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BARRY KEEL
Chief Executive
Floor 1 - Civic Centre
Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 31/03/10 Telephone Enquiries 01752 304022 Fax 01752 304819
Please ask for Helen Rickman, Democratic Support Officer e-mail helen.rickman@plymouth.gov.uk

LICENSING COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 13 APRIL 2010
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillor Mrs Bowyer, Chair
Councillor Lock, Vice Chair
Councillors Bowie, Delbridge, Mrs Dolan, Drean, M Foster, Gordon, Kerswell,
Mrs Nelder, Mrs Nicholson, Rennie, Reynolds and Mrs Stephens

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

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC MEETING)

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 - 22)

To confirm the minutes of the meetings held on the following dates:

Licensing Committee Miscellaneous -

- 2 February 2010

Licensing Sub Committee (Miscellaneous) -

- 19 January 2010
- 26 January 2010
- 2 March 2010
- 12 March 2010
- 16 March 2010

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. SAFETY AT SPORTS GROUND - SCHEME OF DELEGATION

(Pages 23 - 28)

The Director for Community Services will submit a report on the Safety at Sports Grounds Scheme of Delegation.

6. REVIEW OF FEES PAYABLE UNDER THE GAMBLING ACT 2005 AND THE GAMBLING (PREMISES LICENSING FEES) (ENGLAND AND WALES) REGULATIONS 2007 (Pages 29 - 38)

The Director for Community Services will submit a report on the Review of Fees Payable under the Gambling Act 2005 and the Gambling (Premises Licensing Fees) (England and Wales) Regulations 2007.

7. PLYMOUTH ALBION SAFETY CERTIFICATE FOR EAST AND WEST STANDS (Pages 39 - 42)

The Director for Community Services will submit a report on Plymouth Albion Safety Certificate for East and West Stands.

8. EXEMPT BUSINESS

To consider passing 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(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

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Licensing Committee (Miscellaneous)

Tuesday 2 February 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Drean, Vice Chair.
Councillors Delbridge, Gordon and Rennie.

Apologies for absence: Councillors Bowie, Mrs Dolan, Lock, Miller MBE and Mrs Nelder

The meeting started at 10.05 am and finished at 11.20 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.

26. DECLARATIONS OF INTEREST

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

27. MINUTES

It was resolved that the following minutes be approved as a correct record:

8 December 2009	Licensing Committee Miscellaneous
24 November 2009	Licensing Sub Committee
8 December 2009	Licensing Sub Committee
11 December 2009	Licensing Sub Committee

28. CHAIR'S URGENT BUSINESS

The City Centre Street Operations Manager updated the Committee on street trading in Plymouth City Centre and informed the Committee that –

- (i) a small number of street traders had been relocated last year due to the implementation of the farmers market stalls;
- (ii) there was one permanent site and two temporary sites that needed to be moved;
- (iii) sites had been identified in New George Street;
- (iv) an electricity company had been contacted to provide electricity to possible new site locations

Resolved to note information submitted by the City Centre Street Operations Manager and delegate the Street Trading Report and Ice Cream Concessions to a Licensing Sub Committee (Miscellaneous).

29. ENFORCEMENT ACTIVITY REPORT 2009

The Senior Environmental Health Officer, a representative from Devon and Cornwall Police and a representative from Devon and Somerset Fire and Rescue provided the Committee with an update on the Enforcement Activity Report which detailed various aspects of the work undertaken by agencies involved in regulating the Evening and Night Time Economy during 2009.

The Committee having –

- (i) heard from the Senior Environmental Officer –

- a) this was the second annual report which aimed to set out the extent of regulated activity enforcement carried out;
- b) reference was made to the Enforcement Activity Report for 2009; this was compiled to give the Licensing Committee an insight into the work undertaken by agencies involved in regulation the Evening and Night Time Economy (NITE);
- c) details were given of the main policy initiatives conducted during 2009 including Licensing, Gambling Establishments, Noise and Public Nuisance, Enforcement, Training and Awareness, Under Age Sales, Liaison between Licensing and other agencies, and Work Initiatives for 2010;

heard from a Police Licensing Officer that –

- d) the Police Licensing department had carried out 282 alcohol test purchasing operations in 2009, 40 premises sold alcohol and the failure rate had fallen to 14%, this was the lowest recorded since recording started in 2004;
- e) there had been an increase in the number of underage sales in public houses and more work was to be done to combat this;
- f) there had been an increased number of variation applications received in 2009; it was suspected that this could be due to economic reasons;
- g) the Police provided a booklet to licensees in Plymouth which detailed guidance for premises licence holders; contact telephone numbers for the Police Licensing department and the Council's Licensing department were included in a covering letter;
- h) from a Police perspective the Designated Public Places Order was working effectively based on positive anecdotal evidence; 20 additional signs highlighting the DPPO had been arranged to be erected in and around Beaumont Park;
- i) violent crime had reduced overall by 16% last year with a further reduction of 3% this year; there had been a small increase in the Mutley and Greenbank areas however it was highlighted that more work was to be done;

heard from a Devon & Somerset Fire & Rescue representative that –

- j) on 4 January 2010 the fire department was split into two different sections, one for Plymouth and another for South Hams & Devon;
- k) operation fire crews had been visiting premises with a short checklist in order to see what activities they were undertaking, this was a brief snapshot approach in which information could be fed back to a designated officer quickly;
- l) enforcement could range from a non compliance letter to an enforcement notice, and that failure to comply with the enforcement notice could result in court action;
- m) 214 fire safety checks had been carried out by operation crews from Camels Head, Greenbank, Plympton and Plymstock fire stations;

- n) the fire safety department carried out 21 full audits of premises; these checks were programmed to fall outside of the fire safety check;

Resolved that –

1. the Senior Environmental Health Officer be thanked for his concise report;
2. the Police Licensing Officer and Officer from the Devon & Somerset Fire & Rescue be thanked for their attendance and reports;
3. the report be noted;

30. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 19 January 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillor Rennie.

Apologies for absence: Councillor Mrs Stephens

The meeting started at 10.00 am and finished at 12.00 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.

29. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Lock be appointed as Vice Chair for this meeting.

30. DECLARATIONS OF INTEREST

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

31. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

32. REVIEW OF PREMISES LICENCE - MELBOURNE INN, 224 CECIL STREET, PLYMOUTH

The Committee having –

- (i) heard from a representative of Devon and Cornwall Police that –
 - (a) the objection was brought in relation to the prevention of crime and disorder, public safety, the protection of children from harm and the prevention of public nuisance objectives;
 - (b) a representative from Devon & Cornwall Police had requested the review due to concerns regarding the management of the premises and the ability of the Designated Premises Supervisor to uphold the four licensing objectives;
 - (c) from recent incidents of serious violence it was clear that the Designated Premises Supervisor was unaware of incidents at the premises and was failing to ensure he and his staff were abiding by the conditions attached to the premises licence;
 - (d) on 29 April 2009 the Police visited the premises regarding customers smoking at the venue. The Designated Premises Supervisor was not at the premises and the Police spoke with the manager of the premises;
 - (e) on 30 August 2009 between the hours of 0700 and 0900 customers were seen on CCTV footage drinking outside the premises. These customers were seen to have moved from another licensed premises and one was unsteady on his feet;
 - (f) on 21 September 2009 concerns were raised by the Police of residents

concerns of customers drinking outside the premises at 0700 hours and creating a public nuisance;

- (g) on 24 September 2009 a Licensing Officer of Devon & Cornwall Police attended the premises to speak with the Designated Premises Supervisor regarding customers drinking outside the premises. The Designated Premises Supervisor was not on the premises but was said to be available 28 and 29 September;
- (h) on 29 September 2009 attempts were made to speak with the Designated Premises Supervisor but he was not on the premises. The Designated Premises Supervisor did telephone the Licensing Officer of Devon & Cornwall Police and an appointment was made for him to attend Charles Cross Police station to discuss the issue of street drinking;
- (i) on 7 October 2009 the joint premises licence holders/designated premises supervisor did attend a meeting with the Licensing Officer of Devon & Cornwall Police and a number of concerns were raised;
- (j) the concerns raised were over customers drinking outside the premises from 0700 in a residential area creating a noise nuisance and consuming alcohol in a designated public place. Adherence to the licensing conditions specifically; staff being fully trained in underage sales and those already intoxicated and the documenting of this training. The in house CCTV system being in operation and tapes being kept for 14 days;
- (k) the designated premises supervisor agreed to ensure his staff would prevent customers taking drink outside and ensure his staff were fully trained, he also provided a mobile contact number to the Police;
- (l) on 13 November 2009 the Police were notified of three people fighting at the premises; two customers and a member of staff were allegedly assaulted. The staff member was allegedly repeatedly hit in the face with a glass. When the police attempted to gather evidence they found the CCTV system was switched off. The manager of the premises gave the reason for the CCTV being switched off as being due to him preserving the CCTV footage concerning a customer smoking at the premises;
- (m) when the Police Licensing Officer telephoned the designated premises supervisor on 19 November 2009 to discuss the assault on 13 November 2009, the designated premises supervisor was completely unaware of the incident and was unaware the CCTV had been switched off;
- (n) 27 logs were recorded at the premises in 2009 and 11 crimes. None of these incidents had been reported or witnessed by the designated premises supervisor. In dealing with the Police the manager has described himself as the licensee or landlord;
- (o) on 19 November 2009 licensing enforcement officers carried out an audit of the premises and on arrival spoke to the manager. It was noticed by one of the officers that the manager was drunk, was slurring his words, smelt of intoxicating liquor and was unsteady on his feet. When the CCTV was requested the manager was unable to operate the CCTV system and asked another staff member to assist him. It was discovered there was not a chronological 14 day archive held on the system. No training records were found and when the manager was asked about the training in relation to under age sales he said this was common sense;
- (p) the Police duly issued a closure notice under section 19 of the Criminal Justice and Police Act 2001;

- (ii) heard from the premises licence holder that –
 - (a) there had only been one glassing incident at the premises and he had been the premises licence holder for five years and this was the first incident in that time;
 - (b) he was also the premises licence holder and designated premises supervisor for five other pubs;
 - (c) he was willing to voluntarily remove his son as the designated premises supervisor for this premises. He also said he was willing to accept the conditions recommended by the Police. However, the Police had discussed the use of toughened glass following the glassing incident but he said this would be expensive as he currently used free branded glasses;
 - (d) the manager of the premises had been dismissed and had failed to inform him of any of the incidents reported to him by the Police;
 - (e) due to the concerns raised by the Police regarding the lack of management undertaken by the current designated premises supervisor and the premises licence holder, both agreed to the replacement of the designated premises supervisor;
- (iii) heard from the designated premises supervisor that –
 - he was on the premises once a week on a Wednesday for a couple of hours;
- (v) considered the report of the Director for Community Services;

Members felt that in light of the concerns raised the conditions put forward by the Police and agreed by the premises licence holder together with additional conditions would address the representations made. Therefore, the licence would be modified and the following conditions added:

- (1) Whenever the designated premises supervisor is not at the premises another responsible person will be nominated by the designated premises supervisor as being the person to manage the premises.
- (2) All full time staff to be personal licence holders
- (3) CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems
- (4) CCTV cameras to be kept clean and maintained at all times
- (5) CCTV images will be retained for a minimum of 25 days
- (6) The CCTV system will have the capability of downloading the images to a recognised format.
- (7) A register will be kept detailing all requests by Police for CCTV images. This will include time and date of request, time, date and location of the incident, time and date of hand on to Police.
- (8) Only authorised staff will be permitted to download images. Upon request of footage by any responsible authority CCTV footage will be provided as soon as is practicably possible.

