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LICENSING COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 22 FEBRUARY 2011
TIME: 10AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillor Mrs Bowyer, Chair
Councillor Delbridge, Vice Chair
Councillors Browne, Drean, K Foster, Gordon, King, Lock, Dr. Mahony,
Mrs Nelder, Mrs Nicholson, Rennie, Reynolds, Williams and Wright

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.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

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 - 6)

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

- 21 December 2010 Licensing Committee (Miscellaneous)
- 8 February 2011 Licensing Sub Committee

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. INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT / VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES.

(Pages 7 - 10)

The Director for Community Services will submit a report on information regarding delegated decisions for applications for the grant / variation of premises licences and club premises certificates.

6. ENFORCEMENT ACTIVITY REPORT

(Pages 11 - 18)

The Director for Community Services will submit a report on enforcement activity.

7. REVIEW OF FEES PAYABLE UNDER THE GAMBLING ACT 2005 AND THE GAMBLING (PREMISES LICENSING FEES) (ENGLAND AND WALES) REGULATIONS 2007

(Pages 19 - 28)

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.

8. STREET TRADING REPORT

(Pages 29 - 36)

The Director for Community Services will submit a report on street trading.

9. 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 21 December 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.
 Councillor Delbridge, Vice Chair.
 Councillors Browne, Drear, K Foster, Gordon, Lock, Mrs Nicholson, Rennie, Williams and Wright.

Apologies for absence: Councillor Mrs Nelder

Also in attendance: Ann Gillbanks – Senior Lawyer, Dave Hughes – Senior Environmental Officer

The meeting started at 10.00 am and finished at 11.10 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.

13. **DECLARATIONS OF INTEREST**

The following declaration of interests were made by Councillors in accordance with the Code of Conduct in relation to an item under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Mrs Bowyer	Minute 16 – Application for the Designated Public Places Order to control street drinking in Freedom Fields Park and Tothill Park.	Her daughter owns a business in the area.	Prejudicial
Councillor Rennie	As above	He had already responded to the application.	Prejudicial
Councillor Browne	As above	He had been to Freedom Fields Park with street pastors.	Prejudicial.

14. **MINUTES**

It was agreed that the following minutes of the 24 August 2010 Licensing Committee (Miscellaneous) and the 24 August 2010, 7 September 2010, 5 October 2010, 19 October 2010, 2 November 2010 and 16 November 2010 Licensing Sub Committees be approved subject to the following amendment regarding 16 November 2010 Licensing Sub Committee meeting;

Minute 32, 1 (bullet point 5) should read:

“a senior member of staff is nominated as the person responsible for the management, supervision and control of regulated entertainment; this person will be responsible for instructing performers on the restrictions and controls to be applied.”

15. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

16. **APPLICATION FOR THE DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN FREEDOM FIELDS PARK AND TOTHILL PARK.**

1. The Committee having considered evidence and heard representations from the Police and other officers, were satisfied that there were sufficient grounds that nuisance or annoyance or disorder was caused to members of the public or a section of the public which was associated with the consumption of alcohol in those areas in the area of Freedom Fields Park to authorise a statutory public consultation.

2. Members considered the evidence submitted and were satisfied that there were sufficient grounds that nuisance or annoyance or disorder may be caused to members of the public or a section of the public which was associated with the consumption of alcohol and the effects of displacement to Tothill Park, to authorise a statutory public consultation.

3. The Committee agreed to authorise the Public Protection Service to carry out the required statutory consultation as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in the areas of Freedom Fields Park and Tothill Park and then report back detailing the results of that consultation in order that Committee can consider approving the application by the granting of the Designated Public Places Order.

17. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee (Miscellaneous)

Tuesday 8 February 2011

PRESENT:

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

Also in attendance: Pete Clemens (Senior Licensing Officer) and Sharon Day (Lawyer).

The meeting started at 10.10 am and finished at 12.40 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.

