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Date: 3 February 2012

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LICENSING COMMITTEE

Date: Tuesday 14 February 2012

Time: 10am

Venue: Council House, Plymouth (next to the Civic Centre)

Members:

Councillor Browne, Chair

Councillor Mrs Nicholson, Vice Chair

Councillors Delbridge, Mrs Dolan, Drean, K Foster, Gordon, Lock, McDonald, Mrs Nelder, Rennie, Reynolds, Singh, John Smith 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 of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

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 - 36)

To confirm the minutes of the following meetings:

Licensing Sub Committee (Miscellaneous)

- 18 October 2011
- 1 November 2011
- 13 December 2011
- 14 December 2011
- 5 January 2012
- 31 January 2012

Licensing Committee (Miscellaneous)

- 18 October 2011

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. STREET TRADING REPORT

(Pages 37 - 42)

The Committee will be provided with an update on Street Trading.

6. UPDATE ON OUTCOME OF LICENSING APPEALS

The Committee will be provided with a verbal update on the outcome of Licensing Appeals.

7. 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel 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 Sub Committee (Miscellaneous)

Tuesday 18 October 2011

PRESENT:

Councillor Delbridge, in the Chair.
Councillor Lock, Vice Chair.
Councillor Wright.

Fourth Member:
Councillor Reynolds

Apologies for absence: Councillors Browne, Mrs Nicholson and Rennie.

Also in attendance: Debbie Bradbury (Lawyer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 11.00 am and finished at 2.20 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.

42. APOLOGIES

In view of the fact that Councillors Browne, Mrs Nicholson and Rennie were the Members who made the decision on the Choo Choo's review at the Licensing Sub Committee (Miscellaneous) meeting held on 12 July 2011 all three members have been replaced for this meeting with substitute members to prevent any appearance of bias.

43. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Delbridge is appointed as Chair and Councillor Lock appointed as Vice Chair for this meeting.

44. DECLARATIONS OF INTEREST

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

45. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

46. TRANSFER OF PREMISES LICENCE - THE VENUE, 99 - 101 UNION STREET, PLYMOUTH

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from the applicant and his witnesses that –
 - (i) the objection by the police was linked to disorder in Choo Choo's nightclub which was yet to be finalised and was still going through the courts. Until the appeal was heard in January 2012 how could the link be proven and used against them. The objection from the police would be unfair if the case was won in January;
 - (ii) The Venue had been operating for the past six weeks and there had been no incidents, police concerns raised or requests from the police for CCTV footage;
 - (iii) Mr Miller had taken a seven year lease from the landlord and although he was currently the sole director of London Nightlife Limited there were other potential Directors who may join the company;
 - (iv) although the company in which Mr Miller was sole director was the premises licence holder, Mr Miller had no input into the running of the premise;
 - (v) there was a new clientele and a strict dress code which kept criminals out and there were regular customers;
 - (vi) they were linked to other premises via a radio system and operate the PARC scheme;
 - (vii) in The Venue there were an extra four door staff and nine CCTV cameras and they would be installing sixteen CCTV cameras which would link to the internet with the password given to the police;
- (c) heard from the representative of Devon and Cornwall Constabulary that –
 - (i) the proposed premises licence holder was a limited company with a sole company director. This company director was Gary Miller;
 - (ii) this person, Gary Miller was the sole company director of Crown Pub Property Solutions Limited which was the premise licence holder for Choo Choo's, 71 Union Street, Plymouth when a determination was made by the licensing committee on 12 July 2011 following a review of the premise licence;
 - (iii) it was the opinion of the Devon & Cornwall Constabulary that in light of this determination this application would undermine the crime prevention objective;
 - (iv) there was a history of management involving Mr Williams, Mr Miller

and Mr Robinson. The management team was not good enough to run one premise with a 100 capacity and were now running a second 500 capacity venue;

- (v) although no incidents could be linked to the premise, in the past six weeks there were two incidents that took place outside the premise;
- (vi) the capacity for The Venue was 500 whilst Choo Choo's was 100;
- (vii) during the committee on 12 July 2011 a time line was presented to the committee detailing a number of incidents linked to Choo Choo's.

Members considered the representation of the applicant and the police objection and did not consider it necessary to reject the application for the promotion of the crime prevention objective.

Members considered the new company would have the same sole director as Choo Choo's but felt that the problems encountered at Choo Choo's had been dealt with by the committee on 12 July 2011 by the addition of conditions and the removal of the designated premises supervisor and there was no evidence that crime and disorder has or would now take place at this premise.

Agreed that having taken into account all of the above representations the application to transfer the premise licence be granted.

47. **VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR - THE VENUE, 99 - 101 UNION STREET, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from the applicant and his witnesses that –
 - (i) the objection by the police was linked to disorder in Choo Choo's nightclub which was yet to be finalised and was still going through the courts. Until this appeal was heard in January 2012 how can this link be proven and used against us. If we win the case in January, this objection from the police would be unfair;
 - (ii) there had been no problems during the six weeks the premise had been open;
 - (iii) Stefan Williams had been involved in the licence trade for over twenty years and Choo Choo's was the first place he was a designated premises supervisor;
 - (iv) Stefan Williams had previously worked for Southern Image and helped people with under achieving premises. He said that he had

worked for a number of venues and had not had any problems apart from in Plymouth;

