

**Oversight and Governance**

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LICENSING COMMITTEE

Monday 1 December 2025

10.00 am

Council House

Members:

Councillor Hendy, Chair

Councillor Lawson, Vice Chair

Councillors Bannerman, Dingle, Finn, Krizanac, Lugger, McNamara, Ney, S.Nicholson, Simpson, M.Smith and Taylor.

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 - 18)

To confirm the minutes of the meeting held on 02 May 2025.

To also confirm the Licensing Sub minutes of the meetings that took place on:

- 29 April 2025
- 27 August 2025
- 13 November 2025

4. Chair's Urgent Business

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

5. Annual Street Trading Report 2026 / 2027: (Pages 19 - 38)

6. Exempt Business

To consider passing a resolution under Section 100(4) of the Local Government Act, 1972 to exclude the press and 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 paragraphs 1, and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

7. Confidential Minutes: (Pages 39 - 48)

Licensing Committee

Friday 02 May 2025

PRESENT:

Councillor Hendy, in the Chair.

Councillor Stephens, Vice Chair.

Councillors Dingle, Krizanac, Lawson, Ricketts and M.Smith.

Apologies for absence: Councillors Simpson, Tippetts and Ms Watkin.

Also in attendance: Rosie Brookshaw (Democratic Advisor), Jamie Davies (Environmental Health/Trading Standards Officer), Graham Hooper (Senior Officer), Nicola Horne (Head of Environmental Protection and Taxis), Jake Metcalfe (Democratic Advisor), Marie Price (Enforcement Officer) and, Elaine Wilson (Police Alcohol Licensing Officer).

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

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

16. **Declarations of Interest**

There were no declarations of interest.

17. **Minutes**

The minutes from the Licensing Committee held on 19 February 2025 were agreed as a true and accurate record.

18. **Chair's Urgent Business**

There were no items of Chair's urgent business.

19. **The use of the Animal Penalties Act 2022**

Nicola Horne (Head of Environmental Protection and Taxis) introduced the item and provided the following summary:

- a) Fixed Penalty Notices were being introduced as a new way of enforcement;
- b) Central Government had provided a formula to issue fines which considered prescribed legislation, how serious the breach of conduct was, the duration of the breach of conduct, where there was intent and previous acts or omissions.

In response to questions, it was explained:

- c) Fines from the Fixed Penalty Notices went back to Central Government apart from Officer costs which were returned to Plymouth City Council (PCC).

The Committee agreed to note the report.

20. **Licensing Activity Report (April 2023 to March 2025)**

Graham Hooper (Licensing Senior Officer) introduced the report and highlighted the following points:

- a) The report outlined the past two financial years including regimes and applications managed by the Licensing Service, term performance, notable trends and high-profile applications;
- b) Licensing Act applications had remained consistent over the past five years;
- c) Direct inspections carried out by the Licensing Team had increase in the previous three years;
- d) The Licensing Policy had been reviewed and updated in 2024 and would be in effect until 2029;
- e) Plymouth was aligned with national trends including the significant reduction of noise complaints in the past three years;
- f) The Gambling Policy had undergone a review in 2025;
- g) Due to an emerging trend for members of the public wanting to hold 'sexual entertainment' as licensed premises, the Licensing Team would be undertaking a comprehensive review of the Council's policy for sex establishments.

In response to questions, it was explained:

- h) There had been two applications for bare knuckle boxing in the past year;
- i) The 05 August 2024 Plymouth riot was not included in the number of city centre incidents as it was not a licensing matter;
- j) The Licensing Team engaged with Street Pastors;
- k) Test purchases were carried out to ensure premises were adhering to licensing policies including the sale of age-restricted products to underage young people.

The Committee agreed to note the report.

Licensing Sub Committee

Tuesday 29 April 2025

PRESENT:

Councillor Hendy in the Chair.
Councillor Stephens Vice Chair.
Councillor Simpson.
Fourth Member: Councillor Dingle.

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

The meeting started at 10.01 am and finished at 10.03 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.

84. Appointment of Chair and Vice-Chair

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

85. Declarations of Interest

There were no declarations of interest.

86. Chair's Urgent Business

There were no items of Chair's urgent business.

87. Grant of Premises Licence - Dominos Pizza Westcountry Ltd

Jonathan Ball (Enforcement Officer) provided the following update:

- a) The applicant had withdrawn their application and would resubmit in the future.

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Licensing Sub Committee

Wednesday 27 August 2025

PRESENT:

Councillor Hendy, in the Chair.
Councillor Lugger, Vice Chair.
Councillor McNamara.