35. **DECLARATIONS OF INTEREST**

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

36. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

37. **VARIATION OF PREMISES LICENCE - UNION STREET FOOD AND WINE, 61A UNION STREET, PLYMOUTH**

The committee having –

- (i) considered the report from the Director for Community Services;
- (ii) heard from Devon and Cornwall Police that the premises lie within the Council's cumulative impact zone and that due to the concerns listed beneath the relevant licensing objectives below, the application should be refused as to grant the licence would add to existing problems in the area;
- (iii) heard from the applicant that:
 - he wanted this variation for the benefit of the local community who found that drinks in the nightclubs were too expensive;
 - he had had no problems with violence within his premises in the evening;
 - he was prepared to have 4/5 staff on duty or employ door supervisors;
 - he was prepared to amend his application so that the premises closed at 01.00hrs instead;

- although he had the option of using a night counter he did not want to use this as it would prevent him assessing whether the person was of the right age and whether they had been drinking;
 - he was prepared to only sell cans and plastic bottles of alcohol;
- (vi) considered representations from the Police under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

due to alcohol being sold until 02.00 an increase in the number of persons loitering late at night could occur in the vicinity. These people were likely to have already been drinking, may have been ejected from entry to nearby licensed premises and were therefore likely to impact on levels of disorder in the area. This was considered to be relevant and the committee considered whether any of the matters offered by the applicant would address these concerns. They did not consider that any conditions could be put on the licence to address this. Also they did not consider that reducing the hours of operation would address the concerns outlined by the Police.

b) **Prevention of Crime and Disorder –**

if alcohol was sold until 02.00 there was likely to be an increase in alcohol related violent crime, criminal damage and street drinkers and associated offences. This was because people who attended the premises were likely to have been drinking already, may have been ejected from nearby licensed premises, were likely to consume their purchase in the vicinity of the premises in public places and would be in possession of bottles and cans in public areas, both open and unopened which increased the potential for their use as weapons in violent crime.

The figures presented by the police in support of this assertion were as follows:

- out of 7362 crimes committed within the Union Street area 3104 were committed within a 500 metre radius of the premises;
- out of 1261 violent crimes committed within 500 metres of the premises 281 were committed within 100 metres of the premises, 301 within 100-200metres of the premise showing a high number of violent crime in a close proximity to the premises;
- there were 202 offences involving criminal damage within 500 metres of the premises;

In respect of the above whilst the committee noted these figures they were not taken into account in reaching the decision as they relate to a 24 hour period of time and this application related to an extension from 23.00 to 02.00.

- the committee did take into account and place weight on the remaining figures presented which show that between the hours of 19.00 hrs and 23.00 hrs, less than 50 violent crimes occurred within 200 metres of the premises however this figure then increases to approximately 188 crimes between the hours of 2300 and 0200, which was the period sought in the variation application.

This was considered to be relevant and again the committee considered what had been offered by the applicant and whether any conditions would address the concerns by the Police. However the committee felt that door supervisors would only be able to control people coming in and out of the premises and this would not prevent the potential for violent crime to increase in the vicinity of the premises.

The committee further considered whether a condition could be attached to the licence to restrict sales of alcohol in plastic vessels and whether this would restrict the potential for an increase in violent crime in the area. However, the committee considered that cans could still be used as weapons and the applicant said that things such as wine could not be supplied in plastic bottles. The committee therefore did not consider that this would address the problems.

c) **Protection of Children from Harm –**

No representations

d) **Public Safety –**

No representations

e) **Other representations –**

No representations

Agreed that having taken into account all of the above representations, it was acknowledged by the committee that the Cumulative Impact Policy does not apply to off licences. However, guidance issued by the Home Office at paragraph 9.9 does allow for the committee to consider the cumulative impact on the licensing objectives of a concentration of multiple licensed premises.

This appeared to the committee to be the situation here in that the Police acknowledged that they did not have a problem with the way the applicant ran his premises but the problem was the location of the premises and the high levels of crime in the immediate vicinity and the potential for the granting of the licence to add to the problems that already exist.

Therefore the variation application is partially granted as follows:

- (1) the committee heard no representations against the application for late night refreshment or against the request to change the opening hours of the premises from 7am to 8am and therefore these parts of the application are granted subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule;
- (2) the committee refuse to grant the application to extend the hours for the sale by retail of alcohol off the premises from 23.00 to 02.00 hours as they believe that, based on the evidence presented by the police that to grant the licence would add to the problems that already exist in the area due to the concentration of licensed premises and that no conditions could be attached to the licence, hours reduced or a combination of both to address this.

38. **EXEMPT BUSINESS**

There were no items of exempt business.

CITY OF PLYMOUTH

Subject: Information regarding delegated decisions for applications for the Grant / Variation of Premises Licences and Club Premises Certificates.