- (v) they often did not hear from the police regarding incidents and they had the impression of doing well following good feedback and the problem premise status at Choo Choo's due to be removed;
 - (vi) when a murder occurred at Space nightclub Mr Williams was not there and someone else was running the venue;
 - (vii) Mr Williams was not involved in Jumping Jacks as it was his wife's venture and she was the premise licence holder and designated premises supervisor of this premise. When this licence was revoked he was working in Exeter;
- (c) heard from the representative of Devon and Cornwall Constabulary that;
- (i) the proposed designated premises supervisor (DPS) was Stefan Williams. Stefan Williams was the DPS of Choo Choo's situated at 71 Union Street when an application was made by Devon & Cornwall Constabulary to review this premises licence. This hearing was held on 12 July 2011 and a determination made;
 - (ii) Stefan Williams was also the owner/manager of Jumping Jacks situated at 111 New George Street when an application was made by the police to review this premise licence. This hearing was held on 21 July 2009 and a determination made which revoked the premises licence;
 - (iii) it was the opinion of the Devon and Cornwall Constabulary that in light of these two determinations this application will undermine the crime prevention objective;
 - (iv) Stefan Williams was the owner and in control of Jumping Jacks when the premise licence was revoked in 2009. He may not have been the DPS but was in day to day control of that premise;
 - (v) in 2000, during the time he was a licensee of Space nightclub a murder occurred. This took place after licensing hours while they were operating illegally;
 - (vi) as he was not the DPS for Jumping Jacks there was no objection when he applied to be DPS for Choo Choo's, but this was now deemed to be a step too far.

Members considered the representation of the applicant and the police objection and considered it necessary to reject the application for the promotion of the crime prevention objective.

They agreed with the police that Mr Williams is not suitable to be the DPS for this premise with his past history. They also agreed that he would not be able to run The Venue and Choo Choo's simultaneously.

Members took into account Mr Williams involvement with a premise where a murder occurred though accepted this was in 2000. They also took into account that Mr Williams was the designated premises supervisor of Choo Choo's during a time when a number of violent and public order incidents took place at the premises. Following the review of the premise licence on 12 July 2011 it was deemed necessary by this committee to remove Mr Williams as the DPS.

They further believed Mr Williams was involved in the running of Jumping Jacks prior to the licence at this premise being revoked.

Agreed that having taken into account all of the above representations the application to vary the premises licence to specify an individual as a designated premises supervisor be rejected.

48. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 1 November 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Gordon, Vice Chair.
Councillor Wright.

Fourth Member: Councillor John Smith

Also in attendance: Sharon Day (Lawyer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.35 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.

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

Agreed that Councillor Browne is appointed as Chair and Councillor Gordon appointed as Vice Chair for this meeting.

50. **DECLARATIONS OF INTEREST**

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

51. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

52. **GRANT OF PREMISES LICENCE - STUDIO LOUNGE, 5 - 11 MILLBAY ROAD, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard that following agreement of conditions with the applicant which were shown at appendix 3 of the report, Environmental Health had withdrawn their representation;
- (c) considered the written representations and heard from interested parties present;

- (d) heard from the applicant that:
- (i) all conditions agreed with the police and environmental health had been included in the Operational Procedures Manual which the staff all signed monthly after they had read and refreshed themselves on it;
 - (ii) there was no intention to ruin the quality of the lives of the residents of Wesley Court, in fact the applicant hoped to enhance their quality of life and would be a good neighbour;
 - (iii) if any public nuisance did result they were at risk of losing their licence;
 - (iv) there was no substantial sound system in the premises and all music came from a simple iPod dock. The system had been tested at full volume and could not be heard in the offices upstairs, or past Studio Lounge with the doors closed. There was no facility to play music outside;
 - (v) whilst they empathised with the existing problems the residents were having they did not consider that Studio Lounge would exacerbate this problem;
 - (vi) it was intended to be a networking casual bar. They intended to have live music infrequently but believed that this would not be able to be heard in Wesley Court as they did not have any doors and windows except at the front which opened onto a busy noisy road. Those windows and doors were made from very thick glass which was sound proof;
 - (vii) due to the amount of money that had been spent on starting up Studio Lounge they were aiming to attract the business community, over thirties and people with a higher disposable income;
 - (viii) they would operate an over 21 policy for service in the bar. They wished to attract people who wanted to eat, drink and stay late for a chat. They did not have a dance floor although they would allow occasional function bookings;
 - (ix) the comments made by residents relating to Urban Brew were unfounded as they had only opened late on a handful of occasions and Temporary Events Notices (TENs) covered these openings and they never opened after hours as that would have risked their licence. Neither had they had any cause for the police to be called to the premises;
 - (x) there had been no representations about disturbance to guests from the two nearby hotels;

- (xi) no other residents had shown concern for the opening of these premises;
 - (xii) in response to the objections raised by interested parties they stated that the restrictions imposed by Environmental Health and the Police should address most of the concerns of residents. In addition patrons would have use of their car park, that it was unfair to ring fence their potential clients into the binge drinking culture as this was not the type of clientele they were wishing to attract. The premises merely wished to have the option to remain open until 1am but this did not mean that they would do so every night;
- (e) considered representations under the licensing objectives as follows:
- (1) **Prevention of Public Nuisance –**
 - (i) there may be noise disturbance to residents from the use of the outside patio area;
 - this was considered to be relevant however the conditions agreed with Environmental Health would address any potential problems;
 - (ii) there was a concern from residents that to grant the licence would exacerbate existing problems they experienced from other premises and Union Street such as excessive noise from parties, noise of shouting swearing and people urinating in the vicinity;
 - this was considered to be relevant however the committee accepted that the type of premises the applicant was seeking to run was not one that would add to existing problems which were outlined by the interested parties;
 - (iii) there may be noise from the dispersal of late night customers. Noise was more apparent in the early hours of the morning and it was suggested that people who had been drinking tended to behave more noisily than they would otherwise do;
 - this was not considered to be relevant as this was speculative and there was no evidence to support that this was likely to be a problem;
 - (iv) there would be noise from people returning to their cars in Gooseberry Lane which was next to the residential block and would disturb the sleep of residents;
 - this was considered to be relevant however the slamming of car doors and noise emitted from that

action could not be attributed exclusively to the patrons of the applicant as the parking area was accessible to the general public;