Also in attendance: Jake Metcalfe (Democratic Advisor), Marie Price (Senior Enforcement Officer) and Will Tomkins (Environmental Health/Trading Standards Officer).

The meeting started at 10.00 am and finished at 12.13 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.

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

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

90. **Declarations of Interest**

There were no declarations of interest.

91. **Chair's Urgent Business**

There were no items of Chairs urgent business.

92. **Variation of Premises License - Plymstock Inn**

The Committee having heard from the applicant's representative as follows:

- a) The history of the premises and the license attached to it.
- b) That the Applicant agreed to all the conditions proposed by the Environmental Health Department, at pages 15 and 16 of the Report, except Condition 1 and Condition 4 (relating to the requirement of a noise-limiting device);
- c) Play Area:
 - i. The premises had CCTV that covered the outside area as well as inside and included sound which allowed active supervision and remote monitoring of the premises;

- ii. The play area was constructed in Germany and complied with all safety requirements. Its use would only be during good weather and in daylight;
- iii. The children would be supervised. Its use will be di minimis. The Applicant would agree to it closing at 9pm. There was little evidence of “significant” issues during sensitive times;
- iv. The applicant provided a complaint telephone number so if there were any issues regarding the play area, it could be reported to management and dealt with.

d) Noise Limiting Device:

- v. The Applicant had not put on any regulated entertainment. The music had been “background” music which was not a licensable activity;
 - vi. The Premises’ target audience was families and diners. The Applicant did not intend it to be a live music venue;
 - vii. There were financial implications for putting in noise limiting equipment. It was disproportionate and expensive to install. Mr Semper read paragraphs 2.23 and 9.44 of S182 Statutory Guidance to the Committee;
 - viii. There were three complaints since the Applicant took over, but he had not been aware of the details, and they were not served prior to the hearing. As soon as the Applicant was aware, he turned the music down or off;
- e) The concern of the Environmental Health (EH) Department that the Applicant would not comply with the conditions (page 14 of the Report) was unfounded. He had accepted 11 of the 13 conditions proposed by the EH Department. If he was not trusted, why propose the conditions? The Applicant gave assurances that he would comply;
- f) The Applicant did not work full time on the Premises. He could be elsewhere provided what was in place was sufficient to promote the Licensing Objectives;
- g) There were four undated videos. The use of the garden had been dealt with as part of the conditions relating to the outside area which was already agreed;
- h) This was an application for a variation, not a premises review. The Applicant was asking for a relaxation of what was in place before. There was legal provision if there were issues through a review under s.51 Licensing Act 2003. Case referred to: Taylor v Manchester City Council [2012] EWHC 3467 (Admin);
- i) Children playing in the play area was not a licensable activity. Noise nuisance would fall under the statutory nuisance regime;
- j) As noted at paragraph 1.3 of the Report, live and recorded music between 8:00am and 11:00pm was not licensable and “The majority of the conditions in annex two were

outdated and would require an update”;

- k) The Applicant had agreed to a condition requiring a noise management plan. He had removed two outside speakers and fitted them at waist level on the patio.

The applicant further advised:

- l) That he had not used the noise limiting equipment because he believed the music to be background music and therefore, he didn't have to use it;
- m) The play area was for “low level stuff”, for 3 – 10-year-olds;
- n) The garden was in three areas; patio, grass and play area. The smoking area was a hexagon opposite the play area, at a distance of 15 metres. There were tables beside the play area so parents could eat next to their children.

The Committee heard from Will Tomkins (Environmental Health/Trading Standards Officer) on behalf of Plymouth City Council Environmental Health Services who advised the following:

- o) Read out the conditions agreed by the Applicant (found at page 15 of the Report), namely paragraph two to six under the heading “Prevention of Public Nuisance – Use of the outside seating area” and paragraph one to three and five to seven under the heading “Prevention of Public Nuisance”;
- p) Each application was considered on its own merits;
- q) A brief history of the licence and the conditions added to the licence by the committee in 2017, including the “noise limiter condition”;
- r) The Environmental Health Department received three complaints about breaches of the existing conditions. All complainants were residents who lived near the pub;
- s) A meeting took place at the pub on 21 July 2025 following the submission of complaints. The Applicant turned on the music and Mr Tomkins established that it was in breach of the licence, namely it should not be heard 1 metre from the façade of the nearest residential property. The music was not just background music and would fall within the definition of regulated entertainment. The Applicant turned the music off immediately;
- t) Four videos were shown, the dates of which were:
 - i. Video 1: 8:50pm **12/07/2025**
 - ii. Video 2: 10:20pm **01/08/2025**
 - iii. Video 3: 08:25pm **19/08/2025**
 - iv. Video 4: [no time] **22/07/2025**

