



Oversight and Governance

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Published 30 September 2024

#plymlicensing

LICENSING COMMITTEE

Tuesday 8 October 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

Agenda

1. Apologies

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

2. Declarations of Interest

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

3. Minutes

(Pages 1 - 34)

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

- 11 December 2023

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

- 24 January 2024
- 5 February 2024
- 8 May 2024
- 29 July 2024
- 2 September 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. To note the Appointment of the Chair and Vice Chair

To note the appointment of Councillor Hendy as Chair and Councillor Stephens as Vice Chair of the Committee, as agreed at the 17 May 2024 AGM City Council meeting.

6. Animal Licensing Policy Consultation:

(Pages 35 - 86)

Licensing Committee

Monday 11 December 2023

PRESENT:

Councillor Rennie, in the Chair.

Councillor Allen, Vice Chair.

Councillors Hendy, Dr Mahony, Moore, Patel, Poyser, Stephens and Tippetts.

Apologies for absence: Councillors Dr Cree, Krizanac and Nicholson.

Absent: Councillors Partridge and Salmon.

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw-Williams (Democratic Advisor (observing)), Emily Bullimore (BID Street Organisations & Trading Manager), Joshua Longstaff (Democratic Advisor (observing)), Katharine O'Connor (Environmental Health (Food Safety) Service Manager), JHannah Whiting (Democratic Advisor) and Ian Wills (Senior Lawyer).

The meeting started at 10.01 am and finished at 10.39 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.

8. **Declarations of Interest**

No declarations of interests were made.

9. **Minutes**

The Committee agreed the minutes of the Licensing Committee meeting held on 6 December 2022, as a correct record.

The Committee agreed the minutes of the Licensing Sub Committee meetings held on 3 January 2023, 20 April 2023, 16 May 2023, 3 October 2023 and 6 November 2023 as a correct record.

10. **Chair's Urgent Business**

There were no items of Chair's urgent business.

11. **To note the Appointment of the Chair and Vice Chair**

The Committee noted the appointment of Councillor Rennie as Chair and Councillor Allen as Vice Chair of the Licensing Committee.

12. **Annual Street Trading Report 2024 / 2025**

Emily Bullimore (BID Street Organisations & Trading Manager) introduced the report, providing a summary of what was contained within the report;

- a) She noted that the report should have had Councillor Sally Haydon listed as the Lead Member, rather than Councillor Tudor Evans OBE.

In response to questions it was explained:

- b) That there were no traders with outstanding payments;
- c) Traders had the choice to pay fees monthly, quarterly or annually;
- d) Existing traders went through a renewal process each February, where licences could not be renewed if there were outstanding payments;
- e) The Ice Cream Van site on Pier Street was cheaper than the other sites because that site had historically been difficult to trade from, and was the first to have an electric charging point, but once they had been installed elsewhere, the costs would be reviewed.

The Committee agreed to:

1. Approve the Consent dates for 2024/2025 as 1 April 2024 – 31 March 2025;
2. Approve the Consent fees for 2024/2025, as set out in Appendix A;
3. Grant the Service Director for Economic Development delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading;
4. Grant the Service Director for Economic Development 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. Grant the Service Director for Economic Development delegated authority to approve within Committee policy short-term street trading Consents in association with other city centre events and commercial activity;
6. Grant the Service Director for Economic Development delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
7. Grant the Service Director for Economic Development delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading;
8. Grant the Service Director for Economic Development 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. Grant the Service Director for Economic Development 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. Grant the Service Director for Economic Development 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 Licencing Committee and Lead Opposition member.

13. **Licensing Activity Report 2023**

Katharine O'Connor (Environmental Health (Food Safety) Service Manager) gave a summary of what was included in the report.

In response to questions, it was explained:

- a) Licences for caravans related to caravan parks;
- b) The licensing team were relatively small and the structure chart would be shared with members of the Committee following the meeting;
- c) No specific work was underway on gambling, for example, on harm prevention programmes, but it could be looked into with relevant stakeholders;
- d) The team were trying to automate as many processes as they could in order to free up more time for officers to make face-to-face visits;
- e) In relation to explosives, risk assessments made at the locations determined the frequency of visits from Environmental Health officers;
- f) The team responded to intelligence and complaints regarding noise, explosives, etc., and resources were limited, so intelligence and information from residents was welcomed;
- g) The team worked closely with regards to some sites, with the Emergency Planning team;
- h) More information would be provided to the Committee following the meeting on the numbers of people who had used the Plymouth Safe Bus;
- i) If Central Park was to host events more regularly, the regulations and licence needed to be monitored and regulated well, which the team were doing;
- j) There had
only been one complaint, relating to noise, to date regarding the Winter Wonderland event that was taking place at Central Park throughout December, from a resident on Alma Road, and this was under investigation;
- k) Martyn's Law, which would aim to ensure stronger protections against terrorism in public places, and had been delayed at a national level, but would be implemented soon, and the Licensing Team would support venues with implementation.

14. **Mediation Report**

Jonathan Ball (Enforcement Officer) gave a summary of what was contained within the report.

The Chair reflected that:

- a) He was disappointed the Police were not in attendance at the meeting, particularly given recent issues with 'peddlers' in the city centre.

In response to questions, it was explained:

- b) The Police had made 28 mediation interventions, in most cases resolving issues that did not need to then go to Licensing Sub Committee, and the Licensing team had made a further two interventions.

15. **Confidential Minutes**

The Committee agreed the confidential minutes of the Licensing Sub Committee meetings held on 20 April 2023, 16 May 2023 and 6 November 2023.

Licensing Sub Committee

Wednesday 24 January 2024

PRESENT:

Councillor Rennie in the Chair.

Councillor Allen Vice Chair.

Councillors Rennie, Salmon and Stephens (fourth member).

Also in attendance: Councillor Raynsford, Rosie Brookshaw-Williams (Democratic Advisor), Cathy Morley (Lawyer), Marie Price (Senior Enforcement Officer), and Ian Wills (Senior Lawyer),

The meeting started at 10.04 am and finished at 12.39 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.

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

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

45. **Declarations of Interest**

No declarations of interest were made.

46. **Chair's Urgent Business**

There were no items of Chair's urgent business.

47. **Exempt Business**

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

48. **Grant of Premises Licence - Floss Bars Ltd**

The Committee:

- I. Considered the report from the Director of Public Health and policy and guidance referred to therein, written and oral representations from the applicant

and written and oral representations from the complainant;

2. Considered the fact that the hearing involved the discussion around the complainant's personal health information which was sensitive data. As a result, the matter would be heard in private in accordance with regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005 as the public interest in hearing the matter in private outweighed the public interest in hearing the matter in public. The outcome could be reported without the identity of the applicant being known and this would satisfy the public interest in this case;
3. Were satisfied that to grant the application would not undermine the Prevention of Crime and Disorder or the Prevention of Public Nuisance Licensing Objectives for the reasons set out below and therefore the application would be granted subject to the following:
 - i) Mandatory conditions set out in the Licensing Act;
 - ii) The conditions were consistent with the applicants operating schedule;
 - iii) Conditions agreed with the Policy and Environmental Protection.
4. The additional conditions were imposed by the Committee:
 - i. Maximum of six people allowed to be present in the smoking area at the front of the building;
 - ii. Alcohol to be served only at the table;

Whilst not being a specific condition the Committee encouraged the applicant to contact the Plymouth City Council Environmental Protection department to prevent noise nuisance.

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

(At the end of this item the Committee agreed to return to a Part 1 meeting)

49. **Grant of Premises Licence - Cawfee**

The Committee having:

- a) Considered the report from the Director of Public Health and policy and the guidance contained therein;
- b) Considered what was said by the applicant both verbally and in writing as follows:
 - i) The application was to service alcohol with food and there would be no binge drinking or bar facilities;
 - ii) The plan was to encourage art events and there would be some DJ 'House' music;

- iii) CCTV had been installed;
 - iv) The time the courtyard was available to customers had been agreed with the police;
 - v) A decibel metre would be monitoring noise at a maximum level, which would be agreed with an Environmental Protection Officer;
 - vi) Staff would be trained under the Challenger 25 system and there would be no underage drinking;
 - vii) The applicant accepted there was noise from the Drum and Bass event but believed the reporting of the event was not accurate and had been exaggerated;
 - viii) There would be a capacity within the premises of 30-40 persons and approximately 25 persons in the courtyard;
 - ix) The applicant would agree to the use of the courtyard to be limited to 9.30pm Sunday to Thursday and on Friday and Saturday night to 10.00pm.
- c) Considered written and oral submission from the other party as follows:
- i) There were concerns over the noise from the premises as it was a residential area which included children and residents of poor health;
 - ii) There were three flats above the premises;
 - iii) The area was known for drug use and the premises could potentially be a venue for the purchase/use of illegal drugs;
 - iv) The premises would affect the Backpackers business;
 - v) There could be disorder from the narrow entrance and exit and it could be a flash point for violence;
 - vi) There had not been any noise nuisance since the last Drum and Bass session.
- d) Considered the Prevention of Crime and Disorder Licensing Objective regarding whether further licensed premises would lead to further drug use, increased violent crimes and anti-social behaviour. The committee considered this representation to be relevant under this licensing objective but did not consider this particular premises would add to the problems:
- i) The premises were limited to a maximum of 65 people and the premises would not be a bar or nightclub;
 - ii) The serving of alcohol would be with food and therefore would potentially limit the amount of alcohol consumed;

- iii) The risk of excessive drinking would be proportionately addressed by a condition that would be the only serving of alcohol at the table and vertical drinking would be prohibited;
 - iv) The applicant committed to complying with the conditions as outlined in police representations in respect of training to not serve underage persons who had drunk to excess;
 - v) There was no evidence from the police that the premises would be used in illegal drug activity;
 - vi) There was no evidence that the premises would increase the risk of violence;
 - vii) The committee noted that the police had made no representations opposing the granting of the licence subject to their specific conditions being incorporated into the operating schedule;
- e) Considered the Prevention of Public Nuisance Licensing Objective. There were representations that noise from the courtyard would be a public nuisance to neighbours, in particular children. It was also a concern that noisy events such as the Drum and Bass event would cause excessive noise. The objective was considered as part of the Cumulative Impact Assessment test. The Committee considered these representations to be relevant under this licensing objective but members did not consider these particular premises would add to the problem:
- i) The Committee noted that the applicant agreed to the use of the courtyard will be restricted to 9.30pm Sunday to Thursday and 10.00pm on Friday and Saturday, and in the Committee's opinion this was reasonable;
 - ii) The Committee imposed conditions regarding use of the courtyard to those times to provide certainty to the house the courtyard could open;
 - iii) The Committee noted the applicant did not intend to have further Drum and Bass events;
 - iv) There had not been any other events which caused excessive noise identified since the last Drum and Bass event;
 - v) The Committee noted that there had been no objections to the granting of the licence from the Environmental Protection Team;
- f) Having taken into account the representations and all that was said by the applicant detailed above, the Committee agreed it was appropriate to grant the licence as they were satisfied that doing so would not undermine the licensing objectives. It was considered appropriate to depart from the policy in this case as given steps taken by the applicant to mitigate any potential problems, and the fact there had been no representations from any Responsible Authorities, the Committee did not consider that the granting of the licence would add to the cumulative impact in the area;

g) Therefore, the Committee agreed to grant the licence subject to the following conditions:

- Mandatory condition set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule
- Conditions agreed with the Police and Environmental Protection Department;

And the following additional conditions:

- The use of the courtyard was limited to 9.30pm Sunday to Thursday and 10.00pm Friday to Saturday;
- The serving of alcohol was limited to table service;

Whilst not being a specific condition the committee would encourage the applicant to contact the Environmental Protection department to agree a decibel limit for noise from the premises to prevent potential noise nuisance under the Environmental Protection Act 1990.

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Licensing Sub Committee

Monday 5 February 2024

PRESENT:

Councillor Rennie, in the Chair.

Councillor Salmon, Vice Chair.

Councillors Stephens and Moore (Fourth Member and substitute for Councillor Tippetts)).

Apologies for absence: Councillor Tippetts.

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw-Williams (Democratic Advisor), Cathy Morley (Lawyer), Ian Wills (Senior Lawyer).

The meeting started at 10.01 am and finished at 11.30 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.

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

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

51. **Declarations of Interest**

No declarations of interest were made.

52. **Chair's Urgent Business**

There were no items of Chair's urgent business.

