to cut corners, the workers were being paid and he had changed his practices going forward. The aim was plainly to make sure there is no repeat of the illegal working happening. Nearly a year had passed since the last visit and there had been no repeat. Conditions would target that they must make sure employees have the right to work, make sure those checks are evidenced, regardless of how long the employee has worked there;
 - revocation was not the appropriate action to take but any of the options available to the committee must be appropriate and proportionate. Conditions would be the most appropriate way forward, they would set out clearly what is required of him;
- (4) considered the written representations from Councillor Singh as follows:
- he has worked with Mr Husain and Mr UI-Axam for many years;

- they have held the licence for nearly 15 years and have never had any issues in relation to any of the licensing objectives. They have a strict challenge 21 policy and have posters displayed at the front entrance and on the bar;
 - the staff, premises licence holder and DPS are all of good character; they are honest and upfront;
 - they have made a mistake and were misled by the individuals and are now paying the price. It has been expensive and they have realised their errors;
 - one of the individuals was paying full tax, national insurance and on the books;
 - one of the employees work permit card showed they were permitted to work on the shortage list;
 - they have now updated their systems in how they employ people;
 - the licence is of paramount importance to local suppliers, employment in the community and the charitable work they do in the local community;
 - they are helpful and supportive in the local community;
 - they play a pivotal role in the community during the pandemic when they were supplying curries to NHS workers and ambulance drivers;
 - every 2 months they do a soup run and feed the homeless;
- (5) in reaching their decision the committee took into account all the evidence provided by the Home Office Immigration Enforcement, the Premises Licence Holder and his solicitor, and Councillor Singh, with the exception of the following which was not deemed to be relevant to the promotion of the Licensing Objectives:
- the need to revoke the licence for a deterrent effect on other premises;
 - any charitable work carried out by the PLH;
 - the importance of the licence to local supplies and employees;
- (6) the Committee were satisfied that the Home Office Immigration Enforcement were the appropriate Responsible Authority in relation to this particular issue and the prevention of crime and disorder licensing objective, rather than the police, in this case. It noted that the PLH had said that there were new policies in place to ensure that illegal working did not occur. During the course of the committee these were shared with Home Office Immigration Enforcement. Their view was that these procedures were poor.

For example, there was no evidence of any home office checks being run on the documents or certificates referred to. There was no date that the checks had been done and no process for ensuring that checks were being carried out to ensure that expiry dates on anyone with a limited right to work were being reviewed. However, the committee considered that the PLH had demonstrated by what he had said that he was willing to comply. Given that there had been no representations from any other responsible authority, there was no reason to think that he would not comply with further conditions on his licence. The committee therefore considered that it was appropriate and proportionate in this case to impose further conditions on the licence directly relating to the right to work checks to ensure that the crime prevention licensing objective was upheld. In reaching this decision the committee had considered paragraphs 2.6, 10.10, 11.27 and 11.28 of the statutory guidance;

- (7) the Committee therefore agreed that the following conditions would be imposed on the licence:
- (a) PLH must carry out right to work checks in accordance with the guidance issued by the government (which is available on the gov.uk website) on all employees (including current employees) employed by the business;
 - (b) PLH must set up and keep a register of all right to work checks carried out for each employee (including current employees). This must include (but is not limited to) a list of the documents checked for each employee, who carried out the check, the date they were checked, the date for any expiry of their right to work and where there is an expiry date on the right to work, a date set for review for that employee;
 - (c) PLH must keep a copy of any document inspected as part of the checks made on an employee's right to work. Those records are to be kept for the duration of that person's employment and for 2 years thereafter;
 - (d) the register of right to work checks must be available for immediate inspection by any officer of the Licensing Authority, Home Office Immigration Enforcement or any police officer. It must be produced immediately on request by any of those officers. Copies of the documents inspected as part of the right to work checks must also be available for inspection and production as set out above.

16. **Exempt Business**

There were no items of exempt business.

Licensing Committee



Date of meeting:	06 December 2022
Title of Report:	Annual Street Trading Report 2023 / 2024
Lead Member:	Councillor Richard Bingley (Leader)
Lead Strategic Director:	Anthony Payne (Strategic Director for Place)
Author:	Emily Bullimore
Contact Email:	Emily.bullimore@plymouth.gov.uk
Your Reference:	Street Trading 2023
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report seeks to set the process for the issuing of terms and conditions of Street Trading consents for the 2023 / 2024 trading year.

Street Trading can legally only cover the core costs of operation of street trading e.g enforcement, staffing and oncosts e.g maintenance. It is not able to operate as a profit centre. This report is set against the backdrop of:

- 1 - maximising income for the street trading account (total amount of street traders vs increase in market rents)
- 2 - maximising a fair market rate for the street traders and understanding trading conditions on the High Street.
- 3 - maximising a sense of vibrancy in the city centre. This is particularly important while the city centre is undergoing redevelopment.

Having tested the market and looked at trading conditions the optimum income will be generated by keeping the market rent at 2022 / 2023 rates and preserving the number of traders at 2022 / 2023 levels. Modelling shows this will generate an income of £88K at current capacity. This will cover staff costs, maintenance etc as set out in the legislation, no operating surplus will be generated. In the event that we lost one of two traders, there is a significant risk that operating costs will not be covered.

The Council understand the impact of the building work on the traders. The improvements to the public realm will improve the look feel and footfall of the City Centre. Once the building work for the public realm has been completed we will implement an inflationary rise (based on RPI at time of building work completion) on the street trading.

Recommendations and Reasons

[Click here to enter text.](#)

1. The Consent dates for 2023/2024 are approved as 1 April 2023 – 31 March 2024.
2. The Consent fees for 2023/2024 as set out in Appendix A, are approved.

3. The Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading.
4. The Service Director for Economic Development has delegated 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. The Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading Consents in association with other city centre events and commercial activity.
6. The Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading.
8. The Service Director for Economic Development has delegated 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. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading.
10. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders of contested sites for vacant Waterfront trading sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.

Alternative options considered and rejected

The authority to renew annual Consents and set Consent fees by referral to the Licensing Committee for approval. This would take up Committee time on routine renewals and due to Committee timetables would slow down renewal process which could result in a loss of income.

Relevance to the Corporate Plan and/or the Plymouth Plan

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular: A Growing City contributes by supporting local businesses and benefiting as many people as possible within the Waterfront and City Centre areas. Street Trading is also fair and treats everyone with respect to champion fairness and create opportunities.

Implications for the Medium Term Financial Plan and Resource Implications:

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs, business rates and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2023/2024 financial year.

Consent fees for both City Centre and Ice Cream sites were not increased for the period 2022/2023 due to the ongoing impact of COVID 19 on the high street/footfall and street traders.

For 2023/2024 a 0% increase in street trading consent fees is recommended for city centre street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C. The Council understand the impact of the building work on the traders. The improvements to the public realm will improve the look feel and footfall of the City Centre. Once the building work for the

public realm has been completed we will implement an inflationary rise (based on RPI at time of building work completion) on the street trading.

