



#plymlicensing

Oversight and Governance

Chief Executive's Department
Plymouth City Council
West Hoe Road
Ballard House
Plymouth PL1 3BJ

Please ask for Democratic Support
T 01752 668000
E democraticsupport@plymouth.gov.uk
www.plymouth.gov.uk/democracy
Published 01/12/23

LICENSING COMMITTEE

Monday 11 December 2023
10.00 am
Council House

Members:

Councillor Rennie, Chair

Councillor Allen, Vice Chair

Councillors Dr Cree, Hendy, Dr Mahony, Moore, Nicholson, Partridge, Patel, Poyser, Salmon, Stephens and Tippetts.

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

For further information on attending Council meetings and how to engage in the democratic process please follow this link – [Get Involved](#)

Tracey Lee

Chief Executive

Licensing Committee

1. Apologies

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

2. Declarations of Interest

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

3. Minutes (Pages 1 - 34)

To confirm the minutes of the Licensing Committee meeting held on:

- 6 December 2022

To confirm the minutes of the Licensing Sub Committee meetings held on:

- 3 January 2023
- 20 April 2023
- 16 May 2023
- 3 October 2023
- 6 November 2023

4. Chair's Urgent Business

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

5. To note the Appointment of the Chair and Vice Chair

To note the appointment of Councillor Rennie as Chair and Councillor Allen as Vice Chair of the Committee, as agreed at the 19 May 2023 AGM City Council meeting.

6. Annual Street Trading Report 2024 / 2025: (Pages 35 - 54)

7. Licensing Activity Report 2023: (Pages 55 - 68)

8. Mediation Report: (Pages 69 - 74)

9. Confidential Minutes (Pages 75 - 98)

To confirm the confidential minutes of the meetings held on:

- 20 April 2023
- 16 May 2023
- 6 November 2023

This page is intentionally left blank

Licensing Committee

Tuesday 6 December 2022

PRESENT:

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

Apologies for absence: Councillors Allen and Singh.

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

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

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

1. **Change to Vice-Chair**

The Committee agreed to note-

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

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

2. **Declarations of Interest**

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

3. **Minutes**

The Committee agreed the following minutes as a correct record:

Licensing Committee –

- a) 07 December 2021

Licensing Sub-Committee –

- b) 04 January 2022

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

4. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

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

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

Following question from the Committee, it was highlighted that-

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

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

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

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

The Committee agreed to-

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

6. **Mediation Report**

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

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

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

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

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

7. **Licensing Activity Report**

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

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

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

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

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

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

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

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

Licensing Sub Committee

Tuesday 3 January 2023

PRESENT:

Councillor Partridge, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Tippetts & Stoneman (Fourth Member)

Apologies for absence: Councillor Pengelly.

Also in attendance: Sharon Day (Lawyer), and Elliot Wearne-Gould (Democratic Advisor).

The meeting started at 2.00 pm and finished at 4.30 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.

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

The Sub-Committee agreed to appoint Councillor Partridge as Chair, and Councillor Rennie as Vice-Chair for this particular meeting.

18. **Declarations of Interest**

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

19. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

20. **Grant of Premises Licence - One Stop Stores Limited, One Stop, Cargo 2, 41 Milbay Road, Plymouth, PL1 3NG**

The Committee having-

- (1) Considered the report from the Director of Public Health;
- (2) Heard from the applicant and taken into account the following, including the witness statements and exhibits from Sarah Watson, Paul Twydell and Steve Berry:
 - a) The company operates over 700 stores across England and Wales;
 - b) Stores are primarily convenience stores and not dedicated off licences;
 - c) They operate in many deprived areas and have shops near schools and alcohol and drug recovery centres and in those areas, they have never experienced the problems which are perceived in the representations;

- d) They have a Primary Authority partnership with Hertfordshire County Council which has operated for around 10 years and before that they were part of a Home Authority arrangement with Walsall Council. Their age related sales policies, procedures and training had been reviewed by the Primary Authority who had concluded that adequate systems are in place. These procedures were last reviewed in March 2022;
- e) Their age restricted policies, procedures and training include refusal of sale to those intoxicated and underage, refusals log, proxy sales, till prompts, point of sale 'Think 25' signage, internal test purchases, store audits and conflict management for staff. All staff have to complete quarterly age restricted product training declaration;
- f) The company is part of the Retail Alcohol Standards group which promotes the responsible sale of alcohol and a number of stores are involved in a Community Alcohol Partnership working with Trading Standards, Police and, in some cases, local schools;
- g) Stores employ local people so they have a knowledge of the area in which they work. Stores also work closely with local police and PCSOs;
- h) In the last 10 years, there have been no reviews of licences for the stores in this area. The only review that has taken place nationally was for a store in the north of country, around 8 years ago, which did retain its licence;
- i) The store will have safeguards to deal with behaviours in the immediate vicinity of shop. There will be internal and external CCTV which staff can monitor. Staff are trained to look out for anti-social behaviour and proxy sales. The conflict management training to staff will assist in moving on any customers who are loitering around the shop. The applicant confirmed that it was happy to agree to a condition requiring them move on people causing congestion or loitering outside the shop;
- j) Staff can also alert a monitoring centre if they are concerned by the behaviour of a person or something that is happening. This is done by pressing button on a console or on a wristband which they wear. There are also systems in place whereby a voice is played over speakers in the store telling a person that they are being watched and asking them to leave the premises;
- k) Whilst litter is not strictly relevant to the application as it does not solely relate the licensable activity applied for, the applicant was happy to install a litter bin near the store and also staff members would litter pick the frontage of store on a regular basis;
- l) The store entrance is from Millbay Road opposite the roundabout and is not directly opposite the school. The store will be laid out so that alcohol is in the line of sight of the checkouts, spirits will be kept behind the counter and CCTV is placed all around the shop with monitors in clear sight so that they can be

monitored by staff but also so that customers can easily see they are being monitored. Alcohol will not be visible through the windows;

- m) Staff will be aware of peak times of operation (such as school start and finish times) and all staff will be available on the shop floor and looking out for any issues;
- n) There are no plans at present for self-service check outs in this store;
- o) The problems outlined in the representations were problems that already existed in the area for which the applicant could not be held responsible. Their view was that having a light, bright store in the area may help with the regeneration that is happening in the area and having that store there may act as a deterrent for anti-social behaviour as having a well lit area with CCTV does not attract the type of problems that are envisaged in the representations;
- p) The applicant also confirmed that they were happy to agree to a condition where there is to be no advertising of age restricted products on the frontages of the store which are visible to Millbay Academy;
- q) The applicant also outlined charity works carried out by the company;
- r) Whilst the applicant understood the concerns outlined by the representations, the committee should ensure that its decision was evidence based and not based on speculation. Any decision made by the committee must be justified in terms of promoting the licensing objectives and proportionate for the aim intended. The applicant submitted that there was no evidence to suggest that the problems already in existence in the area would be moved closer to the school by the granting of the licence. This was supported by the fact that the Police had not made any representations and considered that the agreed conditions were sufficient to promote the licensing objectives. There had also not been any other representations from any other responsible authority.