- (v) there was a potential for an increase of loud unruly people passing and also congregating outside the premises and using the local doorways as toilets and general unsociable behaviour. In addition there would be increased noise from cars and taxi cabs setting down and picking up passengers;
- this was not considered to be relevant as there were already existing premises in the area and the applicant had explained to committee that it was not her intention to increase footfall in the area as she hoped to benefit from patrons already in the vicinity;
- (vi) concern that noise from live music would affect residents of Wesley Court.
- this was considered to be relevant however committee were of the opinion that the conditions agreed with Environmental Health would address any potential problems that may arise;
- (vii) there was concern that the noise from the playing of music would disturb the residents sleep. One interested party stated this was a concern due to his experience of the applicant's premises at Royal William Yard, where he found the noise to be excessive;
- this was considered to be relevant but members disregarded any reference to Royal William Yard as it was not relevant to this application. Members took account of the information given by the applicant regarding the sound test carried out and also considered that the conditions agreed with Environmental Health would address any potential problems;
- (viii) there was a concern that allowing drinking into the early hours of the morning near to a residential block for the elderly and disabled would cause stress and anxiety with the fear of harm to persons and property due to drunken behaviour;
- this was not considered to be relevant as the committee had not been made aware of any actual reports of crime and therefore this was considered to be speculation with no evidence to support it;
- (ix) reference was made to existing noise problems experienced with other licensed premises in the area;

- this was not considered to be relevant as there were separate powers available to deal with problems from individual premises and was therefore not relevant to this application;
- (2) **Prevention of Crime and Disorder –**
- (i) no representations;
- (3) **Protection of Children from Harm –**
- (i) no representations;
- (4) **Public Safety –**
- (i) no representations;
- (5) **Other representations –**
- (i) there was no need for this licence as there were plenty of venues nearby in Union Street;
 - this was not relevant as it does not relate to one of the four licensing objectives.

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

53. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee (Miscellaneous)

Tuesday 13 December 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Rennie, Vice Chair.
Councillors John Smith and Ken Foster (fourth member).

Also in attendance: Debbie Bradbury (Lawyer), Peter Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 5.30 pm.

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

54. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Rennie appointed as Vice Chair for this meeting.

55. DECLARATIONS OF INTEREST

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

56. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

57. GRANT OF PREMISES LICENCE - THE CHIP STOP, 31 WATERLOO STREET, PLYMOUTH

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered representations from interested parties;
- (c) heard from the applicant that –
 - (i) the longer opening hours requested would allow for future expansion, special events and internet sales and there was no intention to open the shop for longer hours;
 - (ii) he lived above the premise and had no desire to contribute to

- nuisance, noise or anti-social behaviour;
- (iii) he was experienced in managing and training staff in alcohol sales and dealing with customers in off licence premises;
 - (iv) he had agreed conditions proposed by the Devon and Cornwall Police;
 - (v) there had been no other representations from responsible authorities;
 - (vi) he was intending to maintain current shop opening hours and would be supplying own label organic wines to his current customer base at approximately £6 per bottle and there would be no beer, cider or alcopops stocked or retailed;
 - (vii) customers would not drink in the street as they would take their wine away with their food;
 - (viii) anti-social behaviour referred to related to customers of nearby pubs who consumed alcohol;
 - (ix) The Chip Stop provided a rubbish bin and encouraged customers to use it and most customers took their food away to eat it and the Bakery nearby had a waste disposal bin and did everything appropriate to alleviate a litter problem;
 - (x) the noise from The Chip Stop was minimal and customers waited inside the shop;
 - (xi) most customers did not drive to The Chip Stop, the street could be busy but this was mainly due to college use. The Chip Stop customers only stayed for about 5 – 10 minutes and as the wine would be sold to the existing customer base he did not envisage an increase in traffic;
 - (xii) young drinkers did not drink wine and the pricing would exclude them;
 - (xiii) marketing and advertising of the alcohol would be to the existing customer base and the wine would be discretely displayed in a fridge behind the counter and so would not be a temptation to young people;
 - (xiv) he had received a letter from a local resident in support of his application;
- (d) considered representations under the licensing objectives as follows –
- (1) **Prevention of Public Nuisance –**

- customers from other licensed premises caused a steady stream of anti social incidents and were abusive when they had been drinking; *this was considered to be relevant, however, there was no evidence to link this to these premises and having heard from the applicant members did not believe that this would be a concern in the future;*
- residents were already inundated with litter debris from packaging and tins sold and this would increase twofold. Food litter had already encouraged rats and the extended hours would only serve to increase this; *this was considered to be relevant, however, there was no evidence to link this to these premises and having heard from the applicant members did not believe that this would be a concern in the future;*
- a resident was subjected to high levels of noise when the shop was open and this would increase with the extended hours combined with the sale of alcohol; *this was considered to be relevant, however, having heard from the applicant members did not consider any increased noise would occur. They also took into account the applicants intention to continue to operate The Chip Stop until 8:30pm;*
- Local residents were unable to park their vehicles due to customers of The Chip Stop and the extension to the opening time would make this and the increase in traffic coming and going worse; *this was not considered to be relevant.*

