



**Oversight and Governance**

Chief Executive's Department

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## Delegated Decisions

### Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 15 November 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decision detailed below may be implemented on Thursday 16 November 2023 if it is not called-in.

## **Delegated Decisions**

### **I. Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria):**

- I.1. CSLCC05 23/24 - Authorisation to Consult on the Draft Statement of Licensing Policy 2024 to 2029 following the Statutory 5-year Review.

**(Pages 1 - 64)**

# EXECUTIVE DECISION

made by a Cabinet Member




## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

**Executive Decision Reference Number – CSLCC05 23/24**

Decision				
1	<b>Title of decision:</b> Authorisation to consult on the draft Statement of Licensing Policy 2024 to 2029 following the statutory 5-year review.			
2	<b>Decision maker:</b> Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria)			
3	<b>Report author and contact details:</b> Katharine O'Connor (Environmental Health, Food Safety, Service Manager). katharine.o'connor@plymouth.gov.uk. 01752 304142.			
4	<b>Decision to be taken:</b> Approval of the draft Licensing Act 2003 - Statement of Licensing Policy for consultation. Closing date for responses will be Friday 15 December 2023.			
5	<b>Reasons for decision:</b> The Statement of Licensing Policy is a framework policy and as such, Cabinet Member approval is required prior to the commencement of public consultation.			
6	<b>Alternative options considered and rejected:</b> None available – this is required under the Plymouth City Council Constitution and a five-year review is a statutory requirement under the Licensing Act 2003.			
7	<b>Financial implications and risks:</b> There are no financial implications arising from this report or the proposed consultation. The work on the revision of the Statement of Licensing Policy has been undertaken within the current resources of the Licensing Service.			
8	<b>Is the decision a Key Decision?</b> (Please contact <a href="#">Democratic Support</a> for further advice)	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b> in the case of <b>capital</b> projects and contract awards, results in a new
			x	

				commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	If yes, date of publication of the notice in the <b>Forward Plan of Key Decisions</b>			
9	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	<p>This report also links to the delivery of the City and Council priorities. In particular:</p> <p><b>Working with the Police to tackle crime and anti-social behaviour:</b></p> <p>The Policy provides 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 are:</p> <ul style="list-style-type: none"> <li>- Prevention of Crime and disorder</li> <li>- Promotion of public safety</li> <li>- Prevention of nuisance</li> <li>- Protection of children from harm</li> </ul> <p><b>Keeping children, adults, and communities safe:</b></p> <p>The Policy provides 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.</p>		
10	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	None		
<b>Urgent decisions</b>				
11	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>
12a	<b>Reason for urgency:</b>			

12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	x	(If no go to section 14)
13b	Which portfolio is affected by the decision?			
13c	Date Cabinet member consulted			
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
15	Which Corporate Management Team member has been consulted?	Name	Dr Ruth Harrell	
		Job title	Director of Public Health	
		Date consulted	07/11/2023	
<b>Sign-off</b>				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS 72 23/24	
		Finance (mandatory)	HLS071123	
		Legal (mandatory)	IW - 07.11.23 - 2516	
<b>Appendices</b>				
17	Re f.	Title of appendix		
	A	Draft Statement Of Licensing Policy 2024 - 2029		
	B	Equalities Impact Assessment		
<b>Confidential/exempt information</b>				

<b>18 a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	x					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18 b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> 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. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given 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. For further details please see the EIA attached.							
<b>Signature</b>			<b>Date of decision</b>			08/11/2023		
<b>Print Name</b>	Councillor Sally Haydon							

## Briefing Note

### I. Background

- I.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late-night refreshment. This is achieved by the use of a licensing system administered by the Council.
- I.2 The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy (the Policy). The Policy states how the Council will administer applications and regulate licensable activities. It also specifies circumstances where applications may be successful and the measures necessary to promote the licensing objectives.

Any decisions taken regarding refusal of applications or imposition of conditions on a licence must be appropriate to promote the licensing objectives, which are:

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

- I.3 The current Licensing Policy was adopted in March 2019 and must be reviewed at least every 5 years.
- I.4 The changes to the Licensing Policy follow [Revised Guidance issued under section 182 of the Licensing Act 2003](#) in August 2023. The main changes in the guidance reflected in the Policy are summarised below:

1. Amendments to reflect changes for premises providing ‘alcohol delivery services.’ Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule.  
This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (Section 3.10 of Statutory Guidance, Paragraph 5.55 of the Policy).
2. Amendments to reflect changes in the entitlement to work in the UK for EEA citizens (Section 4.21 of Statutory Guidance, Paragraph 8.1 of the Policy)  
Removal of Annex A documents from the Policy which demonstrate an applicant’s entitlement to work in the UK.
3. Clarification that Home Office Immigration Enforcement are not a responsible authority for club premises certificates (Section 6.11 of Statutory Guidance, Appendix I of the Policy)

4. Insertion of new section to reflect increase in limits to Temporary Event Notice (TENs) thresholds (Section 7.15 of Statutory Guidance, Paragraph 8.30 of the Policy)
5. Clarification of rights of appeal in respect of late TENs following objection by the police or Environmental Health Officers (Section 7.34 of Statutory Guidance, Paragraph 8.36 of the Policy)
6. Clarification that full variations of premises licences should not be used to "vary substantially the premises to which the licence relates" (Section 8.76 of Statutory Guidance, Paragraph 8.8 of the Policy)
7. Addition of information detailing the Licensing Authority's support of 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, through the Community Alcohol Partnership (Paragraph 2.14 of the Policy)
8. Cumulative Impact Policy (CIP) – The Policy references and signposts readers to the CIP, which was last reviewed at the end of 2022. The CIP is now a stand-alone policy – it does not form part of the Statement of Licensing Policy (Paragraph 2.23 of the Policy)
9. Reference to the "Agent of Change Principle" whereby existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, Paragraph 3.6 of the Policy)
10. Reference to the yet to be enacted legislation, the Terrorism (Protection of Premises) Bill, which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at 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 (Annex of the Statutory Guidance, Paragraph 5.83 of the Policy)
11. Updated list of Pool of Conditions (Paragraph 7.3 of the Policy)

1.5 It is intended that the public consultation on the Policy will be open for four weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- Citizen's Advice Bureau
- Safer Plymouth
- Devon and Cornwall and Somerset Constabulary
- Plymouth City Council Adult Social Care
- Plymouth City Council Children's Social Care
- Plymouth City Council Planning Services
- Office of Director of Public Health
- Plymouth City Council Environmental Health Service
- Devon & Somerset Fire and Rescue Service
- Local Chambers of Commerce and Federation of Small businesses
- Representatives of local faith groups
- Local residents' groups



- Representatives of existing licence-holders
- Voluntary and Community Organisations working with children and young people
- Ward Councillors

1.6 Once the consultation exercise has concluded and any responses, observations or comments considered. The final version of the draft Policy will then go before City Council for approval on 29 January 2024.

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**STATEMENT OF LICENSING POLICY 2024 -  
2029**  
**LICENSING ACT 2003**



DRAFT

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## 1.0 PURPOSE AND SCOPE OF POLICY

1.1 Section 5 of the Licensing Act 2003 ('the Act') requires a Licensing Authority to prepare and publish a Statement of Licensing Policy ('the Policy') every 5 years. The Act designates Local Authorities as Licensing Authorities, and the Policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act. Plymouth City Council is the Licensing Authority for this City under the terms of the Act and is responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

1.2 This is the fifth review of the Licensing Policy and following a public consultation Plymouth City Council resolved to approve the revised Policy on the **29th January 2024** to be effective from the 1st April 2024 for the next 5 years. The Licensing Authority has had regard to updated guidance issued by the Secretary of State in August 2023 under Section 182 of the Act in formulating this Policy.

1.3 This Policy sets out the Licensing Authority's general approach to making licensing decisions, and has four main purposes:

- To provide Members of the Licensing Committee with a decision-making framework. The Policy will be considered at hearings following representations.
- To inform applicants of the parameters within which the Licensing Authority can make licensing decisions and allow them to take this into account when making applications.
- To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority can make licensing decisions. This will assist those parties when making representations in relation to various applications.
- To support the Licensing Authority if it must demonstrate in a court of law how it arrived at its licensing decisions.

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

1.5 The Policy does not seek to explain the various application processes, however guidance and advice on making an application or requesting a review of a licence is available from the Licensing Authority on request. Applicants and members of the public are advised to contact the Licensing Authority in the event of any enquiry for appropriate advice. The Licensing Team also offers chargeable services to assist applicants to get their application right first-time including pre-application advice, application assistance, and check & send.

1.6 The Act is based around the four licensing objectives, which are:

- the prevention of crime & disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

1.7 Applicants are required to have regard to the promotion of the licensing objectives when making applications. Likewise, representations on applications must also relate to the impact on the licensing objectives.