- u) The play areas was within the licensable area and was having a negative impact on the public nuisance licensing objective;
- v) The condition relating to the noise limiter was added in 2017 and was considered relevant to the Public Nuisance Licensing Objective;
- w) There had been complaints of music being played before 11:00pm. The music was not considered background music and was considered regulated entertainment;
- x) The Applicant was not required to be there full time. A noise limiter could be used all the time and would assist staff to maintain the level of the music;
- y) The Environmental Health Department considered the necessity of a noise limiter remained relevant to the public nuisance licensing objective. It was the Environmental Health Department's view that with the conditions set out in the report were necessary to promote the Licensing Objective and to grant the variation;
- z) Mr Tomkins acknowledged that the premises have not had a live band or entertainment but that the level of music in the garden of the Premises breached the current conditions and was regulated entertainment;
- aa) The proposed conditions attempted to balance a thriving business with the needs of local residents. The licence was attached to the Premises and applied even if the Applicant was no longer the licensee.

The Committee heard from one local resident who advised the following:

- bb) Concerns arose regarding "piped music" when the Applicant took over;
- cc) The music was loud in his garden to the extent that he did not want to go into it;
- dd) When the place was empty, it made the music even louder;
- ee) He accepted that he lived next door to a pub and there would be a general "hubbub" and is okay with that. However, music should blend in and not be louder than the noise from those in the garden;
- ff) Once the Applicant was aware of the issue, he turned it off;
- gg) This last weekend, the music was loud again on Saturday and Sunday but was off on Monday;
- hh) He was happy with the conditions proposed by the Environmental Health Department;
- ii) The play area was behind his next-door neighbour's garden. He thought that some parents did not supervise their children and if they did, it might've been okay. There was a play area in the past. He does not understand why it needs to be open beyond 7pm as it could cause a "break-out";

- jj) He has found that parents sit on one side and the children make noise on the playground;
- kk) He had been a resident there for 30 years;
- ll) He “noticed” the issue since 30 May 2025. The noise had increased due to “piped music”.

The Committee took into account the following:

- mm) Licensing Act 2003, S182 Licensing Act Guidance and Plymouth City Council Licensing Policy, to provide statutory and local guidance in relation to the relevant licensing objectives when considering the application and the range of powers available to promote the Licensing Objectives on an application to vary a licence;
- nn) That the Applicant took over the Plymstock Inn on 07 May 2025 and that it was taken on with the existing conditions in place;
- oo) The representations that the current premises licence had been breached since Mr Fry took over the premises licence;
- pp) The agreed modifications to the application between the Environmental Health Department and the Applicant on all the conditions proposed by Mr Tomkins at page 15 of the Report except Condition 1 and Condition 4 (relating to the noise limiting device);
- qq) The Applicant’s engagement with the Environmental Health department, including in agreeing 11 of 13 conditions and turning off the loud music when requested;
- rr) The representations by both Mr Semper, Will Tomkins and Marie Price on the meaning of regulated entertainment and whether in this case, the music played in the garden was regulated entertainment;
- ss) That there was existing noise limiting equipment, although conflicting evidence was presented to the Committee as to its functionality. The cost of formal noise-limiting equipment was around £1,500;
- tt) That the current licence included conditions inserted under s.177A(4) Licensing Act 2003 relating to the Licensing Objective of Prevention of Public Nuisance on a review as a result of historic complaints of noise nuisance;
- uu) The layout of the outside space, the play area, dining areas the play area and smoking area;
- vv) The S182 Guidance regarding noise limiting devices;
- ww) The availability of a statutory route to review the licence should problems occur in the future;

xx) The availability of enforcement powers if a statutory nuisance occurred.

The Committee disregarded the following:

yy) The issues and/or breaches of the licence at the premises prior to the Applicant taking over the licence;

zz) The cost of the play area.