Committee: Licensing Committee (Miscellaneous)

Date: 22 February 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Marie Price

Contact: Tel: 01752 307981
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

Applications have been received from various premises within Plymouth for the Grant / Variation of a premises licence under Sections 17 and 34 or the Grant / Variation of a Club Premises Certificate under Schedule 8 and Section 84 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

This report links to the delivery of the city and council priorities. In particular:

1. Delivering Growth

www.plymouth.gov.uk/corporateplan.htm

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

Not applicable.

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

Members should be aware that Section 17 of the Crime 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.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Applications.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg	AG/10815/2.2.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

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

2.0 RESPONSIBLE AUTHORITIES

2.1 *Environmental Health*

Cherry Tree	Ham Drive
Plymouth Cricket Club	Mount Wise
Stuart Social Club	Pennycomequick
The Magnet Pub	Albany Street
Voodoo Lounge	Drake Circus

2.2 *Devon and Cornwall Police*

Tesco	Cobourg Street
The Magnet Pub	Albany Street

2.3 *Trading Standards*

2.4 *Interested Parties*

BBC	Seymour Road
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3.0 CONSIDERATIONS

- 3.1 Section (9.19) of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.
- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between Jun 2010 and Dec 2010 and this report is submitted for the information of the committee.

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Subject: Enforcement Activity Report - 2010

Committee: Licensing Committee (Miscellaneous)

Date: 22 February 2011

Cabinet Member: Councillor Michael Leaves, Community Services

CMT Member: Carole Burgoyne – Director for Community Services

Author: David Hughes

Contact: Tel. 01751 - 304742
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision: No

Part: I

Executive Summary:

This is the third report of its kind and has been compiled to give the Licensing Committee (Miscellaneous) an overview of the various aspects of the work undertaken by agencies involved in regulating the Evening & Night Time Economy during 2010.

Corporate Plan 2010-2013 as amended by the four new priorities for the City and Council:

This report links to the delivery of the corporate improvement priorities.

1. Delivering Growth
 2. Raising Aspiration
 3. Reducing inequalities
 4. Value for Communities
-

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

There are no financial implications associated with this report.

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

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

Recommendations and Reason for recommended action:

That Committee note the attached report.

Alternative options considered and reasons for recommended action:

None

Background papers:

None

Sign off:

Fin		Leg	AG/10814/ 2.2.11	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member : Carol Burgoyne											

Enforcement Activity Report – 2010

1.0 Introduction

1.1 This report has been compiled to give Members of the Licensing Committee (Miscellaneous) an update of the work undertaken by agencies involved in regulating the Evening and Night Time Economy (ENTE) and the licensing team during 2010. The main initiatives conducted during 2010 were as follows:-

- A three-year review of the Council's Licensing Policy
- An annual review of fees payable by Gambling establishments
- The formulation of a draft Sex Establishments Policy in preparation for public consultation
- Coordinate a public consultation for a Designated Public Places Order (DPPO) to cover Freedom Fields and Tothill Parks
- Implementation of new mandatory conditions for licensed premises
- Consideration of proposed changes to the licensing legislation
- Ongoing joint enforcement operations

2.0 Licensing (Miscellaneous)

2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003 associated legislation. These responsibilities cover the regulatory process for premises and club premises certificates; personal licences; Temporary Events Notices (TEN's).

2.2 During 2010 Officers processed 348 new licensing applications, transfers, DPS and variations; 282 personal licences; 283 TEN's; This numbers are consistent with 2009.

2.3 Responsible authorities, in particular the Police and Environmental Health continue to submit formal representations in respect of licensing applications having regard to the licensing objectives. In the majority of cases the applicant will agree with the submitted representations thereby allowing them to be mediated out. Members receive regular updates of all the decisions by way of report.

Where applications cannot be mediated out or when relevant representations are submitted by local residents, these applications are presented before Members for consideration.

2.4 The Licensing Sub-Committee (Miscellaneous) has held 18 meetings to consider 23 reports which included 13 applications (new, variations, transfers and TENs) where representations could not be mediated. Of the decisions taken one has been the subject of an appeal to the Magistrates Courts which has yet to be heard. Committee has also considered 5 applications for review of premises licences submitted by the Police, Environmental Health and/or local residents.

- 2.5 The three year review of the Council's Licensing policy was completed in 2010. Officers substantially re-drafted the policy, in consultation with legal officers, having regard to changes in government guidance. Following an extensive public consultation Council formally ratified the new policy on the 6 December 2010. The consultation also included a review of its Cumulative Impact Policy and this special policy remains unchanged.
- 2.6 The implications of the EC Services Directive were that systems had to be put in place to allow applicants to make licensing applications online. This proved to be a very complicated and involved process that took an extensive amount of time to coordinate. The system went live on the 19 August 2010.
- 2.7 In order to assist applicants Officers have compiled a comprehensive Pool of Licensing Conditions to assist applicants when drafting an operating schedule that will be suitable and sufficient for their licensed premises.