1.8 On receipt of applications, representations may be made by Responsible Authorities or 'Other Persons'. See Appendix I for more information about Responsible Authorities.

1.9 The Licensing Authority's discretion is engaged on receipt of a relevant representation. It is obliged to consider the matters of contention or concern and determine the application by doing whatever it considers appropriate to promote the licensing objectives.

1.10 Every application, notice or representation will be considered on its own merits. The Licensing Authority will make decisions in accordance with the Act and with a view to promoting the licensing objectives.

1.11 Any decision taken in discharge of its licensing functions will have regard both to Section 182 guidance and this Licensing Policy.

1.12 References to certain words or phrases used in this policy are defined below:

- Guidance means the statutory guidance issued under Section 182 of the Act
- Premises also includes club premises
- Applications includes applications for premises licences, club premises certificates, provisional statements and reviews

1.13 This Policy and the Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore, the Licensing Authority may depart from this Policy and/or Statutory Guidance where it has good reason to do so. The Licensing Authority will give reasons for doing so in such circumstances.

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

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

1.15 The Act makes provision for:

- the licensing of individuals for the retail sale of alcohol (Personal Licence)
- the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late-night refreshments (Premises Licence)
- the supply of alcohol or the provision of regulated entertainment in certain clubs (Club Premises Certificate)
- the permitting of certain licensable activities on a temporary basis (Temporary Event Notice)
- Provisional Statements

1.16 The types of businesses, premises and events that may require an authorisation include:

- pubs, bars, nightclubs
- private members clubs
- cinemas, theatres
- late-opening cafes, take-aways (serving hot food or drink between 23.00 and 05.00)
- community halls, village halls, schools
- shops, supermarkets, off-licences
- festivals, concerts, fairs

1.17 It is an offence under the Act to carry on licensable activities without the appropriate authorisations, or to allow such activities to be carried on, unless an exemption applies.

- I.18 A minority of consumers may behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people. Conditions attached to various authorisations will be focussed on matters which are in the control of individual operators.
- I.19 The Licensing Authority acknowledges that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. However, it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy. The Licensing Authority, in carrying out its responsibilities under the Act, recognises:
- the need to protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible operators
  - the important role which pubs and other operators play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators
  - the need to encourage greater community involvement in licensing decisions and give local residents the opportunity to have their say regarding licensing decisions that may affect them.
- I.20 The Licensing Authority seeks to achieve a balance between the licensed trade, the community and other stakeholders. The Licensing Authority seeks to achieve a mutual co-existence and will work with operators, Responsible Authorities and local communities to identify and resolve issues wherever possible.
- I.21 Other strategies for addressing anti-social behaviour and nuisance include:
- Planning controls
  - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
  - Powers of Police and Local Authorities under the Anti-Social Behaviour legislation
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
  - Confiscation of alcohol from adults and children in designated areas and dispersal powers
  - Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
  - The power of the Police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate
  - Promotion of positive activities

## 2.0 LOCAL SUMMARY – PLYMOUTH

2.1 Plymouth is one of the largest cities on the south coast, the 15th largest city in England with a population of approximately 262,700, and an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016). A map showing the Plymouth City Council boundary is attached in Appendix 2.

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

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

2.4 Over the next twenty years the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).

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

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

2.7 Plymouth has approximately 860 licensed premises, including public houses, restaurants, clubs, community centres and halls in this City, licensed to sell or supply alcohol or where a variety of regulated entertainment is provided on a regular or occasional basis. In addition, there are a variety of retail outlets where alcohol can be purchased as an off sale.

### Integrating strategies

#### Public Health

2.8 Plymouth City Council’s Public Health Team is responsible for a wide range of health issues including alcohol and drug misuse services and other lifestyle campaigns to promote better health for all.

2.9 Alcohol holds a prominent place in our communities, and where enjoyed safely, it can have a positive role in family and social life, as well as being an important factor in our economy. However, this should not disguise the fact that alcohol can also have a profound negative impact on our communities, whether through visible harms such as alcohol fuelled crime, disorder and street drinking; or in relation to more hidden harms such as alcohol dependence, domestic abuse and child safeguarding issues.

2.10 The Public Health Team is a Responsible Authority under the Licensing Act 2003 and works with other organisations in the city that actually provide the services. To view the full list, please visit [Health services | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/health-services)

2.11 Tackling alcohol harm is one of the top priorities in Plymouth. Excessive drinking is one of four lifestyle behaviours, along with smoking, inactivity and poor diet, that lead to 54 per cent of deaths in Plymouth. To tackle this Plymouth City Council launched the [Thrive Plymouth | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/thrive-plymouth) initiative.

#### Safer Plymouth

2.12 Plymouth’s Community Safety Partnership, “Safer Plymouth”, brings the Council together with five other statutory agencies, and a number of third sector (or charitable) organisations to



tackle issues locally: [Safer Plymouth | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk) The Safer Plymouth Plan sets out how the partnership works together to reduce crime and increase community safety within the City.

2.13 Safer Plymouth's key areas of focus include:

- Domestic abuse and sexual violence
- Alcohol and drug related harm
- Anti-social behaviour
- Vulnerability and exploitation
- Modern slavery
- Cyber crime / fraud
- Serious violence reduction

The Licensing Authority will work with Safer Plymouth on these key areas.

### **Community Alcohol Partnership**

2.14 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.

2.15 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.

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

2.17 Further information on CAP initiatives can be found at: [Community Alcohol Partnerships](#)

### **Event Management and Safety Advisory Groups (ESAG and SAG)**

2.18 Plymouth City Council has established an 'Event Safety Advisory Group' (ESAG) and a 'Safety Advisory Group' (SAG) comprising of representatives from the emergency services and other statutory agencies to advise and co-ordinate the planning for public events in the City.

2.19 Determining whether or not to refer an event to an ESAG or SAG requires a risk-based approach and the decision will be influenced by considering a combination of:

- Numbers of people attending (at any one time)
- Levels of risk with the event
- Previous history of similar events
- Events of an unusual nature
- Other events planned at the same time that may increase the impact and risk

Organisers of events meeting the above criteria, whether or not a premises licence or a temporary event notice is needed, are strongly advised to contact the ESAG or SAG in order to receive sufficient advice to ensure the safe running of the event.

- 2.20 Where a premises licence is needed for an event the Licensing Authority would expect to see a condition that the ESAG or SAG will be notified at least 3 months in advance. The Licensing Authority will also expect confirmation of approval for the event one month before it takes place. This is particularly important where the applicant requires a licence that is not limited to a once only event.
- 2.21 Whilst a premises licence could be granted after 28 days of the application being served, applicants should be aware that if representations are received and a hearing required, a decision may take two months. Applicants should consider this in their planning. Large capacity events will require a greater notice period for ESAG or SAG to consider the event management plan. This allows the police to ensure sufficient cover and the public transport provision to be changed to accommodate the event. At least six months notice will be expected for events of 5,000 people or more.
- 2.22 Further advice and guidance for event organisers can be found in [The Purple Guide](#)

### **Cumulative Impact Assessment**

- 2.23 In preparing this Policy, the Licensing Authority has taken into account its published Cumulative Impact Assessment (CIA) which was reviewed by Full Council on the 30/01/2023.
- 2.24 In summary, and as at the date of this Policy, certain areas of Plymouth have been identified as being subject to high levels of alcohol related crime or public nuisance. Those areas are listed in the CIA found by following this link: [Licensing Policies | PLYMOUTH.GOV.UK](#)
- 2.25 The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence, club premises certificate or the variation of an existing licence or certificate in those areas will normally be refused where:
- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas, and
  - The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing Objectives
- 2.26 The CIA does not change how licensing decisions are made but is a strong statement of intent about the Licensing Authority's approach to relevant applications made in these areas. However, the Licensing Authority will always consider each application on its merits.
- 2.27 The CIA is reviewed three yearly. Therefore, anyone viewing this policy is directed to the link above to find the up to date position with regard to the CIA.

### 3.0 GENERAL PRINCIPLES

- 3.1 The Licensing Authority recognises that it operates services who act as 'Responsible Authorities' i.e. Environmental Health, Planning, Children's Services and Public Health - all can make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations having regard to the terms of the Section 182 Statutory Guidance and this Policy.
- 3.2 For the purposes of the Act, Plymouth Safeguarding Partnership is the responsible authority in relation to the protection of children from harm.
- 3.3 The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing this will have regard to the information set out in Schedule 3 of the Act.
- 3.4 To comply with this requirement our register may be accessed online by using the following link [Licensing register | PLYMOUTH.GOV.UK](#). Alternatively the register may be viewed at any Plymouth Library during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Team in advance to make arrangements.
- 3.5 This Policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health & Safety at Work Etc. Act 1974, Environmental Protection Act 1990, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting the licensing objectives.
- 3.6 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.
- 3.7 Applicants should be aware that the grant of permission under one regime does not remove the need for applicants to gain the necessary consents under the other. It should be remembered that the Licensing Authority can only take into account matters which are relevant to the Licensing Objectives meaning that issues that were raised as part of the planning application may not be relevant if raised under the licensing process. However, if when applying for a licence under the Act, a business indicates that they have also applied for planning permission or that they intend to do so, officers involved in the licensing process will where appropriate, consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours, etc.

