



**Oversight and Governance**

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## LICENSING COMMITTEE

Monday 2 December 2024  
10.00 am  
Council House

**Members:**

Councillor Hendy, Chair

Councillor Stephens, Vice Chair

Councillors Allen, Dingle, Holloway, Krizanac, Lawson, Ricketts, Simpson, M.Smith, Tippetts, Tofan and Ms Watkin.

Members are invited to attend the above meeting to consider the items of business overleaf. For further information on attending Council meetings and how to engage in the democratic process please follow this link - [Get Involved](#)

**Tracey Lee**

Chief Executive

# Licensing Committee

## 1. Apologies

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

## 2. Declarations of Interest

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

## 3. Minutes

**(Pages 1 - 12)**

To confirm the minutes of the Licensing Committee meeting held on

- 8 October 2024

To confirm the minutes of the Licensing Sub Committee meeting hold on

- 4 November 2024.

## 4. Chair's Urgent Business

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

## 5. Annual Street Trading Report 2025 / 2026:

**(Pages 13 - 32)**

## 6. Mediation Report:

**(Pages 33 - 48)**

## Licensing Committee

**Tuesday 8 October 2024**

### **PRESENT:**

Councillor Hendy, in the Chair.

Councillor Stephens, Vice Chair.

Councillors Dingle, Holloway, Krizanac, Lawson, Ricketts, Simpson, M.Smith and Ms Watkin.

Apologies for absence: Councillors Allen, Tippetts and Tofan.

Also in attendance: Rosie Brookshaw (Democratic Advisor), Jamie Davies (Environmental Health/Trading Standards Officer), Nicola Horne (Environmental Health (Environmental Protection) Manager) and, Ian Wills (Senior Lawyer).

The meeting started at 10.02 am and finished at 10.32 am.

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

#### 1. **Declarations of Interest**

There were no declarations of interest.

#### 2. **Minutes**

The Committee agreed the minutes of the Licensing Committee meeting held on 11 December 2023 as a true and accurate record.

The Committee agreed the minutes of the Licensing Sub Committee meetings held on 24 January 2024, 5 February 2024, 8 May 2024, 29 July 2024, 02 September 2024 as a true and accurate record.

#### 3. **Chair's Urgent Business**

There were no items of Chair's urgent business.

#### 4. **To note the Appointment of the Chair and Vice Chair**

The Committee noted the appointment of Councillor Hendy as Chair and Councillor Stephens as Vice Chair of the Licensing Committee.

#### 5. **Animal Licensing Policy Consultation**

Nicola Horne (Service Manager for Children, Young People and Environmental Protection) introduced the report, providing a summary of what was contained within the policy;

- a) If approved, the policy would go out to public consultation for six weeks;

In response to questions it was explained:

- b) The policy only applied to businesses, not domestic pet owners;
- c) The policy was due to be brought before the Licensing Committee before, but due to staff changes there had been a delay;
- d) There was enough resource within the Licensing department to fulfil the requirements the policy put in place;
- e) Pet owners could save money in the long run by buying their pets from responsible breeders as the pets would be less likely to have diseases, and the policy and legislation ensured the animals were cared for;
- f) The cost of the licence was variable and costs could be found on the Plymouth City Council website;
- g) The aim of the policy was to provide clarity;
- h) Plymouth was on par with other cities of its size with regards to the amount of prosecutions for animal welfare within the past few years;
- i) Prior to COVID-19 there had been, on average, one animal welfare case a year brought to the Licensing department;
- j) The Licensing department were made aware of illegal breeding through Facebook and other social media, as well as the public buying animals which subsequently got sick;
- k) The Licensing department shared intelligence with officers in other Local Authorities;
- l) The Department for Environment, Food and Rural Affairs (DEFRA) had outlined in their guidance that in the event of death of a registered animal licence holder, the Local Authority needed to be informed within 28 days, and a representative could carry on the responsibility of the animals for up to three months;
- m) Communications would be put out on social media to make the public aware of the policy and the public consultation period.

The Committee agreed for the policy to go out to public consultation.

## Licensing Sub Committee

**Monday 4 November 2024**

### **PRESENT:**

Councillor Hendy, in the Chair.  
Councillor Allen, Vice Chair.  
Councillors Simpson and Tofan.

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), Cathy Morley (Lawyer), Marie Price (Senior Enforcement Officer) and, Will Tomkins (Environmental Health/Trading Standards Officer).

The meeting started at 10.02 am and finished at 12.52 pm.

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

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

The Committee agreed to appoint Councillor Hendy as Chair and Councillor Allen as Vice-Chair for this meeting.

67. **Declarations of Interest**

There were no declarations of interest.

68. **Chair's Urgent Business**

There were no items of Chair's urgent business.

69. **Exempt Business**

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

After a brief discussion, the Committee agreed to return to Part I for the remainder of the meeting.