(3) The committee heard from and considered the oral and written representations from other parties as follows:

- a) There is already an issue with street drinkers, anti-social behaviour and crime in the area which is linked to drink and drug use. This would worsen if the application were granted. There is a school opposite the premises and street drinking is somewhat removed from the school at present but a shop selling alcohol would bring this to the school doorstep and potentially create problems for local residents and pupils of the school -

This was considered to be relevant under the licensing objectives of prevention of children from harm and the prevention of crime and disorder. However, the problems already exist in the area and whilst there was no evidence to show that granting the licence would cause the problems to worsen or move to the front of the school, the committee considered that conditions agreed with the Police and the further volunteered conditions (contained in Annex A to Sarah Watson's statement and Annex D of the report) were appropriate and proportionate to reduce the

potential for any issues to arise and to ensure the promotion of the licensing objectives;

- b) There is a support service for disabled people close to the premises which vulnerable people attend. Granting the licence could compromise their safety -

This was considered to be relevant under the licensing objective of public safety however given that the premises was going to be open, well lit with CCTV this should increase the safety of the area and ensure the promotion of this licensing objective;

- c) There will be noise issues that will cause late night disturbance of residents and the wide pavement outside could become an assembly point for people acting in an antisocial fashion -

This was considered to be relevant under the licensing objectives of prevention of crime and disorder and prevention of public nuisance. The company will have CCTV in place covering the outside of the premises and have conflict training in place for staff to address any problems that may arise. However, the committee considered that the volunteered condition in relation to the moving on of any customers congregating outside was an appropriate and proportionate step to address the concerns outlined and to ensure the promotion of the licensing objectives;

- d) There is a local drug and alcohol shelter nearby and a homeless shelter that helps adults with challenges and health issues. The premises is directly opposite a local school (covering primary and secondary age groups) and there is a local pupil referral unit nearby. The school already suffers with problems of anti-social behaviour around the perimeter of its site including from members of the public and those from the shelters being intoxicated, shouting, fighting, urinating, exposing themselves and leaving broken bottles alongside needles. Staff regularly have to clear up these items. There is a potential for 'items' to be passed through the school fence. Some classroom windows overlook the premises meaning that children will be able to witness the selling of alcohol and the possible anti-social behaviour issues that can occur outside such shops. Witnessing such issues is likely to impact on anxious children not attending school and impacting negatively on their mental health, education, well-being and risk of grooming and child exploitation. At the school over 25% of the children have some additional or special education needs and disabilities as well as high levels of safeguarding concerns, social care involvement for families and children- this can leave children open to exploitation. Granting a licence to sell alcohol so close to the school would give an increased risk to children by causing the groups mentioned to congregate even nearer to the school -

This was considered to be relevant under the licensing condition of prevention of children from harm. However, the conditions agreed by the applicant with the Police (the CCTV requirements in particular) and those volunteered by the applicant (for example, no congregating outside), the applicant's policies and procedures (for example, age restricted sales in relation to proxy sales) would ensure that any potential risks were minimised and that the licensing objective was upheld. In addition, the information given by the applicant was that they already operate licensed shops in deprived areas where schools, alcohol and drug recovery centres

are present and had not been the subject of any reviews within the last 10 years which further provided confidence to the committee that the licensing objectives would be upheld;

- e) Having a shop nearby will make it easier for pupils to attempt to purchase alcohol increasing the risk to vulnerable pupils -

This was considered to be relevant under the licensing objective of prevention of children from harm. The company has robust procedures in place that have been approved under a Primary Authority arrangement in relation to age restricted items which will ensure that such sales do not take place. However, the committee considered that in addition to this, the volunteered condition in relation to the restriction on advertising alcohol on any frontages facing the school was appropriate and proportionate to ensure the promotion of the licensing objective;

- (4) The committee disregarded the following representations as they were either not relevant to the licensing objectives or the licensable activity applied for:
 - a) There are already premises selling alcohol nearby (not relevant to the licensing objectives);
 - b) Lack of parking on a busy junction is a danger with the premises opposite a school and zebra crossing. Double parking is already a daily occurrence. (not linked directly to the licensable activity applied for);
 - c) Litter being produced by the convenience store (not directly linked to the licensable activity applied for);
 - d) A request for a ban on advertising tobacco (not directly linked to the licensable activity applied for);
 - e) The charity work and employment opportunities to local residents mentioned by the applicant (not relevant to the licensing objectives);

The committee noted that the company had fully engaged in the licensing process in relation to this application and had tried to address the concerns of local residents. This demonstrated to the committee that the applicant was fully committed to upholding the licensing objectives. Therefore, the committee agreed that the licence would be granted as applied for subject to the following conditions which were appropriate and proportionate to ensure the promotion of the licensing objectives as outlined above:

- a) The mandatory conditions contained within the Licensing Act 2003;
- b) Conditions consistent with the applicant's operating schedule;
- c) The conditions which were contained at Appendix D of the report and Annex A of Sarah Watson's statement as follows:
 - i. All staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects)

for evidence of age (Challenge 25). This evidence shall be photographic, such as passport or photographic driving licence, or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram, until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced;

- ii. Till prompts will be installed to remind staff to check the age of customers for sales of age-restricted products;
- iii. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age;
- iv. Spirits and all alcoholic beverages on display will be in such a position so as not to be obscured from the constant view of the cashier / staff. (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable locations in the premises);
- v. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises;
- vi. The CCTV system shall cover all areas of the premises to which the public have access including any outside areas;
- vii. Images shall be retained for a minimum of 31 days;
- viii. The CCTV system shall be capable of downloading images to a recognizable viewable format;
- ix. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised office;
- x. Minimum of two staff to be on duty at times the premises remain open for sale;
- xi. No single cans or bottles of beer or cider will be sold;
- xii. No sale of high strength beers or ciders above 6.5 ABV;
- xiii. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those purchasing off sales information of the city Public Space Protection Order;
- xiv. The Premises Licence Holder or Designated Premises Supervisor shall ensure that all staff, supervisors and managers are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and then twice annually. Electronic training

records shall be made available to an enforcement officer on request. Historical training records extending back to a period of three years, should be made available within 48 hours;

- xv. The Premises Licence Holder or Designated Premises Supervisor shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorized enforcement officer on request.

d) Conditions volunteered by the applicant at the committee hearing as follows:

- i. Should customers be outside of the premises loitering or causing congestion or acting in an anti-social manner, the premises licence holder, manager or other competent person will tell them to move on and take such steps as are appropriate in the circumstances to ensure that they do move on;
- ii. No age restricted product will be advertised on any of the frontages of the premises which are visible to Millbay Academy.

21. **Exempt Business**

There were no items of Exempt Business.

This page is intentionally left blank

Licensing Sub Committee

Thursday 20 April 2023

PRESENT:

Councillor Partridge, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Tippetts and Stoneman (Fourth Member.

Also in attendance: Sharon Day (Lawyer), Bev Gregory (Enforcement Officer), Ian Wills (Senior Lawyer - observing) and Helen Rickman (Democratic Advisor).

The meeting started at 2.00 pm and finished at 4.00 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.

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

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

23. **Declarations of Interest**

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

(Councillor Stoneman left the meeting after the consideration of this item)

24. **Chair's Urgent Business**

There were no items of Chair's urgent business.

25. **Exempt Business**

Agreed that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

26. **Expedited Premises Licence Review -Jesters, 39-43 Union Street, Plymouth, PL1 3LU**

The Committee considered the application made by the Police under section 53A of the Licensing Act 2003 and heard from the Designated Premises Supervisor with regards to Jesters, 39 – 43 Union Street, Plymouth, PL1 3LU.

The Committee agreed to attach conditions to the licence as an interim measure.

(Note: there is a confidential part to this minute)

Licensing Sub Committee

Tuesday 16 May 2023

PRESENT:

Councillor Partridge, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Stoneman (Fourth Member) and Tippetts.

Also in attendance: Sharon Day (Lawyer), Jon Ball (Senior Enforcement Officer), Andrea Gilbert (Lawyer – observing) and Helen Rickman (Democratic Advisor).

The meeting started at 11.00 am and finished at 4.15 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.

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

The Committee agreed to appoint Councillor Partridge as Chair, and Councillor Rennie as Vice Chair for this meeting.

28. **Declarations of Interest**

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

29. **Chair's Urgent Business**

There were no items of Chair's urgent business.

30. **Review of Premises Licence: Jesters, 39 - 43 Union Street, Plymouth, PL1 3LU - To Follow**

Prior to the commencement of the review, the Committee considered representations as to whether the review should be heard in private session, excluding members of the public and press.

The Committee agreed that in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 hearing the matter in private outweighed the public interest in the matter being heard in public and agreed to exclude the press and public and to conduct the meeting in private so as not to prejudice the criminal investigation. For this reason, the other party who made a representation was only present to make their representation and to hear the premises licence holder response to the same.