For 2023/2024 there is a 4 year agreement of change to ice cream sites to average out the Consent fees across the ice cream sites. These can be seen in Appendix C.

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

** When considering these proposals members have a responsibility to ensure they give due regard to the Council’s duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

The issuing of the Street Trading Consents under the Council’s street trading policy ensures that all Consent holders are licensed and operate in a hygienic and safe manner within the street trading policy guidelines.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Proposed Consent Fees 2023 – 2024							
B	Proposed Consent Fees 2023 – 2024							
C	Finance Model							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	DJN. 22.2 3.28 4	Leg	3943 4/ag/1 6.11.2 2	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
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Originating Senior Leadership Team member: David Draffan
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 16/11/2022
Cabinet Member approval: <i>[electronic signature (or typed name and statement of 'approved by email/verbally')]</i> Approved by Pat Patel by email on 17/11/2022 Date approved: 17/11/2022

1.0 Introduction

1.1 The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street Trading in the City Centre, the Hoe and Barbican areas.

1.2 Under the scheme certain streets have been designated 'Prohibited Streets' where Street Trading (with limited exceptions such as news vendors) is totally prohibited and other 'Consent Streets' where Street Trading is permitted only with the consent of the Council. Within the designated areas the monitoring and enforcement of the Terms and Conditions of Street Trading licenses and the prevention of unauthorised Street Trading is undertaken by enforcement staff, funded in part from the Street Trading Consent fees.

1.3 The council has identified 30 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

- 14 sites, in the pedestrianised City Centre.
- 7 sites in the Hoe and Waterfront area for the sale of ice cream from mobile vans.
- 1 site in the City Centre from a mobile unit for the sale of ice cream.
- 8 sites in Hoe and Madeira Road for sale of food and non-food items.

1.4 The purpose of the report is:

- a) To set the consent dates and fees for 2023/2024.
- b) To ask that the Service Director for Economic Development be given delegated powers to approve the issuing of consents.

2.0 Duration of Consents for 2023/2024

2.1 It is proposed that all City Centre Consents commence on 1 April 2023 and end on 31 March 2024.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2023 and end on 31 March 2024.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2023 – 31 March 2024.

3.0 Consent fees for 2023/2024 background

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading Consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade.

3.2 The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the Consent fees. The council cannot, however, budget to

make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

Due to the COVID 19 pandemic and the financial pressures placed on existing street traders during the 2022/2023 trading year teamed with the decrease in footfall in the city centre there was no increase in consent fees.

2022/2023 has been another challenging year for all street traders with a slow start to the year with less footfall and with the cost of energy, the difficulty in staffing and rising costs of all produce.

It is proposed that there is no increase in consent fees for city centre street traders for the 2023/2024 trading year in order to support street traders being able to continue to trade. Appendix C shows a finance model with the potential consequences of % increases.

In 2021 the ice cream fees were reviewed and set for the next 5 years in order to average out the fees across all sites. These can be found in Appendix A in this report.

4.0 Allocation Procedure

4.1 Existing Consent holders in the City Centre are granted a degree of preference in the re-allocation of their consents unless applications are received for alternative trades that are sufficiently attractive to possibly warrant displacing an existing consent holder.

4.2 Existing Ice Cream Consent holders are granted a degree of preference in the re-allocation of their consents. Any contested consents or new applications would be considered in consultation with the Chair of the Licensing Committee and the lead opposition member.

4.3 It is requested that Existing Waterfront Trader site holders are granted a degree of preference in the re-allocation of their consents. Any contested consents or new applications would be considered in consultation with the Chair of the Licensing Committee and the lead opposition member.

5.0 Street Trading during City Centre Events

The City Centre Company and Plymouth City Council organise a number of events and entertainment each year in the City Centre. City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Service Director for Economic Development may approve short-term licenses for street trading associated with events or promotional activity. During events in the City Centre, full time Street Traders are not asked to move out of the City Centre. Ice Cream traders are not to move off the allocated consent site unless instructed to by a PCC Officer or representative.

6.0 Ad hoc Street Trading

6.1 From time to time applications are received from traders who wish to trade in the City Centre for a period less than 12 months. They are self-sufficient and do not require a street trading stall. These activities must have the potential to add to the vibrancy of the City Centre and help maintain the income stream. This type of trading does not require a fixed site and could be located comfortably and safely within the City Centre.

Appendix A- Proposed 2023/2024 Consent fees

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2022 / 2023	PROPOSED ANNUAL FEE 2023 / 2024
CITY CENTRE SITES			
2A	New George Street (nr. Former Woolworths building)	£6618	£6618
2B	New George Street (WHSmiths)	£6618	£6618
2D	New George Street (nr. Sundial)	£6618	£6618
9	New George Street (Waterstones)	£6618	£6618
3A	Bedford Way (Royal Parade end)	£3986	£3986
3B	Bedford Way (New George Street)	£6554	£6554
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£3029	£3029
8	New George Street Winter (Sundial area) seasonal	£2546	£2546
8	New George Street Summer (Sundial area) seasonal	£1333	£1333
10	Sundial East	£7814	£7814
11	Sundial West	£7814	£7814
12	Cornwall St o/side Superdrug	£4440	£4440
13	Place De Brest East	£4440	£4440
14	Place de Brest, o/s Specsavers	£4440	£4440
ICE CREAM SITES			
B	Madeira Road	£5615.60	£6597.20
C	Madeira Road	£5615.6	£6597.20
E	Hoe Road	£10149	£8864
F	Hoe Road	£10149	£8864
G	Hoe Road / Grand Parade	£6397	£6973
H	Pier Street	£1391	£1405
I	Cliff Road	£1132	£1143
HOE AND MADEIRA ROAD SITES			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid-east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
TOTAL*		£137,317.20	£137,311.40

*Assumes 100% occupancy

Appendix B – 2023/2024 Application form with terms and conditions (also available to online applications)

I have read and understood the terms and conditions of the Council's Street Trading Consents and being over 17 years of age make the following application(s) under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for the Consent to trade in the City Centre and Hoe area.

Name: _____

Home address: _____

Postcode: _____

Email: _____

Phone: _____

Business address: _____

Postcode: _____

Email: _____

Phone: _____

Please give details of your proposed merchandise or service including range, type, quality and the name and address of your proposed manufacturer/supplier if your application is for ice cream sales:

Please give details of proposed sales unit (one back up vehicle may be included if selling ice cream), such as mobile van, towed trailer, static trailer, hand trolley etc and provide a colour photograph and full description including dimensions, colour etc:

Do you personally own the proposed sales unit?

Yes No

If no, who owns the sales unit:

Do you have any previous trading experience?

Yes No

If yes, please give details of any street trading consents you hold or have held within the last three years with the name and address of a contact within the local authority concerned:

Does your proposed trade involve the sale of food? Yes No

Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three year.