70. **Review of Premises Licence: Club Inferno**

The Committee having:

- a) Considered the Review of Premises Licence Report, written submissions by Will Tomkins (Environmental Health/Trading Standards Officer), on behalf of Environmental Health Services (EHS) and the other written representations submitted to the Licensing Authority in advance of the meeting;
- b) Head from Mr Tomkins, on behalf of the applicant, as follows:
  - i) That the operation of the premises was continuing to have a negative impact on the Prevention of Public Nuisance Licensing Objective. The application for a review was a last resort for the Licensing Authority;
  - ii) A nightclub had operated at 24 Lockyer Street since before 2003, when the Licensing Act 2003 came into force. A review hearing took place in front of the Licensing Sub Committee on 2 September 2024. The License holder, Mr Navabi and his brother, the manager of Club Inferno, attended that hearing. At that hearing, Mr Tomkins explained in detail the action that would be required to promote the Public Nuisance Licensing Objective and that the club must comply with the conditions of its licence, including the following condition: “Between the hours of 2300 and 0800, there must be total sound containment within the premises”;
  - iii) At the hearing held on 2 September 2024, the Licence holder, through his legal representative, gave assurances that he understood the licence conditions and they would comply with them. There had been breaches at that point for well over six months before the hearing, and it was brought to the Licence holder’s attention to focus their attention on this condition. The condition was not new, and it did not change. The condition was not the number of speakers, but whether you can hear the music when stood outside the venue;
  - iv) Mr Tomkins clarified the meaning of ‘total noise containment’ and explained that if a person was not attending the venue, they should not have to listen to it. They were entitled to a quiet life without hearing noises from the premises. The Environmental Health Department was in favour of the night-time economy but people who were not attending the premises should not have to listen to the noise/music from it;
  - v) On 9 September 2024, Mr Tomkins received complaints regarding noise from the Club and recordings of sound from the club between 4.22am and 4.38am on 7 September 2024 and between 4.05am and 5.42am on 8 September 2024 were played to the Committee;
  - vi) The condition relating to total sound containment had been breached;
  - vii) Mr Tomkins noted that noise from Club Inferno was audible in the recorded provided by the Licence holder;
  - viii) Being brought to a review was a last resort and generally, when there had been a review, it did not come back to Committee. This was because a review hearing was the opportunity for the residents, the Licensing Authority and the Licence holder to work together and for the venue to make improvements. It was rare to have two reviews so close. Plymouth City Council wanted a vibrant night-time economy and for people to be able to go out and have a good time but expected venues to

operative in such a way that it entertained customers, and not the local residents or those outside the club;

ix) That, given the recent and historic breaches of the licence conditions and ongoing negative impact on the Prevention of Public Nuisance Licensing Objective, the only options were either the removal of regulated entertainment from the licence or the revocation of the licence;

c) Heard the written and oral representations from the three local residents as follows:

i) Resident One: The issue had been ongoing for 18 months. Residents initially had to rely on the Club using a noise limiter, but the club repeatedly did not use it. The noise was worse when there were visiting DJs. Customers came out of the club fighting and screaming, and the club had no control. Resident was aware of the sounds and the 'ebb and flow' of the city, but this was not the same as loud bass music throughout the night. They were permanent residents and had to live there. They wanted to reach an agreement and initially worked around the noise limited, but these were repeatedly not used so it moved to total sound containment. This was not happening. The noise was having a detrimental and 'extraordinary' impact on the resident, their husband and their whole family, including their children and grandchildren. The lack of sleep made it difficult to function and the resident was upset and anxious. There was no good will towards the residents and the club had no intention of complying with the licence. The resident had tried to co-exist with the club and be honest and fair in their representations. The resident did not want to have to make representations, to attend review hearings or to have Environmental Health Officers in their home. Another resident, who made a representation at the last hearing, but who was not in attendance at this hearing, was too scared to attend;

ii) Resident Two: Bought their property with their wife in June 2022 and were made aware that the premises was a nightclub in the past and had a licence. They were misled that the building was going to be turned into a House of Multiple Occupancy (HMO). They would not have bought their property if they knew it was near a nightclub. The business launched after the development of the apartments. The weekend before the last hearing, the resident investigated the noise at the club themselves. The noise was clearly audible 100 metres from the premises, in Princess Street and Lockyer Street. Club Inferno had no control over its customers and did not control customers in the street or sitting in Lockyer Street drinking and chatting. It had no control over the vehicles and the loud bass coming from them. There was no total sound containment and on a Saturday night, the music from inside Club Inferno could be heard outside. The resident had a recording taken at 0130am on 6 October 2024 when he was walking along the street and there was not complete sound containment. This was not provided prior to the hearing. The goodwill from local residents had gone. The behaviour of management to date did not suggest that they would comply with the licensing objectives. The resident did not believe the management was fit to operate the premises, nor could comply with conditions;

iii) Resident Three: Their whole family, including those who didn't live with them, were affected by the noise. The resident found it hard to see the state his wife was in. She was tired and depressed. It was impacted on the residents work and they had no peace and no happiness. The resident referred to the recordings played to the

Committee. In particular, the incident where they approached the club. The security team were not briefed and said they were contracted by the club and did not know about the previous licensing review. When the resident spoke to the manager, who had been at the last review, they said they had not received the decision. There was no need to wait for the decision as the club had said at the last hearing they were willing to comply and for more conditions to be added. The resident confirmed that they could still hear noise from the club in their bedroom and they heard it every weekend. The resident was concerned at the attitude and behaviour of the management. They had no belief that they would comply with the licence. The resident did not want to be there again and attended to object to the licence.