The Committee:

1. considered the report from the Director of Public Health;
2. heard from a party who had made representations about the incidents alleged in the representation. The party explained that they had not been present when the family member was allegedly attacked and had no evidence to support the other allegations mentioned in the representation admitting that it was only hearsay. They did confirm that the allegation of a sexual act by a door supervisor had not occurred at Jesters;
3. heard representations from the Police;
4. heard from the Premises Licence Holder;
5. in reaching their decision:
 - a. disregarded the representation made by the other party. The information initially provided as representation appeared to be a relevant representation however, when further information was provided the committee did not consider that the representation raised any matter that it could rely on which was relevant to the licensing objectives. The party had not been present at the incident referred to and so the circumstances surrounding the incident could not be sufficiently ascertained. All other matters raised in the representation were hearsay and whilst the committee was able to rely on hearsay evidence, in this case there was no identifiable or reliable source. It was therefore deemed to be speculation and as such could not be relied upon. The alleged incident relating to a sexual act by a door supervisor had not occurred at Jesters and was therefore disregarded as it was not considered relevant to the review or any of the licensing objectives;
 - b. took into account:
 - i. all that was said by police;
 - ii. all that was said by PLH;
 - iii. guidance as set out in the report;

Agreed that it was proportionate and appropriate for the following conditions to be applied to the licence and the following existing conditions modified for the purpose of promoting the crime prevention licensing objective:

Annex 2 – Condition at bullet point 1 modified as follows (modification shown in italics):

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. *In particular the following must form part of the training:*

- *how to complete and maintain the refusal register in operation at the premises (in*

relation to the sale of alcohol);

- *recognising the signs of drunkenness;*
- *the operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase;*
- *action to be taken in the event of an emergency, including reporting an incident to the emergency services;*

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

Annex 2 - Condition at bullet point 2 is removed from the licence as it is replaced by the above record keeping requirement.

Annex 2 - Conditions at bullet points 5 and 6 are removed and replaced with the following:

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature*
- ii. All crimes reported to the venue, or by the venue to the police*
- iii. All ejections of patrons*
- iv. Any complaints received*
- v. Seizures of drugs or offensive weapons*
- vi. Any faults in the CCTV system*
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.*

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

Annex 3 – the following conditions will be added:

- I. No drinks shall be served in glass containers at any time.

Searching, Drugs and prohibited items

2. A written drugs and weapons policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances or possess weapons within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority;
3. Where door supervisors are used to search patrons as a condition of entry, a written drugs and weapons policy formulated in consultation with the Police will be in place. The policy will include an agreed procedure for the handling and retention of any article seized;
4. There must be at the premises a lockable drug and weapons safe to which no member of staff, only the DPS or senior member of staff shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) and weapons found at the premises must be placed in this safe as soon as practicable. Whenever the boxes are emptied, all of its contents must be given to the police for appropriate disposal;
5. Where a drug and weapon safe is available on the premises to deposit finds there will be in place a clear policy for the handling and packaging of seized items. Note: For premises with a suitable 'Drug Safe' and 'Weapon Safe' the items secured within that safe are not considered as being in their possession;
6. A clear and legible notice must be prominently displayed at all entrances to the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons;
7. Appropriate security arrangements will be in place including toilet areas and other similar areas being regularly checked for evidence of drugs. The date and times of all checks will be recorded in a register kept for that purpose and be available for inspection and copying on request of an authorised officer of a responsible authority;

Dispersal

8. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours and to ensure that patrons do not congregate in the vicinity of the premises in such a way as to give rise to the potential for disorder or violent flash points;
9. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible;
10. All persons entering or re-entering the premises shall be searched by a

SIA licensed member of staff and monitored by the premises CCTV system;

11. SIA licensed door supervisors engaged in searching persons shall be fully trained in the use of their powers to do so;
12. Where searches of persons are undertaken both male and female SIA licensed door supervisors will be on duty;
13. All SIA door staff wear body cameras when on duty at the premises;
14. The PLH must become a member of pub watch/club watch;
15. From the coming into force of this decision made on the 16.05.2023 and for six months thereafter, the PLH must have monthly meetings with police licensing to ensure licensing objectives are being promoted;

Review of interim steps

The committee reviewed the interim steps imposed on the 20 April 2023 to consider whether it was appropriate for the interim steps to remain in place pending the above decision coming into effect. It was agreed that it was only appropriate for the following interim step to remain in force given that the premises are not currently a member of pubwatch/clubwatch. All other interim steps were no longer consider appropriate and would be withdrawn because the requirement was either now redundant or the requirement had been complied with;

Interim step to remain in force in:

2. On any day where a door supervisor works at any other premises prior to starting their shift at Jesters, the DPS or in their absence any other appointed supervisor/manager must ensure that they inquire with that door supervisor whether any incident has occurred at the other premises and if so, ensure that all members of the door supervision team are briefed as to which, if any, perpetrators to be aware of in order to prevent them from entering the premises. A record of such inquiries must be maintained, kept at the premises and be available for production to any Responsible Authority on request. A record of the inquiries made must be kept even where there are no incidents to report.

31. **Exempt Business**

The Committee agreed that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings

32. **Review of Premises Licence - Jesters, 39 - 43 Union Street, Plymouth, PL1 3LU - To Follow**

The Committee considered the review of premises licence with regards to Jesters, 39 – 43 Union Street, Plymouth, PL1 3LU.

(Please note that there is a confidential part to this minute)

Licensing Sub Committee

Tuesday 3 October 2023

PRESENT:

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

Apologies for absence: Councillor Allen.

Also in attendance: Jonathan Ball (Enforcement Officer), Cathy Morley (Lawyer, observing), Hannah Whiting (Democratic Advisor) and Ian Wills (Senior Lawyer).

The meeting started at 10.00 am and finished at 11.21 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.

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

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Patel as Vice Chair for this meeting.

34. **Declarations of Interest**

No declarations of interest were made.

35. **Chair's Urgent Business**

There were no items of Chair's urgent business.

36. **Grant of Premises License - Frontfield Stores**

Mr Balayogan and Miss Hobbs agreed that they were happy to proceed without legal representation.

The Committee:

- a) Read the Premise License Grant Report prepared by Jonathan Ball;
- b) Read the summary of representations;
- c) Read the additional objections in the supplementary document;
- d) Heard from the applicant as follows:
 - i. He was experienced in the licensing trade from owning/managing a convenience store selling alcohol in Ilfracombe for 3 years and there had been no police/licensing issues;
 - ii. He had worked selling convenience food and alcohol in a petrol station local to the Frontfield Stores;

- iii. He had completed the compulsory training courses as outlined by the licensing department and police and he was a designated premise supervisor;
- iv. The convenience store was going to be operated as a franchise of the Premier Stores and Mr Balayogan would be the manager;
- v. Mr Balayogan confirmed that he applied for the shop to be open between 7am and 11.00pm (initially later to provide deliveries until 2.00am but he had accepted the police objections);
- vi. The police had no objections to the application as amended;
- vii. Mr Boloyogan was aware of the four licensing objectives and to make sure they were not compromised;
- viii. He would ensure all staff were trained not to sell alcohol to persons underage and would follow Challenge 25 and not serve to proxy purchasers for children and not serve to persons under the influence of alcohol;
- ix. He would limit admission to the shop to one teenager at a time;
- x. If customers were disruptive, he would “ban” them from his shop;
- xi. He would prohibit street drinkers from buying alcohol from his shop;
- xii. He would install a high spec CCTV system, a total of 16 cameras – three outside the entrance of the shop and the recording would be stored for 34 days (longer than the police requirement) and it would have face recognition;
- xiii. There would be always two members of staff on duty;
- xiv. The alcohol would be either displayed behind the till or in fridges with doors which were lockable from a central point;
- xv. He would operate a delivery service to customers in relation to alcohol and/or non alcohol products – to be operated by UberEats – his intention was for the last delivery to be called through by 10.45pm;
- xvi. Mr Balayogan would ensure that deliveries were not made to under 18 year olds;
- xvii. Regarding the delivery of goods/alcohol, this would come from the wholesaler and would be between 7.30am and 12 noon;
- xviii. Mr Balayogan explained in the local area there were convenience shops open until 10.00pm at night but he sought 11.00pm because, from his experience working in the petrol station, the period after 9.00pm was busy;
- xix. Regarding the potential noise, he would try and limit this by restricting numbers in the shop, CCTV would identify persons creating issues and he would be a point of contact for neighbours who had concerns.

e) The sub-committee considered the written representations as follows:

Prevention of Crime and Disorder Licensing Objective

The representations makers outlined they were “worried” about anti-social behaviour from children drinking, public intoxication, people using the space outside the store to play football and ride their bicycles and causing damage to cars.