3.0 Gambling Establishments

- 3.1 Licensing Officers with administrative support are also responsible for licensing establishments such as casinos, betting shops, adult gaming centres, bingo halls covered by the Gambling Act 2005. The Statement of Licensing Principles was the subject of a three year review during 2009 and after the completion of a formal public consultation the revised policy was adopted by Council and became effective on the 31st January 2010.
- 3.2 Licensing Committee has delegated responsibility for the setting of annual fees payable by gaming establishments and was approved by Members on the 13 April 2010. All establishments are the subject of routine inspection to ensure compliance with regulatory standards.
- 3.3 Officers coordinated a test purchase operation of gambling establishments in October to ascertain whether young persons could access age restricted activities. The operation took place over two days and involved two 16 year olds visiting 13 adult gaming centres and 11 betting shops under supervision, to ascertain whether they were able to play age-restricted gaming machines and/or place bets.

The operation resulted in 7 adult gaming centres and 4 betting shops permit gaming to take place. Each of these premises has subsequently been visited and steps recommended to management, such as the relocation of the gaming machines, to ensure no future recurrence. As this was the first operation of its kind locally, it was decided at the outset not to pursue formal action against any premises but to ensure that all premises could learn from the experience.

The Gambling Commission Compliance Manager for the South West has been highly complementary on this operation in respect to its planning and outcomes. Up to this time it was the second largest operation of its kind undertaken in this country.

A further operation will be undertaken later this year to retest those premises that failed and to test those that were not previously visited.

- 3.4 Officers are also responsible for administering the licensing of notifications and permits for gaming machines located in public houses and social clubs. During 2010 a total of 109 gambling applications were processed.

4.0 Sex Establishments Policy

- 4.1 Over the last six months Officers have been preparing a draft Sex Establishment Policy in readiness for public consultation. This consultation was recently launched on the 20 January 2011 and following the conclusion of the ten week consultation, a report will be prepared, having regards the representations received for consideration and adoption by Council.

5.0 Application for a DPPO to cover Freedom Fields and Tothill Parks

- 5.1 An application was submitted 26 September 2010 for a Designated Public Places Order (DPPO) to cover Freedom Fields and Tothill parks. On the 21 December 2010 Members considered that there was sufficient grounds that nuisance or annoyance or disorder is caused to members of the public which is associated with the consumption of alcohol to authorise a public consultation. This consultation has been completed and a further report detailing the results will be considered by Members on the 15 March 2011.

6.0 New Mandatory Conditions

- 6.1 A report was presented to Members on the 15 June 2010 outlining the new mandatory conditions applicable to licensed premises. These are as follows;

- A ban on irresponsible drinks promotions
- A ban on dispensing drink direct into the mouth
- Access to free tap water
- Age verification policy
- Opportunity for patrons to choose smaller measures of alcohol

Officers sent revised licensing conditions requesting that they are attached to their existing licence and circulated a newsletter that explained the implications of the new conditions. It is fair to say that enforcement agencies have applied a low key approach to enforcement preferring initially to adopt an advisory approach.

5.2 The coalition government have published a consultation document entitled 'Rebalancing the Licensing Act' that sets out their proposals to amend the Licensing Act 2003. The main proposals are as follows;

- Shift the onus onto the applicant to give greater consideration to the local area when setting out the steps they will take to promote the licensing objectives and to provide responsible authorities, other interested parties and the licensing authority with better information on which to make informed representations or determinations.
- Flexible closing times
- Late night levy
- Make local health bodies responsible authorities
- Make licensing authorities responsible authorities under the Licensing Act
- Strengthen penalties for persistent selling of alcohol to children
- Proposals to strengthen the weight that licensing authorities must give to police representations
- Proposals to suspend licences due to non-payment of fees
- Proposals to allow Environmental Health to object to TEN's
- Remove the vicinity test for interested parties
- Lower the evidential hurdle for Cumulative Impact Policies to allow licensing authorities to have more control over outlet density
- Early morning closure orders

6.0 Noise and Public Nuisance

6.1 During 2010, 197 formal noise complaints were registered against licensed premises for activities such as live and recorded music i.e. bands, discos, karaoke and also noise and disturbance from patrons both on and off the premises. This represents a slight increase on 2009. Only one noise abatement notice was served on licensed premises as a result of noise that materially affected the use and enjoyment of near-by residential properties.