- d) Heard the written and oral representations made on behalf of Devon and Cornwall Police by Sergeant David Curtis:
- i) Incident on 8 September 2024. The Police had received a call from the ambulance service at approximately 0545am to attend an incident outside the premises. It was a medical incident involving a female who had exited the club. There were 18 minutes of body-worn footage of the incident which was broken down into four clips for the Committee to view. The clips were viewed by the Committee under Part 2 but were summarised at the hearing. The summary included: The Police Officers being asked by premises staff to move their vehicles and people away from the venue due to noise complaints, door staff using a member of the public's phone, a request for more officers to attend the scene and a member of door staff not knowing who the manager was. The club had a duty of care to that person who had left the club;
  - ii) Meeting of 27 September 2024. As a result of how Club Inferno handled the incident on 8 September 2024, a visit was arranged to the premises on 27 September 2024. At the meeting, three people attended on behalf of the Licence holder. The Police found six conditions of the Licence were not being complied with and this could be found on page five of the police report. Complying with the conditions cost nothing and was essential for the premises to be safe. A well-trained and briefed staff was essential to promote the Licensing Objectives. No incident book or record of the 8 September 2024 was available at this point;
  - iii) There were two other Police logs for the premises since it reopened in 2023. The Police would expect some police incidents and the overall three incidents relating to Club Inferno was low. There had been nothing flagged to the Police since the incident on 8 September 2024;
  - iv) The Designated Premises Supervisor (DPS). The DPS was not present on 7 September 2024, at the meeting on 27 September 2024, nor on 6 October 2024 during a Police patrol. There was no legal requirement for the DPS to always be present on site, but as a baseline, the DPS should be immediately identifiable to the authorities and was expected to undertake supervisory responsibilities for the day to day running of the premises. The role of the DPS was to ensure that the objectives of the business were successful whilst complying with the Licensing Objectives. They should be safely and consistently applying their skills with competence. It was the DPS's responsibility to make sure staff were aware of what the premises could do under their licence. The Police would expect anyone working on the premises to have had an induction, including fire safety, what was expected of the security team



and who the DPS was. The current DPS is the fourth since Club Inferno reopened in April 2023;

v) Plymouth had a Purple Flag for the night-time economy. When premises did not comply with Licensing, this was endangered;

vi) The Police believed that the Licence holder and the DPS were either unable, or unwilling, to have due regard to the legislation. There had been significant failings on their part. They should have been aware of their responsibilities and complying with the conditions of their Licence. They had been given extensive advice which had either been ignored or management had been unable to follow. Club Inferno had been through a review and conditions had been agreed but had not complied with them. The Police would expect a change in behaviour following a review and in failing to do so showed a disregard for the Licencing Act 2003 and the Responsible Authorities;

vii) The Police were seeking the revocation of the Licence;

e) Heard the written representations on behalf of the premises Licence holder and oral representations:

i) The Licence holder's representative apologised to the residents. Since they took the case over, Club Inferno had been trying to improve on keeping the noise to a minimum. Since 8 September 2024, they had done what they could to co-operate with residents;

ii) Recordings of 6 and 7 September 2024. The management did not know about the decision until Monday 9 September 2024 when it was sent to them by their solicitor. They paid a solicitor and left it up to them;

iii) Incident on 8 September 2024. A person from outside Club Inferno called an ambulance. The manager did not go out to help. It was the Security Manager's first night, and Club Inferno was unsure why he said he was not aware who the DPS was, not why they did not go to one of the three managers who were on duty on that occasion. They had a video of a member of staff assisting medical staff. This was not provided before the hearing. They believed that a member of the public had called the ambulance first. A member of security took their phone to give the emergency services a more professional explanation. A member of staff also called the ambulance but hung up when he knew someone else had called so as to not block the emergency services line. The security contractor did the paperwork, but the premises had their own incident report form. They had a meeting about the incident and had a few statements from staff, security and others. It was accepted that asking the Police to move their vehicle was 'ridiculous'. Club Inferno did not accept that they were unhelpful but believed the situation was being handled by professionals, namely ambulance staff and Police. They asked if the Police needed anything from the club, such as security camera footage. They asked if they needed water for the patient or anything else for the people around them.

iv) The DPS was always there and always on the premises. All of the security staff were told about first aid, who was in charge and who to speak to if there was an

incident;

v) There had not been any complaints after receiving the decision from the previous review;

vi) The club had done what it could to reduce the noise including: moving the speakers and testing the sound (some speakers were moved before the last hearing and another set after 8 September 2024), doing what they could to reduce guests outside including putting up signage to make sure customers did not affect local residents, ensuring the streets around the club were clean upon closing, ensuring staff fully understood the rules, providing sound proofing (there had been no noise complaints from the resident above Club Inferno as a result), changing the entrance so that customers went out the back and, undertaking checks on the door for customers who may have drunk too much;

vii) The club had videos from outside the club showing no noise;

viii) The resident's properties were single glazed, converted office buildings. The decision to develop them was undertaken when the club was closed. Club Inferno was unclear if the building work was brought to the correct standard;

ix) This was a small venue and other clubs in Plymouth were all backed by large companies. One of the managers of Club Inferno used to live in front of another venue and tried to complain because of the noise but no action was taken. It was not fair that other premises backed by big businesses could get away with it. Their business was being killed off and this would put off other small businesses;

x) English was not their first language and things could have been taken the wrong way, including the meaning of 'total noise containment';

xi) Everyone deserved a second chance. If the Licence was revoked, they would have no income and they had people to pay. Since the conditions from the previous review had been in place, they had not made any money. The business was personal, for them and the staff members they employ. They tried to have a positive impact, using local artists, builders etc. They wanted to make this work and they did care. They did not want to have to tell staff they no longer had jobs;

xii) The club had spent a lot of money on soundproofing to try and mitigate the impact on locals. Compared to other venues, they were very quiet. Sound was hard to contain but the club had worked hard to do this;

xiii) The residents had not communicated with the club rather than going to Mr Tomkins. They resident who attended the last hearing was given their number but never called or left messages;

f) Been informed by the Licensing Officers that the decision from 2 September 2024 was sent via email directly to the Licence holder, Motjaba Nabavi, as well as their solicitor, Lalah Adibzadeh of Kanaga Solicitors, on 5 September 2024;