- (9) The Police Licensing Department will be informed if the CCTV system is not working.
- (10) A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months for the police or any other responsible authority to inspect, if required. All relevant incidents will be reported to the police at the earliest opportunity.
- (11) Staff will not be permitted to drink alcohol whilst on duty.
- (12) No all inclusive drink promotions will be offered.
- (13) Drugs warning notices on display.
- (14) Zero tolerance to drugs use and dealing.
- (15) No open bottles or other drinking vessels to be permitted to be taken from the premises.
- (16) All staff and managers will be made aware of the conditions attached to the licence.
- (17) All staff to receive documented training on induction and at least every six months in the prevention of under aged sales, drug awareness, assessment of customer's alcohol consumption, the prevention of alcohol sales to drunks and all conditions attached to the premises licence.
- (18) Documentation recording the time, date, subject and duration of training shall be kept. This will include the persons attending and the person delivering the training.
- (19) Suitable signage will be displayed at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.
- (20) Management will maintain control of the outside area and will ensure noise caused by their patrons whilst outside the premises is minimised at all times.
- (21) All beer glasses used on the premises for the sale of drinks must be made of plastic or toughened glass. When replacing any form of drinking glassware they must be replaced with plastic or toughened glass.
- (22) The voluntary door entry buzzer system is to be in operation from 07:00 to 11:00 Mon – Sun in order to give the management more control over who enters the premises.

33. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee (Miscellaneous)

Tuesday 26 January 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillors Delbridge and Rennie.

The meeting started at 10.00 am and finished at 11.35 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.

34. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Lock be appointed as Vice Chair for this meeting.

35. DECLARATIONS OF INTEREST

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

36. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

37. MR TOM MACPHERSON, THE WEE CLIPPER, 29 SOUTHSIDE STREET, PLYMOUTH - TEMPORARY EVENT NOTICES

The committee having –

- (i) heard from the applicant that –
 - (a) most of his clientele were mature and the décor and ambience of the premises was not that of a nightclub ;
 - (b) his aim behind his application was to explore the business potential of the premises as current trading had shown that whilst locals tended to leave the area at around 1am he still had visitors to the city wishing to stay longer than that;
 - (c) he had no intention of having any drinks promotion;
 - (d) he had an open door policy and had been to residents meetings and that he intended to continue going to those;
 - (e) he was intending to open for 24 hours a day for the 96 hours but that his hours would be customer driven and that if he did close during that period customers would be given the customary 30 minutes drinking up time;
 - (f) he used polycarbonate drinking vessels;
 - (g) if there was any hassle with people smoking outside residents would be able to contact him;

- (h) the live music element was to be string instruments and after 2am would be acoustic;
- (ii) heard from the Police and considered their written representation that:
- (a) they had withdrawn their objection to the TEN for the 29 January 2010 to 1 February 2010 and 5 February 2010 to 8 February 2010 due to amendments made to the applications by the applicant;
- (b) the applicant had not made amendments to the TEN applications for the 12 February 2010 to 15 February 2010 and therefore there were concerns that the application may undermine the crime prevention objective;
- (c) they had written to the applicant to request further information but this has not been forthcoming;
- (d) that the application would undermine the crime prevention objective as it authorised the retail sale of alcohol and the performance of regulated entertainment 24 hours a day between the dates specified as detailed in (e) below;
- (e) research showed that when a premises opens later into the small hours that Crime and Disorder could increase and this was irrespective of whether the premises was situated in either a city centre or suburban area. Evidence in support was provided as follows:
- a premise on the Barbican had extended its opening by 2 hours in October 2009. In the 9 months prior to the change 7 crimes were recorded against the premises (4 of which were violent) but in the 3 months after the change this had increased to 12, 8 of which were violent;
 - two premises in North Hill had seen an increase from 15 crimes to 29 crimes within a 12 month period following an increase in hours;
 - a premises located in the suburbs had extended its hours and crimes at the premises had increased from 2 to 17 in an 18 month period;
- The above was considered relevant to the crime prevention objective however they considered that due to the location and variety of size of the premises involved it was not an appropriate comparison to make with this premises and in light of the fact that this application was for a 96 hour period.
- (f) local police involved in working and liaising in the area expressed concerns that the granting of the TEN would impact on the local policing (PACT) priorities and in particular;
- parking on pavements in Southside Street as there was no parking at the front of the premises. There was already a problem with taxis parking on the pavements which may lead to arguments and disorder between residents and taxi drivers as well as outbreaks of violence between drunken taxi customers. This was considered relevant to the crime prevention objective however the police had confirmed that there had been no previous problems with this premises and therefore members

did not consider that this would be a problem;

- there would be customers congregating on the pavement as there was no designated smoking area at the rear of the premises and there was a concern this would lead to complaints from residents disturbed during the night .This was not considered to be relevant to the crime prevention objective;
- from their experience most alcohol related crime and disorder relating to nightclubs occurs outside when people congregate to smoke or queue for taxis and food. This was considered relevant to the crime prevention objective but there was no evidence to support this;

(iii) considered the report from the Director for Community Services;

(iv) considered all of the above, resolved not to uphold the police notice of objection and therefore no counter notice would be served in respect of this application.

38. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 2 March 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Rennie, Vice Chair.
Councillors M Foster (Substitute for Councillor Reynolds) (Fourth Member) and Gordon.

Apologies for absence: Councillor Reynolds.

The meeting started at 10.00 am and finished at 11.50 am.

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

39. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Rennie be appointed as Vice Chair for this meeting.