6.2 Environmental Health Officers continue to use an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly without the need for further formal action.

7.0 Enforcement

7.1 Enforcement agencies meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the ENTE continue to receive good constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE and to create an environment that helps reduce levels of crime and fear of crime

- 7.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as CitySafe, Pubwatch and Clubwatch.
- 7.3 Officers from all enforcement agencies do undertake joint inspections where appropriate as this ensures the consistent approach to enforcement and demonstrates to the licensee and designated premises supervisor that agencies work together.
- 7.4 Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities. The last joint operation involving the Police, Environmental Health, licensing and Fire took place in early December 2010. The series of inspections revealed various concerns that included the failure to control maximum occupancy numbers, licensing conditions, work place regulations and fire safety risk assessment that all required resolution. Action has been taken to rectify any failure.
- 7.5 The Police Licensing Team have successfully remedied 26 licensed premises of concern through effective enforcement utilising a variety of strategies including action plans, additional enforcement activity and where necessary instigating review proceedings.

8.0 Under Age Sales

- 8.1 The Police Licensing Team continued to undertake test purchase operations of licensed premises (on sales & off sales). 46 on sales premises were tested of which 16 (35%) resulted in a positive sale, 50 off sales premises were tested of which 8 (16%) were positive. Where positive sales are made the appropriate enforcement action is taken, including the service of fixed penalty notices and the review of operating and training procedures to prevent further recurrence. Each premise would also be advised that further test purchases will be arranged and that repeat offending will result in a review of the premises licence. One premises sold on two occasions resulting in the review of the premises licence and consideration in prosecuting the premises licence for persistently selling alcohol to underage.
- 8.2 The Council are also responsible for the sales of other age-restricted products such as cigarettes, DVD's, fireworks, solvents and knives; various publicity and education campaigns are undertaken supported by covert operations to ensure business are aware of their obligations and their challenge systems tested.

9.0 Liaison

- 9.1 There is a close link between the four licensing objectives and responsible bodies such as Environmental Health (Noise and Disturbance), Police Licensing Team (Crime and Disorder), Fire Service (Public Safety) and Trading Standards (Under Age Sales) work

closely with the Licensing Team to ensure a fair and equitable response. All agencies meet on a bi-monthly basis to discuss working practices, problem premises and coordinate inspection programmes for premises operating in the ENTE.

The work of the responsible authorities in regulating licensed premises was commended during a recent visit by the Department of Health National Support team for Alcohol.

10.0 Work Initiatives for 2011

- 10.1 The responsible bodies will continue to support licensed premises in the ways outlined above to ensure that they are best placed to contribute towards providing a positive and well managed ENTE.
- 10.2 All agencies will continue to meet bi-monthly to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.
- 10.3 A public consultation on the Council's first draft Sex Establishments Policy will be completed and the revised policy presented to Council for formal ratification. The document will set out the licensing objectives, qualifying criteria and the procedure to be followed for determining applications.
- 10.4 Test purchasing operations will continue to test challenge procedures at licensed premises where age-restricted products such as alcohol, gambling, petrol, fireworks and cigarettes are available or on sale.
- 10.5 Coalition Government is currently consulting on proposed changes to 'Rebalancing the Licensing Act' the Licensing Act and these proposals will be monitored with interest although it has already been stated that no changes will be implemented until 2012.

11.0 Conclusion

- 11.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by enforcement agencies responsible for regulating the ENTE, throughout 2010. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.

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: 22 February 2011

Cabinet Member: Cllr Michael Leaves

CMT Member: Director of Community Services – Carole Burgoyne

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

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

Ref: PPS/LIC/AN/

Key Decision: No

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 13th April 2010. 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 – 2013 as amended by the four new priorities for the City and Council:
This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

- Value for Communities
 - Inequality
 - Growth
-

**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 2011/12 budgets, for an estimated income of £57,010 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 and 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
- 2 A further report be submitted if the difference between future fee income and future expenditure is 10% or more

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 adsorbed within the existing budget.

Fee levels have been set at a maximum for the last 3 years and there has been no indication that maximum fee levels, which are set nationally, will change. To improve efficiency future reports could be presented where fee/expenditure levels change significantly, i.e. the difference between future fee income and future expenditure is 10% or more. The fees set will be included in the annual Budget Setting report submitted to Cabinet each year.