- g) Considered the written and oral representations made at the last review, and the decision made on 2 September 2024.
- h) Disregarded the following:
  - i) The previous commercial character of the area, the nature of the residential accommodation and its history, and that there had been a licensed club on the site for over 40 years;
  - ii) The cost of refurbishment and soundproofing Club Inferno;
  - iii) Nuisance beyond the control of Club Inferno, such as cars in the nearby carpark and members of the public not connected to Club Inferno.
- i) Took the following into account:
  - i) That this was the second review, the last hearing having taken place on 2 September 2024, only nine weeks prior to this hearing. That complaints were received on the weekend directly after that hearing;
  - ii) The history of complaints dating back to April 2023 which were dealt with administratively and at the previous hearing. The previous review in May 2023 resulting in a minor variation in June 2023 and the variation in November 2023 following further complaints;
  - iii) That the condition of 'total noise containment' was added to the Premises Licence as part of the variation dated 2 November 2023. This condition was therefore an existing condition on the licence at the time of the breaches on 7 and 8 September 2024;
  - iv) The language difficulties raised by the representatives of the Licence holder together with the fact that they had the benefit of legal advice at the time of the last hearing and representation at this hearing;
  - v) The length of time the issues had continued, the informal steps taken to deal with the situation and the formal steps taken to deal with the situation (including the last review hearing and previous review application);
  - vi) That the Police had only been involved with Club Inferno three times since the club reopened;
  - vii) Licensing Act 2003, S182 Licensing Act Guidance and Plymouth City Council Licensing Policy, to provide statutory and local guidance in relation to the relevant licensing objective when considering the application and if it finds there were breaches, the range of powers to available to promote the Licensing Objectives.
- j) Prevention of Public Nuisance Licensing Objective:
  - i) The representations from the Environmental Health Department and the residents at this hearing included:

1. Details of two specific occasions where noise from Club Inferno was causing external public nuisance;
2. Noise from Club Inferno continued to cause an external public nuisance;
  - ii) The Committee determined that the representations by the Environmental Health Officer and the local residents concerning noise nuisance, in the form of both noise from the club itself and noise from the club itself and noise from its patrons, were relevant under this Licensing Objective;
  - iii) The Committee determined that on 7 and 8 September 2024, Club Inferno breached the term of its Licence that “between the hours of 2300 and 0800 there must be total sound containment within the premises”;
  - iv) The Committee concluded that this evidence, together with the ongoing and historical breaches of this Licence condition, showed that the operation of Club Inferno undermined this Licensing Objective;
  - v) The Committee also determined that there had been a number of other breaches of the Licence Conditions by Club Inferno, as set out by the Police which also undermined this Licensing Objective.
- k) Prevention of Crime and Disorder Licensing Objective:
  - i) The representation from the Police, including evidence on specific breaches of Licence Conditions and Police concerns on how the club was managed following the incident on 8 September 2024 and the findings at its meeting on 27 September 2024, specifically six breaches of the Licence Conditions and inadequate management of the premises;
  - ii) The Committee determined that the Police representations were relevant under this Licensing Objective and determined that the current management and continued breach of these conditions would result in this Licensing Objective being undermined.
- l) The Committee had carefully considered the representations of both the applicant, the premises Licence holder, the local residents and the police to reach this difficult decision;
- m) The Committee found the Licensing Objectives of Public Nuisance and Prevention of Crime and Disorder had been significantly undermined – the Police had highlighted multiple breaches of the Licence and the lives of residents in the immediate vicinity had been affected considerably by noise. The Committee found there was no reasonable explanation by the Licence holders for these repeated failures;
- n) Further, the Committee placed significant weight that that despite the recent review on 2 September 2023, the Public Nuisance Objective continues to be undermined despite the Licence holder offering reassurances to address the noise complaints and being served the Committee decision on 5 September 2024;

- o) The Committee's decision could not continue without further Licensing Act 2003 enforcement being taken;
- p) The Committee reviews the history of this Licence to determine the appropriate and proportionate response. It considered what options were open to it to promote the Licensing Objectives whilst balancing the rights of all parties and those affected by Club Inferno;
- q) The Committee was not satisfied that additional conditions, amendment to hours of operation, removing licensable activities or the current DPS would prevent the Public Nuisance Objected from being undermined in this case. Club Inferno had failed to engage with informal attempts to promote this Licensing Objective and has continues to breach clear conditions that were attached to its Licence;
- r) The Committee concluded that the only way to prevent the Public Nuisance Licensing Objective from being undermined in this case was to revoke Club Inferno's Licence.

The Committee agreed to revoke Club Inferno's Premises Licence.

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# Licensing Committee



Date of meeting:	02 December 2024
Title of Report:	<b>Annual Street Trading Report 2025 / 2026</b>
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries & Crematoria)
Lead Strategic Director:	Karime Hassan (Interim Strategic Director for Growth)
Author:	Emily Bullimore/ Kezia Lock
Contact Email:	<a href="mailto:Emily.bullimore@plymouth.gov.uk">Emily.bullimore@plymouth.gov.uk</a> / <a href="mailto:kezia.lock@plymouth.gov.uk">kezia.lock@plymouth.gov.uk</a>
Your Reference:	Street Trading 2025/26
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

This report seeks to set the process for the issuing of terms and conditions of Street Trading consents for the 2025/ 2026 trading year.