I confirm that I am not currently in breach of any food hygiene regulations at other premises and have not been convicted of such an offence within the last three years. I further confirm that this statement is true for any proposed assistants who shall work from the stall unsupervised. Yes No

Have you completed a food business registration with your local authority (provide name of local authority and date / year of registration, name of business as registered below) Yes No

Have you and your employees attended an approved food handling course within the last three years? (Please enclose copies of course certificates) Yes No

Will you be trading from the unit yourself? Yes No

If no, please say why you will not be trading in person, the extent of your personal attendance, the basis on which the persons who will be trading will be employed (eg salaried only, part salary/part commission or commission only) and if known the name and address of the person(s) who will run the business on your behalf. Before permits are issued the employee's driver's licence will have to be produced. (Please provide details on a separate sheet)

If you have any previous trading experience please provide details (not required if you're reapplying from 2022 / 2023). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

Referees

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2022 / 2023).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

Street trading consents: All sites

Tell us which sites you're interested in, in order of preference, with number one being your most preferred site. Consent fee includes business rates and is for a year from 1 April to 31 March.

PERMITTED TRADES FOR ICE CREAM PITCHES

All the trading locations will be allocated solely for the sale of ice cream, frozen confectionery and cold soft drinks. *Hot drinks and Snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of the Licensing Committee and Lead Opposition member.*

Sites B to H are dedicated ice cream parking bays, while Site I (Cliff Road) can use any pay and display parking bays on Cliff Road not solely reserved for permit holders.

Site	Consent fee per year	Preference
B: Madeira Road	£6,597.20	
C: Madeira Road	£6,507.20	
E: Hoe Road	£8,864	
F: Hoe Road	£8,864	

G: Hoe Road/Grand parade	£6,973	
H: Pier Street	£1,405	
I: Cliff Road	£1,142	

PRICE LIST

Please give details of your prices for 2023 / 2024 including examples of popular items that you sell.

Product	Price
Small ice cream cone	
Medium ice cream cone	
Large ice cream cone	
Child's standard fruit flavour ice lolly	
Adult's standard fruit flavour ice lolly	
<i>Other goods..... to include hot drinks / snacks</i>	

PERMITTED TRADES IN CITY CENTRE

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders.

The site at Sundial East will be allocated specifically for the sale of ice cream, frozen confectionery and cold soft drinks. Sales of ancillary commodities from this site such as sugar confectionery will not be permitted.

Site seven in New George Street will be allocated for the sale of balloons from the hand.

Site eight is a site that has been specifically allocated for the trade of a street photographer. There are currently two separate periods available; October to March, and April to September.

Site	Consent fee per year	Preference
2A: New George Street (outside Sports Direct)	£6,618	
2B: New George Street (outside W H Smiths)	£6,618	
2D: New George Street	£6,618	
3A: Bedford Way	£3,986	

3B: Bedford Way	£6,554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3,029	
8: New George Street (winter)	£1,333	
8: New George Street (summer)	£1,333	
9: New George Street (outside Waterstones)	£6,618	
10: Sundial East (Please attach an ice cream price list if interested in this site)	£7,814	
11: Sundial West	£7,814	
12: Cornwall Street (outside Superdrug)	£4,440	
13: Place de Brest East	£4,440	
14: Cornwall Street (outside Specsavers)	£4,440	

PERMITTED TRADES FOR HOE AND MADEIRA ROAD WATERFRONT PITCHES

The eight sites are available for the sale of food (except for foods such as burgers, chips, hotdogs, other similar fried foods and ice cream) and non-foods. The sites may include trades such as street entertainers, arts and crafts, balloon sellers, fresh food produce etc.

The decision with regard to the acceptable type of trade at each location will be decided as part of the application process by committee.

Where a particular item is not deemed suitable for that specific consent site, the application will be refused, or the applicant may be offered an alternative site if possible.

Site	Consent fee per year	Preference
1: Hoe Road (colonnade west)	£3,000	
2: Hoe Road (mid-west colonnade)	£3,000	
3: Hoe Road (mid-east colonnade)	£3,000	
4: Hoe Road (colonnade east)	£3,000	
5: Hoe Road (lido west)	£3,000	
6: Madeira Road (triangle west)	£3,000	
7: Madeira Road (triangle east)	£3,000	
8: Madeira Road (adjacent to Cannons)	£3,000	

Your application should be accompanied by the following items:

Two recent colour photographs of your proposed sale unit, one clearly showing the registration number of the vehicle and the other the nearside of the vehicle.

Two passport size photographs of the applicant(s) and any named assistants.

Copies of food hygiene certificates for the applicant(s) and any named assistants.

Confirmation of your food registration and food hygiene rating for each proposed vehicle or unit.

A copy of your public liability insurance.

Applicants must provide details of their prices for the standard items shown on the list attached to the application form, together with details of popular items that you will normally sell, including the price.

SUBMISSION OF APPLICATIONS

Applications must be made online or in writing on the street trading form and sent together with photographs and certificates to: Street Trading Manager, Plymouth City Council, Floor 2, Ballard House, West Hoe Road, Plymouth PL1 3BJ.

The Council reserves the right to refuse any application without disclosing its reasons.

Email emily.bullimore@plymouth.gov.uk or call 01752 304604 if you have any enquiries.

Signed: _____

Date: _____

GUIDANCE NOTES

APPLICATIONS FOR CONSENTS

Each trading location must be applied for individually, but applicants can submit applications for as many locations as they are willing to trade from. If the number of acceptable applications received is greater than the number of consent locations only one consent location will be allowed per applicant.

The consents to trade from the sites will be allocated at the sole discretion of the Council. Existing traders will be given a degree of priority when allocating the sites so new applicants may not get their first or subsequent choices. In that event you will be contacted and offered an alternative site.

The consent fee is payable by equal monthly instalments, the first payment being payable at the beginning of the consent period before the consent is issued. The fee is inclusive of business rates.

The allocation of consent will be directed at obtaining a wide range of acceptable trades and a high quality style of trading. Applicants are required to provide full details of their trading style including photographs where possible.

Applications are being invited for the period until 31 March 2024 and successful applicants will be expected to trade throughout the whole of this period.

Any persons aged seventeen years or over may apply for a consent but in the event of competition for sites between local and non-local traders a minimum of 50 per cent of the consents will be allocated to local traders.

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders. Similar trades will not be allocated to different consent sites in the same street.

TERMS AND CONDITIONS OF CONSENTS

The full terms and conditions that will apply to the grant of a consent under the Local Government (Miscellaneous Provisions) Act 1982 are set out below. These terms and conditions must be strictly complied with as any breach could result in a trader's consent being immediately withdrawn. Applicants are strongly advised to carefully read the terms and conditions before making an application. The following paragraphs highlight some points of particular note not covered elsewhere in these details.

TRADING

Traders will be only permitted to trade from the specific site allocated and in the merchandise or services for which consent has been granted. No other commodities whether or not ancillary to the permitted trade may be sold. Advertisements describing the commodities sold must not mislead the consumer. It is illegal to falsely describe food and drink.