(2) Prevention of Crime and Disorder –

- a resident had suffered damage to their property including their car on several occasions due to drunken behaviour and on two occasions a drunken person had entered their property; *this was considered to be relevant, however, there was no evidence to link this to these premises;*

(3) Protection of Children from Harm –

- local schools, primary and secondary would be subjected to anti social behaviour from those drinking from the off sales of alcohol and it was not a good example to the many young children in the area; *this was considered to be relevant, however, the applicant volunteered as a condition to only sell wine and said this will be discreetly displayed;*
- the area was flooded with children and youths all of which used The Chip Stop lunch times and evenings and they did not need to see or be tempted by alcohol when buying food; *this was considered to be relevant, however, the applicant volunteered as a condition to only sell wine and said this would be discreetly displayed;*

- many young people buy from this shop and there was no reason why an 18 year old could not buy alcohol and then let his younger friends have it; *this was considered to be relevant, however, members took into account that the alcohol sales would be wine only and that the applicant is operating a strict over 25 age policy in respect of alcohol sales;*
- (4) **Public Safety –**
- no representations
- (5) **Other representations –**
- already had three public houses and an off licence in this residential area; *this was not considered to be relevant to any of the licensing objectives.*

Agreed that having taken into account all of the above representations the application be granted subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule and the condition volunteered by the applicant that the sale of alcohol is restricted to wine only.

58. **VARIATION OF PREMISES LICENCE - JOINT CAFE BAR, 92 NORTH HILL, PLYMOUTH**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the written representations;
- (c) heard from the applicant's representative that –
 - (i) the variation application had been amended, reducing the hours applied for and removing amplified music;
 - (ii) the premise was family run with three family members and three other members of staff;
 - (iii) he operated with door staff although there was no need for him to do so;
 - (iv) there were several empty and boarded up premises and over the last 12 months had looked to expand the business;
 - (v) a number of Temporary Events Notices (TENS) had been applied for in the last few months and takings had gone up several hundred pounds;
 - (vi) during the operation of the TENS there had been no complaints

received;

- (vii) in the past 12 months the Police had only been called to the premise once to deal with a drunk who had smashed a window;
 - (viii) the Police often asked for the outside CCTV footage to assist with their enquiries;
 - (ix) agreed to the conditions proposed by Environmental Health to prevent noise nuisance;
- (d) heard from a representative of Devon and Cornwall Police that –
- (i) there could be a negative impact on the prevention of crime and disorder licensing objective due to alcohol being sold until 1am as an increase in alcohol related violent crime and criminal damage could occur in the vicinity;
 - (ii) there could be a negative impact on the prevention of public nuisance licensing objective due to alcohol being sold until 1am increasing the number of persons loitering late at night in the vicinity;
 - (iii) there would be an increase in complaints regarding noise if regulated entertainment was provided until 1am;
 - (iv) the premises lied within the cumulative impact zone and was surrounded by residential properties and the applicant did not provide sufficient detail to demonstrate how it would not have a negative effect on the licensing objectives;
 - (v) if alcohol was sold until 1am this was likely to have an impact on the levels of violence and disorder reported. The premises were very small and when busy could become hot making it necessary for people to open doors and windows or simply step outside;
 - (vi) noise would be generated by those smoking outside the premises. If seating was provided this would encourage people to remain outside and this would be difficult to manage;
 - (vii) the applicant had failed to identify relevant conditions and had submitted proposals that did not effectively deal with all concerns;
 - (viii) details were provided of a report regarding crime, violence and serious violence in North Hill/Tavistock Place and Sherwell Arcade for the period 01.08.08 to 14.11.11 indicating in the last 12 months violent crime in Sherwell Arcade had risen by 39.3% while the North Hill area as a whole saw a 10.7% reduction in violent crime;
- (e) heard from a representative of the Environmental Regulation Service that –

- (i) she had met with the applicant's father, Mr Murphy regarding the application and proposed conditions. Following this meeting concerns still remained;
- (ii) there was no information in the operating schedule detailing how extending the hours and licensable activities would impact on the surrounding area and not have a negative impact on each of the four licensing objectives;
- (iii) the applicant had requested a maximum capacity of 90, however a maximum capacity of 46 was recommended;
- (iv) due to the close proximity of residential properties, if this application was granted, it was recommended that live music was restricted to 11pm and that recorded music was restricted until 11pm Monday to Thursday and until 00.30am on Friday and Saturday;
- (v) it was further recommended that six conditions be attached to the licence to reduce the likelihood of a public nuisance occurring as follows:
 - 1. a noise limiting device (the specification and design to be agreed with the Environmental Health Service) would be fitted so that all regulated and recorded music was channeled through the device. The maximum noise levels would be set by agreement with the Environmental Health Service and would be reviewed from time to time as appropriate;
 - 2. the licence holder would ensure that the noise limiting device was sealed after commissioning so that sound operators could not override the system during the performance of live and recorded music;
 - 3. all amplified sound sources from the premises would go through a noise limiting device;
 - 4. a senior member of staff (manager) would assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment;
 - 5. before 11pm - to prevent entertainment being intrusive, noise emanating from the premises would not be clearly audible inside the nearest residential property;
 - 6. between 11pm and 1am - noise emanating from the premises would not be distinguishable above background levels inside the nearest residential property;