### Culture and Leisure

- 3.8 The Licensing Authority supports promotion of a diverse range of different types and styles of entertainment, dancing and theatre, including traditional and historic plays for the wider cultural benefit of communities. There should always be a careful balance within any particular area, where the provision of regulated entertainment culturally benefits all sections of the community including families and children. Particular care should be given to ensuring that the 'entertainment package' provided in a specific area is positive, and there are not competing styles of entertainment that create an overall negative impact that may contribute to public disorder and levels of disturbance.

- 3.9 In the exercise of its licensing functions the Licensing Authority is aware that it should try to ensure that it does not apply direct or indirect measures that deter live music, dancing and theatre by imposing disproportionate licensing conditions.
- 3.10 In all cases the Licensing Authority will consider the positive and negative impact of regulated entertainment and how it impacts on the licensing objectives in the local community, and where its discretion to impose conditions is raised, only conditions appropriate for the promotion of the licensing objectives will be imposed.
- 3.11 The aim of the licensing process is to regulate licensable activities to promote the licensing objectives and facilitate well-run and managed premises, with licence holders displaying sensitivity to the impact of the premises on local residents.
- 3.12 The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant City and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

### **Promotion of Equality**

- 3.13 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 3.14 An equalities impact assessment has been completed and the actions of the Licensing Authority will be undertaken with due regard to equality obligations.

### **Safeguarding**

- 3.15 The Council recognises that promoting the welfare of children, young people and adults with care and support needs, and protecting them from harm and exploitation is everyone's responsibility. Applicants, licensees, employees in licensed premises, Responsible Authorities, elected members, other local businesses and communities, everyone who has dealings with children, young people and adults with care and support needs - we all have a duty to report matters of concern to the relevant authorities. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and the ongoing use of the licence/notice.
- 3.16 Appendix 4 provides information for licence holders and their employees to help them report to the relevant authorities matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child exploitation and trafficking.

## 4.0 THE LICENSING OBJECTIVES

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

- Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

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

### Prevention of Crime and Disorder

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

### Public Safety:

- Promotion of responsible drinking
- Awareness of drink spiking and participation in anti-drink spiking initiatives
- Zero tolerance drug policies including the maintenance of an incident log; signage; staff training; appropriate use of searching/amnesty boxes to combat drug crime; an awareness of their

venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.

- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding. Special arrangements for large events.
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation / temperature control
- Assessment, monitoring and management of noise exposure
- Assessment of crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water
- Maximum occupancies
- Participating in safety incentives such as 'Ask Angela Campaign' and Project Nighteye (Targeting violence against women and girls in the night-time economy)

#### **Prevention of Public Nuisance:**

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

#### **Protection of Children from Harm:**

- Limitation of access dependent on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include prevention of under 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards

- Requirements for accompanying adults
- Adoption of a proof of age scheme such as Challenge 25
- Adequate staff training on age restricted sales
- Adequate warning signage
- All external areas to be routinely monitored to prevent children from being at risk from harm
- Measures to avoid proxy sales
- Control measures to protect child performers
- Records of refusals (refusals log)
- Suitable design and layout of alcohol display

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

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## 5.0 PROMOTION OF THE LICENSING OBJECTIVES

5.1 The following information aims to clearly state in more detail the Licensing Authority's expectations and standards for promoting the Licensing Objectives.

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

### Best Bar None, Pubwatch, Purple Flag

5.3 The Licensing Authority will support organisations such as Best Bar None, Pubwatch, Purple Flag and the Community Alcohol Partnership which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Plymouth that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour. See Appendix 3 for more information on these and other schemes and strategies.

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

### Drug Use and Safer Nightlife

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

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

5.7 It is the responsibility of premises to help keep their customers safe from drink and drug spiking, for example by the provision of signage and information to alert customers to the risk of drink spiking, as well as medical and reporting actions needed as soon as an incident is suspected.

### Door Supervisors

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

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

5.10 Where premises close before midnight, door supervisors may still have to be employed, if the risks associated with the operation warrant such an approach. The number of door supervisors to be employed needs to be determined by a risk assessment carried out by the management of the



premises, in most cases, in consultation with the Police Licensing Team. The suggested ratio is a minimum of 2 door supervisors for the first 100 patrons and an additional door supervisor per extra 100 patrons thereafter.

### **Dispersal Policy**

5.11 In cases where there is a likelihood that the local community living near a licensed premises will be disturbed by patrons leaving the premises, or where there is likely to be an impact on crime and disorder the licence holder will be expected to implement a Dispersal Policy. Such a Policy would set out the steps to be taken to minimise the potential for crime and disorder and public nuisance as customers leave the premises.

5.12 Other measures which would assist in promoting the licensing objectives at closing time and which the Licensing Authority would usually expect to see addressed in the applicant's operating schedule are:

- to have a dedicated taxi/private hire vehicle service for the premises to assist in facilitating the quick removal of patrons from the premises and the immediate area
- door staff should be stationed outside the premises to direct patrons to booked taxis and generally encourage customers to leave quietly

### **Licensing Hours**

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

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

5.15 Applications for licensed premises located close to residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, any entertainment provided by a venue must be to entertain the patrons of that venue and not the wider community. Public nuisance (within the meaning envisaged by the Act) must not result from the operation of any venue.

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

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

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

### **Drinking Up Time and Winding Down Time**

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

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

5.21 In the case of nightclubs and other similar dance venues, during the 30 minutes immediately after the service of alcohol ceases, the operator will be expected to have a clearly defined strategy of how they implement a 'winding down' time. This could include:

- slowing down the pace, volume and type of music played
- brighter lighting arrangements
- serving hot food, coffee and other soft drinks
- supervisors engaging positively with groups of patrons.
- This will help in ensuring that patrons do not exit the premises in an agitated state which is likely to increase the likelihood for crime and disorder.

### **Late Night Refreshment**

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

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

### **Healthier Food Provision**

5.24 The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the City's ambitions to be a City where the healthy choice is the easy choice. See Appendix 3 for further detail.

5.25 All late night refreshment venues should ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

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

5.26 Guidance and support is available to help businesses achieve these goals from the Council. Please email the Public Health team at [ODPH@plymouth.gov.uk](mailto:ODPH@plymouth.gov.uk). Also see signposting to further guidance in Appendix 3.

### **Maximum Occupancies**

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

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

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

- 5.30 It is for the applicant to consider the maximum safe occupancy for each premises. A maximum occupancy figure may be expected as part of the operating schedule for premises or activities that present a higher risk, for example:
- Where the licensable area involves two or more floors, including mezzanines
  - Where there is an expected capacity of greater than 500
  - Premises which may be described as high volume vertical drinking establishments, including any premises which attracts the fees multiplier
  - Premises which have a licence to trade beyond midnight
  - Where the use of pyrotechnics is likely
  - Any premise within a cumulative impact area
- 5.31 Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

### **Availability of Free Water**

- 5.32 Although the provision of free tap water is a mandatory condition, the Licensing Authority wants to set out the expectations on how a business should comply with this requirement. Premises should ensure that free tap water is readily available in suitable places and in suitable containers to ensure those wishing to drink responsibly can do so with ease.
- 5.33 Where the mandatory condition applies, licensed premises may be expected to:
- Prominently advertise the availability of free tap water
  - Provide tap water supplied from a mains tap within a kitchen or bar area or via suitable dispenser easily accessible by a customer
  - Provide water that meets the legal requirements for safe drinking water
  - Provide a container free of charge where appropriate
  - Refer to the Plymouth Plan for Plastics [Plymouth's Plan for Plastics | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/plastics) and avoid the use of single use plastics where possible (for example use of reusable polycarbonate plastics) and ensure all plastics are recycled
- 5.34 Where licensees fail to meet these standards, additional conditions may be added to the licence following representations or following a review. It is hoped that licensees will voluntarily meet these requirements.