53. **Premises Licence Grant Report - Stoke Grill**

The Committee having:

- a) Considered the report from the Director of Public Health, including the guidance and policy referred to therein;
- b) Heard from the applicant as follows:
 - i) The area had a number of pubs and there was one other premises with a late-night refreshment licence for takeaway in the area. This other premises had a licence to serve food until 1am and had capacity for 7-8 customers at a time;
 - ii) The Stoke Grill premises had capacity for 12-15 customers at a time. The applicant had not been contacted by the police raising concerns and no

concerns had been raised by their customers;

- iii) If there were two late night food premises in the area, this would divide the crowd and speed up service, reducing waiting time and the potential for crime and disorder and/or public nuisance;
 - iv) When requested, staff called taxis for customers whilst they deal with their orders to reduce the potential crowd outside the premises. Staff asked customers to leave the area quietly and to put rubbish in the bin;
 - v) The premises had CCTV covering the exterior to the front and rear, and the interior;
 - vi) The premises would have 2 members of staff on duty from 11pm onwards;
 - vii) The peak time for food collections drivers was between 4pm and 8.30pm and the applicant did not believe their drivers were going the wrong way down the service lane. The working hours of the drivers had been adjusted and they had been told not to be on their phone during delivery times to reduce noise;
 - viii) Only one driver would do deliveries after 11pm and delivery would be collected from the front of the premises to ensure the back lane is clear;
 - ix) The rear door now included a plastic sheet so if it slammed it would not make a noise. The canopy had also been changed and sound insulation had been installed;
 - x) The premises sign did not flash, the applicant had not added signage to the premises;
 - xi) Previous complaints about rubbish had involved rubbish that was not connected to the premises. The premises were clear of rubbish to the front and rear. The bin to the rear was locked to prevent issues with other parties' rubbish and the applicant took responsibility for all of their rubbish during working hours, and a member of staff was picking up rubbish outside the front of the premises and putting out an extra bin;
- c) Considered the written representations from the objector, as they were not in attendance, and the appropriate licensing objectives:
- i) The noise of drivers on their phones in the service lane to the rear [Prevention of Public Nuisance];
 - ii) The constant door slamming to the rear of the property [Prevention of Public Nuisance];
 - iii) The constant coming and going from the premises [Prevention of Public Nuisance];

- iv) The premises attracting 'drunks falling out of the pubs in the early hours', resulting in 'noise, vomit and worse' [Prevention of Public Nuisance/Crime and Disorder];
- v) Serious violent acts and police being called [Prevention of Public Nuisance/Crime and Disorder].

The Committee considered the following written representations as not relevant to the Committee's consideration and/or the licensing objectives because they are covered by other legislation:

- i) The filth on the street and in the back lane. This came under other legislation, namely Environmental Protection Act 1990;
 - ii) The parking in the rear service lane;
 - iii) Drivers driving the wrong way down the one-way system;
 - iv) Light pollution from signage. This came under other legislation, namely Environmental Protection Act 1990.
- d) Disregarded the following from the representations from either party as they were no relevant to the licensing objectives:
- i) The business arguments of the applicant.
- e) Considered the following as relevant to the licensing objectives but there were insufficient evidence as to there being an issue and/or linking the issue to the premises:
- i) Light pollution;
 - ii) Potential violence;
 - iii) Issues in the back lane, including parking and rubbish, as this appeared to be a more general issue than one linked directly to the premises.
- f) Considered the Prevention of Crime and Disorder Licensing Objective regarding concerns about 'serious violent acts'. The Committee did not consider these particular premises would undermine the licensing objective given no representations had been made by the police in connection with this application and there was no evidence before the committee that these premises were contributing to crime and disorder in the area. The Committee did not consider granting the licence as set out below would add to the problems if the late-night refreshment hours were restricted, bearing in mind the operation hours of other premises in the area. There was no evidence the premises would increase the risk of violence in the area.
- g) Considered the Prevention of Public Nuisance/Protection of Children Licensing Objective regarding concerns around operational noise, noise from customers waiting outside the premises and drivers later at night, which could constitute a

public nuisance to neighbours, in particular children. The Committee was concerned that extending the hours as requested (to 2.00am, 7 days a week) would result in more people congregating outside the premises and in the area late at night when other premises in the area were closing between 11.30pm and 24.00. This could result in significant noise late at night impacting on the local neighbourhood and constitute a public nuisance. The Committee therefore found that the application would undermine this licensing objective. However, conditions could be applied to the licence to mitigate this impact. Members considered whether, if the licensed hours were restricted to times when the area was already busy, namely on Friday and Saturday night, until 2400 hours, this would mitigate the impact on the local neighbourhood and the public nuisance. The members determined that it would be proportionate to grant the licence on Friday and Saturday until 2400 hours, because it would not add noise to the area and had the least impact on the neighbourhood whilst allowing the applicant to offer late-night refreshment. This would effectively mitigate the impact on these licensing objectives. Members determined that these particular premises would not add to the problems in the area if the late-night refreshment hours were restricted to Friday and Saturday until 24.00 hours.

- h) Having considered the representations, the application and all that was said by the applicant, the Committee agreed it would be appropriate to grant the licence restricted to Friday's and Saturdays 2300 to 2400 hours. Members were satisfied that granting the licence on these terms would not undermine the licensing objectives. Members considered it appropriate to depart from the Cumulative Impact Assessment Policy in this case if the hours requested by the applicant were restricted, given that there had been no representations from any responsible authorities and the operating hours of other premises operating in the area. The Committee did not consider the granting of the licence with restricted hours would add to the cumulative impact in the area.

Therefore, the Committee agreed to grant the licence subject to the following conditions:

- Licensed hours: Friday to Saturday 2300 to 2400;
- Mandatory conditions set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule.

Licensing Sub Committee

Wednesday 8 May 2024

PRESENT:

Councillor Allen, in the Chair.
Councillor Hendy, Vice Chair.
Councillors Tippetts.

Also in attendance: Councillor Aspinall, Councillor Dann, Rosie Brookshaw-Williams (Democratic Advisor), Marie Price (Senior Enforcement Officer) and Ian Wills (Senior Lawyer).

The meeting started at 12.01 pm and finished at 1.49 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.

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

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

55. **Declarations of Interest**

No declarations of interest were made.

56. **Chair's Urgent Business**

There were no items of Chair's urgent business.

57. **Premises Licence Grant Report - Moneyking Casino**

The Committee having:

- a) Considered the report from the Director of Public health, including the guidance and policy referred to therein;
- b) Heard from the applicant as follows:
 - i) He was a Co-Director of Moneycasino Ltd and both Directors were taxi drivers who had a passion for gambling and wanted to establish a gambling business;
 - ii) The company had been granted an Operator's Licence by the Gambling Commission which had been a two year process with various courses being completed;

- iii) The premises would have CCTV (inside and outside the premises) and there would be a strict 'Challenge 25' to policy to prevent under 18 year olds from entering the premises;
 - iv) The company would use the British Amusement Catering Trade Association (BACTA) training courses to train staff;
 - v) The premises used to be a sport betting establishment which would have had a higher footfall than an Adult Gambling Centre;
 - vi) The application for 24 hour opening was to enable the business to cover rent/wages and to cater for night workers. The applicant was flexible regarding the hours the premises are open. Also the premises being open 24 hours a day would prevent the likelihood of robbery;
 - vii) The applicant was aware of his 'social responsibility' as an Adult Gambling Centre operator as he had been a gambler and was aware of the dangers of excessive gambling and would intervene where necessary and would provide a 'cooling off area' if customers were spending too much money or becoming stressed. He commented in his experience, most customers were not a problem and on his premises the stakes were relatively low;
 - viii) The applicant outlined there would be two members of staff on duty, and the applicant intended to be present 12 hours a day on site but would continue to be a taxi driver focusing on the school run journeys;
 - ix) The front of the premises would be neutral and would not encourage children to enter;
 - x) The applicant accepted the plotted map is wrong because there was an ATM at the Co-Op which had not been included.
- c) Considered the representations from the objectors Councillor Dann and Councillor Aspinal who were the Councillors for the ward where the premises was located:
- i) Anti-Social Behaviour (ASB) was rife in the area of the proposed premises which had caused the Police and Councillors concern.
 - ii) An all-night Adult Gaming Premises would potentially increase the footfall/gathering in the area and increase ASB;
 - iii) The area was a high-density residential area, with a number of HMOs in the immediate area, therefore the noise from people coming/going and smoking outside would disturb families;
 - iv) The ward was a deprived area and there were issues with people with alcohol and drug addictions and there was a concern a new Adult Gaming Premises would add to the problem;

- v) With regards to Prevention of Harm or Exploitation of Children there were a number of schools in the area so the premises would be tempting to children. The Councillor's acknowledged the applicant would adopt the 'Challenge 25' Policy and there would be security on site;
- vi) In general, the Councillor's expressed concern over the lack of consultation and knowledge of the application. Notices had been displayed outside the immediate vicinity of the premises and there was the required advertising of the notice in the local press;
- vii) The Councillor outlined they had received in the last 48 hours, a petition signed by 40 people opposing the application;
- viii) The applicant and objectors noted the opening hours of the nearby licensed premises and this was an area of few licensed premises due to the Astor Covenant;
- d) Considered the following licensing objective:

Crime and Disorder Licensing Objective:

Gambling could be a source of crime and disorder, was associated with crime and disorder or could be used to support crime.

The Committee found in general there was no conflict between the premises operating schedule and this licensing objective if the opening hours replicated other nearby licenced premises. It was noted the application would be installing CCTV (inside and outside the premises); staff would be trained to recognise and address customers who are aggravated; there was a cool down area; the company understand the social responsibility requirement it had to customers to ensure they were gambling safely and within their means and it was noted the Police and Environmental Health had raised no objections.

The Committee accepted the concerns of the Councillors regarding 24 hour opening and the associated ASB and noise. This would be a significant issue in a highly dense residential area therefore the following default condition was imposed which mirrors the opening hours of other licenced premises in the area.

The opening hours of:

Monday 07.00 - 23.00

Tuesday 07.00 - 23.00

Wednesday 07.00 - 23.00

Thursday 07.00 - 00.00

Friday 07.00 - 00.00

Saturday 07.00 - 00.00

Sunday 07.00 - 23.00

The Committee noted that the applicant was content to have restricted opening hours to ensure there was no conflict with this gambling licensing objective.

Protection of Children from being harmed and exploited by gambling:

The Committee found that there were no conflicts with this gambling objective. The front of the premises would not display images which encouraged under 18s to enter; there would be a robust policy to challenge persons who look under 25 to provide a document with a date of birth and there was a better shop on the same site for a number of years.

The Committee agreed to grant the application for an Adult Gaming Centre Premises Licence to Moneycasino LTD in respect of premises at Unit 2, 52-56 Embankment Road, Plymouth:

- Subject to the mandatory conditions (as specified in the Gambling Act 2005);
- Default condition in respect of opening hours (see above).

Licensing Sub Committee

Monday 29 July 2024

PRESENT:

Councillor Hendy in the Chair.
Councillor Stephens Vice Chair.
Councillor Ms Watkin.

Also in attendance: Councillor Nicholson (P), Councillor Nicholson (S), Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), Cathy Morley (Lawyer).

The meeting started at 10.01 am and finished at 12.56 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.

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

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

59. **Declarations of Interest**

There were no declarations of interest.

60. **Chair's Urgent Business**

There were no items of Chair's urgent business.

61. **Variation of Premises Licence - Sir Joshua Reynolds**

The Committee having:

- a) Considered the contents of the Variation of Premises Licence Notice Report and written representations submitted to the Licensing Authority;
- b) Heard from the applicant as follows:
 - i) The applicant, Craft Union Pub Limited, owned 600 premises nationwide and was part of the Stonegate Pub Group which had 4000 pub worldwide and took over the Sir Joshua Reynolds Public House in May 2023, undertaking extensive refurbishment;
 - ii) The applicant also owned the Post Office Public House, located on the Ridgeway, Plympton. They had liaised exclusively with the police and Plymouth City Council Environmental Health before submitting the application in relation to the Sir Joshua

Reynolds Public House;

iii) The application was made with the Post Office Public House in mind, with the intention to reduce the hours at the Post Office Public House, if the increase of hours was granted. The Post Office Public House was approximately 1 minute walk from the Sir Joshua Reynolds Public House. The application was made to align the conditions in both public houses and alleviate the bottle neck at the end of the Ridgeway. It would also bring it into line with the Wetherspoons on the Ridgeway and reduce the strain on the Post Office Public House which was a smaller venue;

iv) The application in regard to the Post Office Public House could be done by minor variation, which would only take a couple of weeks. This would mean there was no overall increase in hours on the Ridgeway;

v) Live music at the Sir Joshua Reynolds Public House did not go beyond 2300 hours and occurred once a week. It attracted 60-100 people on a Saturday;

vi) The comprehensive list of new, robust conditions were agreed with the Responsible Authorities;

vii) A key issue that had been raised was the behaviour of people away from the Sir Joshua Reynolds Public House, and the applicant would agree a written dispersal policy to show how they would manage this;

ix) There would be total sound containment between 2300 hours and 0800 hours and late-night music would be strictly policed by the applicant. The staff would close the doors and windows when entertainment was taking place, and noise checks were taken outside with a meter;

x) There was no mechanical ventilation beyond opening windows and doors and the applicant advised there would not be music on when it would be necessary to have the doors/windows open and would end entertainment if they could not maintain a safe level of ventilation;

xi) The applicant had put in additional resource, including two security staff on the front door and one at the rear garden;

xii) There had been no representations from Responsible Authorities and no complaints made to the applicant since they had taken over. The police were overstretched in the area and so would have objected if there were issues with the application;

xiii) A number of issues contained in the representations pre-dated the applicant's ownership of the Sir Joshua Reynolds Public House and were not related to it;

xiv) The applicant was only aware of two occasions of anti-social behaviour by young people and these were not directly linked to the Sir Joshua Reynolds Public House. The police did youth walks to move young people along and the police had been the applicant's main source of guidance;

xv) There were no residential properties overlooking the Sir Joshua Reynolds Public House and the vast majority of the blocks were far away from the Ridgeway. There were a number of licensed premises on the Ridgeway;

xvi) Public causing anti-social behaviour in Plympton were not allowed in the premises and there was no evidence that they had come from the Sir Joshua Reynolds Public House. There was also no evidence in the complaints about noise and litter that they had originated from the Sir Joshua Reynolds Public House;

xvii) The applicant would be happy to remove Thursdays from the requested extension, and would do the same at the Post Office Public House to maintain parity;

xviii) The applicant would adhere to the mandatory condition regarding drinks promotions;

xix) If there were issues, the only option was to apply for a review of the licence under the Licensing Act 2003.