The Committee considered the Prevention of Public Nuisance Licensing Objective:

aaa) Members noted that representations that were received totaled five local residents;

bbb) The Committee took time to consider the representations of both the applicant, the relevant authority and local residents to reach a decision that ensured that the variation to the licence would not undermine this objective and balanced the rights of all parties. The Committee was satisfied that the conditions set out were appropriate and proportionate for the promotion of this Licensing Objective in light of the representations and the facts of this licence and application;

ccc) The representations from the Environmental Health Department and the residents, at the hearing and in writing, outlined issues with the running of the Premises which postdated the Applicant taking over the premises and which, in their opinion, were having a negative impact on the Public Nuisance Licensing Objective. In particular these included complaints of: (i) loud music being played in the beer garden and (ii) noise from children utilising the play area;

ddd) The Committee determined that the representations by the Environmental Health Officer and the local residents concerning noise nuisance, from both the outside area and the play area were relevant under this licensing objective.

eee) The Committee determined that given the number and nature of the complaints before the committee, specific conditions beyond those proposed by the applicant and the proposed management plan requirement were needed to promote this licensing objective.

fff) The representations included four video recordings, the evidence in person of one of the residents, evidence from the other residents in writing and evidence of Mr Will Tomkins of the Environmental Health Department. The Committee was satisfied that the music played into the outside space was loud enough to be heard outside the premises and to be a nuisance to residents in the locality on a number of occasions, including those reported by residents and at the time of Mr Tomkins' visit on 21 July 2025. The Committee considered the music to be excessive;

ggg) The Committee was also satisfied, having considered the statute and S182 Statutory Guidance, that, on the facts in this case, the playing of recorded music into the outside space was not incidental music due to its volume which the committee found to predominate over the other activities on the Premises and to cause disruption in the locality. It therefore did not fall within the exemptions under Licensing Act 2003;

- hhh) The Committee was satisfied, having considered the other activities that took place at the premises and the facts above, that the addition of music without the conditions applied in the licence below had the potential to undermine the promotion of the Public Nuisance Licensing Objective;
- iii) Due to the representations made to the Committee by both the Residents and the Environmental Health Department, the committee was satisfied that it was necessary to keep the condition on the current licence relating to a noise limiting device (subject to the change set out below) to promote the Public Nuisance Licensing Objective. This was proportionate given the representations from the Applicant that there already was a noise limiting device at the Premises and the ability to agree the “specification and design” with the Environmental Health Department, and the representations from the residents as to the disruption the music was causing to them. The Committee wished to highlight that the conditions applied to the licence below did not preclude the Applicant from using the existing noise limiting device provided the condition relating to the noise limiting device was complied with in full, including the provision that it was “fully functional and in proper working order at all times during performance of live and recorded music”;
- jjj) The Committee accepted that it was reasonable and proportionate for the play area to remain open until 21:00 hours given the conditions proposed by Environmental Health and agreed with the Applicant about the hours of use of the outside space in general. The Committee was satisfied that this would not undermine this Licensing Objective;
- kkk) The Committee was satisfied that the conditions that the Applicant was prepared to accept (those set out at page 14 of the Report) together with the condition regarding the play area closing at 21:00hrs, the modified condition relating to noise monitoring equipment and the requirement of a Management Plan addressed the concerns of this Committee regarding the risks to the promotion of this Licensing Objective.
- III) The Committee was not satisfied that the conditions proposed by the Applicant alone or with a Management Plan, would be sufficient to promote the Public Nuisance Licensing Objective. It therefore considered it necessary to modify the conditions suggested by the applicant, the majority of those modifications having been agreed by the Applicant in advance of this hearing.
- mmm) Due to the evidence of noise in the form of loud recorded music, the Committee was satisfied that the conditions imposed under s.177A(4) in 2017 that were agreed by the Applicant and are set out in the decision below, remain necessary to promote the Licensing Objectives and should not be removed from the licence. The Applicant agreed to the conditions under s.177A(4), except the condition relating to the noise limiting device.
- nnn) The conditions imposed balanced the various public interests in this case based on the evidence before the Committee and the requirement to promote the licensing objective. The Committee believed that they promoted social cohesion whilst enabling the Applicant to continue to build his thriving business which was clearly part of this community.

The Committee agreed to:

- I. Vary the licence in respect of the Plymstock Inn, 88 Church Road, Plymstock, Plymouth Devon PL9 9BD as follows:

Current Licensable Activities:

Subject to the conditions below, the Current Licensable Activities and hours to remain the same as the existing licence namely:

Current Licensable Activities	
<u>(c) Indoor sporting event</u> Sunday to Wednesday 08:00 to 00:00 Thursday to Saturday 08:00 to 01:00 Non Standard Timings: New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(e) Live Music</u> (Indoors and Outdoors) Monday to Sunday 08:00 to 23:00 Non Standard Timings: Christmas Eve Until 0100hrs. New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(f) Recorded Music</u> (Indoors & Outdoors) Monday to Sunday 08:00 to 23:00 Non Standard Timings: Christmas Eve Until 0100hrs New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u> Monday to Sunday 08:00 to 23:00 Non Standard Timings: On Christmas Eve to 01:00hrs New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(i) Late Night Refreshment (Indoors)</u> Monday to Wednesday 23:00 to 00:00 Thursday to Saturday 23:00 to 01:00 Sunday 23:00 to 00:00 Non Standard Timings: Christmas Eve to 01:00hrs New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(j) Supply of Alcohol for consumption On & Off the premises.</u> Sunday to Wednesday 08:00 to 00:00 Thursday to Saturday 08:00 to 01:00 Non Standard Timings: Christmas Eve to 01:30hrs New Year's Eve: 0800hrs to 0800hrs New Years Day	
<u>(l) Hours premises are open to the public</u> Sunday to Wednesday 08:00 to 00:00 Thursday to Saturday 08:00 to 01:30 Non Standard Timings: Christmas Eve to 02:0hrs New Year's Eve: 0800hrs to 0800hrs New Years Day	

Conditions:

Prevention of Public Nuisance – Use of the outside seating area

1. The children's play area to be closed to all customers at 21:00hrs.
2. No drinks are to be taken outside after 21:00hrs on Sunday – Thursday and 21:30hrs on Friday and Saturday.
3. The outside seating area to be closed to patrons at 21:30hrs Sunday – Thursday and 22:00hrs Friday and Saturday.

4. Signage is to be placed in the outside rear area specifying that;
 - No drinks are to be taken into this area after 21:00 Sunday – Thursday and 21:30hrs on Friday and Saturday
 - The area to be closed to patrons at 21:30 Sunday- Thursday and 22.00hrs on Friday and Saturday.
 - Please keep noise levels to a minimum to respect nearby residential properties.
 - Any customer causing a disturbance will be asked to leave.
5. Any patrons found to be causing unreasonable disturbance in the outdoor area will be ejected from the premises.
6. Suitable receptacles must be provided for smoking related litter.

Prevention of Public Nuisance

7. Between the hours of 23:00 and 08:00 there must be total sound containment within the premises.
8. Before 24 September 2025, the Applicant must submit to the Licensing Authority a Management Plan for the Premises which contains procedures to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the premises to control public nuisance are being upheld including a suitable complaints procedure. The Management Plan must be approved by the Licensing Authority. Once approved, the Premises is required to comply with the contents of the Noise Management Plan at all times.

The following conditions are applied in accordance with Section 177A (4) of the Licensing Act 2003

9. After 21:00 hours all music, including background music is prohibited in the outside areas.
10. The performance of regulated entertainment will cease by 23.00hrs.
11. No regulated entertainment will take place until a noise limiting device (the specification and design to be agreed with Environmental Health Service) is fitted so that all regulated, live, karaoke and recorded music (including the Juke Box) is channelled through the device(s).

The maximum noise levels would be set by agreement with the Environmental Health Service and would be reviewed 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. If the noise limiting device breaks down the council's Environmental Health Service must be informed as soon as reasonably practicable and in any event within 24 hours of the device breaking down. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.

No performance of live and recorded music shall proceed if the noise limiting device is not in proper working order.

12. Noise emanating from the premises must not be heard above background levels 1 metre from the facade of the nearest residential property.
13. The PLH shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.
14. The PLH or nominated person shall be available at all times during regulated entertainment and who is responsible for co-operating and liaising with any relevant responsible authority. A contact telephone number will be made available to local residents to contact the nominated person.

Whilst not a specific condition, the Committee would expect the Management Plan in Condition 8 to include details of how the play area would be managed and monitored to ensure that it closed at 21:00 and did not undermine the Public Nuisance Licensing Objective. The Committee hoped that the Applicant would use the conditions of agreeing the Management Plan and the noise limiting device to develop a good working relationship with the Environmental Health Department.

93. **Exempt Business**

There were no items of exempt business.

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Licensing Sub Committee

Thursday 13 November 2025

PRESENT:

Councillor Hendy, in the Chair.
Councillor Lugger, Vice Chair.
Councillor M.Smith.

Also in attendance: Jon Ball (Enforcement Officer), Jake Metcalfe (Democratic Advisor) and Marie Price (Senior Enforcement Officer).

The meeting started at 10.00 am and finished at 1.00 pm.

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

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

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

2. **Declarations of Interest**

There were no declarations of interest.

3. **Chair's Urgent Business**

There were no items of Chair's urgent business.

(At the conclusion of this item the meeting was adjourned until 10.50 am)

4. **Grant of Premises License - The Flower Café**

(Please note that there is a confidential minute for this item)

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

Marie Price (Senior Enforcement Officer) provided an update on the application of premises licence and highlighted the following key point:

The Flower Café had withdrawn their application.

5. **Exempt Business**

The Committee agreed to remain in part two.