40. **DECLARATIONS OF INTEREST**

The following declaration of interest was made during the meeting in accordance with the Code of Conduct from a Member in relation to an item under consideration at this meeting –

Name	Item	Interest	Reason
Councillor Ian Gordon	42, Grant of Premises Licence – Tesco, Unit 1, St. Mary's Bridge, Plympton, Plymouth	Personal	He knew one of the parties objecting to the application

41. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

42. **GRANT OF PREMISES LICENCE - TESCO, UNIT 1, ST. MARY'S BRIDGE, PLYMPTON, PLYMOUTH**

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representations and heard from interested parties present;
- (iii) considered representations from the Devon and Cornwall Constabulary;
- (iv) heard from the applicant and their legal representative in support of the application and in particular that –
 - the premises had been open for the last couple of months acting with Temporary Events Notice's and there had been no reported problems
 - the application had been amended so that the hours of operation and sale of alcohol took place between 0700 and 2300 hours rather than starting at 0600;

- the store manager was committed to working with the local community and ward councillors and was willing to provide his contact number for use if problems arose. The committee noted this and welcomed this gesture;
- (v) heard and considered representations under the licensing objectives as follows:
- (a) **Prevention of Public Nuisance –**
- problems existed at other such stores with young people congregating outside and harassing local residents. Interested parties were concerned this would occur at these premises. This was considered to be relevant however there was no evidence to suggest this would be a problem at these premises;
 - St Mary's Church, opposite Market Road, attracted young people using the area as a playground and interested parties were concerned that this would be exacerbated with a shop nearby and that it would lead to areas such as the church and the nearby Infant School being used as a depository for empty can/bottles etc. This was considered to be relevant however there was no evidence that this would be a problem at these premises. Members also noted the fact that non alcoholic drinks were also sold in glass bottles and that the applicant had indicated they were prepared to work with the local residents to do a 'clear up' in the area from time to time.
- (b) **Prevention of Crime and Disorder –**
- the Police made representations that the applicant's initial operating schedule did not adequately cover their concerns under this objective however conditions had since been agreed which the Police as follows:
 - (1) CCTV cameras would be kept clean and maintained;
 - (2) at the request of the Police CCTV images would be downloaded to a recognised format as soon as practicable and within 24 hours;
 - (3) if for any reason the CCTV was not working correctly the Premise will take appropriate steps to ensure any faults were rectified as soon as possible;
 - the Police confirmed that this would address their initial concerns. This was considered relevant and members agreed that these conditions should be attached to the licence to promote this licensing objective;
 - the police also advised that having checked their records for the area there had only been 5 reported problems in the area with youths in the last year.
- (c) **Protection of Children from Harm –**
- the premises were located next to St Mary's Playing fields which had an alleged reputation as a location for underage drinkers. The concern from interested parties was that an establishment selling alcohol so close by would exacerbate the problems that already exist. This was

considered to be relevant however the problems appeared to already exist without these premises and there was no evidence to suggest that problems would increase if the licence was granted. It was also noted that there had been no increase in problems during the recent opening of the store.

(d) **Public Safety –**

- there was already an amount of broken bottles and tins in local children's playground where teenagers met in the evening. The concern from interested parties was that this was already a danger to those who use the area and this would increase if the licence was granted. This was considered to be relevant however there was no evidence to suggest that problems would increase if the licence was granted.

(e) **Other representations –**

- interested parties had concerns over how deliveries to the store would be managed. This was not considered to be relevant as it did not relate to the licensing objectives;
- there were already two pubs and off licenses selling beer and spirits in the area and there was no need for anymore. This was not considered to be relevant as it did not relate to the licensing objectives;
- there were concerns about the hours during which alcohol was proposed to be sold. This was not considered to be relevant as this was not a relevant representation as it did not come under one of the four licensing objectives;
- interested parties were concerned with the amount of additional traffic the establishment would generate which was already a difficult area to negotiate. This was not considered to be relevant as it did not relate to the licensing objectives.

Resolved that having taken into account all of the above representations the application be granted as applied for and subsequently amended so that the hours of operation and sale of alcohol commence at 0700 hrs and subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule (amended at the hearing in relation to hours) and subject to the conditions agreed with the Police.

(Councillor Gordon declared a personal interest in respect of the above item.)

43. **TRANSFER OF PREMISES LICENCE AND VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR - MR JOHN HART**

Mr John Hart attended and withdrew his applications for the transfer of a premises licence and to vary a licence to specify an individual as premises supervisor.

44. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Friday 12 March 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillor Rennie.

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.

45. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair, and Councillor Lock be appointed as Vice Chair.

46. DECLARATIONS OF INTEREST

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

47. CHAIR'S URGENT BUSINESS

There were no items of exempt business.

48. VARIATION OF PREMISES LICENCE - DUCHY OF CORNWALL, 14 ANSTIS STREET, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representation from interested parties and heard from a representative of the interested party present;
- (iii) heard that following the agreement of conditions with the applicant, the Environmental Health representation had been withdrawn;
- (v) heard from the Designated Premises Supervisor (DPS) on behalf of the applicant that –
 - since the review of the licence last year a complete audit of the business had been undertaken and the DPS was solely in charge of the day to day operations of the premises;
 - there had not been any official complaints about the premises since August last year;
 - the DPS had attended a BII course and had trade qualifications in relation to her responsibilities;
 - signs had been posted around the premises as part of their good neighbour policy;
 - the representation from residents relates to an historical matter which had

since been addressed;

- the extension to trade was nominal and relates to public holidays;
- the practice of leaving empty kegs outside was discontinued in December and there had been no instances of theft or vandalism regarding the kegs reported;
- the DPS had written to all neighbours and given them full contact details;
- since the review the DPS has cooperated fully with all professional bodies and adopted their recommendations;
- the live music proposed was intended to consist of two 45 minute sets with a 30 minute break in between.

(vi) heard and considered representations under the licensing objectives as follows:

a) Prevention of Public Nuisance –

- that noise and disturbance would not end at the times stated with people not dispersing from the vicinity. The concern was that this would affect the large number of elderly residents in an otherwise quiet street and would lead to their quality of life being undermined. This was not considered to be relevant as the application was mainly to extend hours at the beginning of the day. It was also acknowledged by the interested parties' representative that there had been no problems with the premises since the noise limiter had been installed;
- residents already suffered from the actions of the patrons of the premises which involved loud and abusive language, fighting and scuffles outside the pub and general antisocial behaviour associated with the consumption of alcohol. The concern was that extended opening hours would exacerbate the problem. This was considered to be relevant however the interested parties' representative had acknowledged that there hadn't been any particular problems recently. Members also noted that there had been no representations from the Police on this issue;
- there had been problems with noise from the licensee leaving the empty aluminium beer barrels outside of the pub. These had then been rolled about by patrons in moments of high spirits. There was a concern that this would eventually lead to significant damage being caused as well as being a potential obstacle for elderly residents to negotiate. This was considered to be relevant but Members noted that this practice had now been discontinued.