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

- 1 - Maximising income for the street trading account (total number of street traders vs increase in market rents)
- 2 - Maximising a fair market rate for the street traders and understanding trading conditions on the High Street.
- 3 - Maximising a sense of vibrancy / footfall in the city centre. This is particularly important whilst the city centre is undergoing redevelopment and amidst the restrictions that have been across the city centre from 2022.

Having tested the market and looked at trading conditions the optimum income will be generated by keeping the city centre traders market rent at 2024/ 2025 rates and preserving the number of traders at 2024/ 2025 levels. Modelling shows this will generate an income of £37K at current capacity in the city centre.

The Council understands the impact of the building work associated with the public realm scheme on the city centre traders. The improvements to the public realm will improve the look, feel, and footfall of the city centre. Once the building work for the public realm scheme has been completed, we will implement an inflationary rise (based on RPI in the November of the year of the committee report after building work completion) on the street trading consent fees. Completion will mean when Armada Way, New George Street and Old Town Street are complete.

For ice cream traders 2024/2025 was the final year in a 4 year pricing agreement, which averaged out the consent fees across the ice cream sites on the waterfront. For the 2025/ 2026 trading year, the recommendation is to increase all ice cream site fees by 2%, see appendix C for financial modelling. At current capacity this would increase the income from ice cream sites from £40.5k to £41.7k.

As set out in legislation, no operating surplus will be generated; combined income will cover staff costs, maintenance etc. In the event that we lost one or two traders, there is a significant risk that operating costs will not be covered.

### **Recommendations and Reasons**

1. The Consent dates for 2025/2026 are approved as 1 April 2025 – 31 March 2026.
2. The Consent fees for 2025/2026 as set out in Appendix A, are approved.
3. The Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading.
4. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
5. The Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading Consents in association with other city centre events and commercial activity.
6. The Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading.
8. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
9. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading.
10. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders of contested sites for vacant Waterfront trading sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
11. Grant the ability to move traders to new/ temporary sites to facilitate the continuation of trading amidst the ongoing public realm works in the city centre. This will include changing the classification of Sundial East to general use. Currently the site is allocated for the sale of ice cream, frozen confectionary and cold soft drinks. Changing the classification will bring it in line with other city centre sites and broaden its usage opportunities and keep flexibility of sites through this period of change. City Centre delegated authority approval will be followed.

### **Alternative options considered and rejected**

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



**Relevance to the Corporate Plan and/or the Plymouth Plan**

This report links to the delivery of multiple corporate priorities defined in the Corporate Plan.

**Green investment, jobs, skills and better education**

Street Trading helps to support a growing city by enabling a wide range of small businesses to operate and thrive in Plymouth City Centre, thereby supporting numerous jobs. This also contributes to a varied retail, leisure and cultural offer.

**Working with the Police to tackle crime and anti-social behaviour**

The Street Trading department is part of multi-agency partnerships that include the Police, Plymouth Against Retail Crime, both Business Improvement Districts and others. The department regularly shares information and works closely with these partners to tackle crime and anti-social behaviour; most commonly illegal traders. This is vital to protecting the business interests of street traders who have legal consent to trade but also helps to maintain a sense of safety in Plymouth City Centre.

**Implications for the Medium Term Financial Plan and Resource Implications:**

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs, business rates and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2025/ 2026 financial year.

For 2025/2026 a 0% increase in street trading consent fees is recommended for city centre street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C. The Council understands the impact of the building work associated with the public realm scheme on the traders. The improvements to the public realm will improve the look, feel, and footfall in the city centre. Once the building work for the public realm scheme has been completed, we will implement an inflationary rise (based on RPI in the November of the year of building work completion) on the street trading.

2024/2025 was the final year in a 4 year agreement of change to ice cream sites to average out the Consent fees across the ice cream sites. For the 2025/ 2026 trading year, the recommendation is to increase all ice cream site fees by 2%, see appendix C for financial modelling.

**Financial Risks**

The financial risk of not having street traders is lack of income street to street trading

**Carbon Footprint (Environmental) Implications:**

[Click here to enter text.](#)

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

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

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

**Appendices**

\*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Proposed 2025/2026 street trading fees							
B	2025/ 2026 application form/ terms and conditions							
C	Financial Modelling							

**Background papers:**

\*Add rows as required to box below

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

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

**Sign off:**

Fin	DJ. 24.2 5.12 2	Leg	IW 04.11. 24 4079	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes agreed by Karime Hassan. Date agreed: 05/11/2024 Agreed by Service Director David Draffan on 4/11/2024											
Cabinet Member approval: Sally Haydon Approved by email Date approved: 22/10/2024											

## **1.0 Introduction**

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

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

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

14 sites, in the pedestrianised City Centre, these are set to change upon completion of the Armada Way and Old Town Street/ New George Street Public realm schemes. However, these are not yet confirmed.

7 sites in the Hoe and Waterfront area for the sale of ice cream from mobile vans.

8 sites in Hoe and Madeira Road for sale of food and non-food items.

1.4 The purpose of the report is:

a) To set the consent dates and fees for 2025/2026.

b) For authority for Service Director for Economic Development be given delegated powers to approve the issuing of consents, to include short term street traders to increase the speed that traders can be allocated sites and start trading

c) For authority for the Service Director of Economic Development to have flexibility in site allocations during public realm works, to include the changing of Sundial East to a multi-purpose site.

d) To support Street Trading in designating new consent sites upon the completion of the new public realm.

## **2.0 Duration of Consents for 2025/2026**

2.1 It is proposed that all City Centre Consents commence on 1 April 2025 and end on 31 March 2026.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2025 and end on 31 March 2026.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2025 – 31 March 2026.