c) Considered the representations from the objectors Councillor Patrick Nicholson and Councillor Sally Nicholson who were the Councillors for the ward where the premises was located:

i) The successful running of the pub was not opposed, and the Councillors wanted to work harmoniously with the applicant. The investment in the Sir Joshua Reynolds Public House was supported;

ii) The hours were inappropriate for the immediate community and Plympton as a whole as it was a quiet suburb and there had been a history of anti-social behaviour in the area from pubs. The increase in hours could exacerbate the current nuisance;

iii) Plymouth's night-time economy was focussed on other areas of the city and there had been a history of licensing issues on the Ridgeway and broader issues surrounding other premises;

iv) When leaving the Sir Joshua Reynolds Public House, the public would travel along various residential streets. Bus services ended at 2230 hours and the taxi service was non-existent. This would result in people walking through the residential streets;

v) The location of the Sir Joshua Reynolds Public House was at the end of the Ridgeway, also meaning that noise from the garden would resonate in the properties to the rear. The Sir Joshua Reynolds Public House was larger than the Post Office Public House and had a larger outdoor space;

vi) No evidence had been provided in respect of the noise containment;

vii) The police were focussed on supporting Plymouth's night-time economy and refused to increase their presence in the area as they were stretched. Dialogue with the police would have been welcomed but communication was difficult. Councillor Sally Nicholson reported that at a forum for another matter, the Chief Inspector of Devon and Cornwall Police expressed surprised that concerns had not been raised in

connection with this application. There had been no public scrutiny and there had not been the opportunity to formally comment on the proposal to reduce the hours at the Post Office Public House. The Councillors were disappointed that the applicant had not done more to build relationships with elected members;

viii) The Councillors expressed concerns about the running of the Post Office Public House and the applicant's track record of not dealing with issues in the area. Concern was expressed that whilst conditions were proposed to mitigate the issues, if the Post Office Public House was taken as an example, these would not be enforced by the applicant;

ix) The applicant took over the Sir Joshua Reynolds Public House in May 2024 but was closed for a substantial period, so it had not been running at full capacity;

x) The Sir Joshua Reynolds Public House had been a good local facility in the past;

xi) The sale of food until 0100 hours was not necessary for local people. Not was the sale of take-away alcohol;

xii) The increase in hours would have a great impact and the proposed withdrawal of Thursday's hours was welcomed;

xiii) The application was not properly advertised on signposted, however the Licensing Officer present confirmed that all requirements for the advertising of the application were complied with.

d) Considered the following licensing objectives:

Prevention of Crime and Disorder Licensing Objective:

I. The representations outlined concerns that if the variation was granted it would add to the anti-social behaviour already present in the Ridgeway. This was of particular concern due to the current level of policing in the locality, the other licensed establishments and the make-up of the area. Representations also included historic underage drinking, drug dealing, and vandalism.

The Committee determined that the representations by residents and the elected members concerning anti-social behaviour were relevant under this licensing objective. However, Members noted the following:

i) The police had not made representations on this application and the proposed conditions had been agreed with the police;

ii) No evidence of crime and disorder directly linked to the Sir Joshua Reynolds Public House had been provided;

iii) Many of the issues were historic or of a broader nature with were beyond the responsibility of the applicant;

iv) The applicant could not take responsibility for patrons beyond the Sir Joshua

Reynolds Public House;

v) Whilst the parties had all agreed that the local police are stretched, this was not the responsibility of the applicant and therefore was disregarded by the Committee. Members returned to the point that the police, as a Responsible Authority, have not made representations and the conditions had been agreed with the police;

vi) Members considered that the variation of the license set out below would not add to problems outlined in the representations for the following reason:

vii) The hours were increased but the proposed conditions, together with the additional conditions regarding drugs, are sufficient to ensure that this licensing objective is not undermined.

Public Nuisance Licensing Objective

I. The Committee heard representations from Councillor Patrick Nicholson and Councillor Sally Nicholson concerning issues falling within the Public Nuisance Licensing Objective. Members also considered the written representations made by local residents prior to the meeting and the representations made by the applicant in response at the meeting.

viii) Issues raised included: noise (from people leaving the Sir Joshua Reynolds Public House and from the premises itself), anti-social behaviour (including unruly behaviour at closing time) and mess (including litter, vomit, urine, bottles, cans, broken glass etc);

ix) The representations outlined concerns about the impact of the increased hours and variation of the license on local residents and the locality generally;

x) Members noted the impact that these issues had on residents. However, it also took into account the lack of evidence directly linking these issues to the Sir Joshua Reynolds Public House itself;

xi) Members considered the lack of transport (taxi and bus service) as a clear issue contributing to problems in the area, but disregarded this given it was beyond the control of the applicant. They considered it the responsibility of patrons to get home safely and without causing a nuisance;

xii) The Committee were concerned about the lack of mechanical ventilation and the impact this could have on noise nuisance from the Sir Joshua Reynolds Public House during periods of warm weather;

xiii) The Committee took time to consider the representations of both the applicant and local residents/elected members to reach a decision that ensured that the variation to the license would not undermine this objective and balanced the rights of all parties;

xiv) Members considered the increase in hours as requested as excessive. However, they were satisfied that the conditions proposed by the applicant, together with the

additional conditions and the hours granted (set out below), would sufficiently limit potential public nuisance whilst increasing the Sir Joshua Reynolds Public House's hours, and would positively promote this licensing objective. The reasons being:

- i) The hours granted were in line with other premises on the Ridgeway and should not add to any issues of public nuisance;
- ii) The conditions included in proposed conditions, together with a condition regarding a record of local complaints were sufficient to deal with the potential public nuisance that the applicant would be responsible for.

Protection of Children from Harm/Public Safety:

I. The Committee was satisfied that the other Licensing Objectives of Protection of Children from Harm and Public Safety would not be undermined by the granting of the variation as set out below due to the conditions attached to the license.

The license of the Sir Joshua Reynolds Public House was varied as follows:

Subject to the conditions below, the license was varied as follows:

Hours

Hours premises open to the public:

Sunday – Thursday 0900 hours to 0030 hours

Friday – Saturday 0900 hours to 0130 hours

Non-standard timings:

New Year's Eve From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year's Eve.

Supply of alcohol for consumption On & Off the premises:

Sunday – Thursday 0900 hours to 0000 hours

Friday – Saturday 0900 hours to 0100 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year's Eve.

Live music:

Monday – Saturday

2300 hours – 0000 hours

Sunday

2300 hours – 2330 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Recorded music:

Monday – Saturday

2300 hours – 0000 hours

Sunday

2300 hours – 2330 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Late night refreshment:

Sunday – Thursday

2300 hours – 2330 hours

Friday – Saturday

2300 hours – 0030 hours

Non-standard timings:

New Years Eve From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

For the avoidance of doubt, the standard hours set out above apply to all bank holidays except on New Year’s Eve.

Indoor sporting events:

Removed from the license.

Conditions

- 1) The current conditions attached to the license, as set out in Appendix C to the report, are removed and replaced by the conditions proposed by the applicant and agreed with the police, as set out in Appendix B to the report, save for the following conditions which remained in place.
 - i) Doors and windows to be kept shut during entertainment taking place after 2300 hours;
 - ii) Drugs warning notices in place;
 - iii) Zero tolerance to drug use and dealing;
 - iii) Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
- 2) The license remained subject to the mandatory condition set out in the Licensing Act 2004.
- 3) The license was also subject to the following additional condition:
 - i) a record (which may be kept electronically) must be kept at the premises and contain details of any complaints of noise nuisance and/or anti-social behaviour connected to the premises by local residents. Such records would be made available for inspection by a Responsible Authority on request.

Whilst not a specific condition, the Committee would encourage the applicant to consider the installation of air conditioning in the premises to help contain the noise and avoid potential for noise nuisance in warm weather.

The Committee agreed to grant the variation of the premises license for Sir Joshua Reynolds Public Hours:

- Subject to the conditions set out above.

Licensing Sub Committee

Monday 2 September 2024

PRESENT:

Councillor Hendy in the Chair.
Councillor Tofan Vice Chair.
Councillors Allen and Simpson (Fourth Member).

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), Cathy Morley (Lawyer) and Marie Price (Senior Enforcement Officer).

The meeting started at 10.00 am and finished at 12.54 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.

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

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

63. **Declarations of Interest**

There were no declarations of interest.

64. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

The Committee having:

- a) Used its discretion to allow the representations on behalf of the premises licence holder which were received late;
- b) Considered the Review of Premises Licence Report submitted by Will Tomkins, on behalf of the applicant, Environmental Health Services (EHS) and the other written representations submitted to the Licensing Authority in advance of the meeting;
- c) Heard from Mr Tomkins, on behalf of the applicant, as follows:
 - i) There continued to be a negative impact on the public nuisance licensing objective despite numerous attempts to work with the licence holder and bringing this application for a review was a last resort. There were conditions already on the licence which were strong enough to control noise from Club Inferno and it had

shown that it could meet those conditions, but the licensing objective continued to be undermined;

ii) Mr Tomkins summarised his report, the complaints he had received from residents and what he had witnessed himself. This included reference to periods where the situation improved and then deteriorated again, the previous review application and minor amendments made to the licence conditions in response to the noise nuisance;

iii) Video footage was shown to the committee from 1 July 2024 at 03.29 hours and 04.59 hours;

iv) Mr Tomkins clarified that the noise limiter was a small box attached to the wall. It was the property of Club Inferno, not the Council. Music from the club went through it and it would cut off if it was too loud. The level was set in agreement between the premises owner and Environmental Health, and in conjunction with residents. To adjust the level, the front had to be unscrewed;

v) The noise limiter level had been set twice by Mr Tomkins and his colleague. At the agreed level, the music could still be heard by residents but was at an acceptable level and did not hinder sleep. However, on both occasions, after a time the noise returned to a level so as to be a public nuisance. As a result Environmental Health did not know what else could be done with the noise limiter. There was nothing to suggest that re-setting it would help. The Environmental Health team is small and this was having an impact on them;

vi) There had been a breach of licence and this had a negative impact on the public nuisance licensing objective. Under existing conditions, there should be total sound containment between 2300 hours and 0800 hours. Environmental Health encouraged businesses to entertain customers, but not at the disruption of others;

vii) There had been numerous attempts to work with the licence holders but the issues continued;

viii) The licence holder had shown that they could comply with the conditions;

ix) Local residents had not only complained but also recorded when the situation had improved.

d) Considered the written and oral representations of the 3 local residents including:

i) Resident 1 – moved into their property in November 2022. When Club Inferno opened, the noise was ‘out of hand’, and disrupted all of their life. They worked full time at weekends. The weekend noise was ‘another level’. They found it hard to sleep, and were living on a ‘shoestring’ and dreaded weekends. There was an issue of people outside the club, intoxicated on the street. Although not all were linked to Club Inferno, there was evidence of some drinking in the street or carpark, then going into the club. They wished to reach a solution where everyone worked together in harmony. They understood Club Inferno was a business, but these were their homes;

ii) Resident 2 – moved into their property in August 2022 with their husband. It was their permanent home and they were not looking to sell. They could not live at the weekends. They described the impact on their family life, including: their grandchildren being able to stay, visits to the grandchildren being impossible due to lack of sleep, their daughter had to stay in a hotel when she visited. At weekends, they had to take natural sleep remedies, wear silicon earplugs and take paracetamol when they woke up. They woke up feeling dizzy and unable to function. They felt they were living a ‘drugged life’. It had impacted significantly on their work life. The noise had gotten worse. They stressed that Club Inferno had shown it could comply and that they had emailed Environmental Health when things had improved;

iii) Resident 3 – wanted to find a solution and was not trying to make things difficult. Environmental Health had been in their home and heard the noise. They were unable to live a normal life and needed to be able to live a happy family life. There were conditions to the licence and those should be complied with. The impact on their relationship with their wife and wider family (including the grandchildren as above) was significant. They were concerned for their wife who was taking natural sleep remedies to deal with the situation. Everything had been tried (including the noise limiter) but the issue continued. They described the drinking and smoking outside the venue. All they wanted was to live and sleep in peace.