Members considered these representations relevant under this licensing objective.

Members did not consider that the premises would contravene this licensing objective because:

- The was no evidence outlined to the sub-committee that the granting of the license would result in an increase in criminal incidents – the persons making the representations state they were “worried” about an increase in crime;
- The store would have comprehensive CCTV which would be a deterrent, and if criminal activity was to occur it would be available to the police;
- Mr Balayogan had a policy in place to limit admission to teenagers/would follow Challenge 25/not serve people alcohol who were intoxicated and would keep a record of incidents;
- There had not been any representations from Responsible Authorities – specifically the police.

Public Nuisance

The concern from the objectors was noise from the shop would affect the neighbourhood late into the evening – from deliveries of stock, to restocking activities and groups outside the shop late at night. It was outlined the area is a residential area with a number of elderly people living close by.

The members did not consider that the premises would contravene this licensing objective because:

- Mr Balayogan was taking all reasonable precautions to minimise the level of noise – limited entry to the shop and staff training not to sell alcohol to the underage or persons who were intoxicated.
- If there were issues of noise Mr Balayogan would be a point of contact to address those issues – he wanted to work with the community;
- There were shops open late in the area - two until 10.00pm and the petrol station open 24 hours a day – there were no grounds to reduce this premise’s hours;
- There had not been any representations from Responsible Authorities – specifically the police or environmental protection.

However, the committee was concerned that deliveries of alcohol by lorries or vans early in the morning or late at night would have a negative effect on the community so imposed a condition that delivery of alcohol would be between the hours of 8.00am and 6.00pm.

Protection of Children

The sub-committee heard that Mr Balayogan intended to receive orders for alcohol and non-alcoholic goods via UberEats. This was not mentioned in the report, but in the representations from Mr Balayogan. The sub- committee was concerned that this could be used by children to order alcohol. The Committee

determined it was appropriate to impose the following conditions to minimise undermining this licensing objective:

All on-line/telephone delivered and collected sales to follow a set procedure to ensure that any order placed is made and received by customers aged over 18 and only delivered to proper addresses (residential or commercial) or orders and or deliveries to be refused.

The Committee discussed the case and reached a decision on the matter.

The Committee agreed that after considering the representations, and all that was said by the applicant, it was appropriate to grant the license as they would satisfied that to do so would not undermine the licensing objectives. The license was granted subject to the following:

1. The mandatory conditions set out in the Licensing Act;
2. The conditions consistent with the applicant's Operating Schedule in appendix A of the report;
3. The following conditions directed by the committee:
 - a. No delivery of alcohol except between the hours of 8.00am and 6.00pm daily;
 - b. All online /telephone delivered and collected sales to follow a set procedure to ensure that any order placed is made and received by customers aged over 18 and only delivered to proper addresses (residential or commercial) or orders and or deliveries to be refused.

37. **Grant of Premises license - Spar, 41 North Hill**

This item was removed from the agenda as the matter had resolved before the meeting.

Licensing Sub Committee

Monday 6 November 2023

PRESENT:

Councillor Rennie, in the Chair.
Councillor Tippetts, Vice Chair.
Councillors Patel and Moore (fourth member).

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw-Williams (Democratic Advisor (Observing)), Sharon Day (Lawyer), Cathy Morley (Lawyer), Marie Price (Senior Enforcement Officer) and Hannah Whiting (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.50 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.

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

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Tippetts as Vice Chair for this meeting.

39. **Declarations of Interest**

No declarations of interest were made.

40. **Chair's Urgent Business**

There were no items of Chair's urgent business.

41. **Exempt Business**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 1/2/3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

42. **Personal Licence Grant Report**

The Committee:

- I. Considered the fact that the hearing involved the discussion around the applicant's criminal record which was sensitive data. As a result, the matter would be heard in private in accordance with regulation 14 of the Licensing Act 2003 (Hearing)

Regulations 2005 as the public interest in hearing the matter in private outweighed the public interest in hearing the matter in public. The outcome could be reported without the identity of the applicant being known and this would satisfy the public interest in this case;

2. Were not satisfied that to grant the application would undermine the Crime Prevention Licensing Objective for the reasons set out below and therefore agreed the application would be granted.

(Please note there is a confidential part to this minute)

(At the end of this item the Committee agreed to return to a Part I meeting)

43. **Variation of Premises Licence Notice Report**

The Committee having:

- a) Considered the report from the Director of Public Health, law, policy and guidance contained therein;
- b) Considered what was said by the applicant both verbally and in writing as follows:
 - i. The purpose of the event field at Central Park as outlined in the written response to the notice of hearing. A number of events that had taken place. The income from the events was used to fund the role of Community Hub Park Ranger;
 - ii. In particular, the Big Tribute Festival was outlined and the fact that 11 complaints of noise disturbance from amplified music were received. Noise levels had been set and out of 324 noise monitoring's that were taken, 20 were found to be above the permitted levels by on average of 0.5dB. As a result of the lessons learned from this event, a number of new measures were agreed between Big Tribute Fest, the Events Team and Environmental Health. Those agreed measures were set out in the written response to the notice of hearing;
 - iii. One of the minimum measures in place in the standard terms and conditions was that noise levels should not exceed background noise levels by more than 15dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises;
 - iv. Conditions had been agreed with Police Licensing, which were additional conditions dedicated to the event space only and related to the door supervisor requirement. The applicant was happy with police conditions. The SIA requirement was actually more onerous than what was usually expected for