Resolved that having taken into account all of the above representations the variation application be granted as applied for subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule and conditions agreed with Environmental Health.

49. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee (Miscellaneous)

Tuesday 16 March 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Michael Foster, Vice Chair.
Councillor Kerswell.
Councillor Delbridge (Substitute for Councillor Mrs Nicholson) (Fourth Member).

Apologies for absence: Councillor Mrs Nicholson.

The meeting started at 10.00 am and finished at 11.25 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

Resolved that Councillor Mrs Bowyer be appointed as Chair, and Councillor Michael Foster be appointed as Vice Chair.

51. DECLARATIONS OF INTEREST

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

52. CHAIR'S URGENT BUSINESS

There were no items of exempt business.

53. STREET TRADING REPORT

The City Centre Operations and Street Trading Manager updated the committee on street trading. In response to questions raised it was reported that –

- (i) redevelopment works at the West End had made it necessary to temporarily re-locate three existing sites;
- (ii) the three sites that traders had been re-located from had now been lost due to the redevelopment works, as a result it was proposed that three new sites be sourced around Cornwall Street;
- (iii) the proposals, as well as maintaining the income stream for the Council from street traders, would also increase footfall in Cornwall Street;
- (iv) due to the economic climate and many traders asking for reduced rates the fees had stayed the same for 2010/2011 ensuring that traders would take up sites and thus, maintain an income stream for the Council;
- (v) one of the biggest impacts on traders had been due to an increase in pedlars, this was being combated by the City Centre Operations and Street Trading Manager and PCSO's monitoring and moving on pedlars, which had resulted in a reduced amount of pedlars in the City Centre;
- (vi) burger vans operating in the City Centre were granted a late licence from the Licensing Department but often traded from prohibited streets;
- (vii) issues such as illegal trading had resulted in the street trading, enforcement

and licensing departments striving to work in partnership to ensure that a more joined up approach was achieved within the trading industry.

Resolved that –

- (1) the consent dates for 2010/2011 are approved;
- (2) the Assistant Director for Planning Services has delegated authority to approve, within Committee policy, the issuing of consents to existing City Centre traders seeking to continue trading during 2010/2011;
- (3) the Assistant Director for Planning Services has delegated authority to approve, within Committee policy, the issuing of consents to new City Centre traders for vacant sites;
- (4) the consent fees for 2010/2011 are approved;
- (5) the Assistant Director for Planning Services 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 Assistant Director for Planning Services has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
- (7) the proposed site changes are approved;
- (8) the proposed three new sites are approved;
- (9) due to members' concerns over illegal trading taking place in the city, a joint working party be set up to deal with the issues involved, to pursue prosecutions where necessary and to establish sites where appropriate.

54. **EXEMPT BUSINESS**

To consider passing 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 it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

55. **STREET TRADING ICE CREAM CONCESSIONS - PLYMOUTH HOE & CITY CENTRE**

The Committee having –

- (i) considered the report of the Director for Development and Regeneration;
- (ii) heard from the City Centre Operations & Street Trading Manager;
- (iii) heard from the applicants.

Resolved that –

- (1) RM to be offered site B;
- (2) EW to be offered sites C and F with permission from EW for RD to be the manager for site F;
- (3) DE to be offered sites G and H;

- (4) KS to be offered site E subject to receipt of all the necessary paperwork;
- (5) new applications will be sought for any vacant sites. The decision on granting any ice cream trading consents for these sites, will be delegated to the Chair of the Licensing Sub Committee;
- (6) the approval of ice cream consents for vacant sites for the Winter period be delegated to the Chair of the Licensing Sub Committee.

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CITY OF PLYMOUTH

Subject: Safety at Sports Grounds – Scheme of Delegation

Committee: Licensing Committee (Miscellaneous)

Date: 13 April 2010

Cabinet Member: Councillor Brookshaw

CMT Member: Director for Community Services

Author: Peter Ford, Head of Development Management
e-mail: peter.ford@plymouth.gov.uk

Contact: 01752 304352

Ref: PF/Planning

Part: I

Executive Summary:

The Licensing Committee (Miscellaneous) is responsible for the discharge by the Council of the functions in relation to safety of sports grounds as set out in the Safety at Sports Ground Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, and any Regulations made there under (referred to as “the Acts”),

Following a number of restructures of the Council’s Senior Management Team it has become apparent that the scheme of delegation relating to this legislation should be renewed to reflect the position that the area of the Council that leads on this work (namely Building Control) now falls under the responsibility of the Director of Development and Regeneration.

The report therefore seeks Members authorisation of the proposed scheme of delegation.

Corporate Plan 2010- 2013:

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

1. Providing more and better culture and leisure activities.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

No direct financial implications.

**Other Implications: eg. Section 17 - Community Safety, Health and Safety,
Risk Management, Equalities Impact Assessment, etc.**

The matters addressed in this report relate to the Council's community safety and health and safety obligations as outlined in the Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987

Recommendations and Reasons for recommended action:

It is recommended that Licensing Committee:

Authorises the scheme of delegation as set out in Appendix A to this report and delegates the officer's responsibilities to the Director of Development and Regeneration

Reason: To enable more effective working between officers on matters related Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987 and any Regulations made there under.

Alternative options considered and reasons for recommended action:

The Committee could decide to retain all decision making in relation to the Acts but this would result in additional administration matters coming before the Committee that would be more effectively deal with by the officers of Building Control.