e) Considered the written representations on behalf of the premises’ licence holder and oral representations presented by their solicitor, Ms Hetty Summerhaze:

i) Club Inferno was in a commercial area in the city and there had been a club there for 40 years. Historically, the area was not residential and had a number of businesses which were not open when the club was open and therefore there were not noise complaints;

ii) Club Inferno had understood the local resident’s position was that they were not aware of the venue when they bought their properties, and they were taking separate action in relation to this. The residents clarifies that this was not the case;

iii) Club Inferno understood its responsibilities to the local area and the need to comply with its duties. However, there needed to be a balance between the rights of the club and residents;

iv) Club Inferno offered positives to the community including: approximately 15 jobs and three security guards; popular entertainment for the city. The public at large would be impacted if the venue was not allowed to be trade;

v) There were conditions in place and Club Inferno was complying ‘as best they can’. The Club had ‘tried’ to comply with the conditions and acknowledged that they were not working. The noise limiter was in place and was complied with.

vi) The venue did not understand why the noise limiter was not working and offered CCTV footage to show this;

vii) Steps had been taken by the club to mitigate the noise including: the removal of two speakers and a large base speaker, the exit to the club being moved near the Theatre Royal carpark, an extra door at the entrance to the club had been put in to add an extra level of sound proofing, drinks were not allowed to be taken outside of the venue (including by smokers), security was in place and managed the queue and communicated with customers regarding noise levels, opening hours had been limited to 0200 hours to 0600 hours and the venue ensured that people left by 0545 hours, visiting DJs and promoters were made aware of noise levels and the noise limited device, and they carried out frequent checks on noise levels;

viii) In addition to the existing conditions, Club Inferno offered: to reduce the noise limiter level 'slightly', to move a speaker from the front of the venue to the back, to take one or two videos a night from outside the club to send to Environmental Health;

ix) Club Inferno had spent a lot of time and money on the refurbishment and the venue's income was reduced due to the reduced hours;

x) Club Inferno wished to get on with and work with local residents. They wished to be able to run their business and for their neighbours not to think the noise was too much. They were willing to comply with conditions and would be happy for further conditions to be added;

xi) The residents did not want the licence to be revoked. This would not be proportionate.

f) Disregarded the following:

i) The previous commercial character of the area and that there had been a licensed club on the site for over 40 years;

ii) The cost of refurbishment.

g) Took the following into account:

i) The existing licence conditions, in particular the condition of total sound containment between the hours of 2300 and 0800. This was the overriding condition in relation to noise and was easy to monitor and control;

ii) The extensive involvement of Environmental Health and work that had already been undertaken with Club Inferno and that the noise limiter levels had already been set on two occasions;

iii) The previous review which had resulted in a minor amendment;

iv) The previous periods where Club Inferno had complied with the licensing conditions;

v) The need to balance the rights of residents and Club Inferno, and the parties stated willingness to reach a solution and would work together to do so;

vi) The positive and negative impact of Club Inferno on the public nuisance licensing objective in the community;

vii) The impact on the health and lives of local residents and that the Human Rights Act was engaged;

viii) The impact on the business and the contribution that late-night venues made to Plymouth's economy;

ix) That Club Inferno was not responsible for all members of the public in the street and the Committee had focussed on what was in the control of Club Inferno inside and out;

x) The Licensing Act s.182 Guidance and Plymouth City Council's Licensing Policy in relation to public nuisance.

h) Prevention of Public Nuisance Licensing Objective:

i) The representations from residents and the report from Environmental Health which included:

1. Noise from inside Club Inferno causing external public nuisance;

2. Noise made by people outside the club;

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 its patrons, was relevant under this licensing objective;

iii) The Committee determined, having considered the clear evidence, that the operation of Club Inferno undermined this licensing objective;

iv) The Committee took time to consider the representations of both the applicant, the premises licence holder and the local residents to reach a decision that ensured that the review to the licence promoted the licensing objectives whilst balancing the rights of all parties;

v) The public nuisance licensing objective was being undermined despite the current conditions on the licence for Club Inferno. The club had shown it could comply with the conditions of the licence and the Committee wished to give it one last chance to show it could operate without causing a public nuisance;

vi) The Committee did not consider reducing the level of the noise limiter would have any effect given that the noise nuisance continued despite it being set at a higher level. The Committee felt that more must be done by Club Inferno and that public nuisance should not result from the operation of its premises;

vii) The Committee wished to encourage Club Inferno's business but not at the expense of the wider community or the licensing objectives;

viii) The Committee seriously considered, given the recent history of the venue, whether the revocation of Club Inferno's licence was appropriate and proportionate to prevent public nuisance, however decided to offer a final opportunity to the venue to address the current public nuisance and actively promoted the public nuisance licensing objective;

ix) Reduced hours for a period of three months was considered appropriate and proportionate to give Club Inferno the opportunity to show it could comply fully with the conditions of the licence;

x) During the three month period it was open to residents to contact Environmental Health with any further complaints, and for Environmental Health to submit a further review if the breaches continued;

xi) The Committee stressed that, whilst it could not fetter the discretion of a future Committee, if this matter came back before the Committee on review due to ongoing breach of conditions of the undermining of the public nuisance licensing objective, the Committee would consider revocation of the licence;

xii) The existing and amended conditions were appropriate and proportionate to promote the prevention of public nuisance, and the Committee considered them practical, achievable and enforceable.

The Committee agreed to vary the licence of Club Inferno as follows:

(1) For the period of **3 months**, beginning from the date of this decision, the licence was varied as follows:

- Hours Premises are Open to the public: Monday to Sunday 10:00hrs – 03:00hrs
- Supply for Alcohol for Consumption ON: Monday to Sunday 10:00hrs – 02:30hrs
- Indoor Sporting Events: Monday to Sunday 10:00hrs – 02:30hrs
- Live Music (Indoors) Monday to Sunday 10:00hrs – 02:30hrs
- Recorded Music (Indoors) Monday to Sunday 10:00hrs – 02:30hrs
- Performance of Dance (Indoors) Monday to Sunday 10:00hrs – 02:30hrs
- Late Night Refreshment (Indoors) Monday to Sunday 10:00hrs – 02:30hrs
- Anything of a Similar Description to Monday to Sunday 10:00hrs – 02:30hrs

That falling within Live Music (Indoors), Recorded Music (Indoors) and Performance of Dance (Indoors).

PLEASE NOTE: These hours would revert back to the hours on the current licence on the expiry of the 3 months.

(2) Conditions:

The Conditions on the existing licence remained the same save for Conditions 1 and 5 under the Prevention of Public Nuisance, which shall read:

1. 'A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Plymouth City Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performance of live and recorded music. All amplified music must go through the noise limiting device and any visiting artists must be made aware of this and the noise limits agreed with the EHS.'

5. 'The Premises Licence Holder or nominated person shall erect and maintain in a prominent position at every exit, on internal and external walls and in the smoking area, clear, conspicuous and legible notices requesting patrons to avoid causing noise, nuisance or disturbance to local residents.'

PLEASE NOTE: These conditions will remain in place following the expiry of the 3 months referred to above.

Whilst not a specific condition, the Committee recommended that Club Inferno:

- Moved the speakers to the rear of the venue as suggested at the hearing;
- Carried out and documents regular checks from outside the venue during the opening hours to ensure total sound containment as required by its licence;
- Checked the operation of its current noise limiting device;
- Reiterated to its security staff their roles in relation to conditions 4, 6 and 7.

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Licensing Sub Committee



Date of meeting:	08 October 2024
Title of Report:	Animal Licensing Policy Consultation
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries and Crematoria)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Jamie Davies, Environmental Health Officer
Contact Email:	jamie.davies@plymouth.gov.uk
Your Reference:	PPS/ Animal Licensing
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

The Council has a legal responsibility for the licensing of several activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. To ensure that the licensing regime is clear and consistent, we are proposing the introduction of an Animal Licensing Policy. This will ensure that Plymouth City Council carries out its animal licensing responsibilities in a consistent and fair manner. We are seeking Committee approval to consult with relevant parties on the proposed draft policy.

Recommendations and Reasons

1. That the Committee approves the request to allow the Public Protection Service to consult the public, current licence holders and other relevant parties on the proposed animal licensing policy for 6 weeks.

Reason: To ensure that stakeholders and the public have the opportunity to provide input on the proposed animal licensing policy, allowing the Committee to consider feedback before finalising the policy, thereby promoting transparency and public engagement in the decision-making process.

Alternative options considered and rejected

1. Alternative options considered and rejected

Do nothing- There is no legal requirement to have an Animal Licensing Policy, however a Policy sets out how the Council will consider certain matters.

Relevance to the Corporate Plan and/or the Plymouth Plan

By consulting on the proposed policy, it complies with the Corporate plan of being democratic, transparent and working in co-operation with relevant stakeholders.

Implications for the Medium Term Financial Plan and Resource Implications:

There are no financial implications as there is no cost to uploading a public consultation.

Financial Risks: see above

There are no financial risks associated with the introduction of a policy

Carbon Footprint (Environmental) Implications:

There are no environmental implications as the consultation will be accessed online

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.*

No other implications as consultation will be accessed online

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	Draft Animal Licensing Policy							
B	Animal Licensing Policy Consultation							
C	Equalities Impact Assessment							

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:

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Originating Senior Leadership Team member: Dr Ruth Harrell

Please confirm the Strategic Director(s) has agreed the report? Yes

Date agreed: 16/08/2024

Cabinet Member approval: *Approved by e-mail by Councillor Haydon*

Date approved: 20/08/2024

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DRAFT ANIMAL LICENSING POLICY

Public Protection Service



1.0 Introduction

Plymouth City Council ('the Council') has statutory responsibilities for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous Wild Animals Act 1976, and the Zoo Licensing Act 1981. These pieces of legislation are aimed at protecting the welfare and safety of animals and those that interact with them and make it an offence for any person to possess, own, or keep animals to carry out certain businesses, or have possession of certain animals without first being licensed by the Council.

The Policy will be reviewed as standard every 5 years following first approval, and at other times when necessary (for example, to reflect significant changes in relevant legislation or guidance). Any general reference to 'guidance' in this policy relates to the 'Animal activities licensing: guidance for local authorities' produced by DEFRA. This guidance can be viewed in full here:

[Animal activities licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If any other guidance is referenced in this policy, specific details will be provided.

This policy sets out:

- The principles the Council will use when dealing with animal related licensing matters.
- The criteria taken into account by the Council when determining whether or not to grant or renew a licence.
- What the Council will do when it reviews a licence

This policy provides guidance to any person with an interest in animal licensing, in particular, but not exclusively:

- Applicants for licenses
- Existing licence holders whose licences are being reviewed.
- Users of licensed premises
- Local Authority Officers
- Members of the Licensing Committee, and
- Tribunals/Courts hearing appeals against local authority decisions

2.0 Policy Objectives

The Policy is designed to ensure that:

- the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation.
- the following principles, which arise from general licensing principles and the responsibilities under the Animal Welfare Act 2006 are at the centre of the exercise of all licensing responsibilities. They are:
 - to protect the welfare of all fellow creatures
 - ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the "five needs" as set out in the Animal Welfare Act 2006.
 - ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice.
 - ensuring that, so far as it falls within its powers, the requirements of all animals related legislation will be rigorously and pro-actively enforced

- public safety
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation
- each application for a licence is considered on its own merits
- decisions made by the Council are transparent

3.0 Relevant Legislation

3.1 Animal Welfare Act 2006

This Act established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies. The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

- The need for a suitable environment - by providing an appropriate environment, including shelter and a comfortable resting area
- The need for a suitable diet - by ready access, where appropriate, to fresh water and a diet to maintain full health
- The need to be able to exhibit normal behaviour patterns; by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate
- Any need to be housed with, or apart from, other animals by providing the company of an animal of its own kind, where appropriate
- The need to be protected from pain, suffering, injury and disease; by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering

3.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The Regulations replace previous licensing and registration regimes including:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999

They came into force on 1st October 2018 and apply to the following licensable activities:

- selling animals as pets (Part 2)
- providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3)
- hiring out horses (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

Links to the relevant DEFRA guidance applicable to each activity below are provided at the end of this policy for a full outline as to the scope of each activity.

4.0 The Licensing Process

Any individual who carries on a licensable activity is designated as the ‘operator’ of the business and must apply for a licence.

The Council cannot grant a licence to anyone listed in Schedule 8 of the Regulations

<https://www.legislation.gov.uk/ukxi/2018/486/schedule/8/made>

The Council can only grant an application where it is satisfied that:

- The licence conditions will be met, taking into account:
 - the applicant’s conduct as the operator of the licensable activity

- whether the applicant is a 'fit and proper' person to be the operator of the activity
 - any other relevant circumstances.
-
- The appropriate fee has been paid in full
 - The grant is appropriate having taken into account the report prepared by the inspector

To check their eligibility and suitability for a licence, all applicants listed on an application (including renewals) must provide a basic disclosure (DBS) certificate with their application. This certificate must be issued within 3 months of the date of application.