## **3.0 Consent fees for 2025/2026 background**

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9 (1)) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading Consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade.

3.2 The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the Consent fees. The council cannot, however, budget to make a profit on its street trading activities. Therefore, the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover

the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

2024/2025 has been another challenging year for all street traders with increases in energy and running costs, the disruption from the public realm building works, the adverse publicity surrounding the riots in August 2024 and lower customer footfall and spend all coinciding. Despite this, we have a new full time street trader that started this year.

It is proposed that there is no increase in consent fees for city centre street traders for the 2025/2026 trading year in order to support street traders being able to continue to trade.

The Council understands the impact of the building work associated with the public realm scheme on the traders and is committed to support them through this time. Once the public realm scheme has been completed, we will implement an inflationary rise (based on RPI in November of the year of completion of building work completion) on the street trading.

For ice cream consent sites, the recommendation is for the fees to be increased by 2% amount. Appendix C shows a finance model with a 1%, 2% and 3% increase. A 2% increase should allow all traders to continue trading and covers the income required for street trading.

#### **4.0 Allocation Procedure**

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

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

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

#### **5.0 Street Trading during City Centre Events**

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

#### **6.0 Ad hoc Street Trading**

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

## Appendix A- Proposed 2025/2026 Consent fees

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2024 /2025	PROPOSED ANNUAL FEE 2025 / 2026
<b>CITY CENTRE SITES</b>			
2A	New George Street (nr. Former Woolworths building)	£6618	£6618
2B	New George Street (WHSmiths)	£6618	£6618
2D	New George Street (nr. Sundial)	£6618	£6618
9	New George Street (Waterstones)	£6618	£6618
3A	Bedford Way (Royal Parade end)	£3986	£3986
3B	Bedford Way (New George Street)	£6554	£6554
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£3029	£3029
8	New George Street Winter (Sundial area) seasonal	£2546	£2546
8	New George Street Summer (Sundial area) seasonal	£1333	£1333
10	Sundial East	£7814	£7814
11	Sundial West	£7814	£7814
12	Cornwall St o/side Superdrug	£4440	£4440
13	Place De Brest East	£4440	£4440
14	Place de Brest West	£4440	£4440
<b>ICE CREAM SITES</b>			
B	Madeira Road	£7597	£7731
C	Madeira Road	£7597	£7731
E	Hoe Road	£7597	£7731
F	Hoe Road	£7597	£7731
G	Hoe Road / Grand Parade	£7597	£7731
H	Pier Street	£1419	£1,703
I	Cliff Road	£1154	£1,385
<b>HOE AND MADEIRA ROAD SITES</b>			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid-east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
TOTAL*		£137,426	£138611

\*Assumes 100% occupancy

**Appendix B – 2025/2026 Application form with terms and conditions (also available to online applications)**

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

Name: \_\_\_\_\_

Home address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you personally own the proposed sales unit?  Yes  No

If no, who owns the sales unit:

\_\_\_\_\_

Do you have any previous trading experience?  Yes  No

If you have any previous trading experience please provide details (not required if you're reapplying from 2024/ 2025). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

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

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

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

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

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

Will you be trading from the unit yourself?  Yes  No

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

If you have any previous trading experience please provide details (not required if you're reapplying from 2024 / 2025). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

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**Referees**

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2024 / 2025).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

**Street trading consents: All sites**

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

**PERMITTED TRADES FOR ICE CREAM PITCHES**

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

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

Ice cream traders will only be authorised to trade from the allocated permit bay. Traders must NOT stray outside their allocated consent area. Under no circumstances will trading be permitted outside of an allocated consent bay without prior agreement.



Site	Consent fee per year	Preference
B: Madeira Road	£7731	
C: Madeira Road	£7731	
E: Hoe Road	£7731	
F: Hoe Road	£7731	
G: Hoe Road/Grand parade	£7731	
H: Pier Street	£1,703	
I: Cliff Road	£1,385	

### PRICE LIST

Please give details of your prices for 2025 / 2026 including examples of popular items that you sell.

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

### PERMITTED TRADES IN CITY CENTRE

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

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

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

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

3A: Bedford Way	£3,986	
3B: Bedford Way	£6,554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3,029	
8: New George Street (winter)	£1,333	
8: New George Street (summer)	£1,333	
9: New George Street (outside Waterstones)	£6,618	
10: Sundial East	£7,814	
11: Sundial West	£7,814	
12: Cornwall Street (outside Superdrug)	£4,440	
13: Place de Brest East	£4,440	
14: Cornwall Street (outside Specsavers)	£4,440	

### PERMITTED TRADES FOR HOE AND MADEIRA ROAD WATERFRONT PITCHES

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

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

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

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

Your application should be accompanied by the following items:

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

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

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

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

A copy of your public liability insurance.

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

### **SUBMISSION OF APPLICATIONS**

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

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

Email [emily.bullimore@plymouth.gov.uk](mailto:emily.bullimore@plymouth.gov.uk) or call 01752 304604 if you have any enquiries.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **GUIDANCE NOTES**

### **APPLICATIONS FOR CONSENTS**

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

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

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

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

Applications are being invited for the period until 31 March 2026 and successful applicants will be expected to trade throughout the whole of this period.

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

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

### **TERMS AND CONDITIONS OF CONSENTS**

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

### **TRADING**

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

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

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

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

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

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

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

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

The use of free standing external generators is not permitted.

## **UNITS**

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

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

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

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

## **ACCESS TO THE SITE**

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

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

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

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

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

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

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

## **ELECTRICITY**

Where an electricity supply is available from a socket located adjacent to a site, either in the city centre or for ice cream sites on the waterfront, traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using the supply until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

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

Ice cream traders must not have the engine running on site if an electricity connection is available.