6. **Review of Premises Licence - Union Street Food and Wine**

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

The Committee agreed to:

1. Revoke the late night refreshment indoor only licence;
2. Revoke the supply of alcohol for consumption off premises only licence.

Licensing Committee



Date of meeting:	01 December 2025
Title of Report:	Annual Street Trading Report 2026 / 2027
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries & Crematoria)
Lead Strategic Director:	Glenn Caplin-Grey (Strategic Director for Growth)
Author:	Emily Bullimore/Marie Wellington
Contact Email:	Emily.bullimore@plymouth.gov.uk / marie.wellington@plymouth.gov.uk
Your Reference:	Street Trading 2026/27
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report seeks to set the process for the issuing of terms and conditions of Street Trading consents for the 2026/ 2027 trading year.

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

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

Having looked at trading conditions including the environment that the traders are operating in, the optimum income will be generated by keeping the city centre traders market rent at 2025/2026 rates and preserving the number of traders at 2025/ 2026 levels. Modelling shows this will generate an income of £37K at current capacity in the city centre.

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

For the 2026/2027 trading year, the recommendation is to increase all ice cream site fees by 2%, see appendix C for financial modelling. At current capacity this would increase the income from ice cream sites from £41.7k to £42.5k.

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

Recommendations and Reasons

1. The Consent dates for 2026/2027 are approved as 1 April 2026 – 31 March 2027.
2. The Consent fees for 2026/2027 as set out in Appendix A, are approved.
3. The Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading.
4. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
5. The Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading Consents in association with other city centre events and commercial activity.
6. The Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading.
8. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
9. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading.
10. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders of contested sites for vacant Waterfront trading sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
11. Grant the ability to move traders to new/ temporary sites to facilitate the continuation of trading amidst the ongoing public realm works in the city centre.

Alternative options considered and rejected

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

Relevance to the Corporate Plan and/or the Plymouth Plan

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

Green investment, jobs, skills and better education

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

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

The Street Trading department is part of multi-agency partnerships that include the Police, Plymouth Against Retail Crime, both Business Improvement Districts and others. The department regularly

shares information and works closely with these partners to tackle crime and anti-social behaviour; most commonly illegal traders. This is vital to protecting the business interests of street traders who have legal consent to trade but also helps to maintain a sense of safety in Plymouth City Centre.

Implications for the Medium Term Financial Plan and Resource Implications:

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs, business rates and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2026/ 2027 financial year.

For 2026/2027 a 0% increase in street trading consent fees is recommended for city centre street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C. The Council understands the impact of the building work associated with the public realm scheme on the traders. The improvements to the public realm will improve the look, feel, and footfall in the city centre. Once the building work for the public realm scheme has been completed, we will implement an inflationary rise (based on RPI in the November of the year of building work completion) on the street trading.

For the 2026/ 2027 trading year, the recommendation is to increase all ice cream site fees by 2%, see appendix C for financial modelling. Consent holders are now able to connect to an electricity supply which saves them money, however they have had to make a large investment to adapt their vehicles to connect to the power so a 2% increase seemed feasible and fair.

Financial Risks

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

Legal Implications

(Provided by Ian Wills)

No legal implications

Carbon Footprint (Environmental) Implications:

Street trading contributes to a city centre's carbon footprint through vehicle emissions, energy use for cooking and lighting, waste generation, and the supply chains of goods sold.

It is possible to mitigate these footprints by encouraging traders to use renewable energy, source locally produced goods, implement waste reduction measures, and by transitioning them to zero-emission operations.

A recent initiative uses a £40,000 grant from the UK Shared Prosperity Fund to reduce fumes and noise from those operating ice cream vans across the Hoe. Five electrical points have been made available to vendors to provide green electricity, thus powering their freezers without running diesel engines.

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

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

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

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Proposed 2026/2027 street trading fees							
B	2026/ 2027 application form/ terms and conditions							
C	Financial Modelling							

Background papers:

*Add rows as required to box below

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

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

Sign off:

Fin	ITG. 25.26. 086	Leg	IW 06.10. 25 5289	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 09/11/2025											
Agreed via email.											
Cabinet Member approval: Councillor Haydon approved via email											
Date approved: 20/11/2025											

1.0 Introduction

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

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

1.3 The council has identified a number of sites or locations within the designated Consented Streets where it will grant Street Trading Consents which are set to change upon completion of the city centre improvement works. At present we have the following:

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

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

1.4 The purpose of the report is:

- a) To set the consent dates and fees for 2026/2027.
- b) For authority for Service Director for Economic Development be given delegated powers to approve the issuing of consents, to include short term street traders to increase the speed that traders can be allocated sites and start trading
- c) For authority for the Service Director of Economic Development to have flexibility in site allocations during public realm works.
- d) To support Street Trading in designating new consent sites upon the completion of the new public realm.