For any renewal applications, the requirement for a DBS will begin in relation to the renewals of licences received on or after the coming into force of this policy.

DBS checks must show that the applicant (or applicants) is not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence.

5.0 Application Process

5.1 Steps

- The individual will send an animal activity licence application, any other documents required and fee to the Council.
- The Council will assess the application and documents to ensure that:
 - the operator comes within the scope of the regulations and requires licensing.
 - all the required documents have been received and are to the standard required.
- On the receipt of a valid application, (see 5.2 below) the Council inspector will visit the animal activity site and produce a report.
- The Council will make a decision to grant or refuse the licence application, considering the application, any comments made by the applicant and the inspectors report (including any vet report, where required) and the statutory guidance.
- The Council will notify the applicant of the decision and any rights of appeal.
- The applicant has a right of appeal to a first-tier tribunal if the application is refused.

5.2 Timescales

The Council will aim to deal with an application (including renewals) for a licence within 10 weeks of receipt. However, the process can take longer if further information is needed from an applicant, or it is difficult to arrange the inspection.

It should be noted that the Council will not consider an application until:

- the written application is received,
- all the required information has been submitted and is to the required standard, and
- the relevant fee has been paid.

If any elements are deemed incomplete, the application will be returned to the applicant with basic feedback/information about what is missing from the application, or the standards required. Having addressed the points raised, the applicant may then resubmit the application.

5.3 Renewal

The Council will aim to provide licence holders with three months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break.

It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

5.4 Fees

The fees can be viewed on the Council's website [Animal Activities Licence | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/animal-activities-licence)

The fees for each licence are made up of two parts, Part A and Part B:-

- Part A covers the direct costs associated with processing the application and is payable on submission of the application.
- Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement, including legal, and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid. If Part B of the fee is not paid, then the licence will not be granted.

There will be no refunds for any fees paid by an applicant who is not granted a licence.

5.5 Vet fees.

A vet is required to carry out an inspection as part of the application process for applications for a dog breeding licence or the hiring out of horses.

6.0 Inspection

Following receipt of the completed application and payment of Part A of the fee (plus vet fee for dog breeding and hiring out horses' applications), the premises will be visited by an inspector.

For applications for either a dog breeding licence or hiring out horses, a vet will need to accompany the inspector. The vet's primary purpose is to inspect and form an opinion on the condition and welfare of the animals.

The inspector and vet (where applicable) will prepare and submit a report to the Council for the consideration as to whether a licence can be granted or renewed.

The report will contain:

- information about the operator, including information relating to the DBS check.
- information about any relevant premises
- any relevant records
- information about the conditions of the animals
- any other relevant matter, such as:-
 - the operator's history of non-compliance with licensing conditions or requirements,
 - the applicant/operator's attitude towards officers (e.g. whether they were obstructive),
 - whether there are safeguarding concerns arising from the licensed activity
 - whether the granting of a licence could have a negative impact on animal welfare
 - whether the accommodation, staffing or management is inadequate for the wellbeing of animals.
- the Inspector's professional opinion on whether or not they think the licence conditions will be met.

6.1 Inspectors Qualifications

All inspectors appointed by the Council will be suitably qualified, in accordance with legislation. At the date of this policy, this means:

- any person holding a Level 3 certificate granted by a body, recognised, and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity, OR
- any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record

7.0 Determination of Applications

Applications will be determined by the Environmental Health and Licensing Manager under delegated powers.

The Environmental Health and Licensing Manager can refer any application to the Licensing Sub Committee where they consider that to be the appropriate course of action, for example, where the applicant has recent relevant convictions.

7.1 Fit and Proper Person

The Council cannot grant a licence unless it is satisfied that the licence conditions will be complied with. In assessing this, it must be satisfied that the applicant is a ‘fit and proper’ person.

The term ‘fit and proper’ is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a ‘fit and proper person’ to be an individual who can demonstrate upon application that they have:

- no relevant convictions (see further information below)
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care.
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity

This does not limit the scope of the ‘fit and proper’ assessment and the Council may take in to account other matters, should they be considered relevant to the licensing process.

7.2 Relevance of Convictions

The Council will consider the current convictions in question and what weight should be attached to them taking into account the licensable activity applied for when considering if a person is ‘fit and proper’ to be granted a licence (including renewal). Each case will be determined on its own merits, having regard to these guidelines

The Council can only consider convictions which are not spent within the terms of the Rehabilitation of Offenders Act 1974, as amended. As a general guide, the table below shows when convictions are spent:

Rehabilitation Periods for Adult Convictions	
Sentence	Rehabilitation Period
Imprisonment – 4 years or more	Never spent
Imprisonment* – 2 ½ years to <4 years	Sentence + 7 years
Imprisonment* – 6 months to less <2 ½ years	Sentence + 4 years
Imprisonment* – less than 6 months	Sentence + 2 years
Fine	1 year from date of conviction
Community Order	Period specified in order + 1 year
Disqualification, Conditional Discharge, Bind –over	End of period specified in the Order
Absolute Discharge, Simple Caution	Spent immediately

*Applies even if the sentence was suspended

It should be noted that even if a conviction is spent but the applicant is still subject to a disqualification order as specified under Schedule 8 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 then a licence cannot be granted.

9.3 General Approach to Offences

The offences below detail the Council's approach to different types of offences.

Absolute and conditional discharges are a finding of guilt by a court but are not a conviction. However, where these are revealed on a DBS, the Council will take them into account, in so far as they are relevant to the determination of 'fit and proper'. When considering an absolute or conditional discharge the following factors will be considered:

- the nature of the offence
- the circumstances of the offence
- any other current convictions revealed.
- the guidelines set out in this policy had it been a conviction

The Council reserves the right to depart from this policy where the individual circumstances of a case warrant it. Where it does so, the reasons for the departure from policy will be recorded as part of the decision-making process

Any offences or behaviour not expressly covered by this policy may still be taken into account where it is considered relevant to the criteria set out in deciding whether or not the licence conditions will be met.

If an applicant has any convictions revealed on their DBS check, the Council will consider the following when deciding whether or not to grant the licence in light of the conviction:-

- the circumstances of the offence
- the seriousness of the offence
- when the offence was committed
- the date of conviction
- the sentence imposed by the court
- the relevance of the offence to the licensable activity applied for
- whether it was an isolated offence
- whether any pattern of offending behaviour is revealed on the DBS
- how long is left before the conviction is considered 'spent'

9.4 Offences involving Animal Welfare/Cruelty or Suffering (including offences of a similar nature)

The primary purpose of the Regulations is to ensure the welfare of animals and as such these offences are highly relevant

Examples of offences

- Animal Welfare Act 2006 – Section 4
- Animal Welfare Act 2006 – Section 5
- Animal Welfare Act 2006 – Section 9
- Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 – Regulation 20)
- Animal Welfare Act 2006 – Section 13
- Non animal related licensing offences

A current conviction will normally lead to refusal of an application for grant or renewal.

9.5 Other relevant offences

The Council can consider any other relevant matter when assessing if the licence conditions will be met. Such matters may relate to the applicant's integrity, honesty and conduct which are important characteristics to provide assurance to the Council that the operator can be appropriately regulated and that a licensee will operate in a manner that both the Council and consumers would expect.

- Offences involving dishonesty

The Council must be satisfied that licence conditions will be complied with and therefore current convictions for dishonesty may cast doubt on the applicant's honesty in dealing with both customers and animals and his ability to keep accurate, honest records.

A current conviction will normally lead to refusal of an application for grant or renewal

- Offences involving violence (including possession of a weapon)

The Council consider whether granting the licence will have a negative effect on animal welfare and therefore a current conviction for violence may raise a concern of the applicant's control in general and attitude towards violence. It may also cast doubt on the applicant's ability to protect the animals in their care from pain, suffering, injury, and disease. It would also potentially raise concerns for risks posed to customers who may visit the operator's home/business

A current conviction will normally lead to refusal of an application for grant or renewal

- Offences involving Sex and Indecency

The granting of a licence puts the operator in a position of trust in respect of both their animals and their customers. A current conviction of this nature would raise safeguarding and safety concerns in respect of vulnerable customers who, depending on the nature of the licensable activity, may visit the applicant's home/business in situations where they are vulnerable due to being alone, for example.

A current conviction will normally lead to refusal of an application for grant or renewal

- Licensing Offences

Convictions of this type are relevant when assessing the conduct of the applicant as the operator of the licensable activity. They may show a disregard for the licensing process and procedures. They indicate a reluctance to be regulated or to work within the regulatory regime. As such, they cast doubt upon an applicant's willingness to work with the Licensing Authority and the applicant's ability to comply with the licensing conditions.

Aggravating Features

- Ignoring warnings/advice prior to prosecution

- Indications of contempt towards the licensing regime

Mitigating Features

- A clear change of behaviour since conviction
- Demonstrative commitment to work with the licensing authority and within the licensing regime moving forward

If any of the following occur during the application process, the applicant must notify the Council within 7 days and supply all relevant information. Failure to do so may lead to the suspension or revocation of any licence granted as it may raise questions as to accuracy of the information supplied by the applicant:

- they have any existing animal activity or other animal related licence suspended or revoked.
- they are arrested for any offence referred to above (whether or not charged with an offence);
- they are charged with any criminal offence referred to above;
- they are convicted of any criminal offence referred to above;
- they have any pending charges relating to any of the offences referred to above, to include any notices of intended prosecution

10.0 Other relevant matters

10.1 Safeguarding

The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons.

The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment or entertaining at a children's party with an exhibition of animals).

To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:

- have a written safeguarding policy and provide training for staff; and
- have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons

The Council has not set specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the NSPCC, which applicants and licence holders may find helpful.

10.2 Preventative Health Care Plan

It is a requirement for all Licence Applicants to submit a preventative health care plan, with every application to comply with minimum conditions. Further information is available in statutory guidance for some types of Animal Licences, or from the British Veterinary Association.

10.3 Applications for Dog Breeding Licence

All breeding bitches must be named on the plan and the applicant's vet must sign to confirm that each of those bitches is suitable to be bred from. This is to protect the health of the bitches.

For breeding bitches living with someone other than the applicant (for example, co breeders or dogs on breeding terms) the Council will need to inspect the premises where the dog is normally kept. This is to ensure that the living environment is suitable, that the person looking after the dog is competent and that suitable measures are in place to protect the dog's welfare.

In addition, a contract between the applicant and the person looking after the dog must be submitted with the licence application. This contract should set out each party's responsibilities in terms of protecting the dog's welfare, for example, who is responsible for taking the dog to the vet, deciding when the dog is mated etc.

11.0 Information relating to the Grant of a Licence

A licence will be granted where the Council is satisfied that the licence conditions will be met, the appropriate fee has been paid and where there is nothing within the inspectors report to suggest that the grant is inappropriate.

Upon granting the licence, the Council will provide the following (if applicable):

- the licence
- how the business has been rated (Star Rating)
- a list of the higher standards the business currently fails to meet, or
- a list of the minimum standards the business is failing to meet (resulting in a "minor failing" category – applicable to renewals only)
- a copy of the risk scoring assessment table
- details of the star rating appeals process and timescales

All new applicants must be able to demonstrate that they will comply with the minimum conditions and demonstrate that they meet these standards to be able to be granted a licence.

Any licence holder renewing a licence who has minor failings noted/recorded in relation to predominantly administrative conditions which do not compromise the welfare of the animals, may still be granted a licence however, the minor failures will impact upon their star rating.

11.1 Licence Period

Licences for the keeping or training animals for exhibition are issued for three years.

All other licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment. A copy of the Risk Based Matrix is provided below.

It should be noted that all applicants for a new licence will normally be scored as higher risk unless they have at least one year's compliance history with an authority or have UKAS (United Kingdom Accreditation Guidance) (proof to be provided by the applicant).

New businesses can only get a two star or four-star licence based on whether they meet minimum or higher standards. It is not possible to get 1, 3 or 5 stars.

11.2 Licence Standards and Conditions

All licences are granted subject to the mandatory conditions set out in the regulations. The conditions are divided into two categories, General Conditions applicable to all licences and Specific Conditions relevant to the activity being licensed.

For all licensable activities except 'keeping or training animals for exhibition', a number of higher standards are laid down in the specific guidance for each activity. Meeting the higher standards is optional but an applicant who can demonstrate that they can meet these higher standards will gain a higher star rating.

The higher standards are split into two categories – mandatory and optional. These are typically colour coded in the guidance as blue and red respectively or otherwise clearly marked and differentiated

To qualify as meeting the higher standards the business must achieve all of the mandatory standards as well as a minimum of 50% of the optional higher standards.