## **CONSENT FEE**

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

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

## **WASTE / LITTER**

Great importance will be placed on the control of litter by traders in and around the trading locations. Traders are required to keep the trading position and the immediate surroundings street clean and tidy. An adequate and conveniently placed litter bin must be provided by the trader on each sales unit for the use of customers (plastic sacks will not be permitted). All trade and other refuse must be removed from the consent location and disposed of by the trader in an approved manner. The trade and other refuse must be collected by an authorised waste disposal contractor or removed to an authorised waste disposal site; in either case a waste transfer note must be obtained and kept by the trader for inspection.

## **WASTE WATER**

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

## **WASTE MINIMISATION**

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

## **STATUTORY REQUIREMENTS**

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

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

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

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

## **NUISANCE**

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

## **ADVERTISEMENTS**

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

## **UNAUTHORISED STREET TRADING**

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

## **PUBLIC LIABILITY INSURANCE**

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

## **WITHDRAWAL OF A CONSENT**

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

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

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

## **PROVISION OF FOOD AND DRINKS**

Consent Holders will be required to produce:

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



**Financial modelling**

It is critically important to note that :

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

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

**City Centre Street Traders**

Throughout the 2024/25 trading year, the city centre has faced continued disruption with the impact of the public realm works, riots in the city centre and the cost of living crisis causing an increase in costs to traders for electricity, stock and staffing.

Despite a new trader starting, the street trading city centre income is still less than pre-covid.

With this in mind, the recommendation is to not increase the consent fee for the 2025/2026 trading year for the city centre sites to try and keep the traders that we have currently in place. The Council understands the impact of the building work on the traders. The improvements to the public realm will improve the look feel and footfall of the city centre. Once the building work for the public realm has been completed we will implement an inflationary rise (based on RPI at time of building work completion) on street trading consents.

**Summary of City Centre Fees**

The following table below shows modelling for a 1%, 2%, 3% and 4% increase in fees:

<b>Current fee 2024/2025</b>	<b>1% increase</b>	<b>2% increase</b>	<b>3% increase</b>	<b>4% increase</b>
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£3,986	£4,025.86	£4,065.72	£4,105.58	£4,145.44
£4,440	£4,484.40	£4,528.80	£4,573.20	£4,617.60
<b>TOTAL</b> £37,290	£37,662.82	£38,035.8	£38,408.70	£38,781.60
<b>Total increase £0</b>	£372.82	£745.80	£1,118.70	£1,491.60

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

**Summary of Ice Cream Fees**

The following table below shows modelling for a 1%, 2% and 3% increase in fees:

For ice cream traders 2024/2025 was the final year in a 4 year pricing agreement, which averaged out the consent fees across the ice cream sites on the waterfront. For the 2025/ 2026 trading year, the recommendation is to increase all ice cream site fees by 2%. At current capacity this would increase the income from ice cream sites from £40.5k to £41.7k

<b>Site Name</b>	<b>Current Fee 2024/ 2025</b>	<b>1% fee increase</b>	<b>2% fee increase</b>	<b>3% fee increase</b>
Madeira Road	£7,579	£7655	£7731	£7806
Madeira Road	£7,579	£7655	£7731	£7806
Hoe Road	£7,579	£7655	£7731	£7806
Hoe Road	£7,579	£7655	£7731	£7806
Hoe Road / Grand Parade	£7,579	£7655	£7731	£7806
Pier Street	£1,419	£1,561	£1,703	£1,845
Cliff Road	£1,154	£1,269	£1,385	£1,500
<b>TOTAL</b>	<b>£40,468</b>	<b>£41105</b>	<b>£41743</b>	<b>£42375</b>

**MEDIATION REPORT**

Licensing Committee



Date:	02 December 2024
Title of Report:	Information regarding delegated decisions for applications for the grant or variation of premises licences
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries & Crematoria)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price (Senior Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Mediation Report
Key Decision:	No
Confidentiality:	Part I - Official

**Purpose of the report:**

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

**Recommendations and Reasons:**

That Members consider this report.

**Alternative options considered and rejected:**

None.

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

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

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

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

See [Our Plan](#)

**Implications for Medium Term Financial Plan and Resource Implications:**

Not applicable

**Financial Risks**

Not Applicable

**Carbon Footprint (Environmental) Implications:**

None

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

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023](#)

**Appendices**

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

**Background papers:**

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

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

**Sign off:**

Fin	HS.24. 25.26	Leg	CM 22.11. 2024  4198	Mon Off	Click here to enter text.	HR	Click here to enter text.	Assets	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Ruth Harrell											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 21/11/2024											
Cabinet Member approval: Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria) approved by Email Date approved: 21/11/2024											

## 1.0 INTRODUCTION

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

## 2.0 RESPONSIBLE AUTHORITIES

### 2.1 *Environmental Health*

<b>Premises</b>	<b>Address</b>	<b>Ward</b>	<b>Application Type</b>
Bar Koda	1 Old Town Street	St Peter & Waterfront	Grant
Café and Bistro Tio Leo	17 Bishops Place	St Peter & Waterfront	Grant
Chaddlewood Farm Comm. Centre	80 Glen Rd	Plympton Chaddlewood	Variation
Fever and Boutique	33 Derrys Cross	St Peter & Waterfront	Variation
Giga's	12-14 Devonport Road	Stoke	Variation
Green Taverners Mayflower Quarter Marquee	Home Park	Peverell	Grant
MacPherson Motorcycles	9 The Parade	St Peter & Waterfront	Grant
Mayflower Quarter Fan Park	Home Park	Peverell	Grant
Octagon Brewery	4-8 Sawrey Street	St Peter & Waterfront	Grant
Olive and Twist	7-9 Old Town Street	St Peter & Waterfront	Grant
Plymouth Cricket Club	51 Discovery Road	Devonport	Grant
St Levan Inn	251 St Levan Road	Stoke	Grant
The Funky Panda	5 Old Town Street	St Peter & Waterfront	Grant
The Ship	The Quay	St Peter & Waterfront	Variation
Vault72	72 Mutley Plain	Compton	Variation