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, or cause a reduction in proactive management of the licensed premises.

Fee reports may be submitted annually but it is unlikely that the financial position will significantly change. Reports may be submitted due to significant financial changes or where the licensing system is materially amended.

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
 DCMS – Gambling Act 2005 – Review of Local Authority Premises Licence Fees published Dec 2007
[Licensing Committee – 13th April 2010 Minute 35](#)

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate):

Head of Fin	LG CoSF ED1011 007. 07.02.1 1	Head of Leg	AG/10 813/2. 2.11	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

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.

- 3.2 The income from annual licence fees for the financial year ending 31st March 2011 is estimated to be £61,000 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 income for 2011/2012 has been estimated to be £57,010 (see Appendix B).

Fee income has been declining since 2008 due to the decrease in applications for new or altered premises, a fall in the number of permits and conversions for gaming machines from the previous licensing system.

Fee income 2008/09 – £97,517

Fee income 2009/10 – £67,080

Fee income 2010/11 – £61,000 (projected)

Fee income 2011/12 – £57,010 (Estimate)

- 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.

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, complaint 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 included 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. The draft work plan for 2011/12 identifies additional under age test purchasing and retesting of those businesses that failed in the 2010 test operations.

- 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) undertook 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.
- 3.9 Certain fees are set by statute, such as machine permits, and therefore these fees do not need to be set by the Committee. These fees have been included within the estimated income figures.

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.

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
- 2 A further report be submitted if the difference between future fee income and future expenditure is 10% or more

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) 01/04/11 – 31/03/2012

Gambling Premises (0118 8702)

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	6	£1000.00	£6,000.00
Casino Premises Licence	3	£3000.00	£9,000.00
Betting (Track)	1	£1000.00	£1000.00
Total			£50,000

Permits (0118 8704)

28 Existing permits x £50.00 (Annual Fee) = £1,400.00
 9 Club Registration Conversions x £150.00 = £1,350.00
 New permits = £1500

Total £4,250

Lotteries (0118 8706)

138 X £20.00 = **£2,760.00**

Total Estimated income £57,010

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			25,831
Total Additional Costs			31,116
<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.	8,000	15%	1200
Training			300
Total General Costs			2,066
Contingency (legal challenges, etc.). 5% of Total Costs		53052	2652
Total Cost of Gambling Act			55,704

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Subject: Street Trading Report

Committee: Licensing Committee (Miscellaneous)

Date: 22 February 2011

Cabinet Member: The Leader

CMT Member: Director for Development and Regeneration

Author: Kathy Davey, City Centre Operations & Street Trading Manager

Contact: Tel: (01752 304054)
e-mail: kathleen.davey@plymouth.gov.uk

Ref: KD/ANNUALREP.20.01.2011

Part: I

Executive Summary:

This report seeks to set the process for issuing Consents for the 2011/2012 trading year.

Corporate Plan 2010-2013

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular:

- 1 Create a vibrant City Centre and support schemes that give renewed life to the City.
-

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

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, stall maintenance and improvements are 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 2011/2012 financial year.

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

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

Recommendations and reasons for recommended action:

It is recommended that:

- I. The Consent dates for 2011/2012 are approved.
- II. The proposed new site identified as Sundial/Armada Way opposite MadHouse known as Sundial West (as shown on map in Appendix 1) is approved.

- III. Long standing vacant sites 1A and 1B at Frankfort Gate and Ice Cream site at James Street, Devonport are removed.
- IV. The consent fees set out in Appendix 2, for 2011/2012 are approved.
- V. The Assistant 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 during 2011/2012.
- VI. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
- VII. The Assistant 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.
- VIII. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- IX. Authority is delegated to the Licensing Sub Committee (Miscellaneous) to hold a special meeting in March 2011 to allocate Ice Cream Consent sites.

Reason for recommendations:

These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2010/2011 trading year and maintaining the income stream.

Alternative options considered and reasons for recommended action:

The authority to renew annual Consents and set Consent fees be referred 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.

Background papers:

Sign off:

Head of Fin		Head of Leg	AG/10802/9.2.11	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

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, and the James Street and Pottery Road/Ferry Road areas of Devonport.

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 licences 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 19 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

11 sites, in the pedestrianised City Centre.

7 locations in the Hoe area, for the sale of ice cream from mobile vans.