- (f) heard from interested parties that –
- (i) the increased noise and persons outside of Headland Park House would cause severe disruption to the occupiers;
 - (ii) there had already been incidents of persons ringing bells and urinating in the entrance to Headland Park House whose entrance was right beside the premises;
 - (iii) in the apartments beside the premise the noise would be unbearable;
 - (iv) on summer evenings a lot of customers stood outside the bar drinking which was unacceptable and a danger to traffic on a very narrow pavement on a busy junction;
 - (v) the premise had residential accommodation directly above the premises and it was surrounded by other residential properties and any music activities would have a negative impact on the neighbours;
 - (vi) there had been numerous complaints to a councillor from residents of broken glass immediately outside the premises as this was a popular route for dog walkers and families resulting in children and pets walking onto the road to avoid it;
 - (vii) the bar was located in a high density residential area and suffered from the cumulative impact of anti-social behaviour, high levels of crime and disorder and criminal damage as well as vandalism and littering from the patrons to these premises;
 - (viii) extending the opening hours and playing live music would increase shouting, singing, fighting and damage to property;
 - (ix) the premise was not large enough to absorb live music and noise would break out from the door which would allow access and ventilation as it would get very hot resulting in people being outside. Recorded music was easier to control but could also be loud and at night noise seemed to magnify;
 - (x) extending the alcohol licence would cause noise and litter to increase in the early hours.

Members considered the representations made with respect to the cumulative impact policy and –

- (g) considered a relevant representation had been made;
- (h) it was anticipated that the application as applied for would add to the problems of crime and disorder and public nuisance in this area.

Having considered all the evidence members did not believe the applicant had demonstrated within their operating schedule there would be no negative cumulative impact on the prevention of crime and disorder objective and/or the prevention of public nuisance objective if granted as applied for.

The Committee agreed that having taken into account all of the above representations the variation application be determined as follows:

- (1) the application to remove condition no. 4 of Annex 2 – Conditions agreed with the Police Licensing Authority, Protection of Children from Harm as follows: no person under the age of 18 shall be permitted entry to the premises after 9pm is granted and in place will be the following condition; 'Accompanied children (under 18) will only be allowed on the premises between the hours of 0900 and 2100 except until 23.30 for private functions;
- (2) live music (indoors) is granted until 11pm Monday to Sunday;
- (3) recorded music (indoors) is granted until 11pm Monday to Sunday;
- (4) anything of a similar description to that falling within (e), (f) or (g) (indoors) is granted until 11pm Monday to Sunday;
- (5) provision of facilities for making music (indoors) is granted until 11pm Monday to Sunday;
- (6) provision of facilities for dancing (indoors) is granted until 11pm Monday to Sunday;
- (7) provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors) is granted until 11pm Monday to Sunday;
- (8) late night refreshment (indoors and outdoors) is refused;
- (9) the supply of alcohol for consumption on the premises is refused;
- (10) the application to vary the hours the premise is open to the public is refused;
- (11) subject to mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicants operating schedule and conditions 1 to 5 recommended by Environment and agreed by the applicant.

59. **GRANT OF PREMISES LICENCE - MARITIMO, HOE ROAD, PLYMOUTH**

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard representations from Environmental Health and Devon and Cornwall Police as detailed below under the relevant licensing objective;

- (c) heard representations from interested parties;
- (d) heard from the applicant's legal representative that –
- (i) this application was for a bar and restaurant, primarily Spanish and was not intended to be a pub or a nightclub and would be food led;
 - (ii) the applicant had negotiated a long lease and spent more than £200,000 on building works;
 - (iii) outside areas would only be put to use when weather conditions permitted. Tables and chairs would be safely positioned and would be suitably staffed;
 - (iv) it was envisaged entertainment would be limited to Spanish guitar music and a flamenco dancer;
 - (v) the police conditions proposed were accepted subject to the removal of PASS accredited cards being acceptable identification. There was to be an up to date CCTV system and the premises were to be fully staffed by experienced and trained employees;
 - (vi) a number of conditions had been agreed with Environmental Health;
 - (vii) the café and ice cream kiosks in the area above the premises were owned by the applicant and were not a source of trouble or a meeting place for rowdy youngsters;
 - (viii) tombstoning was not relevant as nobody could tombstone from these premises and staff would monitor the outside areas and there was also CCTV coverage at all times;
- (e) considered representations under the licensing objectives as follows –
- (1) **Prevention of Public Nuisance –**
- Environment Health were concerned the premise was in close proximity to a residential area with the nearest residential property only 160m away. They had received complaints from local residents concerning noise disturbance to local residents emanating from other businesses nearby use of their outside area. They had recommended a number of conditions to promote the prevention of public nuisance licensing objective;
 - the playing of music both indoors and outdoors was likely to cause a problem. A local resident said any live or recorded music and dancing outside would cause the same problems as they had already experienced with another premise;
 - sales of alcohol for consumption off the premises would result in

more drunken behaviour. The premise was located opposite West Hoe Park which was enjoyed by children. In the past this had been the location for drunken and unacceptable behaviour and the close proximity of alcohol sales so close could exacerbate the problem;

- there was limited parking and traffic noise via taxis was also likely to contribute to public nuisance;
- patrons entering and leaving the premises would contribute to noise nuisance. Residents said they already suffered noise disturbance from patrons leaving another nearby premise late at night due to patrons calling to each other and from slamming car doors and this would further increase;
- residents were already regularly disturbed by drunks moving from the area of the Hoe late at night and this premise could only make an already difficult situation worse. There had been experience of residents and staff of Azure (Devington) Management Company Limited being threatened by drunks this year;