A trader may trade at his discretion within the permitted hours of 8.30am to 9pm throughout the week. Good business ethics, good quality merchandise/services and value for money are expected and required from traders.

Traders must run their business and attend the stall in person unless the Council has given written permission for the appointment of an employee to run the business on the trader's behalf. Permission to appoint employees will not be granted without good reason. The requirement is not intended to prohibit traders from being assisted by employees provided traders are in a regular and substantial attendance at the stall in person.

Traders will not be able to share the benefit of a consent or transfer it outright to another trader.

Traders and approved employees will be supplied with identification consent permits, which must be displayed inside the stall at all times when trading. The consent fee includes the cost of providing a total

of four identification permits during the consent period. With reasonable notice Plymouth City Council endeavour to issue additional permits for which there will be a charge of £15 for each permit requested. The Council will endeavour to issue any additional permits required on receipt of payment, two passport size photographs and, if appropriate, evidence of attendance at an approved food handling course.

The sales unit must not be left unattended at any time. A fully insured driver must remain with any motorised vehicle. Consent holders must attend the sales unit in person unless the Council has given written permission for the appointment of an employee to operate the sales unit on their behalf. Requests for employees to run sales units on behalf of the consent holders will be considered on merit. This requirement is not intended to completely prohibit traders from being assisted by employees provided the consent holder is in regular attendance at the sales unit in person for most of the time. A consent holder will not be able to share the benefits of a consent or transfer it outright to another trader.

Good business ethics, good quality merchandise and value for money are expected and required from the consent holders.

The use of free standing external generators is not permitted.

UNITS

Any sales unit used by the trader must be of a design and standard acceptable to the Council and approved in writing. Details must be provided with the application. Applicants are required to submit full details of their trading unit with the application form, including two colour photographs. Prior to the confirmation of the grant of a trading consent, any sales unit providing food must have received an inspection by an authorised officer of the local authority where they are registered and must meet at least the minimum standards of the relevant food and health and safety legislation. A minimum food hygiene rating of 3 (satisfactory) must be achieved. If the council proposes to grant a consent to applicants who have not received a food hygiene inspection or rating at the time of the application, a rating of 3 or above must be achieved within a month of trading. Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in a consent being withdrawn.

Consent holders will be required to provide and operate from their own purpose built or specially adapted, completely self-contained sales unit (eg a motorised van, towed road trailer or hand trolley) of a design and appearance acceptable to the Council.

Motorised vehicles or towed trailers may NOT be driven or parked on the pavement or any other pedestrian area. Trading will take place from a sales unit parked on the vehicle carriageway. All goods, packaging, refuse and other articles must remain in the sales unit during trading.

For waterfront pitches, units will need to be moved on and off site every day. A unit left on site full time is not acceptable on these sites.

ACCESS TO THE SITE

All of the City Centre sites are in pedestrianised areas. Access to sites must be before 9.00am and after 6pm. Traders must apply for and be granted a permit from Plymouth City Council's parking department. If it is necessary to re-stock or remove refuse between these times, access will only be available by foot with, if necessary, pedestrian controlled trolleys, which should be removed as soon as the task is completed. Vehicles must not remain on site throughout the day; any breach could result in a consent being withdrawn.

For Hoe and Madeira Road Waterfront traders, the structure proposed must be temporary and be able to be removed from site at the end of the day. Trading from motorised mobile vehicles is not

acceptable. The provision of gazebos and tents will be assessed on an individual basis as they may not be safe during high wind conditions, on exposed areas of Hoe Road and Madeira Road. Risk assessments must be provided in advance.

Ice cream traders will only be authorised to trade from the allocated permit bay. Traders must NOT stray outside their allocated consent area.

The ability to trade is subject to any road closure, temporary or otherwise, that may prevent access to the consent location or the permit bay.

Trading must always take place in a safe manner. The service of customers must be onto a pavement, unless the road is closed.

For Ice Cream vans and Waterfront traders, applicants should be aware that it is possible that the trading location MAY be affected by temporary road closures or suspension of parking facilities in connection with events such as Lord Mayor's Day, Firework Competition, Music events, Plymouth Bike Week or works or improvements to the roadway or footway. In these circumstances trading will not be possible and no refund of any consent fee will be made. Under no circumstances will trading be permitted outside of an allocated consent bay without prior agreement.

ELECTRICITY

A 16 / 32 amp electricity supply is available from a socket located adjacent to each site within the City Centre and for the Pier Street Ice cream pitch. Traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using cables until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

Proof of all portable electrical appliance equipment testing (PAT test) must be supplied by operators before any equipment is plugged in.

CONSENT FEE

The fee for the consent will be payable in quarterly or monthly instalments by standing order, or in a one off up-front payment. If invoices are not paid on time then proceedings will be started to take action against the consent holder to retrieve payment and the consent to trade will be withdrawn. The fees are inclusive of any business rates that may become payable. Where a consent commences part way through the year the instalment dates will be confirmed by the Council.

Details of the consent fees can be found on the application form.

WASTE / LITTER

Great importance will be placed on the control of litter by traders in and around the trading locations. Traders are required to keep the trading position and the immediate surroundings street clean and tidy. An adequate and conveniently placed litter bin must be provided by the trader on each sales unit for the use of customers (plastic sacks will not be permitted). All trade and other refuse must be removed from the consent location and disposed of by the trader in an approved manner.

The trade and other refuse must be collected by an authorised waste disposal contractor or removed to an authorised waste disposal site; in either case a waste transfer note must be obtained and kept by the trader for inspection.

WASTE WATER

Waste water from the trader's premises must not be permitted to drain onto the public highway. Waste water will need to be collected in a clearly labelled waste water container(s). The waste water container used must be able to collect the water without spillages. A direct piped connection to the waste water container would be the preferred option. The waste water container must be taken off site for suitable disposal. Waste water must not be disposed onto the highway or rainwater gully or surface water drains.

WASTE MINIMISATION

All food stall holders must take steps to minimise their use of packaging. Where possible traders are asked to ensure any serving containers or utensils provided to the customer are reusable / recyclable and / or biodegradable / compostable to reduce the level of waste going to landfill.

STATUTORY REQUIREMENTS

Traders must comply fully with laws, byelaws and regulations, including for ice cream, fruit and confectionery food safety legislation. The food business must be registered with the Council's Public Protection Service. Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three years.

The trader is responsible for ensuring the health and safety of himself, his employees and any other person who may be affected by his business undertaking.

Authorised officers from the Council's Public Protection Service must be permitted access to the trading premises at all reasonable times. It is an offence to obstruct an authorised officer in the execution of their duties.

In addition to the road traffic regulations and parking restrictions and prohibitions, traders must comply fully with all other laws, bye-laws and regulations, including food safety legislation. The food business must be registered with the Council's Public Protection Service.

NUISANCE

Traders must not conduct their business in such a manner as to cause a nuisance to other persons or in such a manner that would obstruct the highway. The use of radios or amplifying equipment will not be permitted.

ADVERTISEMENTS

In order to maintain the high visual standards required by the Council there will be strict control of advertisements displayed on the unit. A boards are not permitted for any traders.