Background papers:

Safety of Sports Grounds Act 1975
Fire Safety and Safety of Places of Sport Act 1987

Plymouth City Council Constitution 2006 (amended September 2009)

Sign off:

Head of Fin	KF Dev F910 0089	Head of Leg	AG/8017/ 26.3.10	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

- 1.1 The Licensing Committee (Miscellaneous) is responsible for the discharge by the Council of the functions in relation to safety of sports grounds as set out in the Safety at Sports Ground Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, and any Regulations made there under (referred to as “the Acts”),
- 1.2 Prior to the restructure last year of the Council’s Senior Management Team, the lead officers responsible for this Committee (Head of Environmental Services) and for the safety of sports grounds (Building Control) were within the same Directorate. Following the restructure last year Building Control now falls under the responsibility of the Director of Development and Regeneration, the responsibility for this Committee being with the Director of Community Services.
- 1.3 In order to regularise the position with regard to a scheme of delegation to ensure the continued administration of the licensing and enforcement of sports safety issues, an updated Scheme of Delegation is proposed which sets out the matters to be dealt with by Committee and by Officers. This is set out in Appendix A to the report.

2. RECOMMENDATION

It is recommended that Licensing Committee:

Authorises the scheme of delegation as set out in Appendix A to this report and delegates the officer’s responsibilities to the Director of Development and Regeneration.

Reason: To enable more effective working on matters related to Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987 and any Regulations made there under.

APPENDIX A

SAFETY AT SPORTS GROUNDS DELEGATION TO OFFICERS

1. This scheme delegates to the Director for Development and Regeneration (referred to as “the Director”) the functions of the Licensing Committee (Miscellaneous) in relation to safety at sports grounds as required under the following Acts and Guidance:

Safety at Sports Grounds Act 1985

Fire Safety and Safety of Places of Sport Act 1987

Regulatory Reform (First Safety) Order 2005

(including any amending legislation, regulations and Home Office guidance issued in connection with these Acts.)

The current edition of the Guide to Safety at Sports Grounds issued by the Department of Culture, Media and Sport.

The current edition of the Safety Management (Sports Grounds and Stadia Guide) issued by the Football Licensing Authority.

2. The scheme delegates the following functions to the Director and brings the operation of these functions within the Director’s functional area:
 - 2.1. to make a determination as to whether stands within a sports grounds should be regulated under the Fire Safety and Safety of Places of Sport Act 1987
 - 2.2. to determine applications for general and special safety certificates and any other licenses, permits or registrations permitted under the Acts mentioned above, including the setting of any terms and conditions.
3. In exercising delegated powers, officers shall consult with such other relevant officers and shall have regard to any advice given.
4. It is always open to an officer to:
 - 4.1. to consult with the Licensing Committee (Miscellaneous)

- 4.2. to choose not to exercise the delegated power but to refer the matter to the Licensing Committee (Miscellaneous)
5. The Director may sub-delegate in writing all of any of these delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer.

CITY OF PLYMOUTH

Subject: Review of Fees Payable under the Gambling Act 2005 and the Gambling (Premises Licensing Fees) (England and Wales) Regulations 2007

Committee: Licensing Committee (Miscellaneous)

Date: 13th April 2010

Cabinet Member: Cllr Brookshaw

CMT Member: Director for Community Services

Author: Andy Netherton – Unit Manager (Safety, Health & Licensing)

Contact: Tel: (01752) 304158
e-mail: andy.netherton@plymouth.gov.uk

Ref: PPS/LIC/AN/

Part: I

Executive Summary:

The Gambling Act 2005 modernised and consolidated the controls on gambling. It also promotes gambling as a leisure activity. Central to the Act are objectives, which relate to how businesses will prevent gambling becoming a source of crime and disorder; how fairness and openness will be promoted and how children and vulnerable people will be protected from harm.

The Licensing Committee (Miscellaneous) has the ability to set fees for licences and permits under the Act. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 lays out the functions that the City Council can charge for and specifies a range within which it must set those fees. Currently the maximum fees are charged for all categories.

The Licensing Committee (Miscellaneous) determined originally in August 2007 that the fees for gambling premises licences remain at the maximum permissible levels specified and this decision was again confirmed at a Committee meeting on the 9th December 2008. Under the provision of the Gambling Act 2005 the Licensing Authority must only set fees at a level that recovers no more than the cost of carrying out its regulatory functions under the Act. This report requests that the Committee confirm the fees to be charged under the Gambling Act 2005.

Corporate Plan 2010 to 2013:

The report links to the delivery of the corporate improvement priorities. In particular:

- Improving Community Involvement and Engagement
 - Widening Cultural and Leisure Opportunities
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The Local authority has a statutory duty to provide this service. The level of fee set by the Committee will determine the budget for the administration of the service, which must be cost neutral to the authority. Provision has been made in the 2010/11 budgets, for an estimated minimum income of £57,630 assuming fees remain at maximum.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment etc.

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

Gambling licences and permits and the terms and conditions of license can be used by the Authority to improve and promote community safety and the health and wellbeing of the public and to protect children and other vulnerable persons from being harmed or exploited by gambling.

Recommendations & Reasons for recommended action:

That Committee approve the following recommendations:

- 1 The fees for gambling premises licences remain at the maximum levels as specified in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 as set out in Appendix A

The authority must ensure that the administration of the licensing system under the Gambling Act 2005 is cost neutral. There has been no increase in the fees since the introduction of the Gambling Act 2005; therefore additional inflationary increases have had to be absorbed within the existing budget.

Alternative options considered and reasons for recommended action:

The fees could be set at a level less than the statutory maximum. If this were the case, then rather than being cost neutral, the administration of this statutory function would create a cost to the Council

Background papers:

Cabinet Report 28.11.2006, Minute 114 (C85 06/07) – Gambling Act 2005

City Council 15.1.2007,

Constitution Affairs Committee, Minute 13 (CAC 5 06/07) – Delegation of Functions Under Gambling Act 2005

Gambling Act – Section 25

Gambling Commission – Guidance for Local Authorities (April 2006)

Plymouth City Council Statement of Principles under the Gambling Act 2005 Version 1 published 26.1.07

DCMS – Gambling Act 2005 – Review of Local Authority Premises Licence Fees published Dec 2007

Sign off: :

Head of Fin	SA DevF 9100 087	Head of Leg	AG/ 7826/ 29.3. 10	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member: Carole Burgoyne											