### 2.2 *Devon & Cornwall Police*

<b>Premises</b>	<b>Address</b>	<b>Ward</b>	<b>Application Type</b>
33a Derry's Cross	Derrys Cross	St Peter & Waterfront	Grant
A Farm Pizza	66 Ridgeway	Plympton Erle	Grant
Aldi	8 Bravo Way	Moor View	Grant
Amore Hair	GF Unit, Dolphin House, Sutton Wharf	St Peter & Waterfront	Grant
Bevans	42-44 Station Road		Grant
Café and Bistro Tio Leo	17 Bishops Place	St Peter & Waterfront	Grant
Chaddlewood Farm Comm. Centre	80 Glen Rd	Plympton Chaddlewood	Variation

Continue Arcades	4-6 Royal Parade	St Peter and Waterfront	Grant
Corner Shop	47/49 Marlborough Street	Devonport	Variation
Dimpsy's Diner	111 Mayflower Street	St Peter & Waterfront	Grant
Food 4 You	79 North Hill		Grant
Giga's	12-14 Devonport Road	Stoke	Variation
Green Taverners Mayflower Quarter Marquee	Home Park	Peverell	Grant
Home Bargains	Unit 1, 145 Plymouth Road	Plympton Erle	Grant
Honicknowle Service Station	Crownhill Road	Honicknowle	Variation
Ivory Lounge	7 Whimble Street	St Peter & Waterfront	Grant
Majestic Wine Warehouses LTD	17 William Prance Road	Moor View	Grant
Marks & Spencer Simply Food	1 BravoWay	Moor View	Grant
Mayflower Quarter Fan Park	Home Park	Peverell	Grant
Octagon Brewery	4-8 Sawrey Street	St Peter & Waterfront	Grant
Papa Johns	35 Mutley Plain	Compton	Grant
Pickle Deli	21 Mutley Plain	Compton	Grant
Pizza Hot	67 Ebrington Street	St Peter & Waterfront	Grant
Ridgeway Grill	79b Ridgeway	Plympton St Mary	Grant
Sandford and Down	24 Pier Street	St Peter & Waterfront	Grant
Seymour Store	5 Seymour Road	Plympton St Mary	Grant
Smashland Burgers	12 Commercial Wharf	St Peter & Waterfront	Grant
Spar Eggbuckland	6-8 Eggbuckland Rd	Compton	Grant
St Levan Inn	251 St Levan Road	Stoke	Grant
The Funky Panda	5 Old Town Street	St Peter & Waterfront	Grant

2.3 *Devon & Somerset Fire & Rescue Service*

2.4 *Trading Standards*

2.5 *Planning Officer*

2.6 *Child Protection*

2.7 *Health & Safety Executive*

2.8 *Health Authority (ODPH)*

2.9 *Licensing Authority*

<b>Premises</b>	<b>Address</b>	<b>Ward</b>	<b>Application Type</b>
Bar Koda	1 Old Town Street	St Peter & Waterfront	Grant
St Levan Inn	251 St Levan Road	Stoke	Grant
The Ship	The Quay	St Peter & Waterfront	Variation

### 3.0 CONSIDERATIONS

3.1 Paragraphs 9.31 and 9.32 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the Act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written


agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.

- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 01 November 2023 until 31 October 2024 and this report is submitted for the information of the committee.



# EQUALITY IMPACT ASSESSMENT – CONSIDERATION OF THE STATUTORY 5-YEAR REVIEW AND CONSULTATION OF THE CURRENT STATEMENT OF LICENSING POLICY 2019 TO 2024 TO INFORM THE STATEMENT OF LICENSING POLICY 2024 TO 2029.

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<p><b>Author(s):</b></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>15<sup>th</sup> December 2023</p>
<p><b>Lead Officer:</b></p>	<p>Ruth Harrell Director of Public Health</p>	<p><b>Signature:</b></p>		<p><b>Approval date:</b></p>	<p>18 December 2023</p>
<p><b>Overview:</b></p>	<p>Consideration of the statutory 5-year review and consultation 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>
<p><b>Decision required:</b></p>	<p>To consider the statutory 5-year review and consultation responses for the current Statement of Licensing policy 2019 to inform next Statement of Licensing Policy 2024 to 2029.</p>

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

<p><b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities, or residents with protected characteristics?</p>	<b>Yes</b>		<b>No</b>	√
<p><b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?</p>	<b>Yes</b>		<b>No</b>	√
<p>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)</p>	<b>Yes</b>	√	<b>No</b>	
<p>If you do not agree that a full equality impact assessment is required, please set out your justification for why not.</p>	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
<p><b>Age</b></p>	<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>	<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>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</p>	<p>The Policy will be formally reviewed every 5 years or sooner if required by the Licensing Team, ODPH.</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>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><u>Under 18s</u></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>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>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,</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>Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>12 % of all other young people in the same age group.                  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).                  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.                  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.                  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.                  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.                  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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