UNAUTHORISED STREET TRADING

The Council will use its best endeavours to control unauthorised trading but cannot guarantee that unauthorised trading will not take place. By submitting an application for a street trading consent applicants acknowledge that the Council will have no liability for any losses suffered in consequence of unauthorised trading.

PUBLIC LIABILITY INSURANCE

Traders must hold a valid public liability insurance of at least £5,000,000 and will be required to indemnify the Council against claims and proceedings arising out of the grant of the consent.

WITHDRAWAL OF A CONSENT

Any breach of the statutory provisions relating to street trading or the terms and conditions of the consent will enable the Council to revoke the consent without compensation. The Licensing Committee of the Council will be the final arbiter of what constitutes a breach and whether the consent will be withdrawn.

Traders may themselves at any time surrender a consent which is no longer required. Where a consent is surrendered or revoked, the Council shall remit or refund, as they consider appropriate, the whole or part of any fee paid for the grant or renewal of the consent.

Any upheld report of illegal trading carried out by any consent holder in any location in Plymouth could result in consents being withdrawn with immediate effect.

PROVISION OF FOOD AND DRINKS

Consent Holders will be required to produce:

- Confirmation of their food registration with the Local Authority where the van / unit is stored overnight (Correspondence for the Local Authority will suffice).
- Confirmation of their food hygiene rating or proof that they are exempt. Food traders must have achieved a 'Food Hygiene Rating Scheme (FHRS) score of 3 or above at their last local authority food hygiene inspection as a minimum. If a rating has not been given by your local authority at the time of the application a rating of 3 or above must be achieved with a month of trading. Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in the consent being withdrawn.
- A documented Food Safety Management System (SFBB) or similar system, shall be available on the stall for inspection at all times when trading. In short this is written procedures for cleaning and disinfection, stock rotation, personal hygiene, water supply, temperature control. Your local Public Protection Department will be able to advise you.
- All consent holders and any permitted employees must have received formal food hygiene training to a minimum of level two Award in Food Hygiene in catering within five years of the expiry date of the consent or an equivalent certificate in food hygiene refresher training within three years of the expiry of the consent. In either case, awards must be issued by a recognised training provider.
- If the council proposes to grant a consent to applicants who do not hold an acceptable certificate in food hygiene training the commencement of the consent will be deferred for a reasonable period pending the applicant obtaining training.
- All food businesses must provide information about allergenic ingredients used in foods sold or provided by them. Details of the allergens will be clearly listed in an obvious place such as a menu, chalkboard or information pack. Where not on show you will need to signpost to where it can be obtained. Further information on allergen information can be obtained from the 'Food Standards' Agency' website.: www.food.gov.uk/business-industry/allergy-guide.

Appendix C

Financial modelling

City Centre Street Traders

Throughout the 2022/2023 trading year the city centre saw no new street traders. Therefore street trading city centre income is still less than pre-COVID. With this in mind, the recommendation is to not increase the consent fee for the 2023/2024 trading year for the city centre sites to try and keep the traders that we have currently in place and to potentially attract more traders to the vacant street trading sites.

The following table below shows the overall increase of a 1%, 2%, 3% and 4% increase and what this would mean in the current situation with traders:

Current fee 2022/2023	1% increase	2% increase	3% increase	4% increase
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£3,986	£4,025.86	£4,065.72	£4,105.58	£4,145.44
£4,440	£4,484.40	£4,528.80	£4,573.20	£4,617.60
TOTAL £37,290	£37,662.82	£38,035.8	£38,408.70	£38,781.60
Total increase £0	£372.82	£745.80	£1,118.70	£1,491.60

It should be noted that even with an increase of 4% to current traders' site fees this would only generate an extra £1,491.60/year income. However, if one of the existing traders left (which is likely if the site fees are increased) then it would mean a minimum loss of £3,986.00/year; which would be sorely missed.

It is also critically important to note that :

Street Trading can legally only cover the core costs of operation of street trading e.g enforcement, staffing and oncosts e.g maintenance. It is not able to operate as a profit centre. This report is set against the backdrop of:

- 1 - maximising income for the street trading account (total amount of street traders vs increase in market rents)
- 2 - maximising a fair market rate for the street traders and understanding trading conditions on the High Street.
- 3 - maximising a sense of vibrancy in the city centre. This is particularly important while the city centre is undergoing redevelopment.

Having tested the market and looked at trading conditions the optimum income will be generated by keeping the market rent at 2022 / 2023 rates and preserving the number of traders at 2022 / 2023 levels. Modelling shows this will generate an income of £88K at current capacity. This will cover staff costs, maintenance etc as set out in the legislation, no operating surplus will be generated. In the event that we lost one or two traders, there is a significant risk that operating costs will not be covered.

The Council understand the impact of the building work on the traders. The improvements to the public realm will improve the look feel and footfall of the City Centre. Once the building work for the public realm has been completed we will implement an inflationary rise (based on RPI at time of building work completion) on the street trading.

Summary of Agreed Ice Cream Fees

Site Name	Current Fee 2022 / 2023	Agreed Fee 2023 / 2024	Agreed Fee 2024 / 2025
Madeira Road	£5,615.60	£6,597.20	£7,579
Madeira Road	£5,615.60	£6,597.20	£7,579
Hoe Road	£10,149	£8,864	£7,579
Hoe Road	£10,149	£8,864	£7,579
Hoe Road / Grand Parade	£6,397	£6,973	£7,579
Pier Street	£1,391	£1,405	£1,419
Cliff Road	£1,132	£1,143	£1,154
TOTAL	£40,449	£40,443	£40,468

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MEDIATION REPORT

Licensing Sub Committee



Date:	13 September 2022
Title of Report:	Information regarding delegated decisions for applications for the grant / variation of premises licences
Lead Member:	Councillor Richard Bingley (The Leader)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price - Senior Licensing Officer
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Mediation Report
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

Applications have been received from various premises within Plymouth for the grant / variation of a premises licence under Sections 17 and 34 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:**Our Plan – A City to be proud of.**

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

Unlocking the City's Potential: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

Caring for People and Communities: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Financial Risks

Not Applicable

Carbon Footprint (Environmental) Implications:

None

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

* *When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

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.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							
B	Equalities Impact Assessment (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

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Originating Senior Leadership Team member: Click here to enter text.
Please confirm the Strategic Director(s) has agreed the report? Choose
Date agreed: Date.
Cabinet Member signature of approval: Councillor Richard Bingley
Date: 7 September 2022

1.0 INTRODUCTION

1.1 Since the introduction of the Licensing Act regime in 2005 applications have been received for the grant and variation of premises licences. Some of these applications have received representations from responsible authorities or other parties and have been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the applications before the committee for determination.