1.0 BACKGROUND

- 1.1 The Gambling Act 2005 put in place the reform of gambling control and created a new regulatory system that governs the provision of gambling in England and Wales. Local Authorities share responsibility with the Gambling Commission in regulating commercial gambling.
- 1.2 Local Authorities have specific roles, which include the licensing of gambling premises, and regulating lower stake gambling machines and clubs.
- 1.3 The Gambling Commission regulates gaming and certain lotteries. They are responsible for issuing new operating licences under the 2005 Act to organisations and individuals who are providing facilities for gambling and personal licences to certain categories of people working in the gambling industry.
- 1.4 In order to carry out its functions within the Gambling Act 2005 the Licensing Authority have the ability to set fees to cover administration costs of service and the maximum levels are defined by The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. The Licensing Committee (Miscellaneous) resolved to set the current fees at the maximum levels on the 9th December 2008.
- 1.5 Under section 212 of the Gambling Act 2005 the fees set by the Licensing Authority must aim to ensure that the income from fees for each licence equates as nearly as possible to the costs of providing the service to which the fee relates. A copy of the existing fees table is shown in Appendix A.

2.0 THE CONSTITUTIONAL AND LEGAL CONTEXT

- 2.1 On the 15th January 2007 Full Council approved the first three-year licensing Statement of Principles and resolved that the setting of fees under the Gambling Act 2005 be delegated to the Licensing Committee (Miscellaneous).
- 2.2 The Licensing Committee (Miscellaneous) was established under the Licensing Act 2003 to administer the licensing function for this authority and the terms of reference for this Committee were amended to include the additional responsibilities of the Gambling Act 2005 by the Constitutional Affairs Committee (Minute 13) and approved at Full Council on the 15 January 2007

3.0 LEVEL OF FEES

- 3.1 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 does not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The maximum fees were set to ensure local authorities could secure cost recovery and to offer fairness and value for money for the gambling industry.
- 3.2 Each Licensing Authority must set its fees at a level that recovers no more than the costs of carrying out its regulatory functions under the Act. This puts local authorities in a position of responsibility for licensing and assessing compliance of businesses within its area based on their expertise and local knowledge.
- 3.3 The income from annual licence fees for the financial year ending 31 March 2010 is estimated to be £66,000 being made up of fees from betting shops, adult gaming

centres, bingo halls and casinos, also included are fees generated from the issue of permits for licensed premises with amusements with prizes machines and lotteries. The minimum income for 2010/2011 has been estimated to be £57,630 (see Appendix B).

- 3.4 Appendix C shows the estimated cost of regulating the industry as a whole in the City. It must be remembered that many internal Departments costs (support service recharges), such as legal, IT support, Democratic Support, HR and accommodation costs must also be included in order to achieve full cost recovery for the Council. Central support recharges have recently been more accurately calculated as part of a corporate project. This has identified a significant increase on old estimated charges which has been included in this latest fee review. Other costs to be accounted for include,
- Training
 - IT hardware and software (including annual licence fees)
 - Car parking fees
 - General internal management
 - Contingency to allow for unforeseen work, deal with appeals or complex investigations
- 3.5 The number of existing licenses and applications received during the year under the Gambling Act accounts for approximately 15% of the total number of licenses routinely dealt with by the team. In addition to processing applications work includes routine inspection, monitoring, complaints investigation, investigation of unlicensed activities and the maintenance of the web site. In addition the requirement to review and republish the Statement of Licensing Policy every 3 years has a major resource impact due to the consultation and reporting process to achieve City Council approval. The current Policy was republished in January 2010. In addition to routine activities the work plan for 2010/11 includes an under age test purchasing operation, a major drive to identify and deal with unlicensed usage of “fruit machines” and an educational campaign to ensure non commercial gambling operates within the law, e.g. poker in public houses, charity horse race nights.
- 3.6 The cost of administrating each licence in each category has been assessed. The costings have shown that most resources are non licence specific, so the total cost has been split equally between each type of licence. There would be a disproportionate cost in trying to measure and record these minor licence specific variations. A proportional split, however, is already achieved by the variation in statutory maximum fee.
- 3.7 It must be remembered that the fees have not altered since the introduction of the new system in 2007, therefore the annual inflation increases have had to be absorbed. No date has been given by the Government regarding when the statutory maximum fee levels are likely to be reviewed or increased.
- 3.8 The Department for Culture, Media & Sport (DCMS) have undertaken a national review of local authority premises licence fees and published their report in December 2007. The general conclusions were that the existing fee structure was fair in allowing individual local authorities to enable realistic cost recovery. It reaffirmed that each local authority was best placed to decide a cost structure that is fair to the gambling industry at local level and as a consequence there was no need to review the maximum set fees at present.

4.0 CONCLUSIONS

- 4.1 A comparison between estimated income for this financial year and full breakdown of the costs of undertaking this regulatory function indicated that initial setting of annual fees at the maximum level is both realistic and an accurate assessment that this authority is receiving cost recovery for undertaking this regulatory function.
- 4.2 The administrative costs include officer salaries, on-costs, support costs that include inspection, legal, finance, IT software, and the proportionate costs of undertaking a 3 yearly consultation of the Statement of Principles required to facilitate the delivery of this function. The total outlay costs have been equally divided between the costs of each annual licence fee as the most appropriate way to apportioning expenditure.

5.0 RECOMMENDATIONS

That Committee approve the following recommendations:

1. The fees for gambling premises licences remain at the maximum levels as specified in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 as set out in Appendix A.