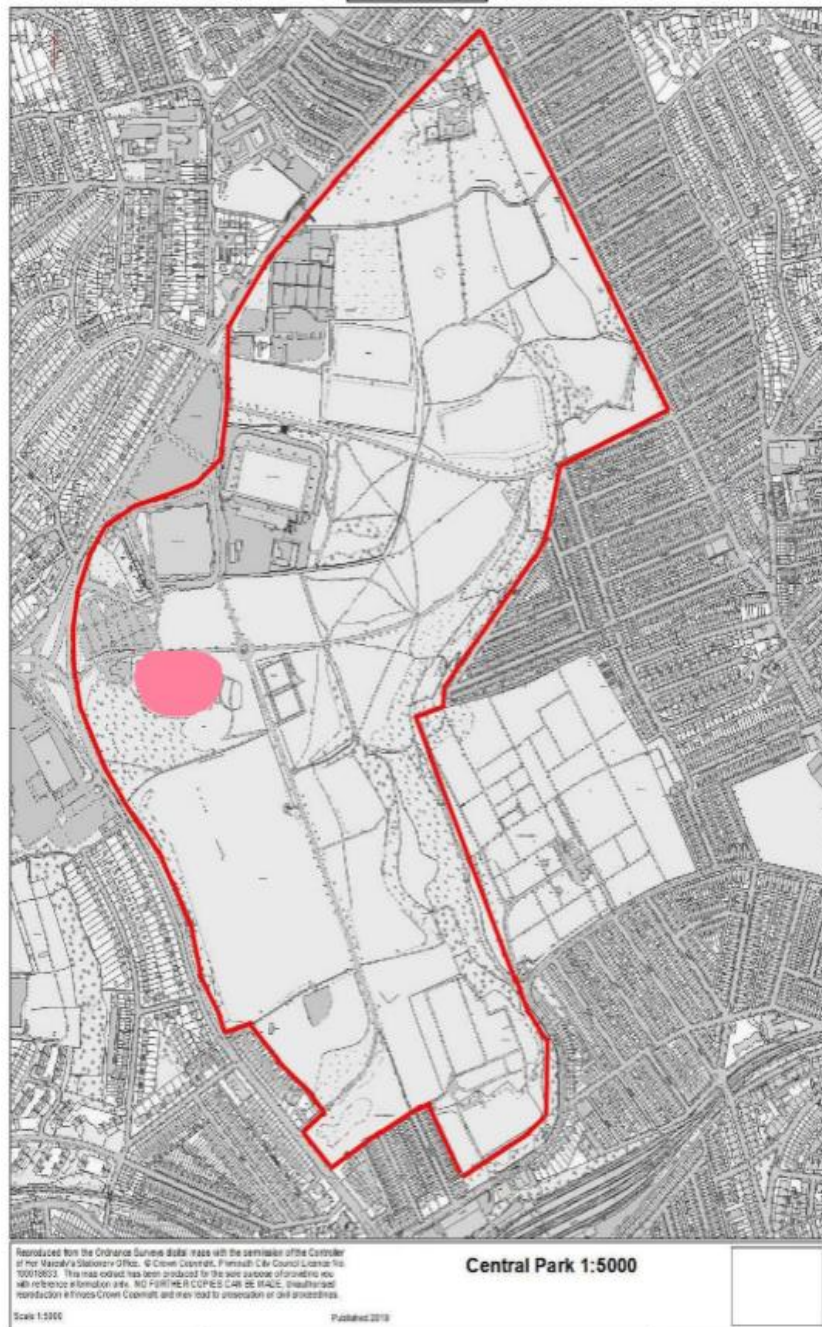
- standard events. The event also had to go to the Event Safety Group (multi agency meeting) and they asked which firms involved were going to be – if they weren't happy with who was being used then they would not allow the event;
- v. The variation application applies to New Years Eve (NYE) only and would permit sale of alcohol and regulated entertainment on NYE after 11pm. In the conditions that had been put forward in the response, to the notice of hearing (suggested conditions), it was suggested that alcohol sales ceased at 12.30 and entertainment ceased at midnight;
 - vi. The representation from Environmental Health centred around public nuisance because of noise disturbance. However, given that the variation applied to NYE only and there was likely to be noise from garden parties, firework and general merrymaking which often lasted into the early hours of New Year's Day (NYD) (including a significant firework display planned by Plymouth Argyle) it was therefore highly unlikely that a safe and organised public event would cause a nuisance;
 - vii. In respect of allegations of non compliance with the licence on previous occasions, it was said that the Big Tribute Festival did not have a full understanding of the likely noise impact on residents however, the event had helped establish a more robust process of noise restrictions;
 - viii. The applicant was happy to work with other event organisers who had operated on the Event Space without noise complaints being received;
 - ix. The applicant provided a map of the Event Space and confirmed that this was the area that was always going to be used;
 - x. The music would be provided by a band playing 1980's music for the 2023 event;
 - xi. The event planned for NYE will have a smaller capacity than that which caused the noise complaints and this would help with noise containment;
 - xii. The applicant would be happy for condition 14 of the suggested conditions to be amended to 01.30 on NYD to help with the dispersal of patrons;
 - xiii. The Events Team managed expansive events and would tightly manage and monitor any event on NYE and ensure they worked with Environmental Health;
 - xiv. The suggested conditions would help mitigate public nuisance concerns and to ensure events could be safely delivered;

- c) Considered what was said by Environmental Health, both orally and in writing, as detailed below and found the representation to be relevant to the prevention of public nuisance licensing objective:
- i. Currently regulated activities and sale of alcohol were limited to 11pm;
 - ii. Central park was surrounded on all sides by residential properties;
 - iii. During the Big Tribute Fest/Live in the Park, which took place over seven days between 11 - 20 August 2023, regulated entertainment took place within the big top marquee. Eight noise complaints about amplified music were received from residents plus two complaints from local councillors and one for the local MP;
 - iv. A breach of licence was identified as part of the investigation and this was caused by the Licence Holder and DPS not adhering to the agreed noise management plan. Informal warning letters were issued as a result;
 - v. The Licensing Policy stated that:
 - applications for licensed premises located in residential areas wishing to open beyond 23.00 would need to ensure a high standard of control was included within their operating schedule so that, for example, public nuisance would not result from later operation, and;
 - Between the hours of 23.00 and 08.00 hours any new premises licence were expected to include a condition of total sound containment without the licensed premises. Any existing licenced premises that caused disturbance between 23:00 and 08:00 were expected to take measures to reduce noise levels so as not to cause a nuisance to local residents;
 - vi. The fact that the licensed area was in an open space means that the site would be unable to meet a sound containment requirement as specified in the Licensing Policy and neither would the suggested conditions meet this requirement. Sound escaping from the site would therefore have a negative impact on the Prevention of Public Nuisance licensing objective;
 - vii. The fact that licence conditions were not adhered to previously also raises concerns that any new conditions may not be complied with;
 - viii. Given that the applicant cannot comply with the total sound containment requirement as per the Council's policy Environmental Health considered that they had to make a representation in addition to the fact that noise complaints had arisen from previous events;

- ix. Confirmed that as per condition 11 of the suggested condition, a noise level of 15dB above background noise outside a person's house would generally mean that no disturbance should be caused inside because of the mitigation provided from walls, doors and windows (provided all were closed);
 - x. If noise problems were to occur then it was not possible to say which properties would be most affected because it very much depended on wind direction and other factors;
 - xi. Previous noise complaints came from a variety of sources including older people and families with young children;
 - xii. The potential noise issue arises from the sound from the PA system and entertainment. A noise limiter would not work because it is the structure of the marquee which prevents sound containment;
- d) Disregarded information provided by the applicant in relation to the revenue raised from events held at the event space as this was not relevant to the licensing objectives;
- e) Agreed that having considered the representation from Environmental Health the committee did not believe that granting the licence would undermine the prevention of public nuisance licensing objective provided additional conditions were applied to the licence. This was appropriate to ensure that the additional two hours of operation did not cause any problems for local residents. The additional conditions would be those detailed below and were taken from the suggested conditions put forward by the applicant. None of the additional licence conditions required total sound containment as per the Licensing Policy. However, the committee considered that it was appropriate to depart from policy in this case as the variation was for NYE into NYD only and that was generally one of the busiest nights of the year with lots of events taking place. This meant that the potential for noise disturbance from this one event was likely to be minimal. The additional conditions being added to the licence were therefore considered sufficient and appropriate to promote the licensing objectives in this case (together with the conditions consistent with the operating schedule and those agreed with the Police);
- f) Therefore, the Committee agreed the licence would be granted as applied for subject the conditions consistent with the operating schedule, conditions agreed with the police and the following additional conditions:

For events taking place on New Year's Eve running into New Year's Day the following conditions would be applied:

1. The Event Space was the area shown coloured pink on the plan below;
2. No re-entry to the Event Space from 22.30;
3. Fairground rides and roaming entertainment to cease at 22:30;
4. Sale of alcohol to cease at 00:00 on New Years Day;
5. No licensable activities to take place after the hours of 00:30 on New Year's Day;
6. Ensure the Event Space was clear of members of the public by 01:00 on New Years Day;
7. Any amplified music and/or live performance or entertainment must be kept within the agreed marquee space;
8. Ensure the stage was positioned on the Event Space with PA and backline facing north towards the leisure centre;
9. An effective Noise Management Plan should identify external monitoring locations and typical sections will include 1) Noise criteria; 2) Assessment including predicted noise levels and; 3) Noise control/complaint management procedure. This would need to be agreed with the Plymouth City Council Public Protection Service in advance of the event;
10. The Music Noise Levels should not exceed the background noise level by more than 15 dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises (e.g. residential premises);
11. Only hush generators or mains power to be used after midnight;
12. Ensure egress routes were well lit and staffed including consideration for an additional 2 tower lights to be positioned in the park lighting the walkways to Milehouse Park n Ride and Life Centre Car Park;
13. Active security teams to patrol the nearby park area and Event Space up until 01:30.