Risk Based Matrix

	Minor failings (existing business only)	Minimum standards	Higher standards
Low risk	<ul style="list-style-type: none"> • 1 star rating • 1 year licence • At least 1 unannounced visit within 12 months 	<ul style="list-style-type: none"> • 3 star rating • 2 year licence • at least 1 unannounced visit within 24 months 	<ul style="list-style-type: none"> • 5 star rating • 3 year licence • at least 1 unannounced visit within 36 months
Higher risk	<ul style="list-style-type: none"> • 1 star rating • 1 year licence • at least 1 unannounced visit within 12 months 	<ul style="list-style-type: none"> • 2 star rating • 1 year licence • at least 1 unannounced visit within 12 months 	<ul style="list-style-type: none"> • 4 star rating • 2 year licence • at least 1 unannounced visit within 24 months

11.3 Star Rating Appeals

The Council has an appeals procedure in place for the operator to dispute the star rating given.

The business will be provided with supporting information (the inspection report) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.

A business may appeal if they consider their star rating to be wrong. Any appeal must be made in writing to the Council within 21 days (including weekends and bank holidays) of the date the licence was issued.

The appeal will be determined by a different officer to the one who carried out the initial inspection within 21 days of receipt, including weekends and bank holidays. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves. It is important to note that the appeal is concerned with the standards present at the time of the original inspection and the cost of any additional inspection related to the appeal will be borne by the applicant unless it results in a higher rating being awarded

The final decision on a rating appeal will be taken by the Environmental Health and Licensing Manager, based on the information provided by the officer. The decision will be given in writing.

If the business disagrees with the outcome of the appeal, they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure, taking the matter to the Local Government Ombudsman where appropriate if they consider that the service has not been properly delivered.

Where the business has made improvements to their business since the initial inspection such as rectifying any non-compliance or improvements to achieve higher standards, the appeals process should not be followed. In this case the business should apply for a re-rating. This is a chargeable service and details of the fees charged can be found here:

<https://www.plymouth.gov.uk/animalsandpests/animallicences/animalactivitieslicence>

12.0 Refusing a Licence

The Council must refuse to grant a licence if it considers that:

- the applicant cannot meet the licence conditions. Refusal on this ground would cover (but is not limited to) things such as the applicant not being fit and proper.
- the fee has not been paid.
- the grant or renewal is not appropriate having taken into account the inspectors report.

Refusal on these grounds would cover (but is not limited to) things such as:

- granting the licence will have a negative impact on animal welfare
- the level of accommodation, staffing or management is inadequate for the well-being of the animals
- safeguarding concerns arising from the licensable activity
- the applicant was obstructive towards officers.

The decision of the Council will be given in writing and will detail the applicant's right of appeal. The right of appeal is to a First-tier Tribunal within 28 days of the decision notice.

13.0 Variations, Suspensions and Revocations of Licences

A licence can be varied at any time by the Council on:

- the application in writing of the licence holder
- the Council's own initiative, with the consent in writing of the licence holder

The Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with
- There has been a breach of the Regulations.
- Information supplied by the licence holder is false or misleading.
- It is necessary to protect the welfare of an animal.

A decision to suspend, vary or revoke of a licence will normally take effect at the end of 7 working days beginning with the date the decision was issued to the licence holder. However, where the reason for suspension, variation or revocation is to protect the welfare of an animal, the Council may stipulate that the decision has immediate effect.

Decisions to suspend, vary or revoke the licence will:

- be notified to the licence holder in writing.
- provide the reasons for the decision.
- state when the suspension or variation comes into effect.
- specify any changes deemed necessary in order to remedy the situation.
- explain the rights and process for the licence holder to make written representations in respect of the decision within 7 working days.
- explain the rights and process for an appeal against the decision (where available)

13.1 Suspensions and variation

The decision to vary or suspend a licence is dependent on the severity of the situation

Where adjustments need to be made, whether to the licence itself or to the premises/animals referred to in the licence, a variation will usually be considered appropriate.

Suspension can occur where an operator fails to meet administrative conditions or to provide information when requested. The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Council. (See 'Licence

Holder Representations' below). A suspended licence will be reinstated by way of written notice once the Council is satisfied that the ground specified in the notice has been or will be remedied.

Once a licence has been suspended for 28 days, the Council will, on the next working day, take one of the actions listed below:

- reinstate the licence without varying it.
- vary and reinstate it as varied, or
- revoke it.

The licence will be deemed to be reinstated immediately if one of the above actions is not taken within timescale stated.

13.2 Revocation

Revocation is generally considered appropriate where:

- there are repeated failures to comply with administrative conditions or to provide information and suspension is not considered appropriate.
- there are poor welfare conditions.
- where it would benefit the welfare of the animals to be removed from the activity.
- any other situation where the Council considers that revocation is the appropriate course of action

13.3 Licence Holder Representations against a decision

When issued with a decision to suspend, vary, or revoke a licence, the licence holder can make written representations in respect of that decision to the Council.

The representation must be received by the Council within 7 working days beginning with the date the notice was issued

Upon receipt of the representations, the Council will consider the representations and decide whether the original decision still stands or whether to overturn that decision.

Where the decision is one made with immediate effect to protect the welfare of an animal then the Council, having considered the representation, will indicate that this is the reason for the decision and state whether the decision remains in effect or whether the licence will be reinstated, or the variation cancelled.

The Council will reply within 7 working days from receipt of the licence holder's representation. Failure to reply within this timescale will mean that the original decision is considered to be overturned

Except where the reason for the suspension or variation is to protect the welfare of an animal, where a licence holder makes representations, the decision to suspend or vary the licence does not come into effect until the date of service of the Council's response to the representations.

13.4 Right of Appeal

A licence holder/applicant may appeal to a First-tier Tribunal against a decision to:

- refuse to grant or renew a licence.
- vary a licence.
- revoke a licence.

Any appeal must be brought within 28 days beginning with the day after the date of the decision

The business cannot trade until, either:

- the decision is overturned by the Council upon it being satisfied that the licence conditions are being met, or

- the First-tier tribunal decides that the Council's decision was wrong. However, the First-tier Tribunal may:
- permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions, or
- suspend a revocation or variation until the appeal is determined or withdrawn,

Details on the appeal process will be provided to the licence holder/applicant in any written decision. There is no right of appeal against a decision to suspend a licence

13.5 Death of a Licence Holder

If a licence holder dies, the personal representative of the deceased may take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder.

The licence will then remain in place for three months from the date of death or for the remaining time left on the licence, whichever is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

On request of the personal representatives, the Council can extend the three-month period by up to a further three months if the personal representatives believe the additional time is needed to wind up the estate of the former licence holder.

If the personal representatives do not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect from the 29th day from the date of death.

14.0 Inspections During Course of a Licence

There will be cases where inspections must be carried out during the term of a licence.

For the activity of hiring out horses, there is a requirement for an annual inspection by a veterinarian, regardless of the total length of the licence. The Council will appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year. The veterinarian must be independent and not one that is retained by the applicant / licence holder.

Unannounced inspections will also be carried out in accordance with the risk-based matrix (see below) and may also be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

During the course of an inspection of premises, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

Samples will be as non-invasive as possible; however, inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples will be taken by those without the training to properly and safely do so.

During visits the operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

14.1 Re-Rating Inspections

A business can request a re-rating during the term of a licence.

This situation may arise where the business has accepted its star rating of 1 – 4 but have since made improvements to address non compliances found during the previous inspection.

To request a re-rating inspection, a licence holder should contact the Council in writing and:

- outline their case for a re-rating.
- indicate what they have done to improve the level of compliance or welfare since the inspection by making direct reference to the actions recommended at the last inspection.
- include supporting evidence, if appropriate

The request and supporting evidence will be reviewed and, where the evidence supplied supports the request, an inspector will visit and complete another assessment within three months of receipt of the request.

The business must pay the cost of the inspection. Details of the fees charged can be found at: <https://www.plymouth.gov.uk/animalsandpests/animallicences/animalactivitieslicence>.

There is no limit on the number of re-rating visits a licence holder can request however there will be a fee for each request.

Where a re-rating inspection is not considered appropriate on the basis of the information and evidence supplied, the licence holder will receive a response outlining the reason for the decision. The response will re-emphasise what the licence holder must do to improve their rating and outline what evidence the Council needs to see to justify a re-inspection. If the Licence Holder disagrees with the decision of the Local Authority they can make a complaint to the Head of Environmental Health and Licensing. If that does not resolve matters, the Licence Holder can complain through the Council Complaints Procedure.

15.0 Enforcement

The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed activities

In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:

<https://www.plymouth.gov.uk/tradingstandards/consumeradvice/enforcementandregulations>.

The Council's approach to suspension, variation and revocation of licences is referred to in section 13.

The Council will log and, if considered necessary, investigate complaints relating to animal activities which are currently licensed or may require a licence.

The Council aims to achieve and maintain a consistent approach when investigating complaints and making decisions. In reaching any decision the following criteria, amongst other things, will be considered:

- seriousness of any offences or breach of conditions
- operator's past history
- consequence(s) of non-compliance
- likely effectiveness of the various enforcement options
- danger to the welfare of animals and/or public

It is a criminal offence to:

- carry on or attempt to carry on a licensable activity without a licence.
- breach any licence condition.
- fail to comply with an inspector's request with regards to taking a sample from an animal
- obstruct an inspector who has been appointed by a local authority to enforce the Regulations.

Where a person is convicted of an offence under the Animal Welfare Act 2006 or any relevant regulations, they may:

- be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.
- have any existing licence cancelled.
- be disqualified from holding a licence for any period of time as the court sees fit.

Section 30 of the Animal Welfare Act 2006 allows local authorities to prosecute for any offences under that Act and regulations made under it.

Additional Information

The Council has additional information available online, including application forms, guidance documents and details of conditions. These can be seen here:

<https://www.plymouth.gov.uk/animalsandpests/animallicences>

Links to DEFRA guidance specific to each animal activity:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

16.0 The Dangerous Wild Animals Act 1976 (“DWA Act”)

16.1 What Animals Require a Licence

The Dangerous Wild Animals Act 1976 (as amended) dictates that a licence is required where an individual or a business wishes to keep an animal included on the Schedule of Dangerous Wild Animals which form part of the Act. It is an offence for a person to keep a dangerous wild animal without first obtaining a licence from the Council.

The DWA Act applies to business enterprises such as an ostrich farm, however, it does not apply to dangerous wild animals kept in a zoo. The legislation also applies to all individuals that wish to keep a dangerous wild animal at home.

The schedule of animals associated with this Act has been updated on a number of occasions, via secondary legislation. The species of animals currently included on the schedule can be seen here

<https://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

It is noted that The Wild Animals in Circuses Act 2019 banned the exhibition of wild animals or use of them in travelling circuses in England

16.2 Length of Licence

In accordance with the Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010, licences may be granted for a maximum two years.

16.3 Application Process

Applications must be made by an individual. A form can be downloaded from the Council's website here:

[Application and Renewal for a Licence to keep a Dangerous Wild Animal \(plymouth.gov.uk\)](https://www.plymouth.gov.uk/animalsandpests/animallicences)

Following receipt of a valid application, consisting of a completed and signed form and the required application fee, an independent veterinary inspection of the animals and premises is required. The vet will normally be accompanied by a Council inspector. The Council will authorise a vet who has suitable experience with dangerous wild animals.

The cost of any veterinary inspection will be the responsibility of the applicant/licence holder and charged in addition to the licence fee. If additional vet inspections are felt to be necessary, they will also be carried out at the applicant/licence holder's expense. This will be discussed with the licence holder prior to any additional inspection taking place.

16.4 Determining an Application

In accordance with the DWA Act, the Council will not grant a licence unless it is satisfied that the applicant is a suitable person to hold a licence and that other specific criteria are met relating to public safety, animal welfare and public nuisance.

Applicants must demonstrate:

- That they both own and possess or intend to own and possess the animals the licence will relate to (unless the Council has determined that exceptional circumstances apply)
- That they have adequate knowledge and expertise with the species they intend to keep under the licence and can show how they will ensure that the animals needs will be met.
- That they can provide suitable accommodation for the animals kept under the licence, in line with any best practice guidance and recommendations from the inspecting vet's report.
- That they have suitable liability insurance in place, covering the keeper and any other person specified on the licence. This insurance must cover any damage caused by the species of animals specified on the licence.
- That risk assessments have been carried out and procedures put in place to protect animals covered by the licence from fire or any other emergency. This should include how animals would be safely evacuated, and actions taken to recover an animal should it escape from its enclosure, ensuring their safety and the safety of the public.
- That they have reasonable precautions in place to prevent and control the spread of infectious diseases.
- That they have consent from the property freeholder, if not the applicant, to keep the animals specified on the licence.
- That the appropriate planning permission is in place if necessary.
- Where venomous species are kept, that adequate steps have been taken to ensure suitable availability of antivenom (where applicable).
- That they are registered with a vet who can provide suitable veterinary care for the species of animals they intend to keep.
- That they have not been disqualified under this Act from keeping any dangerous wild animal

A licence will not be issued where the veterinary surgeon recommends refusal.

Whilst licences are granted under the Dangerous Wild Animals Act 1976, the Council will also refer to the Animal Welfare Act 2006 and any best practice guidance relating to individual species to ensure compliance and good standards of animal welfare.