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health

The Half Moon (Dinky Diner)	59 Pemroke Street	Devonport
Masonic Inn	65 Devonport Road	Stoke
Arribas	58 Notte Street	St Peter and the Waterfront
Block Plymouth	Royal William Yard	St Peter and the Waterfront
The Kickin' Caribou	13 Mutley Plain	Compton
Moxy Hotel	Junction of Bath St and Millbay Rd	St Peter and the Waterfront
Pho	Unit G12 & G13a Melville, RWY	St Peter and the Waterfront

2.2 Devon & Cornwall Police

<i>The Half Moon (Dinky Diner)</i>	<i>59 Pemroke Street</i>	<i>Devonport</i>
<i>Masonic Inn</i>	<i>65 Devonport Road</i>	<i>Stoke</i>
<i>Arribas</i>	<i>58 Notte Street</i>	<i>St Peter and the Waterfront</i>
<i>Kings Arms</i>	<i>Tamerton Foliot Road</i>	<i>Southway</i>
<i>Kyowa</i>	<i>58 Ebrington Street</i>	<i>St Peter and the Waterfront</i>
<i>Terra Nova</i>	<i>41 Chapel Street</i>	<i>Devonport</i>
<i>Stoke Kebab House</i>	<i>58 Devonport Road</i>	<i>Stoke</i>
<i>Twist</i>	<i>43 Mayflower Street</i>	<i>St Peter and the Waterfront</i>

2.3 Licensing Authority

Block Plymouth	Royal William Yard	St Peter and the Waterfront
Pho	Unit G12 & G13a Melville, RWY	St Peter and the Waterfront

3.0 CONSIDERATIONS

3.1 Paragraph 9.31 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.

3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 01 November 2021 until 30 April 2022 and this report is submitted for the information of the committee.

Licensing Committee



Date of meeting:	13 September 2022
Title of Report:	Licensing Activity Report 2022
Lead Member:	Councillor Bingley (Leader)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Rachael Hind
Contact Email:	Rachael.hind@plymouth.gov.uk
Your Reference:	RH/Licensing Activity Report 2022
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report has been compiled to give the Licensing Committee an overview of the various aspects of the work undertaken by agencies involved in regulating the licencing regimes within the remit of the Committee. The report will also highlight future work plans and potential changes in legislation or guidance which will have an impact on the Committee.

Recommendations and Reasons

That members consider this report and note its contents.

Alternative options considered and rejected

None

Relevance to the Corporate Plan and/or the Plymouth Plan

This report links to the delivery of the Council priorities. In particular:

1. **Unlocking the City's Potential**

Licensing systems aim 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.

2. **Caring for People and Communities**

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.

Implications for the Medium Term Financial Plan and Resource Implications:

Not applicable

Financial Risks

None.

Carbon Footprint (Environmental) Implications:

Not applicable.

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

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title							
B	Equalities Impact Assessment (if applicable)							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7
Statement of Licensing Policy Licensing Act 2003							
Revised Guidance issued under Section 182 Licensing Act 2003 - April 2018							
Policy and Local Area Profiles for Plymouth							
Tackling Gambling Related Harm: A Whole Council Approach							

Sign off:

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Originating Senior Leadership Team member: Rob Nelder											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 29/08/2022											
Cabinet Member approval: Councillor Richard Bingley Date approved: 7 September 2022											

Enforcement Activity Report

1.0 Introduction

1.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2021 to the 31 March 2022. The team received 2149 licensing applications in 2021/2022 covering the following areas:

- Alcohol and entertainment
- Gambling
- Sex Establishments
- Petroleum
- Explosives
- Animal welfare
- Charitable collections
- Scrap metal
- Caravan licensing
- Body and Beauty Art

There has been an increase in licensing applications of 61% compared to 2020/21, due to Covid-19 restrictions being lifted.

2.0 Licensing Act 2003

2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During 2021/22, Officers processed the following number of applications:

Licence Type	01/04/18 – 31/03/19	1/4/19 – 31/3/20	1/4/20 – 31/3/21	1/4/21 – 31/3/22
Licensing applications, transfers, variations and suspensions of licence for nonpayment of annual fee etc.	463 (plus 167 suspensions)	578 (plus 214 suspensions)	339 (plus 301 suspensions)	613 (plus 204 suspensions)
New Personal licences	129 + 145 Change of address applications	159 + 139 Change of address applications	103 + 80 Change of address applications	145 + 111 Change of address applications
TEN's	411	462	91	217

- 2.2 Responsible authorities continue to submit formal representations in respect of licensing applications. In the majority of cases the applicant will agree with the advice given, thereby allowing them to be mediated out. Members receive regular updates of all the mediated applications by way of a report.
- 2.3 145 Licensing Inspections were completed between 1 April 2021 and 31 March 2022, and 83 applications required representations from Environmental Health and Trading Standards.
- 2.4 The Licensing Sub-Committee undertook the following activities:

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Applications or Variations	8	7	8	5	2	8
Review of premises licences	1	4	0	2	3	0
Expedited review applications	1	1	0	0	1	0

Eight applications went to committee to consider representations. Four were granted with additional conditions added at the hearing. One of those also had their licensable hours reduced. This was however appealed and they were successful so the hours reverted back to as applied. Four were granted as applied.

3.0 Licensing Act Policy

- 3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Policy was last approved on 31 March 2019. The Cumulative Impact Policy is required to be reviewed every 3 years and this was consulted on between 11 March 2022 and 3 June 2022 and a report is being prepared to take this to Full Council in the near future.

4.0 Public Safety and Public Nuisance

- 4.1 During 2021/22, the number of noise complaints remained high and 172 formal noise complaints were registered against licensed premises.
- 4.2 Environmental Health Officers continue to use an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly without the need for further formal action. In most cases the complaint can be resolved by way of an action plan or minor variation with the agreement of the licensee.
- No premises licences were reviewed for public nuisance in this financial year as detailed above.
- 4.3 Officers arrange out of hours visits as required to ensure any noise or public nuisance from licensed premises are dealt with as promptly as possible.

Officers work with the licensed premises to ensure action plans are put in place to reduce the impact to local residents. This has been very important following the reopening after Covid-19, particularly as the use of outside areas has been encouraged and many businesses have taken the opportunity to expand these areas and continue to apply for pavement licences.

5.0 Protection of Children from harm

- 5.1 The Police and Trading standards continue to try and reduce the access to alcohol, from on and off-licences to young people by means of neighbourhood interventions and advice to retailers.
- 5.2 The Licensing Team and Police Licensing meet regularly with Devon Trading Standards and arrange test purchases based on the intelligence and complaints received.
- 5.3 Businesses are supported to minimize the potential for under age sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to the regional under age sales web based toolkit 'No Proof of Age No Sale (NPOANS) for their staff and were all written to following the recent test purchase reminding them of this training tool.

6.0 Gambling Policy

- 6.1 Licensing Officers with administrative support are also responsible for licensing establishments such as casinos, betting shops, adult gaming centres, bingo halls covered by the Gambling Act 2005.

Full inspections of our Gambling Premises were undertaken between January and March 2022, to ensure our establishments are fully compliant.
- 6.2 The Councils Gambling Licensing Policy (Statement of Principles) came into effect on 31 January 2022 and is required to be reviewed every three years.