This page is intentionally left blank

Licensing Committee



Date of meeting:	11 December 2023
Title of Report:	Annual Street Trading Report 2024 / 2025
Lead Member:	Councillor Tudor Evans OBE (Leader)
Lead Strategic Director:	Anthony Payne (Strategic Director for Place)
Author:	Emily Bullimore
Contact Email:	Emily.bullimore@plymouth.gov.uk
Your Reference:	Street Trading 2024
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 2024 / 2025 trading year.

Street Trading can legally only cover the core costs of operation of street trading such as enforcement, staffing, 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 and the restrictions across the city centre from 2022 onwards.

Having tested the market and looked at trading conditions the optimum income will be generated by keeping the market rent at 2023 / 2024 rates and preserving the number of traders at 2023 / 2024 levels. Modelling shows this will generate an income of £76K 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

1. The Consent dates for 2024/2025 are approved as 1 April 2024 – 31 March 2025.
2. The Consent fees for 2024/2025 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 2024/ 2025 financial year.

Sign off:

Fin	DJN. 23.2 4.14 8	Leg	IW – 09.11. 23 2621	Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 07/11/2023											
Cabinet Member approval: Councillor Sally Haydon approved via email Date approved: 20/11/2023											

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 2024/2025.
- b) To ask that the Service Director for Economic Development be given delegated powers to approve the issuing of consents, to include short term street traders to increase the speed that traders can be allocated sites and start trading
- c) new site allocation for new public realm plans

2.0 Duration of Consents for 2024/2025

2.1 It is proposed that all City Centre Consents commence on 1 April 2024 and end on 31 March 2025.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2024 and end on 31 March 2025.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2024 – 31 March 2025.

3.0 Consent fees for 2024/2025 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.

2023/2024 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 and seen a long term trader withdraw from the city centre. A new trader started and has withdrawn after only 3 months due to lack of trade and building works.

It is proposed that there is no increase in consent fees for city centre street traders for the 2024/2025 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. It is worth noting that 2024 / 2025 is the last year of the agreement and fees can be increased next year.

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. 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 Applications are often 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. Short terms applications should be agreed by the Service Director For Economic Development.

Appendix A- Proposed 2024/2025 Consent fees

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2023 / 2024	PROPOSED ANNUAL FEE 2024 / 2025
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 West	£4440	£4440
ICE CREAM SITES			
B	Madeira Road	£6597.2	£7597
C	Madeira Road	£6597.2	£7597
E	Hoe Road	£8864	£7597
F	Hoe Road	£8864	£7597
G	Hoe Road / Grand Parade	£6973	£7597
H	Pier Street	£1405	£1419

1	Cliff Road	£1143	£1154
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*		£137,311.4	£

*Assumes 100% occupancy

Appendix B – 2024/2025 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:

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 2023 / 2024). 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 2023 / 2024).

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	£7597	
C: Madeira Road	£7597	
E: Hoe Road	£7597	
F: Hoe Road	£7597	
G: Hoe Road/Grand parade	£7597	
H: Pier Street	£1419	
I: Cliff Road	£1154	

PRICE LIST

Please give details of your prices for 2024 / 2025 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 2025 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

Where an electricity supply is available from a socket located adjacent to a site, 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 the supply 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 2023/2024 trading year the city centre saw a long term street trader withdraw their consent. A new trader started, but has withdrawn after 3 months. 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 2024/2025 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 2023/2024	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 another 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 such as enforcement, staffing, 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 consent fee at 2023 / 2024 rates and preserving the number of traders at 2023 / 2024 levels. Modelling shows this will generate an income of £76K 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

This page is intentionally left blank

Licensing Committee

Licensing Activity Report 2023



Date of meeting:	11 December 2023
Title of Report:	Licensing Activity Report 2023
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Graham Hooper
Contact Email:	Graham.hooper@plymouth.gov.uk
Your Reference:	GHO/LAR/2023
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report sets out an overview of the Licensing Service during the last financial year compared to the year before. The report sets out the type of regimes and applications covered by the Licensing Service, team performance, significant trends and high-profile applications, together with an outline of the various aspects of the work undertaken by agencies involved in regulating the licensing regime within the remit of the Committee.

Recommendations and Reasons

1. To note the report.

Alternative options considered and rejected.

1. None identified.

Relevance to the Corporate Plan and/or the Plymouth Plan

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

1. Working with the Police to tackle crime and anti-social behaviour:

The work of the Licensing Team feeds into the framework by which the Licensing Authority and the Police can promote and ensure that the licensing objectives are met and alcohol related crime is reduced. The licensing objectives are:

- Prevention of Crime and disorder
- Promotion of public safety
- Prevention of nuisance
- Protection of children from harm

2. Keeping children, adults, and communities safe:

The work of the Licensing Team feeds into the framework that regulates the sale of alcohol, provision of certain entertainment and late-night refreshment thereby ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.

Sign off:

Fin HLS2 7112 3		Leg 2710/ AZG/ 28.11. 23		Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Ruth Harrell											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 27/11/2023											
Cabinet Member approval: Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria) approved by email. Date approved: 27/11/2023											

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 2022 to the 31 March 2023.

1.2 The team received 2250 licensing applications in this period which is an increase of 101 (4.7%) on the previous year covering the following areas:

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

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 2022/2023, Officers processed the

following number of applications:

Licence Type	1/4/19 – 31/3/20	1/4/20 – 31/3/21	1/4/21 – 31/3/22	1/4/22 – 31/3/23
Licensing applications, transfers, variations and suspensions of licence for nonpayment of annual fee etc.	578 (plus 214 suspensions)	339 (plus 301 suspensions)	613 (plus 204 suspensions)	894 (plus 230 suspensions)
New Personal licences	159 + 139 Change of address applications	103 + 80 Change of address applications	145 + 111 Change of address applications	121 + 90 Change of address applications
TEN's	462	91	217	398

- 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 42 full premises licensing inspections were completed between 1 April 2022 and 31 March 2023.
- 2.4 Three premise licence applications and one premise licence review went to Licensing Sub-Committee to be heard. Details of these are shown in the following table.

Application Type	Premises Name	EHO	Police Reps	Home Office Reps	Residents Reps	Date of Hearing	Decision	Licensing Objectives
Grant (Late Night Refreshment)	Stoke Grill				Three	19/04/2022	Refused	All
Grant	Brunel View	Agreed Conditions	Agreed Conditions		Two	02/08/2022	Granted with additional conditions applied	C & D, Public Nuisance, Protection Children
Review	Nibanna			Made App		25/10/2022	Additional conditions applied	Crime Prevention - Immigration
Grant	One Stop		Agreed Conditions		Six	03/01/2023	Granted with additional conditions applied	C & D, Public Nuisance, Protection Children

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 and is due for review and publication in April 2024.

- 3.2 The draft statement of the licensing policy is currently out to consultation and can be viewed along with the Executive decision report at:

[Decision - CSLCC05 23/24 - Authorisation to Consult on the Draft Statement of Licensing Policy 2024 to 2029 following the Statutory 5-year Review. - Modern Council \(plymouth.gov.uk\)](#)

- 3.3 The Cumulative Impact Policy is required to be reviewed every 3 years and this was last reviewed and consulted on between 11 March 2022 and 3 June 2022 being adopted by the Council in January 2023.