16.5 Licence Conditions

All DWA licences will include standard conditions set by the Council, they may also include specific conditions relating to the premises where the animal(s) are usually kept or species of animals kept, meaning that licence conditions will vary between different premises.

The Council's standard DWA conditions are shown in Appendix I

Offences are committed under the Act if:

- A person keeps any dangerous wild animal without a licence.
- fails to comply with or contravene a licence condition, unless the licence holder can prove that they took all reasonable precautions and exercised all due diligence to avoid this happening.
- wilfully delays or obstructs any person in the exercise of his right of entry or inspection

The offences carry an unlimited fine in the magistrate's court.

16.6 Appeals

Should an applicant wish to appeal the refusal to grant a licence or if they do not agree with a licence condition which has been imposed or varied or removed they may appeal to the magistrates court. Any appeal must be brought within 21 days from the date of service of the decision by the Council

17.0 Zoo Licensing Act 1981 (as amended)

17.1 Premises Requiring a Licence

A licence is required for an establishment where wild animals are kept for exhibition to which members of the public have access, with or without charge for admission, on seven or more days in any period of twelve consecutive months. The wide scope of this definition means that licensed zoos can range from a traditional urban zoo or safari park to a small specialist collection such as an aviary or butterfly collection.

17.2 Guidance

Government guidance on the Act can be found on the Gov.uk website here:

[Zoo licensing act 1981: Guide to the act's provisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/zoo-licensing-act-1981) A licensed zoo must be able to demonstrate compliance with a broad range of issues, including but not limited to, feeding, environment, conservation/education, and public safety.

How this can be achieved is set out in detail in the Secretary of States Standards of Modern Zoo practice, also available from the Gov.uk website:

[Secretary of State's standards of modern zoo practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/secretary-of-state-standards-of-modern-zoo-practice)

17.3 Requirements for Holding a Zoo Licence

The applicant must be able to demonstrate how the zoo will:

- help educate people about biodiversity
- be suitable for the types of animals you're keeping
- have a high standard of animal care
- do as much as possible to stop any animals escaping
- stop pests and vermin getting into the zoo

Applicants will also have to demonstrate how they are doing at least one of the following:

- conservation research or training
- sharing conservation information
- captive animal breeding
- helping repopulate or reintroduce species into the wild

17.4 Application Process

Applications are made via the Gov.uk website which also gives guidance on the application process:

<https://www.gov.uk/zoo-licence>

New Applications

Before applying for a new licence an applicant must, at least two months prior. to the application, provide the Council with a notice of an intention to apply, providing the following information:

- the location of the zoo
- the types of animals and numbers of animals that will be kept
- how the animals will be housed and cared for
- staff numbers and what they'll be doing
- expected visitor and vehicle numbers
- zoo entrance and exit points
- how conservation conditions will be met

- provide confirmation of that planning permission has been granted for the establishment or continuance of the zoo.

The applicant must also:

- publish notice of intention to apply in at least one local and one national newspaper
- display the notice at the planned zoo site
- send a copy of the notice to the Council

The Council will keep any notice of intention available at the Council offices for public inspection, free of charge at any reasonable hour and on the Council website

The Council will take into account any representations received from any off the following:

- The applicant
- Devon and Cornwall Police
- Animal Plant and Health Agency
- Any other local authority in which part of the zoo may be situated
- any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo.
- Devon and Cornwall Fire Service
- any other person whose representations might, in the opinion of the local authority, show grounds on which the authority has a power or duty to refuse to grant a licence which may include Environmental Health, and the Local Ward Councillor.

A “licence” inspection must be carried out before a licence is granted or refused. The process for arranging an inspection of a zoo as part of a new application is set out in the Government guidance to the Act.

The inspection will be carried out by one or more inspectors nominated by the Animal and Plant Health Agency. The Council must take into consideration the inspection report and any recommendations for additional conditions to be added to the licence. Applicants are provided with a copy of the report and are given the opportunity to comment on it. Should the Council decide to grant the licence, the applicant will be consulted prior to additional conditions being added and the licence issued.

Renewals

The Council will aim to provide licence holders with 9 months’ notice of when their licence is due to expire but responsibility for applying for a renewal of a licence remains the responsibility of the licence holder. A completed application must be submitted at least 6 months before their licence expires.

Once a zoo licence has been granted, an application can be made to the APHA to issue a direction granting a zoo a dispensation under s.14(1)(b) or 14(2) of the Act if it is a small collection and the types of animals to be kept suggest that it may be eligible. Inspectors can recommend what type of dispensation would be appropriate on their inspection report.

The application process for a dispensation is set out in the guidance to the Act. In the case of a dispensation under s.14(1)(b) of the Act, this application is made by the Council on the zoo’s behalf, in the case of a 14(2) dispensation, the application is made by the zoo itself. In both instances the APHA will require a plan of the zoo, stock list, support in writing from the Council, any other supporting information and in the case of a 14(1)(b), a report from a vet (not used by the zoo) confirming that the zoo appears to be run properly and that the animals properly.

cared for.

These dispensations ensure that inspections are kept at a reasonable level for the size of the establishment, without in any way weakening the establishment's obligation to achieve acceptable standards of animal welfare.

If granted, dispensation status will be reviewed from time to time to ensure it is still suitable. In a small number of cases, the APHA may issue what is known as a 14(1)(a) direction stating that a particular premises is exempt from requiring a zoo licence. In these cases, the Council will apply on behalf of the zoo. The Council's letter will have to be supported by a letter from a vet (that is not used by the zoo) confirming that the zoo is run properly, and the animals appear to be well cared for. The owners of the zoo will be required to pay for any vet inspection carried out in relation to this process.

17.5 Grounds for Refusal

The Council may refuse a licence if:

- An inspector's report recommends that the application be refused
- They are satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.
- They are not satisfied that zoo operators are able to meet conditions to take forward the relevant conservation measures
- They are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).
- Anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in Section 4(5) of the Act.

17.6 Length of Licence

A new zoo licence, if granted, will have a duration period of four years. Upon renewal, the licence will run for a period of six years.

17.7 Appeals

If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

17.8 Inspections

Any licensed zoo will be subject to a schedule of annual inspections broken down into periodical and informal inspections. The exact procedures relating to the arrangements of these inspections are set out in the guidance to the Act. Unless a dispensation is in place, the periodical inspections will be carried out by a team of inspectors, consisting of two Secretary of State inspectors and no more than three nominated by the local authority, one of whom must be a vet. Informal inspections are carried out by a Council inspector and must take place in any calendar year when a periodical inspection has not taken place.

Where a 14(1)(b) dispensation is in place, there will either be no requirement for periodical

inspections and only annual informal inspections will take place, or for a 14(2) dispensation they will be carried out by the APHA nominated inspector(s), usually accompanied by a Council officer.

The APHA must select from the list of Secretary of State nominated inspectors to carry out any periodical inspection. The zoo is encouraged to carry out a prescribed audit prior to a periodical inspection which is provided to the nominated inspector. This will often help to reduce the time taken to carry out the inspection.

Applicants/ zoo operators will be given at least 28 days' notice of an inspection taking place. They will be provided with a copy of the inspector's report and are given an opportunity to make comments on the report which will be recorded and returned to the inspector along with the signed report.

As set out in the guidance to the Act, "special" inspections can also be carried out at the discretion of the Council. An example of this might be as a result of an investigation into a complaint, or to check compliance with licence conditions that require improvements to be made within a specified period of time. These inspections can take place at any time, but the Council must notify the zoo of the date and time. The local authority will appoint suitably competent person to complete the inspection.

The cost of any inspection carried out by Secretary of State Inspectors will be the responsibility of the applicant/licence holder.

17.9 Licence Conditions

Any zoo licence issued by this Council will be subject to the licence conditions detailed in the Secretary of State's Standards of Modern Zoo Practice. This is available at:

[Secretary of State's Standards of Modern Zoo Practice \(publishing.service.gov.uk\)](http://publishing.service.gov.uk).

All inspectors of zoos must have regard to these standards. Any licence issued will also contain any additional conditions to be added to the licence contained in the inspector's report as set out in above.

Following a periodical inspection, a Secretary of State nominated inspector may require that additional conditions are attached to the licence. Zoo operators are given an opportunity to comment on these conditions prior to their inclusion on their licence.

17.10 Non-compliance with Licence Conditions

Where it is found that conditions attached to the licence are not being complied with in relation to the zoo or any part of it, the guidance states that, having given a licence holder the opportunity to be heard, the local authority must make a direction setting out the following information:

- Specify which condition(s) have not been met.
- Specify whether this is relation to the whole zoo or a section of the zoo.
- The steps the licence holder must take to comply
- The time period within which this must be done (not exceeding two years).
- Whether the whole zoo or a section must be closed whilst the necessary steps are taken.

Directions issued by the Council can be varied to permit additional time for them to be completed (as set out in the government guidance) and will be revoked once the zoo has complied with the condition or conditions.

If a licence holder fails to complete a direction, the Council is required either to close down the zoo permanently or permanently to close the affected section of the zoo.

17.11 Change of Circumstances and Incident Reporting

Change of Circumstances

The Council has an expectation that licence holders will inform them should there be significant changes to how their business operates or how the animals will be kept. For example, where a licence holder decides to employ a manager who will have responsibility for the day to day operating of the business, where this was not the case at the time of application, or where significant changes are made to the facilities where the animals are kept.

The Council must also ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within 72 hours, if any of the following occurs:

- They have any type of animal licence suspended or revoked
- They are convicted or receive warnings or cautions for any animal welfare offence.
- They are disqualified under the Animal Welfare Act 2006, Dangerous Wild Animals Act 1976, or any other legislation as specified in Schedule 8 of the Animal Welfare (Activities Involving Animals) (England) Regulations 2018
- Are subject to bail conditions which may affect the licence holder's ability to operate their business.

Incident Reporting

Licence holders must also notify the Council within 2 working days if any significant incident happens whilst operating their business. Examples of this would be an animal escaping, an animal injuring a member of staff, a dog-on-dog attack or similar.

Notify the Council

Failing to notify the Council will raise serious questions for the Council as to the honesty of the licence holder.

17.12 Enforcement

All enforcement against licensed and unlicensed operators will be carried out in accordance with the Council's enforcement policy:

<https://www.plymouth.gov.uk/sites/default/files/PPSEnforcementPolicyFPNJan22.pdf>

Officers will seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, aiming to be clear, open, and helpful in their approach to enforcement. However, officers will take robust action against those who knowingly contravene the law or act irresponsibly. Enforcement resources will be targeted at cases of highest risk to animal welfare and public safety.

Partnership Working

Enforcement may be carried out in conjunction with other agencies such as the RSPCA, Trading Standards or Devon and Cornwall Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out animal welfare enforcement within the council area and

officers from the Council's Licensing Service may be likewise authorised in other areas.

Powers under the Animal Welfare Act 2006 (AWA)

Officers carrying out inspections relating to animal licensing are also appointed inspectors under section 51 of the AWA. This provides them with additional powers under this Act, for example in relation to seizure of animals, power of entry and applying for warrants.

Enforcement Action and Information Sharing

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history. Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.

Right to be heard.

If the Council is considering suspending or revoking a licence there will be an opportunity to discuss the Council's concerns and to give views. However, in certain circumstances, the Council is required to act with immediacy, for example where there is considered to be an imminent risk to animal welfare. In such circumstances, the Council must balance the right of an individual to be heard against the need to protect the animal.

Seizure of animals

Where it becomes necessary to take action to remove animals from a premises, as a result of the exercise by officers of their powers under the relevant legislation in appropriate circumstances, the Council will seek to recover the costs incurred.

17.13 Fees

A list setting out the current animal licensing fees can be found on the Plymouth City Council website.

[Zoo Licence | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/zoo-licence)

Statutory Provisions to recover fees.

The relevant statutory provisions that enable the Council to set and recover fees for animal licensing activities are set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, made under the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. DEFRA and the Local Government Animal Welfare Group also issue guidance to local authorities to support fee setting. The Council has made reference to the document "Open for business: Local Government Association (LGA) guidance on locally set licence fees". The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly.

Plymouth City Council will take a reasonable and proportionate approach aiming to set a fee level that is sufficient to cover the cost, but not make a surplus, whilst providing value for money for the applicant. With this in mind vet fees are charged separately to allow for variation in size or complexity of the required inspection. In addition, some fees are listed in a tiered format to ensure fairness to smaller businesses where administration costs and inspection time are less.

Review of Fees

Generally, fees are subject to a full review every 3 years, however due to the relatively recent harmonisation of the animal licensing work activities of Plymouth City Council and the anticipated review of the LAIA Regulations at the end of 2023, fees will initially be reviewed annually to ensure these standards of fee setting are met.