### **Designated Premises Supervisors (DPS)**

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

- 5.36 A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.
- 5.37 A DPS should be able to demonstrate that they:
- Have sufficient knowledge and experience appropriate to the premises that they intend to control
  - Are able to respond to problems quickly and to meet with Responsible Authorities, local residents and ensure adequate direct management of an individual premises in a timely manner.
- 5.38 Following a Police objection the Licensing Authority may refuse an application or remove a DPS where:
- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
  - A proposed DPS cannot demonstrate their suitability for the licenced premises

### Preventing Glass Injuries

- 5.39 Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Glasses and bottles can be used as weapons in the drinking environment. By removing glass from premises, injuries may fall. Using alternatives for glass can place extra financial burdens on businesses, and customers may prefer glass containers. Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.
- 5.40 The Licensing Authority expects:
- Licensees to consider the need for alternatives to glass as part of their application. It may be appropriate to provide alternatives to glass in the following circumstances:
- Where the nature of the event or activity prevents the frequent collection of glass from the venue
  - High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area
  - Large outdoor events
  - Areas where children or vulnerable adults are likely to be present, e.g. play areas, children's parties
  - Where there is a history of glass incidents
- Applicants to have early discussions with Devon and Cornwall Police on suitable alternatives. Alternatives to glass bottles must also be considered as part of the operating schedule or supporting information.
  - Licensees to maintain an on-going review of the need for alternatives to glass
- 5.41 Where a review has been requested due to glass incidents, the application of alternatives to glass containers as conditions are very likely to be applied.
- 5.42 Applicants should also refer to [Plymouth's Plan for Plastics | PLYMOUTH.GOV.UK](#) and avoid the use of single use plastics where possible for example using reusable polycarbonate plastics. Where this is not possible due to public safety and crime and disorder then all plastics must be recycled.

### **Control of Adult Entertainment**

- 5.43 The Policing and Crime Act has amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. This means that premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12-month period, in addition to any relevant entertainment, will be required to obtain a separate sex establishment licence, authorising such activity.
- 5.44 The Sex Establishments Policy has been the subject of a separate public consultation and the adopted Policy will stand alone to this Licensing Policy.
- 5.45 When an applicant does not give any indication on their premises licence application form as to whether or not they propose to hold any performance of an adult nature, the Licensing Authority will include a condition on the premises licence that 'there will be no adult entertainment at this premises' as being consistent with the operating schedule and necessary to promote the licensing objective of preventing children from harm.
- 5.46 The Licensing Authority will consider the following factors when assessing applications and operating schedules. The venue's location is an important factor, particularly in sensitive locations, such as:
- near residential accommodation
  - near schools, play areas or other areas where children might be present
  - family leisure areas
  - near historic buildings or tourist locations
  - near places of worship
- 5.47 Specific additional controls are expected as part of the operating schedule or supporting information, such as:
- exclusions of under 18s
  - code of conduct for customers, dancers and performers
  - documentary checks of dancers and performers to include proof of age, identity and (where necessary), permission to work
  - how the entertainment will be advertised and promoted at the premises and more generally, including any external signs or posters
  - minimising external advertising relating to sexual entertainment

### **Responsible Retailing for Off-Sales**

- 5.48 The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.
- 5.49 The city has a Public Spaces Protection Order (PSPO) in place to help address problems of drinking alcohol in public [Citywide PSPO.pdf \(plymouth.gov.uk\)](#) Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime. Local research has established that many people now drink at home before heading out for the evening, which contributes significantly to the problems of drunken and disorderly behaviour. Businesses involved in the city's evening and night time economy are left to deal with this issue.

### **Off Licence design and layout**

- 5.50 All new applications must specify the area to be used for the sale or exposure for sale of alcohol. Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol.
- 5.51 Applicants should note that a display will not be considered suitable:
- at entrance/exit points of premises
  - where it might interfere with customer flow
  - near check outs, entrances or exits where shop lifting may become easier
  - by using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
  - consisting of significant amounts of high strength alcohol or give undue prominence to high-strength alcohol

### **Off Licence Location and Trading Restrictions**

- 5.52 The Licensing Authority may not approve applications for off sales in the following locations:
- near to alcohol addiction recovery activities or buildings
  - in areas where drinking in public spaces affects any of the licensing objectives
- 5.53 Responsible Authorities and applicants are advised to refer to the Alcohol Harm Mapping tool which has been produced by Plymouth Public Health Team. This tool brings a number of indicators of alcohol related harm and presents them at a neighbourhood level. Using the best available evidence, this provides a picture of how communities in Plymouth are affected by Alcohol. This can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population's health and wellbeing. The latest copy of the Alcohol harm mapping: Plymouth Neighbourhood Profiles can be found at: [Alcohol topic | PLYMOUTH.GOV.UK](#)

### **Off Licence Additional Conditions / Limitations**

- 5.54 Where applications are granted, additional conditions or limitations, such as trading hours may be appropriate. Additional conditions may include:
- no single cans or bottles of beer or cider will be sold
  - no sale of high strength beers or ciders of 6.5% ABV and above.
  - minimum of two staff to be on duty at times the premises remain open for sale
  - staff must obtain nationally recognised training on responsible alcohol retailing within 2 months of employment
  - high strength beers or ciders will be for sale behind a counter accessed only by staff
  - all alcoholic drinks will be clearly labelled or marked with the name of the premises
  - the premises will operate a proof of age scheme such as Challenge 25
  - notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)
  - restrictions on the design and placement of alcohol for sale

### **Online Alcohol Sales and Delivery**

- 5.55 Operators of an alcohol delivery service may contact the Licensing Authority for advice. It is expected that:
- all alcohol stored at the premises shall be locked in a secure storage area.
  - all staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy.
  - alcohol shall be sold in sealed containers only.
  - all deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.
  - full name and address details, including postcode, must be given when placing an order.
  - alcohol can only be delivered to a residential or business address and not to a public place.
  - Challenge 25 - if the driver considers the recipient of alcohol appears under 25 recognised photographic identification to be requested before any alcohol is handed over.
  - at the time the order is placed a declaration will be required from the person placing the order that that person is over 18 years of age.
  - acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID no delivery.
  - minimum age of 18 for delivery drivers.
  - delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
  - customers to be reminded on the website that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

### **Protection of Children from Harm**

- 5.56 The protection of children from harm includes the protection from moral, psychological and physical harm, including protecting children from early exposure to strong language and sexual expletives, in the context of film / video exhibitions, or where adult entertainment is provided.
- 5.57 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Where relevant representations are received indicating that a particular application raises concerns under the Protection of Children from Harm licensing objective, access by children to all types of premises will not be limited unless it is considered necessary to do so and addresses the concern raised in representations.
- 5.58 Examples which may give rise to concern in respect of children would include premises:
- where entertainment or services of an adult or sexual nature are provided
  - where there is a strong element of gambling taking place
  - with a known association with drug taking or dealing
  - where there have been convictions or other forms of proof of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

- 5.59 The Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule then, if relevant representations are made, the licensing authority can then consider making such restrictions as are deemed necessary to meet the licensing objectives.
- 5.60 Where the exhibition of film or video is permitted, the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification's recommendations in respect of the film/video to be exhibited. Only in exceptional cases will the authority consider variations of this general rule.
- 5.61 Conditions may be imposed (if not covered in other legislation) on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children to ensure their safety and prevent harm. Where children may also be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.
- 5.62 The options available for limiting access by children would include:
- a limit on the hours when children may be present
  - a limitation or exclusion when certain activities are taking place
  - the requirement to be accompanied by an adult
  - access may be limited to parts of the premises but not the whole
  - an age limitation (for under 18s)
- 5.63 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.
- 5.64 The Licensing Authority will take strong measures to protect children where any licence holder is convicted or other forms of proof of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided.

### **Film Classification**

- 5.65 It is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films, for the admission of children to films to be restricted in accordance with the recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated or by the Licensing Authority itself.
- 5.66 The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children and supports any relevant BBFC Guidelines and shall not seek to duplicate their recommendations. The Film Authorisation Procedure can be found on the Council's website. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

### **Public Nuisance**



- 5.67 The Licensing Authority will assess each application having regard to noise and the likelihood of nuisance being caused to local residents.
- 5.68 The imposition of conditions to a premises licence may only be attached if the conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.
- 5.69 The Licensing Authority may impose conditions in relation to licensed premises to prevent unnecessary noise, vibration and disturbance to local residents, as it considers appropriate, subject to the submission of relevant representations. This may include:
- sound proofing requirements
  - restrictions on times when music or other licensable activities take place
  - the use of sound limiting devices properly set to prevent noise breakout and disturbance.
- 5.70 The Licensing Authority may impose conditions relating to the limitation of the hours of open-air entertainment, and the use of outdoor areas, gardens and patios to control and prevent unnecessary noise and disturbance.