4.0 Public Safety and Public Nuisance

- 4.1 Although 2022/2023 saw a drop in the number of noise complaints received against licensed premises from the previous year (177) they remained high at 150.
- 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 continues to be very important 2 years on from 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, Trading Standards and the Licensing Team continue to work to 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 underage sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to the regional underage sales web-based toolkit 'No Proof of Age No Sale (NPOANS) for their staff and all are reminded regularly of this 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 Licensing Team are actively involved in a number of multiagency groups to support the promotion of the licensing objectives by working in partnership with others to achieve this aim. These are:

8.2 Responsible Authorities Meetings

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 nighttime 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.

Interventions include both unannounced and planned visits to assess the licensed premises against licensing conditions and other workplace regulations. 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.

8.3 Multi-Agency Groups

The Licensing Team are members of Safer Plymouth and the Evening and Nighttime Economy Group (ENTE) and Alcohol Harm Reduction Subgroup.

8.4 Plymouth Pubwatch

The Licensing Team and Police continue to support the Plymouth Pubwatch scheme. Pubwatch schemes are local, independent groups formed of people working in licensed premises with the objectives of tackling and preventing anti-social behaviour and criminal activity, promoting a safe drinking environment for customers and secure working environments for staff, and improving communication and sharing information between licensees. Plymouth has a very active Pubwatch which organises a number of safety/awareness campaigns and supports other initiatives to improve safety in licensed premises. Pubwatch meet monthly and in turn are supported by the Licensing Team who provide updates and advice.

8.5 Purple Flag

The Licensing Team actively supports the Purple Flag award, which celebrates safety, partnership and diversity in the night-time economy. This award has considerable benefits to many services

in the Council and wider community. 2023 saw Plymouth successfully submit an interim renewal application to retain the award for the 8th consecutive year.

Plymouth was assessed on the many elements to make it a safe city to visit and to live, such as the emergency help points, the safe bus, the continued work and focus on VAWG (Violence Against Women and Girls) and the night bus that ran last year.

Areas awarded the purple flag are recognised as providing a vibrant and diverse mixture of entertainment and culture, whilst promoting the safety and wellbeing of visitors and residents.

A large number of organisations work together to make Plymouth a welcoming and successful destination including the Council, Devon and Cornwall Police, pubs, restaurants, sports and entertainment venues, retail and transport operators, dedicated street pastors and taxi marshals.

8.6 Devon Licensing Officers Group (DLOG).

Plymouth Licensing Officers attend and actively participate Licensing Forum Groups. This group seeks to develop consistency and best practice in licensing across Devon.

8.7 Safety Advisory Groups

The Council work with event organisers to uphold reasonable standards of public safety at events and to encourage the wellbeing of the public, officials, event organisers and performers. The Plymouth SAG (sports stadiums) and ESAG (Events) acts as a conduit for organisers to share their event plans and to receive agency feedback. The Licensing Team currently Chair the Event SAG.

8.8 Institute of Licensing

The professional body for licensing matters has been instrumental in access to case law and legislation updates, training, and information sharing. The Licensing Team are members of the IOL and attend regular training and legislation updates, providing a local authority view in several key legislative changes.

8.9 Community Alcohol Partnership

The Licensing Authority supports the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink.

A Community Alcohol Partnership (CAP) is a Community Interest Company (CiC) which brings together and supports local partnerships of councils, police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

The Licensing Authority in its membership of the Plymouth CAP, actively supports the important work in preventing underage drinking and alcohol harm to young people.

Further information on C.A.P initiatives can be found at: [Community Alcohol Partnerships](#)

8.10 Miscellaneous

The Licensing Team continue to carry out multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.

9.0 **Work Initiatives for 2023/24**

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 Statement of Licensing 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, Pubwatch and the Community Alcohol Partnership
- Working with partner agencies and engaging with licensed businesses throughout the implementation of the Protect Duty (Martins Law, see 9.4 below).

9.4 Protect Duty

In December 2022, the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

Martyn's Law will keep people safe, enhancing our national security and reducing the risk to the public from terrorism by the protection of public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

The Licensing Team will be working with partner agencies and engaging with licensed businesses throughout this process.

10.0 **Conclusion**

10.1 This report enables Members to be informed and to aid decision making in the future by seeking to provide an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and nighttime economy throughout 2022/23.

10.2 In addition, the report provides information on 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 I**POLICE LICENSING REPORT APRIL 2022 – April 2023**

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 –

- 38 applications to grant Premises Licence and negotiated appropriate conditions with 28. 1 of these was withdrawn.
- 43 applications to transfer premises licences.
- 14 variations of Premises Licences – 1 of these were withdrawn after negotiations.
- 14 minor variations 1 was objected to and re-submitted.
- 0 new club premises certificates
- 169 variations of DPS
- 140 Temporary Event Notices
- 79 Late Temporary Event Notices, 12 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’)

The City’s Cumulative Impact Policy was amended to include a new Cumulative Impact Area (CIA) in the city centre. This CIA links the existing CIAs of the Barbican, Union Street and North Hill. With a great amount of regeneration going on in Plymouth city centre, it was clear that there needed to be some controls over the types of businesses entering the area of the city centre as it diversified into more of a vibrant culture where empty shops were being taken over by cafes, bars and restaurants as well as some other licensed entertainment venues. The re-gentrification of the city centre along with its change of use required a more considered approach to the use of vacant units.

Also, there needed to be a control on the number of licensed venues retailing high-strength alcohol which directly contributes to the number of street drinking issues. The use of the CIA allows the authorities to insist on new applications to include a ‘Reduce the Strength’ campaign thereby minimising the impact of street drinking.

Police, in conjunction with BBN and Plymouth Pubwatch have created a system of regular drug collections from venues when drugs have been seized by venue staff.

This has also enabled trends to be observed, such as an increase in ketamine seizures during university term time and identifying new strains of drugs, such as some oddly coloured drugs coming into circulation in the city which was of potentially dangerous strength.

Police licensing have worked to improve the frequency and training around drug confiscation and recording along with sharing of information. In the last 12 months, 709 drug collections have been made with an estimated street value of £35,000 worth of drugs confiscated by ENTE staff.

Ongoing Vulnerability training including drink spiking awareness to venues and door staff (delivered online via BBN) is very well received and the last training input pre student arrival in early October had over 80 attendees.

D & C Police in conjunction with BBN attended all the student fresher's fayres and handed out information regarding staying safe on a night out. This was delivered as a joint approach this year using D&C police website and joint messaging.

Police licensing are supporting this year's "Lift Legend" campaign and Venues have been encouraged via BBN and the Pubwatch scheme to sign up for the Christmas Lift Legend campaign which is run by D & C police and aims to encourage venues to promote free soft drinks to a designated driver.

Significant developments during this report period included the national concern over needle stick spiking incidents throughout the country. Fortunately, after the successful trial in Plymouth in 2019 in response to drink spiking, Devon and Cornwall Police, led by the Alcohol Licensing Department adopted the same working practice and operation throughout the whole force area.

Having this scheme in place put us in a strong position when we suddenly had a high volume of reported needle stick spikings which appeared largely fueled by national social media reporting. As Devon and Cornwall Police had the scheme in place the Force Licensing teams ran training and supplied written guidance along with testing kits to the larger city venues to test drinks and to advise businesses on our policy to ensure potential needle stick victims got the support and care they required.

The training of venues enabled businesses to show their clientele that they were working hard to support the reduction in spiking and that they wanted to support and keep customers safe. The fact Devon and Cornwall could test reported victims' urine immediately and reassure people they had not been spiked or targeted was a great success and has been subject to other Forces looking into how we manage our scheme and the kits we use.

All venues still use the Spike Aware processes (Op Opossum) and testing kits with a recent successful intervention made by a member of Door staff to prevent a spiking and apprehend the perpetrator.

Plymouth's Alcohol Harm Reduction Group continues to meet regularly. This group has some of the major partners included and is centered around the licensing industry. This group reports into the Safer Plymouth group for a wider inclusion of city-wide partners.

Police licensing 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 required the DPS and/or area managers to attend Charles Cross Police station to deal with those issues.

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 successfully assessed in April 2022.

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 the Police Licensing department, Cat McDonald from Best Bar None and the Local Authority Licensing department.