Appendix I - Plymouth City Council's Dangerous Wild Animals Licence Conditions

Section 1

Name of Licensee	
Address of Licensee	
Telephone Number	
Email Address	

Section 2

For what purpose is the inspection to be made (tick appropriate box)	✓
Inspection prior to granting a licence for the first time	
Renewal	
Routine re-inspection	
Inspection to check any specific conditions (please specify)	
Inspection for any other purpose (please specify)	

Section 3

List of Animals to be kept subject to Licence as specified on the application:

Species Name	Number	Sex
Eurasian lynx		
Serval		

Section 4

Inspection	
1. Type of structure or enclosure in which animal is kept	
2. Construction	
3. Length Breadth Height	
4. Is the size and construction satisfactory for the well-being and comfort of the animal? If no, state reasons	

5. Are there adequate provisions and furniture to enable the animal to take sufficient exercise? If no, give details	
6. Is the temperature control satisfactory?	
7. Is adequate artificial lighting provided?	
8. Is adequate ventilation provided?	
9. Is the drainage of the structure satisfactory?	
10. Is the standard of cleanliness maintained satisfactory?	
11. Are all the necessary precautions taken to prevent and control the spread of infectious disease? If no, provide details	
12. Are the animals supplied with: a) Suitable food b) Drink c) Bedding or substrate	
13. Is storage of food, drink and bedding hygienic and vermin proof?	
14. Are appropriate steps at all times taken to protect the animals in case of fire or other emergency? If no, provide details	
15. Do the precautions taken to ensure that the animal will not escape appear to be satisfactory? If no, provide details	
16. Are the arrangements for the storage and disposal of any refuse and / or waste associated with keeping of the animal satisfactory? If no, provide details	
17. If present are the animals inspected as described in the application in good health and condition? If no, provide details	
18. In your opinion does the applicant demonstrate the relevant knowledge and skills to be a suitable person to hold the licence?	
19. Has the applicant made arrangements for appropriate 24-hour veterinary care for the animals subject to the Licence? Vet Details – a) Name b) Address	
20. Has the applicant provided evidence current public liability insurance is in place? Insurance Details – a) Company b) Policy Number	

c) Expiry Date	
21. Has the applicant provided a copy of an electrical certificate?	

Section 5

Professional Opinion	
The accommodation at the above premises is suitable to keep	
Are the requirements of the Dangerous Wild Animals Act 1976 being complied with?	
Should a licence be issued subject to the standard conditions imposed by the Act?	
If NO, on what grounds do you consider a licence should not be issued?	
Should any additional conditions be imposed in the licence issued? If so, specify conditions	

Animal Licensing Policy Consultation



Overview

We want to hear your views on our draft Animal Licensing Policy for Plymouth City Council.

As the Licensing Authority, we have legal responsibilities for the licensing of several activities relating to the welfare of animals. This includes licensing:

Business Operators:

- Breeding dogs
- Providing or arranging for the provision of boarding cats or dogs
- Selling animals as pets
- Keeping or training animals for exhibition
- Hiring out horses
- Keepers of dangerous wild animals
- Zoo

A single Plymouth City Council Animal Licensing Policy will set out a clear and consistent framework for applicants, licence holders and others affected by it.

Plymouth City Council Animal Licensing Policy

The draft policy sets out:

- Our role in animal welfare and relevant legislation
- Guidance on application processes
- What we consider when granting a licence
- Our approach to enforcement
- Our approach to animal licensing fees

The draft policy aims to ensure that:

- There is fairness and consistency for operators of animal related businesses.
- That anyone responsible for the management of animal welfare follow standards of good practice
- Residents feel confident licensed businesses offer a good standards of animal welfare and comply with legislation.

Our draft policy has been developed in accordance with all animal licensing legislation and statutory guidance. In addition, we are proposing further safeguarding measures.

Disclosure and Barring Service (DBS) Check for Applicants Proposal

Under this policy, applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”). This is a check of someone’s criminal record.

The DBS certificate must be no more 3 months old at the time of the application.

Existing licence holders will be required to provide evidence of a DBS check on renewal.

Safeguarding for Activities Involving Children or Vulnerable People Proposal

The main aim of animal licensing is to maintain and improve animal welfare standards

We would also expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:

- have a written safeguarding policy and provide training for staff
- have a procedure for vetting staff who have unsupervised contact with young / vulnerable persons

We are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits.

How the Draft Policy has Been Developed

The draft policy follows statutory guidance produced by the Department for Environment, Food and Rural Affairs (DEFRA) and guidance from other relevant organisations.

What is Not Covered by the Draft Policy

There are types of animal related businesses that do not currently require a licence. These include:

- animal rescue centres
- livery yards
- dog walkers
- dog groomers and similar

Related Documents

Before you respond to this consultation, please have a look at the following document. This is available at

THIS LINK WILL BE INSERTED WHEN APPROVAL OBTAINED FROM COMMITTEE

How to Have Your Say

You can tell us your views in the following way:

- [Consultations | PLYMOUTH.GOV.UK](#)

If you have any questions about this consultation, please e-mail us at licensing@plymouth.gov.uk

Please tell us your views by midnight on 20/11/2024

What happens next?

We will use your responses to develop the final draft of the Plymouth City Council Animal Licensing Policy

The policy will then be presented to our Licensing Committee for approval and adoption.

We will review the policy to reflect any changes in animal licensing legislation.

We will carry out a formal review of at least every 5 years of our Animal Licensing Policy.

Privacy

We will use the information you provide here only for this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details. For more information about data and privacy, please see our [Privacy Policy](#)

If you have any questions about data and privacy, please e-mail us on dataprotectionofficer@plymouth.gov.uk

PRINTED CONSULTATION SURVEY

Disclosure and Barring Service (DBS) check for applicants

Under this policy, applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”). This is a check of someone’s criminal record.

The DBS certificate must be no more than 3 months at the time of the application.

1. Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?

Please tick (☐) one option

- Yes
- No
- I don’t know

Please tell us the reasons for your answer:

Safeguarding for activities involving children or vulnerable people

Under this policy, we would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:

- have a written safeguarding policy and provide training for staff
- have a procedure for vetting staff who have unsupervised contact with young / vulnerable persons

We are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits.

2. Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have:

Please tick (✓) one option per statement

	Yes	No	I don't know
a written safeguarding policy and provide training for staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a procedure for vetting staff who have unsupervised contact with young / vulnerable persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tell us the reasons for your answers:

Other comments

3. How easy is the draft Plymouth Council Animal Licensing Policy to understand?

Please tick (☐) one option

- Very easy
- Somewhat easy

- Not very easy
- Not at all easy
- I don't know

If you think we could make the Plymouth Council Animal Licensing Policy easier to understand, please tell us how:

4. If you have any other comments about the draft Plymouth Council Animal Licensing Policy, please tell us here:

About you

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

5. What animal licence(s) do you currently hold?

Please tick () all that apply

- I don't currently hold an animal licence
- Boarding for cats or dogs licence
- Dangerous wild animal licence
- Dog breeding licence
- Hiring out horses licence

- Keep or train animals for exhibition licence
- Selling animals as pets licence
- Zoo licence

6. Which of the following describe you?

Please tick () all that apply

- I live in Plymouth
- I work in Plymouth
- I study in Plymouth
- I represent or own a business in Plymouth
- I represent a community or voluntary group in Plymouth
- I am an elected representative in Plymouth
- I work for Plymouth City Council
- I work for a neighbouring local authority
- Other (please give details below):

7. How did you find out about this consultation?

Please tick () all that apply

- Local media (newspaper, radio or TV)
- Social media (Facebook, Twitter)
- Nextdoor
- Plymouth City Council website or Your Voice Bucks website
- Plymouth City Council newsletter
- Email from Plymouth City Council
- From Plymouth Council staff
- Through working at Plymouth City Council
- Word of mouth
- Local Community Board

- Local Councillor
- Local Parish / Town Council
- Other (please give details below):

8. Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)?

Please tick () one option

- As an individual (go to question 10)
- On behalf of an organisation

On behalf of an organisation

9. Please provide the following details:

Name of organisation:

Your job title:

End of survey if responding on behalf of an organisation

More about you

We want to hear from as many people as possible to understand the views and needs across Plymouth. The following questions help us see if the communities we serve have had the opportunity to be heard through this activity.

All questions are optional. You can skip any questions you do not wish to answer.

10. What is your age?

Why we ask this: We want to understand the experiences and views of different age groups.

Please tick (☐) one option

- Under 16
- 16 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 74
- 75 to 84
- Over 85
- Prefer not to say

11. Do you consider yourself to have a disability / disability, impairment(s) or long term health condition(s)?

Why we ask this: We want to understand the experiences and views of disabled people, people with impairments and people with long term health conditions.

Please tick (☐) all that apply

- Disability / disabilities
- Impairment(s)
- Long term health condition(s)
- No
- Prefer not to say

12. Are you:

Why we ask this: We want to understand the experiences and views of different sexes.

Please tick (☐) one option

- Female
- Male
- Prefer not to say

13. How would you describe your ethnicity?

Why we ask this: We want to understand the experiences and views of different ethnicities.

Please tick (☐) one option

- Asian - British
- Asian - Bangladeshi
- Asian - Chinese
- Asian - Indian
- Asian - Pakistani
- Any other Asian background - Please give details below

- Black - African Black - British
- Black - Caribbean
- Any other Black, African or Caribbean background - Please give details below
- Mixed or multiple ethnic groups - White and Asian
- Mixed or multiple ethnic groups - White and Black African
- Mixed or multiple ethnic groups - White and Black British
- Mixed or multiple ethnic groups - White and Black Caribbean
- Mixed or multiple ethnic groups - Mixed or Multiple Ethnic backgrounds British
- Any other Mixed or Multiple ethnic background - Please give details below
- White - English, Welsh, Scottish, Northern Irish or British
- White - Irish
- White - Gypsy or English traveller
- White - Irish Traveller
- White - European
- Any other White background - Please give details below
- Other ethnic group - Arab
- Other ethnic group - Arab British
- Other ethnic group - Please give details below
- Prefer not to say

Please give other details here:

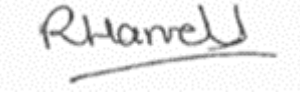
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End of the survey

Thank you for taking the time to complete this survey.

EQUALITY IMPACT ASSESSMENT – ANIMAL LICENSING POLICY

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Lindsay McClean	Department and service:	Environmental Protection Service Office of the Director of Public Health	Date of assessment:	15.08.24
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Ruth Harrell	Signature:		Approval date:	16.08.2024
Overview:	<p>The Council has a legal responsibility for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976.</p> <p>To ensure that the licensing regime is clear and consistent, an Animal Licensing Policy has been drafted.</p> <p>The Policy will detail how Plymouth City Council carries out its animal licensing responsibilities in a consistent and fair manner.</p> <p>A consultation process will be undertaken to seek views on the proposed Policy, before it is approved by the Council's Licensing Committee.</p>				
Decision required:	<ol style="list-style-type: none"> 1. That the Licensing Committee approves the request for the consultation process to be undertaken 2. That the Licensing Committee approves the subsequent Animal Licensing Policy 				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes	X	No	
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	X
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)	Yes	X	No	
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	The Policy has impact on individuals not groupings. The Policy only applies to those individuals who are applying for a licence for a specified animal activity.			

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
Age	Plymouth <ul style="list-style-type: none"> 16.4 per cent of people in Plymouth are children aged under 15. 65.1 per cent are adults aged 15 to 64. 	Licence applications will only be granted to those over 18. The policy has an impact on individuals over 18 not groupings and only then if they apply for a licence.	N/A	N/A

	<ul style="list-style-type: none"> • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p> <ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. • 64.2 per cent of people are aged 15 to 64. • 18.4 per cent of people are aged 65 and over. <p>(2021 Census)</p>	<p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>		
<p>Care experienced individuals (Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>

protected characteristic).	<p>Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>			
Disability	<p>9.4 per cent of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p> <p>Individuals who are blind or visually impaired may not be able to read the Policy.</p>	<p>The Council has an Accessibility Policy to ensure information is available to everyone.</p> <p>Accessibility statement PLYMOUTH.GOV.UK</p>	N/A
Gender reassignment	<p>0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A
Marriage and civil partnership	<p>40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married.</p> <p>0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A

	civil partnerships with the opposite sex (2021 Census).			
Pregnancy and maternity	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.	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.	N/A	N/A
Race	In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census) People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census) 92.7 per cent 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).	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated. Individuals who do not speak English may not understand the Policy.	The Council has an Accessibility Policy to ensure information is available to everyone. Accessibility statement PLYMOUTH.GOV.UK	N/A
Religion or belief	48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 per cent of Plymouth's population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.	N/A	N/A

Sex	51 per cent of our population are women and 49 per cent are men (2021 Census).	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.	N/A	N/A
Sexual orientation	88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.	N/A	N/A

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.	N/A	N/A

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A
Pay equality for women, and staff with disabilities in our workforce.	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence.</p> <p>The Council will consider the individual application prior to a licence being granted.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A

<p>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>
<p>Plymouth is a city where people from different backgrounds get along well.</p>	<p>The policy has an impact on individuals not groupings and only then if they apply for a licence. The Council will consider the individual application prior to a licence being granted. Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>