2.0 Duration of Consents for 2026/2027

2.1 It is proposed that all City Centre Consents commence on 1 April 2026 and end on 31 March 2027.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2026 and end on 31 March 2027.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2026 – 31 March 2027.

3.0 Consent fees for 2026/2027 background

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

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

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

It is proposed that there is no increase in consent fees for city centre street traders for the 2026/2027 trading year in order to support street traders being able to continue to trade.

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

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

4.0 Allocation Procedure

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

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

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

5.0 Street Trading during City Centre Events

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

6.0 Ad hoc Street Trading

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

Appendix A- Proposed 2026/2027 Consent fees

*Assumes 100% occupancy

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2025 /2026	PROPOSED ANNUAL FEE 2026 / 2027
CITY CENTRE SITES			
2A	New George Street (nr. Former Woolworths building)	£6618	£6618
2B	New George Street (WHSmiths)	£6618	£6618
2D	New George Street (nr. Sundial)	£6618	£6618
9	New George Street (Waterstones)	£6618	£6618
3A	Bedford Way (Royal Parade end)	£3986	£3986
3B	Bedford Way (New George Street)	£6554	£6554
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£3029	£3029
8	New George Street Winter (Sundial area) seasonal	£2546	£2546
8	New George Street Summer (Sundial area) seasonal	£1333	£1333
10	Sundial East	£7814	£7814
11	Sundial West	£7814	£7814
12	Cornwall St o/side Superdrug	£4440	£4440
13	Place De Brest East	£4440	£4440
14	Place de Brest West	£4440	£4440
ICE CREAM SITES			
B	Madeira Road	£7731	£7886
C	Madeira Road	£7731	£7886
E	Hoe Road	£7731	£7886
F	Hoe Road	£7731	£7886
G	Hoe Road / Grand Parade	£7731	£7886
H	Pier Street	£1,703	£1,737
I	Cliff Road	£1,385	£1,412
HOE AND MADEIRA ROAD SITES			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid-east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
TOTAL*		£138,611	£139,477

Appendix B – 2026/2027 Application form with terms and conditions (also available to online applications)

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

Name: _____

Home address: _____

_____ Postcode: _____

Email: _____ Phone: _____

Business address: _____

_____ Postcode: _____

Email: _____ Phone: _____

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

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

Do you personally own the proposed sales unit? ☐ Yes ☐ No

If no, who owns the sales unit:

Do you have any previous trading experience? ☐ Yes ☐ No

If you have any previous trading experience please provide details (not required if you're reapplying from 2026/ 2027). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

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

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

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

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

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

Will you be trading from the unit yourself? ☐ Yes ☐ No

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

If you have any previous trading experience please provide details (not required if you're reapplying from 2025 / 2026). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

Referees

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2025 / 2026).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

Street trading consents: All sites

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

PERMITTED TRADES FOR ICE CREAM PITCHES

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

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

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

Site	Consent fee per year	Preference
B: Madeira Road	£7886	
C: Madeira Road	£7886	
E: Hoe Road	£7886	
F: Hoe Road	£7886	
G: Hoe Road/Grand parade	£7886	
H: Pier Street	£1,737	
I: Cliff Road	£1,412	

PRICE LIST

Please give details of your prices for 2026 / 2027 including examples of popular items that you sell.

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

PERMITTED TRADES IN CITY CENTRE

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

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

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

Site	Consent fee per year	Preference
2A: New George Street (outside Sports Direct)	£6,618	
2B: New George Street (outside W H Smiths)	£6,618	
2D: New George Street	£6,618	
3A: Bedford Way	£3,986	
3B: Bedford Way	£6,554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3,029	
8: New George Street (winter)	£1,333	
8: New George Street (summer)	£1,333	
9: New George Street (outside Waterstones)	£6,618	
10: Sundial East	£7,814	
11: Sundial West	£7,814	
12: Cornwall Street (outside Superdrug)	£4,440	
13: Place de Brest East	£4,440	
14: Cornwall Street (outside Specsavers)	£4,440	

PERMITTED TRADES FOR HOE AND MADEIRA ROAD WATERFRONT PITCHES

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

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

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

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

7: Madeira Road (triangle east)	£3,000	
8: Madeira Road (adjacent to Cannons)	£3,000	

Your application should be accompanied by the following items:

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

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

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

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

A copy of your public liability insurance.