7.0 Sex Establishments

- 7.1 There is currently one lap dancing club and one sex shop licensed with Plymouth City Council.

8.0 Partnership Working

- 8.1 The responsible authorities meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.
- 8.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.
- 8.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 8.4 The Licensing Team are members of Safer Plymouth and the Evening and Night Time Economy Group (ENTE) and Alcohol Harm Reduction Subgroup. The group were successful in renewing the Purple Flag Award in 2022.
- 8.5 The Licensing Team and Police continue to support Pubwatch schemes and are a member of the Best bar None Steering Group. We continue to carry out multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.

9.0 Work Initiatives for 2022/23

- 9.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE.

9.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.

9.3 We intend to:

- Publish the revised Cumulative Impact Policy once approved by Full Council.
- Continue our joint working to detect, deter and disrupt modern slavery and exploitation
- Continue the joint working with the Police to reduce hate crime
- Continue to promote the voluntary reducing the strength campaign
- Undertake a programme of alcohol and gambling test purchasing operations
- Ongoing training of Taxi Marshalls that have been appointed to assist with the ENTE.
- Chair the Event Safety Advisory Group and attend the ENTE and Alcohol Harm Reduction Sub Group and assist the group with maintaining the Purple Flag Award for the City.
- Support Best Bar None and Pubwatch

10.0 Conclusion

10.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and night time economy throughout 2021/22. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.

11.0 Police Licensing Activity Report

11.1 Attached in Appendix One is a report from the Police Alcohol Licensing Officer who is also invited to present information to the Committee at this meeting.

APPENDIX ONE**POLICE LICENSING REPORT APRIL 2021 – April 2022**

Sir/Madam,

In response to your request, the Devon and Cornwall Police alcohol licensing department can provide you with the following details regarding our activities over the last twelve months.

We have dealt with –

- 47 applications to grant Premises Licence and negotiated appropriate conditions with each. 1 of these was withdrawn and 2 were refused
- 6 applications to transfer premises licences
- 12 variations of Premises Licences – 2 of these were withdrawn after negotiations
- 32 minor variations 1 was objected to and re-submitted
- 0 new club premises certificates
- 156 variations of DPS
- 140 Temporary Event Notices – 4 were withdrawn after intervention and 1 was rejected
- 79 Late Temporary Event Notices, of which 2 were rejected and 16 were objected to and did not take place
- 0 Licensing Committee Reviews

(Please note that these figures are those where the Licensing Officer has needed to become involved. 'Low-risk' applications are screened out centrally after they pass a 'logic')

This 12-month period has included the end of the lockdown period in July 2021 due to the Covid-19 Pandemic and saw the re-opening of many licensed venues, especially those within the Evening and night-time Economy (ENTE). The time period from 1 April 2021 until 19th July 2021 included the lockdown of much of the ENTE's late-night venues. There was a further 'restriction' in December 2021 when the Government's guidance advised the public that contact should be avoided otherwise anybody contracting Covid-19 would have to self-isolate over Christmas. This created a very stagnant hospitality industry in December 2021, where many venues saw up to 75% of bookings being cancelled.

The statistical summary above indicates a different landscape to the usual business undertaken in a normal year by the Police Alcohol Licensing Department. The re-opening of the venues after the lockdown saw a tentative return to the ENTE from customers, still unsure about the safety of mixing together, with a change in demographic to a generally younger customer base with the older members of the public more concerned with going out.

Significant developments during this period included the national concern over drink spiking incidents throughout the country. Fortunately, after the successful trial in Plymouth in 2019 around a response to drink spiking, Devon and Cornwall Police, led by the Alcohol Licensing Department introduced this same working practice and operation throughout the whole force area. This meant that Plymouth was well-

equipped to deal with incidents and record those reports effectively, supporting vulnerable people through co-operative working with the venue staff and doorstaff.

In 2019, with the co-operation of a large number of venues in the city, a 3-month anti-drink spiking trial was undertaken in Plymouth, whereby an estimated 300,000 people attended venues which had been equipped with drink testing kits. Police vehicles had been equipped with urine testing kits. Any person who suspected that their drink had been spiked could alert a venue member of staff and their drink would be tested. Any person who believed that they had been spiked could have a very quick urine test to indicate whether they had been spiked. A simple working practice made this method of determining whether a person had been spiked was efficient and effective. The results showed that over 96% of cases which could have reported in a drink spiking crime report being raised were negative, thereby significantly reducing the number of recorded crimes and also the fear of crime in the city. One person was positively identified and arrested for the offence thanks to the use of the kits during this trial.

The full scheme was rolled out across the whole Devon and Cornwall Police force area on 1st August 2021. This is the first scheme of this type in the country and has been nationally recognised as a very good practice, with a view to rolling this out on a wider scale. Over 25 other police forces have made contact and are interested in starting or have already commenced using this scheme themselves.

In the first 3 months of the trial in Plymouth alone, there were 64 reports of spiking, 5 of which came back as a 'full positive' for a drug in a person's system which they had no knowledge of (7.8%) This has led to one arrest where a person is still under investigation and 4 others were searched.

The scheme allows for an early result, thereby reassuring the reporting person when it is negative and also benefitting an immediate investigation with a greater chance of identifying perpetrators. There has been an excellent co-operation with the trade and many doorstaff and venue staff have now become the first reporting points and will report an incident to the police through CCTV, thereby enabling a better response.

The immediacy of the results has led to a reduction in social media posts within the city, helping to reduce the fear of crime around this type of offence in the city.

Another event in this time period included the football Euros competition which ended just before the end of the final lockdown period in July. This included a large screening of matches at Home Park and usual sport screening venues showing the matches. Through effective planning with licensees and venues along with on-site support, there were very few incidents which were football-related linked to the licensing community.

Upon re-opening, it was apparent that a number of venues had adapted to a more food-led business model. During the lockdown and limited re-opening the previous year, many businesses had developed a food-led model during eat out to help out and the general feeling was that this model was profitable. This led to a number of venues closing earlier than in the pre-covid years.

There was a lot of continued support offered to venues through the transition back into 'normal' licensing hours. There was some excellent multi-agency work between Police Licensing and the Local Authority Licensing departments, along with Pubwatch and Best Bar None, culminating in a better understanding for venues around lockdown and re-opening. This enabled a much smoother transition into returning to the fully re-opened status.

The same philosophy of engagement and education prevailed as had been used the previous year in dealing with venues. In order to assist with the monitoring and support of the hospitality industry, 'Covid marshals' were employed to engage with businesses and also to show a visible presence. These worked extremely effectively and were used to good effect to enforce the PSPO areas of Plymouth, especially

the Barbican after the one specific problem date the previous year when a large gathering took place. The 'Covid marshals' were used as 'ENTE marshals' upon full re-opening until the end of September, helping to keep the public areas of the Barbican and Hoe clear of issues.