(2) **Prevention of Crime and Disorder –**

- Devon and Cornwall Police were satisfied that their conditions had been agreed by the applicant;

(3) **Protection of Children from Harm –**

- drinking outside was likely to cause an escalation of anti-social behaviour and tomb stoning;
- there were nearby childrens' parks and families and young children could be exposed to raucous and drunken behaviour;
- the recreation activity such as bathing on the Hoe meant young people and children were more likely to suffer injuries from broken glass;

(4) **Public Safety –**

- the drinking of alcohol within the geographical layout of the premise could lead to accidents as there was a steep drop onto the rocks of the foreshore which could lead to serious accidents;
- any broken glass would be hazardous to other users of that part of the Hoe;

(5) **Other representations –**

- no representations.

Members heard from the applicant that he removed recorded music from his application.

Members considered the representations and believed these concerns would be resolved by the conditions recommended by Devon and Cornwall Police and Environmental Health and agreed with the applicant and two special conditions as follows:

- (f) conditions agreed with Devon & Cornwall Police as contained in the report subject to the removal of PASS accredited cards being acceptable identification
- (g) conditions agreed with Environmental Health as follows:
 - (1) the foreshore area must be cleared by 10pm other than for the use as a designated smoking area;
 - (2) no drinks will be permitted to be taken to the foreshore area after 10pm;
 - (3) management will control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises;
 - (4) all live music would be unamplified and limited to acoustic instruments only and to be played by no more than two artist in the outside area at any one time;
 - (5) a senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment;
 - (6) management will control the sound levels of the music/entertainment;
 - (7) Before 11pm - to prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible one metre from the façade of the nearest residential property;
 - (8) Between 11pm and 12 midnight – to prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise one metre from the façade of the nearest residential property;
 - (9) the delivery of goods is restricted to taking place between 8am and 6pm;
 - (10) Bottle skips and bins containing cans or bottles will not be emptied outside after 11pm but will be dealt with the next day during normal working hours;

- (h) special conditions as follows:
- (1) only polycarbonate glasses to be used in the foreshore area at all times;
 - (2) the tables and chairs in the foreshore area are to be removed and stored by 10pm.

Agreed that having taken into account all of the above representations the application be granted subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule (and the conditions agreed with Devon & Cornwall Police and Environmental Health and the two special conditions).

60. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee (Miscellaneous)

Wednesday 14 December 2011

PRESENT:

Councillor Browne, in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillors Rennie and John Smith (fourth member).

Also in attendance: Pete Clemens – Senior Licensing Officer, Sharon Day – Lawyer, Helen Rickman – Democratic Support Officer,

The meeting started at 10.00 am and finished at 4.00 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.

61. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Mrs Nicholson is appointed as Vice Chair for this meeting.

62. DECLARATIONS OF INTEREST

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

63. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

64. EXEMPT BUSINESS

Resolved that under Regulation 14 (2) of the Licensing Act 2003 (Hearing) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

65. SUMMARY REVIEW OF PREMISES LICENCE - DIVAS, 38-40 UNION STREET, PLYMOUTH, PL1 3EY

The committee:

- (a) having considered the:
- application from Devon and Cornwall constabulary for a review of the premises licence at 38-40 Union Street known as Divas under section 53A of the Licensing Act 2003;
 - the certificate issued under section 53A(1)(b) of the Licensing Act 2003 signed by Assistant Chief Constable Paul Netherton, that in his opinion the premises are associated with both serious crime and serious disorder;
 - representations from the premises licence holder's legal representative;

- (b) have had regard to statutory guidance at paragraphs 11.23 and 11.25 and have considered the information provided with a view to determining whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives;
 - (1) are satisfied on the information provided by the police that the problems associated with the alleged crimes are more likely than not taking place on the premises and are affecting the promotion of the crime prevention licensing objective;
 - (2) agree that it is necessary to take the following interim steps to promote the above mentioned licensing objective to prevent serious crime occurring on the premises;

Members have considered whether conditions could be attached to the licence to prevent serious crime occurring on the premises. However in light of the fact that the existing conditions on the premises licence are not being complied with Members have no confidence that any modifications of the conditions would address the problems or that the premises licence holder would comply with them. Therefore they consider that in light of the problems outlined by the police it is proportionate to suspend the premises licence with immediate effect in order to promote the crime prevention objective and prevent serious crime occurring on the premises.

Licensing Sub Committee (Miscellaneous)

Thursday 5 January 2012

PRESENT:

Councillor Browne, in the Chair.
Councillor Lock, Vice Chair.
Councillors Rennie and John Smith (fourth member)

Also in attendance: Pete Clemens – Senior Licensing Officer, Sharon Day – Lawyer and Ross Johnston – Democratic Support Officer.

The meeting started at 10.00 am and finished at 5.20 pm.

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

66. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Lock appointed as Vice Chair for this meeting.

67. DECLARATIONS OF INTEREST

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

68. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

69. EXEMPT BUSINESS

Resolved that under Regulation 14 (2) of the Licensing Act 2003 (Hearing) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

70. SUMMARY REVIEW OF PREMISES LICENCE - DIVAS, 30-40 UNION STREET, PLYMOUTH, PLI 3EY

The committee having –

- (a) considered the report from the Director of Place;
- (b) heard and considered representations from the Police legal representative and witnesses for the police;
- (c) heard from the legal representative of the premises licence holder.