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

SUBMISSION OF APPLICATIONS

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

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

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

Signed: _____

Date: _____

GUIDANCE NOTES

APPLICATIONS FOR CONSENTS

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

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

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

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

Applications are being invited for the period until 31 March 2027 and successful applicants will be expected to trade throughout the whole of this period.

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

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

TERMS AND CONDITIONS OF CONSENTS

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

TRADING

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

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

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

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

Traders and approved employees will be supplied with identification consent permits, which must be displayed inside the stall at all times when trading. The consent fee includes the cost of providing a total of four identification permits during the consent period. With reasonable notice Plymouth City Council endeavour to issue additional permits for which there will be a charge of £15 for each permit requested. The Council will endeavour to issue any additional permits required on receipt of payment, two passport size photographs and, if appropriate, evidence of attendance at an approved food handling course.

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

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

The use of free standing external generators is not permitted.

UNITS

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

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

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

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

ACCESS TO THE SITE

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

For Hoe and Madeira Road Waterfront traders, the structure proposed must be temporary and be able to be removed from site at the end of the day. Trading from motorised mobile vehicles is not acceptable. The provision of gazebos and tents will be assessed on an individual basis as they may not be safe during high wind conditions, on exposed areas of Hoe Road and Madeira Road. Risk assessments must be provided in advance.

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

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

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

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

ELECTRICITY

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

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

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

CONSENT FEE

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

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

WASTE / LITTER

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

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

WASTE WATER

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

WASTE MINIMISATION

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

STATUTORY REQUIREMENTS

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

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

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

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

NUISANCE

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

ADVERTISEMENTS

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

UNAUTHORISED STREET TRADING

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

PUBLIC LIABILITY INSURANCE

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

WITHDRAWAL OF A CONSENT

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

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

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

PROVISION OF FOOD AND DRINKS

Consent Holders will be required to produce:

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

Appendix C**Financial modelling**

It is critically important to note that:

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

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

City Centre Street Traders

Throughout the 2025/2026 trading year, the city centre has faced continued disruption with the impact of the public realm work and the cost of living crisis causing an increase in costs to traders for electricity, stock and staffing. The current traders have found themselves being moved to temporary sites and on occasion they have had to be moved twice. This means they continue to face uncertainty and the impact has been felt by their customer base too. We want the traders to be able to maintain a) a viable business going forward, and b) their presence in the City Centre.

The street trading city centre income is still less than pre-covid.

With this in mind, the recommendation is to not increase the consent fee for the 2026/2027 trading year for the city centre sites to try and keep the traders that we have currently in place. The Council understands the impact of the building work on the traders. The improvements to the public realm will improve the look feel and footfall of the city centre. Once the building work for the public realm has been completed we will implement an inflationary rise (based on RPI at time of building work completion) on street trading consents.

Summary of City Centre Fees

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

Current fee 2025/2026	1% increase	2% increase	3% increase	4% increase
£6,618	£6,684.18	£6,750.36	£6,816.54	£6,882.72
£6,618	£6,684.18	£6,750.36	£6,816.54	£6,882.72
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£3,986	£4,025.86	£4,065.72	£4,105.58	£4,145.44
£4,440	£4,484.40	£4,528.80	£4,573.20	£4,617.60
TOTAL £37,290	£37,662.90	£38,035.8	£38,408.70	£38,781.60
Total increase £0	£372.90	£745.80	£1,118.70	£1,491.60

It should be noted that even with an increase of 4% to current traders' site fees this would only generate an extra £1,491.60/year income. However, if another one of the existing traders left (which

is likely if the site fees are increased) then it would mean a minimum loss of £3,986.00/year; which would be sorely missed.

Summary of Ice Cream Fees

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

For the 2026/ 2027 trading year, the recommendation is to increase all ice cream site fees by 2%. At current capacity this would increase the income from ice cream sites from £41.7k to £42.5k

Site Name	Current Fee 2025/ 2026	1% fee increase	2% fee increase	3% fee increase
Madeira Road	£7731	£7808.31	£7885.62	£7962.93
Madeira Road	£7731	£7808.31	£7885.62	£7962.93
Hoe Road	£7731	£7808.31	£7885.62	£7962.93
Hoe Road	£7731	£7808.31	£7885.62	£7962.93
Hoe Road / Grand Parade	£7731	£7808.31	£7885.62	£7962.93
Pier Street	£1,703	£1,720.03	£1,737.06	£1,754.09
Cliff Road	£1,385	£1,398.85	£1,412.70	£1,426.55
TOTAL	£41743	£42160.43	£42577.86	£42995.29

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

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