1 site in the City Centre from a mobile unit for the sale of ice cream

1.4 The purpose of the report is:

(a) to set the consent dates and fees for 2011/2012.

(b) To approve proposed new sites and site changes.

(c) to ask that the Assistant Director for Economic Development be given delegated powers to approve the issuing of Consents.

(d) To ask that the Assistant Director for Economic Development be given delegated authority to approve short-term street trading consents in association with City Centre events, commercial activity or those which enhance the vibrancy of the street scene.

2. Duration of Consents for 2011/2012

2.1 It is proposed that all City Centre Consents commence on Monday 21st March 2011 and end on Sunday 19th March 2012

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 31st March 2011 until 30th March 2012

3. Consent fees for 2011/2012 background

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9) 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
- 3.3 The fee structure for Street Trading within the city centre and the fees for the Ice cream sites in the Hoe area were set many years ago with the last price increase being in 2008. Fees have been held in order to support traders through difficult times; however, the current fees do not reflect the current day market. Shopping patterns have changed and the footfall within the area has undergone many changes due to the opening of Drakes Circus, the re-development of the West End and the closure of some large retail outlets such as Derrys and Woolworths. This has resulted in the loss of income through vacant sites and temporary sites. In order to address this loss of income there is a need now to consider the introduction of new sites and the need to review and revise the fee structure which in some instances is unrealistic in to days market

3.4 Consent Fees for 2011/2012

- 3.4.1 Current consent fees are set out in Appendix 2 to this report. Appendix 2 also sets out the proposed fees structure for the trading year 2011/2012 and the following are explanations of the proposed new fee structure.
- 3.4.2 Sites 2B and 2D at the Waterstones, New George Street location are recommended to both be set at the same fee with a 5% increase on the previously charged fee for these sites. (Fee details shown in red in Appendix 2)
- 3.4.3 Site 9 at Waterstones, New George Street location is also recommended to be set at the same level as 2B and 2D bringing the fees for these three sites in line and set at a level that can be supported by footfall in this area. The occupant of this site was relocated temporarily during the redevelopment of the West End. During the temporary relocation the occupant continued to pay the same site fee as was paid for the previous location of Site 9 (£6,925) but now that this site has been permanently located in the Waterstones area of New George Street it is considered that in the interests of fairness in relation to the footfall in this area the fee should be the same as for sites 2B and 2D (Fee details shown in red in Appendix 2).
- 3.4.4 Sites 3A and 4A are recommended to both be set at the same level to reflect the similar footfall for these sites. The fee for site 3A is recommended to be increased by 5% over the current consent fee level. The fee for the site at 4A located in Old Town Street is currently set at £2,272 which is much lower than the similar site (3A) and does not reflect the increased footfall since the opening of Drake Circus. Therefore it is recommended that this site fee should be set at the same level as site 3A Bedford Way (Royal Parade) with a 5% increase for the year 2011/2012. (Fee details shown in blue in Appendix 2).
- 3.4.5 Site 3B Bedford Way (New George Street) is recommended to have a 5% increase on the previously charged consent fee. (Fee details shown in black in Appendix 2)
- 3.4.6 Sites 7, 8 (winter) and 8 (summer) located in New George Street are seasonal sites and no increase is proposed for these three sites. (Fee details shown in green in Appendix 2)

- 3.4.7 Three sites are identified as “New Sites” in Appendix 2 and are located at the Sundial/Armada Way opposite Ernst Jones; Cornwall Street flower bed opposite Superdrug and Place de Brest opposite Specsavers. These were all approved by the Committee in 2010. One of these sites (Sundial/Armada Way (opposite Ernest Jones)) had been occupied during 2010 and the occupant had continued to pay the site fee of their former site in New George Street. However, it is recommended that the fee for this site (and the two other sites approved last year) should be set at a level to reflect the high footfall and much sought after location. It is therefore recommended that the fees for these three sites should be set at £7,112.80. (Fee details shown in plum in Appendix 2)
- 3.4.8 Ice Cream Sites: It is recommended that the Ice Cream Winter consent is removed as this is little used and the fee of £10.00 for winter consent does not cover the cost of administration. It is therefore proposed that Ice Cream Trading consents run for the whole year, giving traders the option to trade or not in the winter months. The £10.00 winter fee will automatically be added to the current fees before the addition of the 5% increase for sites G, H and I (Fee details shown in black in Appendix 2)
- 3.4.9 Fees for Ice Cream Sites E and F are recommended for no increase (Fee details shown in turquoise in Appendix 2)
- 3.4.10 Fees for Ice Cream Sites B and C are recommended to be set at the same level to take account of the relevant footfall that both these sites benefit from. (Fee details shown in blue in Appendix 2).