The committee was satisfied on the evidence produced by the police that there were problems associated with the premises and these were adversely affecting the crime prevention licensing objective. They also accepted the evidence of the police that there had been a flagrant and systematic abuse of the licensing conditions.

The committee therefore agreed that in order to promote the crime prevention licensing objective the premises licence should be revoked and that on the coming into effect of this decision the interim steps agreed on the 14 December 2011 would no longer have effect.

(Note: there is a confidential part to this minute).

Licensing Sub Committee

Tuesday 31 January 2012

PRESENT:

Councillor Browne, in the Chair.
Councillor Gordon, Vice Chair.
Councillors Rennie and McDonald (fourth member).

Also in attendance: Debbie Bradbury (Lawyer), Pete Clemens (Senior Licensing Officer), Linda Perez (Licensing Officer, Rachael Harris (Senior Environmental Health Officer) and Helen Rickman (Democratic Support)

The meeting started at 10.00 am and finished at 11.30 am.

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

71. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Browne is appointed as Chair and Councillor Gordon appointed as Vice Chair for this meeting.

72. DECLARATIONS OF INTEREST

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

73. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

74. VARIATION OF PREMISES LICENCE - FUNCTION JUNCTION, FARM LANE, HONICKNOWLE, PLYMOUTH

The Committee having –

- (a) considered the report from the Director of Place;
- (b) considered the written representations and heard from interested parties present;
- (c) heard from the applicant's legal representative:
 - the premise holds a full premise licence with conditions, however it has been boarded up for several years;

- Unionworld Limited own and have for about ten years operated the Brookside Social Club which is about 75 yards away;
- Brookside Social Club has been run successfully and without problems and has on average about eight hundred members;
- the premise was to be run as a function suite similar to Brookside Social Club to enable far more control over patrons who will either be members, their guests or persons attending pre-booked functions and this has proved to be a well managed formula;
- it would be easier to organise patrons to use the Brookside access both on foot and by car so as to reduce the use of the narrow Farm Lane route so making life better for residents in Farm Lane;
- there was ample car parking both on the Brookside site and Victory site;
- it was anticipated that there would be less use than if it were a pub with opening for less hours overall;
- there was more scope for family functions such as weddings, receptions, birthday parties and Sunday roast events;
- there have been no representations from any of the other responsible authorities;
- the applicant has six members of staff holding personal licences, with one SIA registered and another qualified and awaiting registration;
- the request to increase capacity to 400 was withdrawn;
- he agreed to accept the amended condition recommended by Environmental Health in respect of keeping doors and windows closed;
- the premise was already licensed for the hours specified and no extension was sought and the premise could be used for functions under the existing licence anyway;
- general comments about broken glass and beer cans etc were nothing to do with the applicant. Once open they intend to keep the area clean, tidy and safe;

(d) heard from the owner of the premise:

- he was experienced in running premises, together with other family members and would take into account all he had heard today and did not want to upset residents;

(e) considered representations under the licensing objectives as follows:

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

- a resident said the premise has been closed for several years and since that time residents have noticed a major decline in anti-social behaviour such as noise nuisance, violent conduct, littering and criminal activity including blatant drug use and vandalism to cars; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- damage has been caused to vehicles parked in Farm Lane and the police have been called on many occasions; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;

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

- children living nearby, could be affected by noise; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;

(3) **Prevention of Public Nuisance –**

- there would be noise disturbance to nearby residents if doors and windows are not kept closed during live or regulated entertainment; this was considered to be relevant however the amended condition in respect of windows and doors being kept shut during live or regulated entertainment would resolve this.
- a resident already suffers from people leaving the club and making noise walking down Farm Lane when the worse for drink; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- music being played so close to peoples houses is disgusting as this is a residential area consisting of families with young children and elderly people with health problems; this was considered to be relevant however there is no increase in

licensable activities at this premise;

- the opening of this establishment will inevitably bring increased traffic and increased traffic noise to the area. A resident said they already suffer from noise when vehicles are leaving Brookside Social Club; this was considered to be relevant however there was no evidence to link this to these premises and the applicant had withdrawn his request to increase the capacity to 400;
- ask for the closing times to be 11pm in consideration of the residents who live in Farm Lane and the surrounding areas. A majority of a resident's bedrooms overlook Farm Lane and they will have the full level of noise when in bed and if the weather is hot will have to keep their windows shut; this was considered to be relevant however there was no request to increase the operating hours and the condition that the doors and windows will be kept shut during live or regulated entertainment will resolve this;
- parking of vehicles will be a problem and it is feared that vehicles will park down behind the venue which is an emergency access road instead of the car park; this was not considered to be relevant;

4) **Other representations –**

There was no need for two entertainment establishments to be in such a small residential area; this was not considered to come within any of the licensing objectives

Agreed that having taken into account all of the above representations the variation application be granted as follows:

- **Add Late night refreshment – granted**

Monday to Wednesday 11pm - Midnight
Thursday to Saturday 11pm to 1am
Sunday 11pm to 11.30pm

- **Change Name – granted**

Function Junction

- **Increase Capacity – withdrawn**

- **Add condition to Annex 2A – granted**

Annex 2A

No intoxicating liquor shall be supplied otherwise than to:

- (a) a member of the Brookside Social Club or a guest of a member
- (b) persons attending organised functions at the premises

- **Amend conditions – granted**

Annex 2C

13. Doors and windows will be kept shut during live or regulated entertainment

17. Children under the age of sixteen shall not be allowed in the premises when alcohol is being supplied unless in the company of an adult.

- subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule

75. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Committee (Miscellaneous)

Tuesday 18 October 2011

PRESENT:

Councillor Mrs Nicholson, in the Chair.

Councillor Delbridge, Vice Chair.

Councillors Mrs Dolan, K Foster, Gordon, Lock, McDonald, Mrs Nelder, Rennie, Reynolds, Singh, John Smith and Wright.

Apologies for absence: Councillors Browne and Dreaan.

Also in attendance: Ann Gillbanks (Senior Lawyer), Pete Clemens (Senior Licensing Officer) and Ross Johnston (Democratic Support Officer).

The meeting started at 10.00 am and finished at 10.15 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.

32. TO NOTE THE APPOINTMENT OF CHAIR AND VICE CHAIR

The panel noted the appointment of the Chair and Vice Chair as agreed at the Annual General Meeting held on 20 May 2011.

33. DECLARATIONS OF INTEREST

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

34. MINUTES

Agreed that the following minutes of the 15 March 2011 Licensing Committee (Miscellaneous) and the 8 March 2011, 15 March 2011, 5 April 2011, 31 May 2011, 12 July 2011, 26 July 2011, 2 August 2011, 9 August 2011, 23 August 2011, 6 September 2011 and 20 September 2011 Licensing Sub Committees are approved.

35. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

36. MEDIATION REPORT

Pete Clemens, Senior Licensing Officer, provided the Committee with an update on current licensing application as part of the mediation report.

Members were informed that the reason some applications had been granted within Cumulative Impact Policy areas, such as The Barbican, was due to the Licensing Department either mediating out any representations received or not receiving any relevant representations from responsible authorities or interested parties and that as a result of this the applications had to be granted under the provisions of the Licensing Act 2003.

Members noted the update.

37. **EXEMPT BUSINESS**

There were no items of exempt business.

PLYMOUTH CITY COUNCIL

Subject: Street Trading Report

Committee: Licensing Committee

Date: 14 February 2012

Cabinet Member: The Leader

CMT Member: Director for Place

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

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

Ref: KD/ANNUALREP. 31.01.2012

Key Decision: No

Part: 1

Executive Summary:

This report seeks to set the process for issuing Consents for the 2012/2013 trading year.

Corporate Plan 2011 – 2014:

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 2012/2013 financial year.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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 & Reasons for recommended action:

It is recommended that:

1. The Consent dates for 2012/2013 are approved.
2. The consent fees set out in Appendix I, for 2012/2013 are approved.
3. 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 2012/2013
4. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
5. 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.
6. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.

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 2012/2013 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 by 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:

Fin	DEV F 111 200 54 2.02. 12	Leg	AG/ 1387 0/2.2 .201 2	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes / No											

1.0 INTRODUCTION

- 1.1 The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street Trading in the City Centre, the Hoe and Barbican areas.
- 1.2 Under the scheme certain streets have been designated “Prohibited Streets” where Street Trading (with limited exceptions such as news vendors) is totally prohibited and other “Consent Streets” where Street Trading is permitted only with the consent of the Council. Within the designated areas the monitoring and enforcement of the Terms and Conditions of Street Trading 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 20 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:
- 12 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
- 1.3 The purpose of the report is:
- a) To set the consent dates and fees for 2012/2013
 - b) To ask that the Assistant Director for Economic development be given delegated powers to approve the issuing of Consents

2. Duration of Consents for 2012/2013

- 2.1 It is proposed that all City Centre Consents commence on Monday 19th March 2012 and end on Sunday 17th March 2013
- 2.2 It is proposed that all Hoe ice cream sites (vans) commence on 31st March 2012 until 30th March 2013

3. Consent fees for 2012/2013 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

Consent fees were adjusted/increased for the period 2011/2012, however many traders struggled during this period due to the current economic climate. In order to support struggling traders through these difficult times there are no plans to increase fees for the period 2012/2013

Consent Fees for 2012/2013

3.3.1 Current consent fees are set out in Appendix I to this report.

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 trader
- 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 the allocation of Ice cream consents to be undertaken by the Licensing Sub Committee at a specially convened meeting in

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.

APPENDIX I

SITE	LOCATION	CONSENT FEE 2011/2012	PROPOSED FEE 2012/2013
2B	New George Street (Waterstones)	5,964	5,964
2D	New George Street (Waterstones)	5,964	5,964
9	New George Street (Waterstones)	5,964	5,964
3A	Bedford Way (Royal Parade)	3,591	3,591
3B	Bedford Way (New George Street)	5,964	5,964
4A	Old Town Street	3,591	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
10	Sundial/Armada Way Opp. Ernest Jones approved 2010 known as Sundial East	7,112.80	7,112.80
11	Sundial,/Armada Way, opposite MadHouse. Known as Sundial West	7,112.80	7,112.80
12	Cornwall St. flower bed opposite Superdrug Approved 2010	4,000	4,000
13	Place de Brest, flowerbed opposite Specsavers Approved 2010	4,000	4,000
	ICE CREAM SITES		
B	Madeira Road	4,238	4,238
C	Madeira Road	4,238	4,238
E	Hoe Road	10,457	10,457
F	Hoe Road	10,457	10,457
G	Hoe Road/Grand Parade	5,269	5,269
H	Pier Street	1,260	1,260
I	Cliff Road	1,025	1,025

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