The Licensing Authority will have the following approach to certain regulated entertainment:

- the provision of regulated entertainment outdoors after 23:00 and before 08:00 will not generally be permitted.
  - between the hours of 23:00 and 08:00 hours any new premises licence, or variation to a licence with licenced hours beyond 23:00, is expected to include a condition of total sound containment within the licensed premises.
  - any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.
- 5.71 The Licensing Authority may impose conditions requiring the display of signs both inside and outside of the premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

### **No Smoking Legislation**

- 5.72 The Health Act 2006 prohibits smoking in public places and workplaces. This includes all licensed premises both permanent and temporary structures such as tents and marquees.
- 5.73 Smoke free legislation has created problems for some licensed premises in respect to noise disturbance and nuisance. It is the responsibility of the premises licence holder to ensure by proper management and control that, at all reasonable times, they minimise the effects on the surrounding residential property.
- 5.74 Many premises do not have a beer garden or similar area, which results in their customers smoking on the public pavement outside the front of the premises. The Licensing Authority acknowledge the potential problems in respect to crime and disorder that can arise as a consequence and would encourage the operator to contact the Police Licensing team in order to seek advice on how best to manage the risk of crime and disorder.
- 5.75 Where representations are submitted regarding the use of the outside of the premises e.g. beer garden, public pavement or thoroughfare, the Licensing Authority will give due consideration to imposing reasonable conditions that are designed to reduce noise nuisance and anti-social behaviour to local residents.
- 5.76 The same considerations apply to patrons vaping outside of premises.

### **Fly posting and promotional material**

- 5.76 Plymouth often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the city. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.
- 5.77 Existing legislation seeks to address this problem however, it often proves ineffective in preventing this type of nuisance advertising. Some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.
- 5.78 The Licensing Authority expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason, licence holders should outline in their operating schedules the steps to be taken ensure advertising of licensable activities does not cause nuisance or give risk to crime and disorder.
- 5.79 Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material. They should also maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Licensing Authority will impose conditions to this effect when its discretion to do so has been engaged.

### **Fire Safety**

- 5.80 The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application/variation for, a premises licence and seek to protect the safety of all persons at all licensed premises by ensuring that the requirements of the Fire Authority are met.
- 5.81 In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.
- 5.82 The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

### **Terrorism (Protection of Premises) Bill**

- 5.83 The Terrorism (Protection of Premises) Bill (sometimes referred to as 'Protect Duty' or 'Martyn's Law') is expected to become law in 2024/25. The aim of this new legislation is to improve safety and security at public venues, to help ensure that people are prepared, ready to respond and know what to do in the event of a terrorist attack.
- 5.84 When it becomes law, there will be a legal requirement on those responsible for certain venues to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place.

- 5.85 In the meantime, although terrorist attacks are rare, the threat from terrorism is real and increasingly unpredictable, and therefore operators should consider the threat and implement appropriate and proportionate mitigation measures to ensure public safety.
- 5.86 Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:
- a requirement to engage with freely available counter-terrorism advice and training
  - a requirement to conduct vulnerability assessments of their operating places and spaces
  - a requirement to mitigate the risks created by any vulnerabilities identified
  - a requirement to have a counter-terrorism plan
  - ensuring appropriate access for emergency services and vehicles
  - establish good communication networks with the police and signing up for local incident alerts
  - ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits

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## 6.0 OPERATING SCHEDULE

- 6.1 Where an application is approved, the Licensing Authority may apply and interpret conditions that are consistent with the operating schedule, which are appropriate and proportionate for the promotion of the licensing objectives. Clear and enforceable conditions replicated from proposals in the operating schedule, along with relevant mandatory conditions, will form part of the licence.
- 6.2 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule. To assist some policies and guidance sources are set out in Appendix 3.
- 6.3 Applicants that carry out inadequate research or fail to consider their business operation often submit very poor quality schedules - this can prejudice their application and cause unnecessary work for Responsible Authorities who have to negotiate and discuss in detail the business operation in order to get a better understanding of the business and propose voluntary conditions.
- 6.4 The Licensing Authority expects the content of an operating schedule to address the following points:
- applicants are expected to demonstrate that they understand:
    - the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
    - any risk posed to the local area by the applicants' proposed licensable activities
    - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks
  - regulated entertainment that incorporates any of the following activities for the entertainment or attraction of the public must be properly defined and explained in the operating schedule of the application:
    - Striptease, lap dancing or any similar performance
    - The installation of strobe or laser equipment
    - The use of special effects such as pyrotechnics or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff
    - The use of any temporary structure or staged area
  - operating schedule must be specific to the individual application
  - operating schedule must be sufficiently comprehensive to enable the Licensing Authority and other Responsible Authorities to consider the application fully
  - where appropriate, specify the maximum intended occupancy including staff, performers and members of the public and how these numbers are controlled
  - address the Council's expectations contained within this Licensing Policy
  - where an application is submitted within a CIA area, applicants should demonstrate an understanding of how the policy impacts on their application, any measure they will take to mitigate the impact and why they consider the application should be an exception to the policy
  - where an application for the grant of a new application or variation of a premises licence is located in a residential area, it should set out how the potential effects of public nuisance and noise disturbance, for example, will be minimised and controlled

- 6.5 Responsible Authorities will not be expected to provide a form of consultancy in modifying Operating Schedules. Representations may be used to seek clarification on how the applicant intends to manage their operation.
- 6.6 Prior to submitting an application, the Licensing Authority recommends that an applicant seek expert advice and guidance from all Responsible Authorities on matters relating to the licensing objectives as this will assist in completing their operating schedule. This will ensure the application is processed efficiently.
- 6.7 Applicants for new licences are strongly advised to liaise with the relevant Responsible Authorities in relation to adopting measures to avoid crime and disorder problems, improve public safety, limit public nuisance and protect children from harm in the premises to be licensed.
- 6.8 Potential wording of the operating schedule can be based on separate guidance issued by the Licensing Authority and Responsible Authorities.
- 6.9 The applicant may wish to submit supporting information to be read alongside the operating schedule; this information will not normally form part of the voluntary conditions offered through the operating schedule, but it is intended to advise Responsible Authorities about how the business will be managed and operated. It may be necessary to include some aspects of the supporting information into conditions where representations are received.

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## 7.0 LICENSING CONDITIONS

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

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

7.3 The Licensing Authority recommends that Responsible Authorities draw up their own pool of conditions to assist licence holders and applicants in developing an operating schedule that is suitable and sufficient for their licensed premises. The Licensing Authority's pool of conditions can be found here: [DOCUMENT TITLE \(plymouth.gov.uk\)](https://www.plymouth.gov.uk)

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

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

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

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

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

## 8.0 LICENSING APPLICATIONS

- 8.1 Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work that relates to some licensing act applications.
- 8.2 When an application is received the Licensing Authority will consider each:
- on its own merits
  - in accordance with the Act, any subsequent amendments and supporting Regulations
  - with regard to guidance issued under Section 182 of the Act and this Policy
- 8.3 In particular it is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 8.4 The Licensing Authority will expect that an applicant will indicate whether or not the area to be licensed includes or comprises any part of the public highway. It is the Policy of the Council to support the provision of street cafés that make a positive contribution to the street scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street.
- 8.5 The Highways Team at the Council may grant permission for an applicant to use the public highway outside premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highways Act 1980. Further details can be found at [Tables and chairs permit on a public road or street | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/tables-and-chairs-permit-on-a-public-road-or-street)

### New Applications and Full Variations

- 8.6 All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the Responsible Authorities within the City of Plymouth. The contact details (current at the time of writing this Policy) for the Responsible Authorities are detailed in Appendix 1. However, applicants are advised to check the specific details in the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.
- 8.7 Where an application for the grant of a premises licence or club premises certificate, variation of the same or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all Responsible Authorities as stipulated in the Act. Where such applications have been submitted electronically copies of the application will be forwarded to the Responsible Authorities by the Licensing Authority.
- 8.8 Full variations should not be used to ‘vary substantially the premises to which the licence relates’.

### Minor Variations

- 8.9 An application can be made for a minor variation to premises licences and club premises certificates where the change is considered to have ‘no adverse impact’ on the promotion of any of the four licensing objectives.
- 8.10 Minor variations can be used to:
- make minor changes to the structure or layout of a premises
  - make small adjustments to the licensing hours

- remove out of date, irrelevant or unenforceable conditions
  - add or remove certain licensable activities
  - add volunteered conditions to a premises licence or club premises certificate
- 8.11 Examples of where the minor variation process **cannot** be used include:
- extending the period for which the licence or certificate has effect
  - specifying, in a premises licence, an individual as the premises supervisor
  - adding the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
  - authorising the sale by retail or supply of alcohol at any time between 23.00 and 07.00
  - authorising an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
  - varying a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee.
  - substantially varying the premises to which the licence or club premises certificate relates
- 8.12 Under a minor variation the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is not required to advertise the variation in a local newspaper or send a copy to Responsible Authorities.
- 8.13 On receipt of a minor variation application, the Licensing Authority will consider the application and consult whichever of the Responsible Authorities it considers appropriate. In deciding on the application, the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.
- 8.14 There is no right to a hearing under the minor variation process.
- 8.15 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

### **Review of Premises Licence**

- 8.16 A Responsible Authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence or club premises certificate. Examples may be where there has been a breach of licensing conditions, failed test purchases or activities undermine the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.
- 8.17 Where the request for review originates from other persons, the Licensing Authority may reject the application if it is considered frivolous, vexatious or repetitious.