Plymouth's Alcohol Harm Reduction Group was re-established. It had been suspended during the lockdowns when the Covid-19 group was set up to deal with licensing and Covid-related matters. This group has some of the major partners included centred around the licensing industry. This group reports into the Safer Plymouth group for a wider inclusion of city-wide partners.

We have dealt with a number of premises where concerns have been raised and through intervention at an early stage and the insistence of a formulated action plan from the Designated Premises Supervisor (DPS), changes have been made to the venues, which have removed those concerns. This has on occasion required specific visits to premises by the team and also requiring the DPS and/or area managers to attend Charles Cross Police station to deal with those issues.

One such venue was dealt with after a very serious assault on a customer. Although the DPS was not present at the time of the incident, a relative was managing the venue. The premises licence holder was spoken to by police licensing officers and the DPS was immediately removed, along with the staff from the venue. There have been no recurrences of any incidents at the venue since.

The lack of bringing many cases to the licensing committee demonstrates the pro-active work which the Police and Local Authority Licensing departments undertake in order to work with venues and licensees in creating a safer and more professional licensing and hospitality community. Guidance and advice was offered through many meetings and visits to venues and, as can be seen by the statistics, compliance and development of good working practices and standards was achieved.

There has been a slight decrease in the granting of new licences during this period in the city, as well as a more significant decrease in transferring licenses. In the previous year, a number of businesses had closed and others saw a new opportunity to enter the hospitality industry due to changes in their own lives through Covid. There was a significant increase in the number of DPS changes to the previous year. This is a good indicator of many new people coming into the hospitality industry or moving to a different venue. There was also a four-fold increase in the numbers of Temporary Event Notices (TENs) which indicated that people were taking advantage of the re-opening. There was also a large increase in the number of Late TENs, of which 23% were objected to and did not take place.

We continue to be actively engaged in effectively working in partnership with Plymouth Pubwatch and Best Bar None. Through the different groups meeting on a regular basis, our partnership working with other authorities and agencies has strengthened and widened, making the partnership work even more effective.

Our excellent partnership working was clearly demonstrated through the retaining of the prestigious Purple Flag award for the city. This identified Plymouth as having a safe, vibrant and diverse ENTE and is a great benefit to the city for marketing purposes. The application was accepted in January 2021, with the assessment taking place in April 2022 (just outside the scope of this report), however it is included as the preparatory work took place throughout 2021/22.

The application was of such quality again, that it was held up by the assessors to be an excellent example of how a city should present itself and would be used as a template for other schemes nationally to aim

for. The main architects behind this were PS Dave Moore, Cat McDonald from Best Bar None and Rachael Hind from the Local Authority Licensing department.

We continue to engage in working with door supervision companies and regularly visit and check SIA doorstaff. This has become even more important due to the turnover in staff after Covid. Many experienced doorstaff had worked at other sites, (usually working day shifts) during Covid, and upon re-opening, had decided not to return to the late nights involved in door work.

We regularly review CCTV evidence of interactions with door staff and the vast majority of cases show very good conflict management and resolution. There have been an increased number of incidents involving door staff where inappropriate force has been used and good liaising with the Security Industry Authority (SIA) has been effective in dealing with these incidents, helping to maintain the safety of the public in Plymouth. There have been a small number of suspensions of SIA licenses as a result of their actions, sending a message that high standards are expected at all times. There has been very good support from the doorstaff companies in reviewing these actions. Further training in conflict management and communication has been rolled out (outside the timescale of this report).

Police Licensing, alongside Local Authority and Best Bar None have undertaken training in the areas of vulnerability, Ask for Angela and anti-drink spiking. This is even more important than ever due to the lack of experience in the ENTE venues. This training was well received and is beneficial to making the ENTE staff more effective in protecting the public during the course of their work. This will be a continuing training package throughout the year with the next session planned before Freshers' Week.

Working with Best Bar None, a student and licensing forum is being developed, where representatives from the student body can have a voice within the licensing community around their needs and concerns. This is beneficial in getting a point of view from many more participants of the ENTE and is a useful 'sounding board' for checking that the various strategies work.

The successful trial of the taxi marshals at Derry's Cross and Union Street was made permanent thanks to a partnership with the NHS. This partnership secured £150,000 worth of funding to continue the taxi marshals at Derry's Cross, along with the provision of medical staff for the Safe Bus at Derry's Cross. The taxi marshals had, once again, clearly prevented a number of disorderly incidents and possible serious sexual offences. There have been positive responses from customers, the licensing community and taxi drivers, who feel more inclined to stop there and this has helped dispersal. Taxi marshals continue to be effective in the Barbican, and also supported the work of the Covid Marshals and ENTE marshals in that area.

The successful implementation of the Safe Bus has also sent a positive message of support out to the ENTE community and has been well-received. A multi-agency supported resource, it offers a safe haven for users of the ENTE. The funding from the NHS allowed the Safe Bus to be implemented for every Saturday night from January 2021 until April 2023 as well as an extra 15 'red' nights, such as New Year's Eve, Halloween and Freshers' Week. The excellent help from Plymouth City Bus in driving the bus to and from the location and undertaking maintenance free of charge has kept the general running costs to a minimum. The Safe Bus provision has prevented over 80% of people treated there for minor injuries and welfare issues from being passed on for further help, reducing the demand on the ambulance service, police and emergency departments.

In December 2021, Police Licensing, Local Authority Licensing and Best Bar None trialled a night bus service using a private hire coach company which was staffed with SIA trained marshals. This offered three bus routes covering most of the city running at 0000hrs, 0200hrs and 0400hrs. This offered an alternative to long waits at taxi queues. Unfortunately, it did not carry as many passengers as expected due to the huge decline in numbers going out in the ENTE in December due to Covid restrictions. This was funded by Best Bar None with a view to making some money to become potentially self-funding. A bid was put forward for Safer Streets 4 funding (outside the timescale of this report) and was successful in obtaining funding to run this service again over a possible 30 nights in 2022/23. It is hoped that this will make enough money to demonstrate that it is economically viable to be self-sufficient for the future.

Police licensing have also been working with the Police's Prevent and Detect Team (PDT), who are a team of plain clothed officers who are specifically trained to observe human behaviour and interactions. There have been a number of nights when the PDT has worked in the ENTE, both within and outside venues with a view to observe possible predatory behaviour and intercept potential suspects. This programme will continue into the future.

Police licensing and Best Bar None have worked effectively with the Plymouth Night Patrol, a society set up within Plymouth university which provides medical and welfare patrols on Wednesday and Friday nights during term time.. Again, over 80% of people dealt with need no ongoing support. With the excellent continued work of the street pastors, Plymouth has an extra medical and welfare provision for three nights of the week.

We continue, where possible, to develop the 'Reducing the Strength' Campaign in the city. All off-licence new applications or variations will be offered guidance on the scheme and strongly encouraged to take it up.

Our continued involvement with the University of Plymouth and Marjon has benefitted their events and also helped to promote Plymouth as a safer city and destination for potential students. A complete re-write of the Marjon licence has given them a lot more flexibility in what they can offer in a safe environment for their students.

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police