APPENDIX A

Gambling Act 2005 - Table of existing fees

Classes of premises licence	New Application	Annual fee	Variation of licence	Transfer Application	Fee for application for reinstatement of a licence	Fee for application for provisional statement
Regional casino premises licence	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence		£3,000	£2,000	£1,350	£1,350	
Bingo premises	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult Gaming Centres	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Tracks	£2,500	£1,000	£1,250	£950.00	£950.00	£2,500
Family Entertainment Centres	£2,000	£750,00	£1,000	£950.00	£950.00	£2,000
Betting Premises (Excluding Tracks)	£3,000	£600,00	£1,500	£1,200	£1,200	£3,000

NB – Conversions have been removed as they are no longer relevant

APPENDIX B

Estimated Income from Gambling Act premises Licence (Fees set at maximum) 01/04/10 – 31/03/2011

Gambling Premises

Type of Licence required (Conversion)	Number of Licenses in place	Annual Fee	Estimated Income (Annual Fees)
Betting Premise Licence	30	£600.00	£18,000.00
Adult Gaming Centre Permit	16	£1000.00	£16,000.00
Bingo Premise Licence	7	£1000.00	£7,000.00
Casino Premises Licence	3	£3000.00	£9000,000
Betting (Track)	1	£600.00	£600.00
Total			£50,600.00

Permits

15 Existing permits x £50.00 (Annual Fee) = £750.00
33 Existing permits to expire (Not all to renew as premises not open)
15 Notifications x £50.00 = £750.00
13 Conversions x £150.00 = £1950.00

Total £3,450.00

Lotteries

179 X £20.00 = **£3,580.00**

Total Estimated income £57,630.00

Appendix C

Estimated Costs to administer the Gambling Act 2005

<u>Staffing</u>		% assigned to Gambling Act	Cost (£)
PPS Manager		5%	
Unit Manager		5%	
Senior EHO		15%	
Licensing Officer		30%	
Administrative Support		15%	
Total Staffing			19,870
<u>Additional Costs</u>			
On-costs (26.6% of Basic Salary)			5,285
Support Service Recharges			29,561
Total Additional Costs			34,846
<u>General Costs</u>	Miscellaneous Licensing Total (£)	% assigned to Gambling Act	Cost (£)
Car Parking	2,972	15%	446
Books, Legal Manuals, etc.	500	15%	75
General Office Expenses	300	15%	45
Software, Licences, etc.	4,000	15%	600
Training			300
Total General Costs			1,466
Contingency (legal challenges, etc.). 10% of Total Costs			5,618
Total Cost of Gambling Act			61,801

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CITY OF PLYMOUTH

Subject: Plymouth Albion – Safety Certificate for East and West Stands

Committee: Licensing Committee (Miscellaneous)

Date: 13 April 2010

Cabinet Member: Councillor Brookshaw

CMT Member: Director for Community Services

Author: Peter Ford, Head of Development Management
e-mail: peter.ford@plymouth.gov.uk

Contact: 01752 304352

Ref: PF/Planning

Part: I

Executive Summary:

On 13th October 2009 Licensing Committee (Miscellaneous) determined that the east and west stands of Plymouth Albion Rugby Football Club Limited (PARFC) meet the criteria for regulation under the Fire Safety and Safety of Places of Sport Act 1987. It delegated authority to the Licensing Sub Committee (Miscellaneous) to consider any application made by the Club for a General Safety Certificates for the east and west stands.

It is proposed that the delegation made on the 13 October 2009 is reconsidered and that delegated authority is now granted to the Assistant Director of Development (Planning) to enable the consideration of the application and issue of the Safety Certificate for Plymouth Albion to be resolved during the period of Council elections. It is further proposed that officers report back to the Licensing Sub Committee on progress made on this matter and any issues that may arise.

Corporate Plan 2010- 2013:

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

1. Providing more and better culture and leisure activities.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

No direct financial implications.

**Other Implications: eg. Section 17 - Community Safety, Health and Safety,
Risk Management, Equalities Impact Assessment, etc.**

The matters addressed in this report relate to the Council's community safety and health and safety obligations as outlined in the Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987

Recommendations and Reasons for recommended action:

It is recommended that Licensing Committee:

Delegates to the Assistant Director of Development (Planning) authority to consider the application and issue the Safety Certificate for the Plymouth Albion east and west stands and officers report to the Licensing Sub Committee on progress made on this matter and any issues that may arise..

Reason: To enable the matter to be resolved as a matter of urgency during the period of Council elections.

Alternative options considered and reasons for recommended action:

The Committee could decide that the delegation of decisions is retained by the Licensing Sub Committee. This would either result in the need to arrange and hold an additional Licensing Sub Committee meeting before the end of the current constitutional year, or, delay the consideration of this to a meeting at the beginning of the next constitutional year which would delay the issuing of the Safety Certificate and the Council's ability to enforce the operational conditions set out in the certificate.

Background papers:

Safety of Sports Grounds Act 1975

Fire Safety and Safety of Places of Sport Act 1987
Plymouth City Council Constitution 2006 (amended September 2009)

Sign off:

Head of Fin	KF Dev F910 0089	Head of Leg	AG/7903/ 26.3.10	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1. BACKGROUND

- 1.1 On 13th October 2009 Licensing Committee (Miscellaneous) determined that the east and west stands of Plymouth Albion Rugby Football Club Limited (PARFC) meet the criteria for regulation under the Fire Safety and Safety of Places of Sport Act 1987. It delegated authority to the Licensing Sub Committee (Miscellaneous) to consider any application made by the Club for a General Safety Certificate for the east and west stands.
- 1.2 Since that date officers have been in consultation with PARFC and also members of the Sport Advisory Group (SAG) to formulate and finalise the necessary risk assessment and contingency plans required from PARFC to enable the drafting of the General Safety Certificate for the east and west stands to take place.
- 1.3 This consultation is in the final stages but will not be completed in time to bring this matter for consideration by the Licensing Sub Committee within the current remaining constitutional calendar of meetings.

2 CONCLUSION AND RECOMMENDATIONS

- 2.1 Members could continue with the current delegation and retain the decision in this matter. To ensure the Council's ability to enforce the operations conditions set out in the certificate this will result in the need for an additional meeting of the Licensing Sub Committee to be arranged before the end of the current constitutional year, as delay in the issuing of the Safety Certificate will delay the Council's ability to enforce the operational conditions set out in the certificate.
- 2.2. It is therefore recommended that Licensing Committee:

Delegates to the Assistant Director of Development (Planning) authority to consider the application and issue the Safety Certificate for the Plymouth Albion east and west stands and officers report to the Licensing Sub Committee on progress made on this matter and any issues that may arise..

Reason: To enable the matter to be resolved as a matter of urgency during the period of Council elections.