- 8.18 In all cases, an application for review must relate to a particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to one or more of the four licensing objectives.
- 8.19 Where a review is brought the Licensing Authority may take any of the following actions:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
  - exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
  - remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
  - suspend the licence for a period not exceeding three months
  - revoke the licence
  - take no action
- 8.20 In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the application and any relevant representations identify. The remedial action taken should be directed at these causes and should always be an appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 8.21 Equally, it may be that poor management is a direct reflection of poor company practice or Policy and the removal of the designated premises supervisor may be an inadequate response to the problems presented.
- 8.22 The Licensing Authority will consider each case on its own merits having regard to the relevant law and guidance.
- 8.23 Where reviews are sought by residents or Responsible Authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

### **Relevant, Vexatious and Frivolous Representations**

- 8.24 Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regard to all the available facts and not on the basis of any political judgment:
- a frivolous representation can be categorised by a lack of seriousness or concerning very minor issues which would not warrant any steps being taken
  - a vexatious representation arises where it is intended to cause aggravation or annoyance to another person or business without any justification (e.g. disputes between rival businesses).
  - a representation would only be relevant if it relates to the likely effect on at least one of the licensing objectives, relates to the application under consideration and is received within the relevant timescales.
- 8.25 Where representations are rejected, the Responsible Authority or other persons making that representation will be given a written reason as to why this is the case. Anyone who wishes

the decision to be reconsidered should lodge a complaint with Plymouth City Council, [Feedback and complaints | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/feedback-and-complaints)

- 8.26 In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

### **Use of petitions**

- 8.27 Standard letters of support or objection, and petitions can be submitted in response to an application or review.
- 8.28 Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation and will be published separately as part of any Committee report.
- 8.29 Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. Notification about any Committee hearing will not be sent to names received via a petition.

### **Temporary Event Notices (TEN's)**

- 8.30 A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 8.31 A TEN is typically used to:
- authorise a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
  - temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
  - provide for licensable activities not authorised by the existing licence.
- 8.32 The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police and Environmental Health.
- 8.33 Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the Responsible Authorities by the Police.
- 8.34 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does NOT include the date of submission, the date of the event, or weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore, the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health.
- 8.35 The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.
- 8.36 A late TEN may be served between nine and five working days before a proposed event commences. If a late TEN is served with fewer than 5 working days' notice it is deemed invalid

and will be rejected. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines. If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead. There is no right of appeal in respect of late TENs following an objection by the Police or Environmental Health.

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

### **Provisional Statements**

- 8.39 Where premises are being or are about to be constructed, extended or otherwise altered so that they can be used for licensable activities, those involved with the project or with an interest in it may request some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 8.40 Any person falling within Section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. In those cases, the Licensing Authority would include a date when the licence would come into effect. However, where the information described below is not available an application for a provisional statement would be required instead:
- clear plans of the proposed structure
  - the activities to take place
  - the time at which such activities will take place
  - the proposed hours of opening
  - where the applicant wishes the licence to have effect for a limited period, that period
  - the steps to be taken to promote the licensing objectives
  - where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify
- 8.41 The 2003 Act provides for a person who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations when the application for the premises licence is finally made.
- 8.42 Applications for a provisional statement are made in a similar manner to those for new and variation applications as set out above.

## 9.0 ENFORCEMENT

- 9.1 The Licensing Authority has established protocols with the Police and other enforcing authorities. These protocols provide for the targeting of 'problem' and 'high-risk' premises with a proportionate, but vigorous and intelligence led enforcement approach. Premises which are shown to be well managed and maintained a 'lighter' approach is applied.
- 9.2 The Licensing Authority has adopted an [Enforcement Policy](#) that is available on the Council's web site which adopts the good principles of consistency, transparency, proportionality and accountability set out in the Regulators Compliance Code.
- 9.3 The Licensing Authority conducts its inspection and enforcement procedures in accordance with the Enforcement Policy and better regulation to ensure that it is effective, well targeted and contributes to economic progress.
- 9.4 The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates.

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## 10.0 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

### Licensing Authority

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

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

10.3 Table I, below, sets out how the Licensing Authority intends its functions to be carried out.

**Table I**

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police or immigration enforcement objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for interim authorities	If a police objection	All other cases
Application to review premises licence/ club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions
Decision whether to consult other Responsible Authorities on minor variation applications		All cases

Matter to be dealt with	Sub Committee	Officers
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Determination of minor variation application		All cases
Decision to suspend a premises licence / club premises certificate for failure to pay for the annual fee / late night levy		All cases

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## **APPENDIX I - RESPONSIBLE AUTHORITIES LIST**

Applicants are required to submit the original licensing application to the Licensing Authority and send a full copy of the application (including plans) to each of the following Responsible Authorities.

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

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

### **Licensing Authority**

Licensing Team, Public Protection Service, Plymouth City Council, Ballard House,  
West Hoe Road, Plymouth, PL1 3BJ

Tel: 01752 304141

Email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

### **Responsible Authorities**

#### **1. Child Protection**

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

Tel: 01752 306340

Email: [PSCP@plymouth.gov.uk](mailto:PSCP@plymouth.gov.uk) or [Gateway@plymouth.gov.uk](mailto:Gateway@plymouth.gov.uk)

#### **2. Devon and Cornwall Police**

Licensing Department, Launceston Police Station, Moorland Road, Launceston, PL15 7HY

Tel: 01566 770500

Email: [licensing.team@devonandcornwall.pnn.police.uk](mailto:licensing.team@devonandcornwall.pnn.police.uk)

#### **3. Devon and Somerset Fire and Rescue Service**

West Devon Headquarters, Glen Road, Plympton, Plymouth, PL7 3XT

Tel: 01752 333600

Email: [firesafetyhelpdesk@dsfire.gov.uk](mailto:firesafetyhelpdesk@dsfire.gov.uk)

#### **4. Environmental Health**

Public Protection Service, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ

Tel: 01752 304147

Email: [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)

#### **5. Heart of the South West Trading Standards Service**

County Hall, Topsham Road, Exeter, Devon EX2 4QD

Tel: 01752 304147

E-mail: [tradingstandards@devon.gov.uk](mailto:tradingstandards@devon.gov.uk)

#### **6. Health and Safety Executive**

North Quay House, Sutton Harbour, Plymouth, PL4 0RA

[Ask about health and safety - Contact HSE](#)

#### **7. Planning Authority**

Planning Authority, Development Consents Manager, Plymouth City Council, Level 2 West Wing, Ballard House, Plymouth, PL1 3BJ

Tel: 01752 304471

E-mail: [Planningconsents@plymouth.gov.uk](mailto:Planningconsents@plymouth.gov.uk)

#### **8. Public Health Team**

Office of the Director of Public Health, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ

Tel: 01752 398606

Email: [odphlicensingapplications@plymouth.gov.uk](mailto:odphlicensingapplications@plymouth.gov.uk)

#### **9. Home Office (Immigration Enforcement)**

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

Email: [Alcohol@homeoffice.gov.uk](mailto:Alcohol@homeoffice.gov.uk)

*Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates*



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

**Maritime & Coastguard Agency**

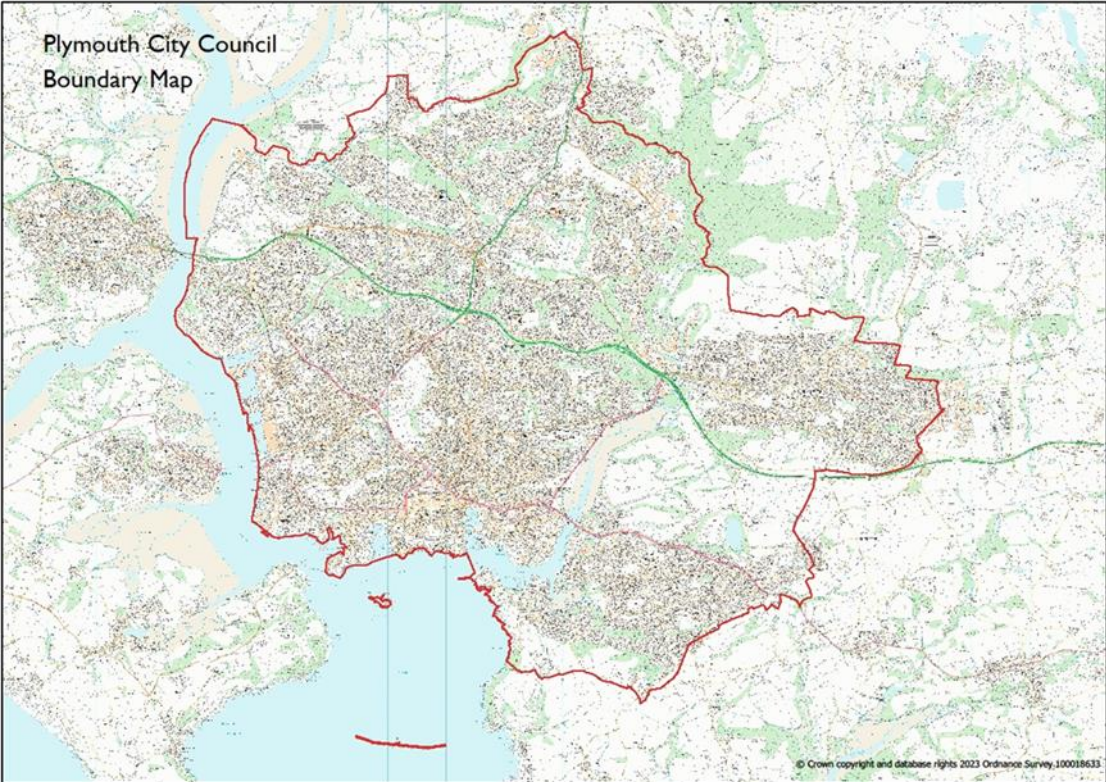
Plymouth Marine Office, Suite 5, Endeavour House, Oceansgate, Vivid Approach, Plymouth. PL1 4RW

Tel: 020 390 85245

Email: [mcplymouthadmin@mcga.gov.uk](mailto:mcplymouthadmin@mcga.gov.uk)

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**APPENDIX 2 – PLYMOUTH CITY COUNCIL BOUNDARY**



## **APPENDIX 3 - OTHER POLICIES, LEGISLATION, CASE-LAW AND GUIDANCE SOURCES**

There are several local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's Licensing Policy. More information about each of these can be found via the links below.

### **Plymouth City Council Strategies and Policies**

Safer Plymouth: [Safer Plymouth | PLYMOUTH.GOV.UK](#)

The Plymouth Plan: [www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan](http://www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan)

Local Transport Plan: [Local Transport Plan | PLYMOUTH.GOV.UK](#)

Local Development Framework Strategy: [What is a Local Development Framework? | PLYMOUTH.GOV.UK](#)

Local Economic Strategy: [Strategic growth | PLYMOUTH.GOV.UK](#)

Strategic Alcohol Plan for Plymouth: [www.plymouth.gov.uk/publichealth/alcohol](http://www.plymouth.gov.uk/publichealth/alcohol)

Cumulative Impact Assessment: [Licensing Policies | PLYMOUTH.GOV.UK](#)

### **Related Strategies and Policies and useful references**

British Beer and Pub Association: [Home | BBPA \(beerandpub.com\)](#)

Home Office Alcohol licensing guidance: [Alcohol licensing guidance - GOV.UK \(www.gov.uk\)](#)

National and local Pubwatch schemes: [Welcome to National Pubwatch, a voluntary organisation](#)

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

[Purple Flag Award | PLYMOUTH.GOV.UK](#)

[Home - Best Bar None](#)

UK Hospitality: [About us - UKHospitality](#)

Association of Town Centre Managers (ACTM and Purple Flag): [High Streets | ATCM | UK and Ireland](#)

British Board of Film Classification (BBFC): [British Board of Film Classification \(BBFC\) | BBFC](#)

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

British Retail Consortium (BRC): [British Retail Consortium \(brc.org.uk\)](#)

UK Cinema Association Limited(UKCA): [UK Cinema Association \(formerly Cinema Exhibitors' Association\) \(cinemauk.org.uk\)](#)

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations): [www.culture.gov.uk](http://www.culture.gov.uk)

Equity

[We are the performing arts and entertainment trade union | Equity](#)

Outdoor Arts UK: [Welcome to OutdoorArtsUK](#)

Institute of Licensing (IOL): [I Institute of Licensing](#)

Justices Clerks' Society Good Practice Guide, Licensing: [Justices' Clerks' Society | JC-Society.com](#)

Federation of Licensed Victuallers Associations (LVAs): [Home - FLVA](#)

National Association of Local Government Arts Officers: [National Association of Local Government Arts Officers - CultureHive](#)

Healthy Eating:

[Eat well - NHS \(www.nhs.uk\)](#)

[takeawaystoolkit.pdf \(london.gov.uk\)](#)

[Encouraging healthier 'out of home' food provision - GOV.UK \(www.gov.uk\)](#)

[Strategies for Encouraging Healthier Out of Home Food Provision A toolkit for local councils \(publishing.service.gov.uk\)](#)

## **APPENDIX 4 - SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS**

### **Introduction**

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

### **General Information**

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

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

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

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

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

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

### **Child Exploitation**

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

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

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

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

- does your customer appear to be under 18 years old?
- are they with a much older person and appear to be in a relationship?

- do you think that they are under the influence of alcohol or drugs?
- are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late night takeaway?
- is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

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

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

Alternatively please complete the online form:

[Report child abuse or neglect | PLYMOUTH.GOV.UK](#)

[Report adult abuse or neglect | PLYMOUTH.GOV.UK](#)

Further information about Plymouth's Safeguarding Team can be found at [Adults and children's social care | PLYMOUTH.GOV.UK](#)

### **Adults with care and support needs**

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

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

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

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

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

Alternatively, please complete the online form - [Report adult abuse or neglect | PLYMOUTH.GOV.UK](#)

Further information about Plymouth's Safeguarding Team can be found at [Adults and children's social care | PLYMOUTH.GOV.UK](#)

### **Modern Slavery and human trafficking**

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

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

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

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

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

For England and Wales, please call the Modern Slavery 24 hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at [Modern Slavery Helpline](#)

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# EQUALITY IMPACT ASSESSMENT – AUTHORISATION TO CONSULT ON THE DRAFT STATEMENT OF LICENSING POLICY 2024 TO 2029 FOLLOWING THE STATUTORY 5-YEAR REVIEW

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<p><b>Author(s):</b></p> <p>This is the person completing the EIA template.</p>	<p>Katharine O’Connor Environmental Health (Food Safety) Service Manager Public Protection Service Office of the Director of Public Health</p>	<p><b>Department and service:</b></p>	<p>Intelligence and Licensing Public Protection Service Office of the Director of Public Health</p>	<p><b>Date of assessment:</b></p>	<p>30 October 2023</p>
<p><b>Lead Officer:</b></p> <p>Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.</p>	<p>Ruth Harrell Director of Public Health</p>	<p><b>Signature:</b></p>	<p>Approved by Email</p>	<p><b>Approval date:</b></p>	<p>08/11/2023</p>
<p><b>Overview:</b></p>	<p>Consideration of the statutory 5-year review of the current Statement of Licensing Policy 2019 to 2024 to inform the draft Statement of Licensing Policy 2019 to 2024. The supply and sale of alcohol has a significant contribution to:</p> <ul style="list-style-type: none"> <li>• Local health inequalities</li> <li>• Crime and disorder</li> <li>• Impact on communities and individuals through anti-social behaviour and noise</li> <li>• Violent crime, sexual offences, and domestic abuse</li> <li>• Positive impact on economic growth</li> </ul> <p>The Licensing Policy will be used to promote the four licensing objectives, which are:</p> <ul style="list-style-type: none"> <li>• Prevention of crime and disorder</li> <li>• Protection of public safety</li> <li>• Prevention of public nuisance</li> <li>• Protection of children from harm</li> </ul>				

	<p>The Policy will provide the framework to ensure there is a balance between business activity and the protection of communities and individuals.</p> <p>The Policy has to recognise that it can only impact the management of licenced premises in areas under the control of the licensee or nominated manager. Many alcohol problems are associated with alcohol consumption and personal behaviour. Licensees can only control matters within their premises or within the vicinity.</p> <p>The Policy cannot place a cap on the number of alcohol licences, but it will restrict the addition of new licences where appropriate through the use of the Cumulative Impact Policy.</p> <p>The licensing system relies on responsible authorities in the consideration of applications and the monitoring of existing licences. Responsible authorities, such as the Police, will use their intelligence sources and their own Equality Impact Assessments (EIA) to use the licensing system to promote the licensing objectives. The licensing objectives will be used where appropriate to eliminate unlawful discrimination and promote positive outcomes for the nine protected characteristics.</p> <p>The Policy will work in partnership to support other plans and strategies to:</p> <ul style="list-style-type: none"> <li>• Improve health inequalities, social inclusion, and community protection</li> <li>• Reduce crime and disorder</li> <li>• Reduce alcohol misuse</li> <li>• Encourage community engagement and participation in decision making</li> <li>• Encourage tourism and sustainable economic growth</li> </ul> <p>Measures such as responsible retailing, reducing the use of glass and cumulative impact are examples of how this will be achieved.</p> <p>The Policy is designed to have a positive impact on the protection of individual and communities. The policy will be reviewed and any new information that comes forward as a result of other EIAs will be incorporated into future policies and EIAs.</p>
<b>Decision required:</b>	To release the draft Statement of Licensing Policy 2019 to 2024 for consultation with the licensing trade, stakeholders, and other interested parties.

**SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL**

<b>Potential external impacts:</b>	<b>Yes</b>		<b>No</b>	√
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Does the proposal have the potential to negatively impact service users, communities, or residents with protected characteristics?				
<b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?	<b>Yes</b>		<b>No</b>	√
Is a full Equality Impact Assessment required? (If you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	<b>Yes</b>	√	<b>No</b>	
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	N/A			

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g., data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
<b>Age</b>	<p>Plymouth</p> <ul style="list-style-type: none"> <li>16.4% of people in Plymouth are children aged under 15</li> <li>65.1% are adults aged 15 to 64</li> <li>18.5% are adults aged 65 and over</li> <li>2.4% of the resident population are 85 and over</li> </ul> <p>Southwest</p> <ul style="list-style-type: none"> <li>15.9 % of people are aged under 15</li> <li>61.8 % are aged 15 to 64</li> <li>22.3 % are aged 65 and over</li> </ul>	<p><u>18-25</u></p> <p>The evening and nighttime economy is mainly used by the 18-25 year age group.</p> <p>Some of the proposals may impact on licensing hours, particularly those used by the 18-to-25 year age group.</p> <p><u>Under 18s</u></p>	<p>The aim of the Policy is to promote public safety and protect local communities. It is in the overriding public interest that these proposals are introduced.</p> <p>The Policy is designed to minimise the negative impact of the legal operation of the licensable activities.</p>	<p>The Policy will be formally reviewed every 5 years or sooner if required by the Licensing Team, ODPH.</p>

	<p>England</p> <ul style="list-style-type: none"> <li>• 17.4 % of people are aged under 15</li> <li>• 64.2 % of people are aged 15 to 64</li> <li>• 18.4 % of people are aged 65 and over</li> </ul> <p>(2021 Census)</p>	<p>Children and young people can be directly or indirectly affected by alcohol.</p> <p>There are elevated alcohol related hospital admissions above national average and alcohol is a significant contributor to domestic abuse.</p> <p>30% of child protection cases have a domestic abuse concern – over half involve alcohol as a contributory factor.</p> <p>Plymouths hidden harm assessment predicts that between 3,900 and 6,500 children are affected by significant parental alcohol misuse.</p>	<p>The policy will be reviewed as necessary to ensure adequate protection as far as the law allows.</p> <p>Applications will be refused, conditions added, or review of existing licences will be undertaken in order to ensure the Protection of Children from Harm.</p> <p>Children’s Safeguarding Board will remain a consultee for all applications.</p>	
<p><b>Care experienced individuals.</b></p> <p>(Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating</p>	<p>It is estimated that 26 % of the homeless population in the UK have care experience. In Plymouth there are currently 7 % of care leavers open to the service (6 % aged 18-20 and 12 % of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 % of 19–21-year-old care leavers are not in education, employment, or training (NEET) compared to</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>

<p>care experience as though it is a protected characteristic).</p>	<p>12 % of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 % of care leavers aged 18-21 Not in Education Training or Employment (54 % of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>	<p>The prevention of crime and disorder aspects would include hate crime.</p>		
<p><b>Disability</b></p>	<p>9.4 % of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.</p> <p>12.2 % of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)</p>	<p>Mental health issues and alcohol mis-use and harm are well recognised.</p> <p>Alcohol dependency among psychiatric patients is almost double that of the general population.</p>	<p>The Policy is designed to minimise the negative impact of the legal operation of the licensable activities.</p> <p>The Policy will be reviewed as necessary to ensure adequate protection as far as the law allows.</p>	<p>The Policy will be formally reviewed every 5 years or sooner if required.</p>
<p><b>Gender reassignment</b></p>	<p>0.5 % of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 % of residents identify as a trans man, 0.1 % identify as non-binary and, 0.1 % identify as a trans woman (2021 Census).</p>	<p>There are no differential issues for this protected characteristic.</p>	<p>It is not anticipated that the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects of the policy would include hate crime.</p>	<p>The Policy will be reviewed as necessary to ensure adequate protection as far as the law allows and to identify any adverse impacts.</p>

<p><b>Marriage and civil partnership</b></p>	<p>40.1 % of residents have never married and never registered a civil partnership. 10 % are divorced, 6 percent are widowed, with 2.5 % are separated but still married.</p> <p>0.49 % of residents are, or were, married or in a civil partnership of the same sex. 0.06 % of residents are in a civil partnership with the opposite sex (2021 Census).</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>
<p><b>Pregnancy and maternity</b></p>	<p>The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>
<p><b>Race</b></p>	<p>In 2021, 94.9 % of Plymouth’s population identified their ethnicity as White, 2.3 % as Asian and 1.1 % as Black (2021 Census)</p> <p>People with a mixed ethnic background comprised 1.8 % of the population. 1 % of the population use a different term to describe their ethnicity (2021 Census)</p> <p>92.7 % of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).</p>	<p>Currently driver demographic covers many nationalities.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>

<p><b>Religion or belief</b></p>	<p>48.9 % of the Plymouth population stated they had no religion. 42.5 % of the population identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 % of Plymouth’s population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 % (2021 Census).</p>	<p>The licensed business and residential communities/demographic cover many nationalities and many religious beliefs and religions. It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic. The prevention of crime and disorder aspects would include hate crime.</p>	<p>The policy will be reviewed at least every 5 years as necessary to ensure adequate protection as far as the law allows and to identify any adverse impacts. Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>
<p><b>Sex</b></p>	<p>51 % of our population are women and 49 % are men (2021 Census).</p>	<p>There are no differential issues for this protected characteristic. Alcohol related harm has an impact on male and females equally. Alcohol related hospital admissions are above average levels for both males and females. Sexual offences on females and lone female safety are related to alcohol availability.</p>	<p>It is not anticipated that the Policy will have a direct adverse impact on this protected characteristic. The Policy is designed to minimise the negative impact of the legal operation of the licensable activities. The Policy has very little ability to control individual behaviour outside of the premises controlled by a licence. The Policy will be reviewed at least every 5 years as necessary to ensure adequate</p>	<p>Licensing Officers and Police Officers</p>

			<p>protection as far as the law allows and to identify any adverse impacts.</p> <p>Any discriminatory complaints received are fully investigated.</p>	
<b>Sexual orientation</b>	<p>88.95 % of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 % describe their sexuality as bisexual, 1.97 % of people describe their sexual orientation as gay or lesbian. 0.42 % of residents describe their sexual orientation using a different term (2021 Census).</p>	<p>There are no differential issues for this protected characteristic.</p> <p>It is not anticipated that the amendments to the Policy will have a direct adverse impact on this protected characteristic.</p> <p>The prevention of crime and disorder aspects would include hate crime.</p>	<p>The Policy will be reviewed as necessary to ensure adequate protection as far as the law allows and to identify any adverse impacts.</p> <p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>

**SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

<b>Human Rights</b>	<b>Implications</b>	<b>Mitigation Actions</b>	<b>Timescale and responsible department</b>
	<p>A balance must be obtained between the achievement of the licensing objectives and human rights; these being Article 1, Protocol 1 of the European Convention on Human Rights (peaceful enjoyment of possessions) and Article 10 (Freedom of expression). Belfast City Council v Miss Behavin' Ltd is the leading case and it is clear that any decision to refuse or amend an existing licence</p>	<p>Any discriminatory complaints received are fully investigated.</p>	<p>Licensing Officers and Police Officers</p>



	must be rational, necessary, and proportionate for the promotion of the licensing objectives.		
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**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
<b>Celebrate diversity and ensure that Plymouth is a welcoming city.</b>	There are no differential issues for this protected characteristic.  It is not anticipated that the amendments to the Policy will have a direct adverse impact on any of the five listed equality objectives.	Any discriminatory complaints, negative impacts to strategies and policies received are fully investigated.	Licensing Officers and Police Officers.
<b>Pay equality for women, and staff with disabilities in our workforce.</b>			
<b>Supporting our workforce through the implementation of Our People Strategy 2020 – 2024</b>			
<b>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</b>			
<b>Plymouth is a city where people from different backgrounds get along well.</b>			

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