3.5 Site changes

- 3.5.1 Sites 1a and 1b at Frankfort Gate and Ice Cream site J, at James Street, Devonport are recommended to be removed as these have remained vacant for a number of years with the Council still incurring the costs of Non Domestic Rates for each site every year.
- 3.5.2 One temporary site located at Sundial/Armada Way opposite MadHouse, known as Sundial West is recommended to be approved as a permanent in order to compensate for the loss of sites 1a and 1b

4. 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. It is recommended that the Assistant Director for Economic Development is authorised to grant Street Trading Consents to the existing City Centre traders.
- 4.2 In the City Centre, any Consents not renewed to existing traders are advertised and it is recommended Consents be allocated under delegated authority by the Assistant Director for Economic Development.
- 4.3 For the Hoe/Barbican and James Street, Devonport the allocation of Ice cream consents to be undertaken by the Licensing Sub Committee at a specially convened meeting in March 2011

5 Street Trading during City Centre Events

The City Centre Company organises 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. It is proposed that in these instances the Assistant Director for Economic Development may approve short-term licences for street trading associated with events or promotional activity.

6. Ad Hoc Street Trading

6.1 From time to time applications are received from entrepreneurs with really good propositions 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. An example of these may be an artist wishing to draw and sell personal caricatures and another person seeking to sell his poetry on scrolls. Neither of these activities has the potential to clash with permanent shops or traders but would add to the vibrancy of the city centre and help to 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.

6.2 The Committee is asked to give delegated authority to the Assistant Director for Economic Development to allocate ad hoc street trading Consents and set fees for this within Committee policy.

7. Recommendations

7.1 The Consent dates for 2011/2012 are approved.

7.2 The proposed new site identified as Sundial/Armada Way opposite MadHouse known as Sundial West (as shown on map in Appendix 1) is approved.

7.3 Long standing vacant sites 1A and 1B at Frankfort Gate and Ice Cream site at James Street, Devonport are removed.

7.4 The consent fees set out in Appendix 2, for 2011/2012 are approved.

7.5 The Assistant 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 during 2011/2012.

7.6 The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.

7.7 The Assistant 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.

7.8 The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.

7.9 Authority is delegated to the Licensing Sub Committee (Miscellaneous) to hold a special meeting in March 2011 to allocate Ice Cream Consent sites.

APPENDIX 2

SITE	LOCATION	CONSENT FEE 2010/2011	PROPOSED FEE 2011/2012
2B	New George Street (Waterstones)		5,964
2D	New George Street (Waterstones)	5,680	5,964
9	New George Street (Waterstones)		5,964
3A	Bedford Way (Royal Parade)	3,420	3,591
3B	Bedford Way (New George Street)	5.680	5,964
4A	Old Town Street	2,272	3,591
7	New George St Operating from top outside of Drake Circus to the area opposite Bedford Way	2,758	2,758
8	New George Street Winter (Sundial area) seasonal	2,316	2,316
8	New George Street Summer (Sundial area) seasonal	1,213	1,213
New site	Sundial/Armada Way Opp. Ernest Jones approved 2010 known as Sundial East		7,112.80
Temp	Sundial,/Armada Way, opposite MadHouse. Known as Sundial West (awaiting approval)		7,112.80
New site	Cornwall St.flower bed opposite Superdrug Approved 2010		4,000
New site	Place de Brest, flowerbed opposite Specsavers Approved 2010		4,000
	ICE CREAM SITES		
B	Madeira Road	4,026*	4,238
C	Madeira Road	2,272*	4,238
E	Hoe Road	10,457*	10,457
F	Hoe Road	10,457*	10,457
G	Hoe Road/Grand Parade	5,008*	5,269
H	Pier Street	1191*	1,260
I	Cliff Road	966*	1,025

RED – sites in same location, same fee + 5% increase

BLUE – similar sites/footfall, same fee +5% increase (ice cream sites include the addition of the former £10 charge for winter consent)

GREEN –seasonal sites, no increase

PLUM – temporary/new sites fee set

BLACK – 5% increase

Turquoise – No increase

For easier reference new sites will be given a number that coincides with their new electricity meter once installed. Power to new sites has been laid, just awaiting meter connections.

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