We are currently working on this year's application for renewal of our Purple Flag status.

We regularly engage with door supervisor companies and have a well-established routine where we visit and check Security Industry Authority (SIA) door staff. Through this report timeline the SIA have attended Plymouth twice to check registered door staff. On one visit an unlicensed door supervisor was discovered which has been dealt with by the SIA. This highlights the importance of regularly checking this industry.

We continue to regularly review CCTV evidence of interactions with door staff where there has been a complaint made. The vast majority of these incidents show good conflict management and resolution, often in difficult circumstances. We are though, continuing to see a rise in the number of incidents involving door staff where inappropriate force has been used. Having a good partnership with the SIA has led to an effective working arrangement whereby an early intervention can be used where the involved door supervisor can be spoken to and go on an additional training course. There are times when this method is not appropriate and we have seen 6 SIA licences revoked during this report timeline, which sends a message that the high standards set by the SIA are always expected. There has been good support and engagement from the door supervisor companies in reviewing these actions.

Throughout the year we had dealt with a rise in "glassing" incidents. 5 premises were issued letters, 2 of those venues had a second letter issued and are now glass free at the premises. Adopting a stepped approach is the accepted way of dealing with these incidents and we can report that none of these 5 venues has had further incidents.

As part of our tools for dealing with premises we can utilise a Section 19 Notice of the Criminal Justice and Police Act 2001. These are used when it is found that a premises may not be operating in accordance with the premises licence and once issued gives that premises time to rectify what they were not doing. During this report time 5 notices were issued, and all 5 premises engaged with the process and rectified the issues within the time frame given.

The low number of cases brought before 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 were offered through many meetings and visits to venues which resulted in compliance and development of good working practices and standards being achieved.

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 most recent session taking place 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 success of taxi marshals at Derry's Cross and Union Street was made permanent thanks to a partnership with the NHS and continues to be a great success.

Plymouth's Safe Bus has had over £150,000 worth of investment from the NHS in order for it to be a permanent fixture in Plymouth's ENTE. This includes 6 medical staff and an ambulance in attendance, as well as the provision for SIA security and taxi marshals for the nearby taxi rank.

There has been extremely positive feedback from all partners and there has been an increased awareness of the service with customers using Plymouth's ENTE.

The bus is in place every Saturday night as well as an extra 15 'red' nights throughout the year including Hallowe'en, Fridays in December, Freshers' Week, and events such as the World Cup.

A New Safe Bus is being refurbished and will replace the old one (thanks to funding by Victim Support, Plymouth City Council - Feeling Safe in the Community Project, Plymouth University and Safer Streets 4) with a much more reliable and user-friendly bus. This is being supported by a variety of organisations including Victim support, BBN, Street Pastors, Plymouth Night Patrol team. City Bus were generously sorting the external makeover and branding. This bus is due in-service in December 2023.

A multi-agency supported resource; it offers a safe haven for users of the ENTE.

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.

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 behaviors and interactions. There have been several nights when the PDT has worked in the ENTE, both within and outside venues with a view to observe possible predatory behaviors and intercept potential suspects. This partnership working is planned to 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 first responder and welfare patrols on Wednesday, Friday and Saturday 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.

The night Patrol has continued to grow and has gone from a team of 14 at conception to a current team of 74 members.

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 helped to promote Plymouth as a safer city and destination for potential students. A recent 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 Curtis PS 6415

Alcohol Licensing Sergeant Devon and Cornwall Police

This page is intentionally left blank

MEDIATION REPORT

Licensing Committee



Date:	11 December 2023
Title of Report:	Information regarding delegated decisions for applications for the grant or variation of premises licences
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Service, Leisure and Sport Customer Services, Sport, Leisure and Human Resources and Organisation Development)
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 or 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 – August 2023](#)

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)							

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

Sign off:

Fin	HLS2 7112 32	Leg	IW – 2668 20.11. 23.	Mon Off		HR		Assets		Strat Proc	
Originating Senior Leadership Team member: Ruth Harrell											

Please confirm the Strategic Director(s) has agreed the report? Yes
Date agreed: 27/11/2023.

Cabinet Member approval: Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria) approved by email.
Date approved: 27/11/2023

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*

Premises Name	Premises Address	Ward
Morley Arms	4 Bilacombe Road	Plymstock Radford
Royal British Legion	41 Market Road	Plympton Erle
Chancel	2 St Andrews Street	St Peter and the Waterfront
TimberVault	12 Derrys Cross	St Peter and the Waterfront
Hallpass	2 Union Street	St Peter and the Waterfront
Dawstep Sandwiches	34-36 North Hill	Drake
Rosie Leighs	38-40 Malborough Street	Devonport
Yun's Chinese	11 Commercial Wharf	St Peter & The Waterfront
Vault 53(Mutley Distillery)	53 Mutley Plain	Compton
Block Plymouth	Melville Building, Royal William Yard	St Peter & Waterfront
Spinners	Unit 12 The Barcode	St Peter & Waterfront
Goodbodys Café	R/O 49 Mutley Plain	Compton
Franco Manca	Unit 2 The Barcode	St Peter & Waterfront
Prime Skatepark	23 Commercial Road	Sutton & Mount Gould
Cosmic Kitchen	Palace Street	St Peter & Waterfront

2.2 *Devon & Cornwall Police*

Premises Name	Premises Address	Ward
Morley Arms	4 Bilacombe Road	Plymstock Radford
Royal British Legion	41 Market Road	Plympton Erle
Chancel	2 St Andrews Street	St Peter and the Waterfront
TimberVault	12 Derrys Cross	St Peter and the Waterfront
Plymouth Snooker Academy	Unit 7, 21 Burrington Way	Ham
Fig and Thyme	58 Southside Street	St Peter and the Waterfront
Early Bird Café	34 Mayflower Street	St Peter and the Waterfront
Sizzling Grill	52 Notte Street	St Peter and the Waterfront
Jolly Jacks	Mayflower Marina	Devonport
Dawstep Sandwiches	34-36 North Hill	Drake
Rosie Leighs	38-40 Malborough Street	Devonport
Yun's Chinese	11 Commercial Wharf	St Peter & The Waterfront
Vault 53(Mutley Distillery)	53 Mutley Plain	Compton
Goodbodys Café	R/O 49 Mutley Plain	Compton
Prime Skatepark	23 Commercial Road	Sutton & Mount Gould
Cosmic Kitchen	Palace Street	St Peter & Waterfront
The Terrace	74 Madeira Road	St Peter & The Waterfront
Boom Battle Bar	Unit 6 The Barcode	St Peter & Waterfront
Papa Johns	35 Mutley Plain	Compton
Fireaway Pizza	49 Mutley Plain	Compton

Spar	41a North Hill	Drake
Koala Karlous	101 Lawrence Road	Plymstock Radford
Veg Patch Bistro	73C Mutley Plain	Compton
Wonda African Food Stores	9/11 Market Way	St Peter and Waterfront
Hedgerow Hound	Stalls 1-5 Plymouth Market	St Peter & Waterfront
Plymouth's Winter City	Treeby Court	Sutton and Mount Gould
TimberVault	12 Derrys Cross	St Peter & Waterfront
Franco Manca	Unit 2 The Barcode	St Peter & Waterfront

2.3 *Devon & Somerset Fire & Rescue Service*

2.4 *Trading Standards*

2.5 *Planning Officer*

2.6 *Child Protection*

2.7 *Health & Safety Executive*

2.8 *Health Authority (ODPH)*

2.9 *Licensing Authority*

Prime Skatepark	23 Commercial Road	Sutton & Mount Gould
Spar	41a North Hill	Drake

3.0 CONSIDERATIONS

3.1 Paragraphs 9.31 and 9.32 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 2022 until 31 October 2023 and this report is submitted for the information of the committee.

This page is intentionally left blank

The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

This page is intentionally left blank

The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

This page is intentionally left blank

The following relates to exempt or confidential matters (Para(s) 1, 2 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

This page is intentionally left blank