

# Licensing Committee

Tuesday 23 July 2013

## PRESENT:

Councillor Rennie, in the Chair.

Councillor Gordon, Vice Chair.

Councillors Mrs Bowyer, Drean, K Foster, Jordan, Dr. Mahony, Monahan, Morris, Parker, Singh, John Smith, Kate Taylor and Wright.

Apologies for absence: Councillor Mrs Nicholson.

Also in attendance: Andy Netherton (Health, Safety and Licensing Manager), Fred Prout (Licensing Officer), Martin Worthington (Devon and Cornwall Police), Ann Gillbanks (Senior Lawyer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.05 am and finished at 10.50 am.

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

## 9. **DECLARATIONS OF INTEREST**

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

## 10. **MINUTES**

Agreed that the minutes of 28 May 2013 Licensing Committee are approved as a correct record.

## 11. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

## 12. **ENFORCEMENT ACTIVITY REPORT 2012/13**

Andy Netherton (Health, Safety and Licensing Manager), Fred Prout (Senior Licensing Officer) and Martin Worthington (Devon and Cornwall Police) provided the Committee with an update on the Enforcement Activity Report 2012/13.

Members were informed that –

- (a) the majority of licensing applications were dealt with by licensing officers and responsible authorities allowing cases to be mediated out;
- (b) there had been a 12% increase in the volume of reactive work over the last 12 months and a 63% increase since 2009/10;

- (c) the Licensing Sub Committee undertook 19 meetings which detailed 20 reports, 13 applications/ variations and 3 licence revocations;
- (d) amendments to the Licensing Act 2003 effective from April 2012 enabled licensing authorities to suspend a licence for non-payment of an annual fee;
- (e) an informal consultation had taken place with key agencies and the trade regarding the Late Night Levy. A consultation exercise would be undertaken to review the existing policy; the use of the new powers was currently being considered by Cabinet Members. The consultation would look at the potential levy, how it could be used and where it should apply across the city;
- (f) if the Late Night Levy was agreed, any monies received would go directly to Community Safety Partnerships to help people affected by the evening and night time economy;
- (g) the period for a Temporary Events Notice (TEN) to operate was increased to seven days from three days; conditions could be transferred from an existing licence to TENS;
- (h) during 2012/13 there was a 12% decrease in formal noise complaints;
- (i) the Out of Hours noise service operating hours were being reviewed;
- (j) an underage sales test purchase initiative took place in February, March and April 2013; plain clothed police officers reviewed how premises were being managed and there was a 69% failure rate for on licence purchases for operation 1 in February. By operation 3 in April this number had reduced to 33% failure rate;
- (k) where licensed premises failed a test purchase a fixed penalty notice would be issued with a fine of £80;
- (l) the mystery shop exercise pinpointed glass management, cleanliness of toilets and behaviour management of customers as areas for improvement;
- (m) income for 2012/13 gambling establishment fees was £56,193 with expenditure estimated to be approximately £55,500 ; as the difference between the future fee income and expenditure was no more than 10% this would not be brought to the Committee to be reviewed;
- (n) a new sex establishment policy was approved in January 2012; two applications were received under the new regime and both were granted;
- (o) two sex shops remain in Plymouth under the same legislation;

- (p) the introduction of a revised Scrap Metal Dealer's Act was expected in 2013; reforms would support recent changes designed to curtail activities of metal theft – changes included preventing cash transactions;
- (q) as a result of the Anti-Social Behaviour, Crime and Policing Bill, Criminal Behaviour Orders would replace Anti-Social Behaviour Orders and DPPOs would be replaced with Community Protection Orders; a report on this would be brought to the Licensing Committee when the final legislation is introduced;
- (r) partnership working was going well as enforcement agencies were meeting on a regular basis to discuss enforcement options for problem premises;
- (s) licensees, managers and staff were encouraged to participate in community schemes such as Best Bar None, Pubwatch and Clubwatch; Best Bar None was considered to be one of the largest community schemes in the country;
- (t) test purchase operations for alcohol would continue at licensed premises;
- (u) the Government has agreed to de-regulate in the following ways:
- to introduce a Community and Ancillary Sellers Notice – this would allow ancillary sellers and community groups to sell alcohol without the need to go through the formal process of applying for a Premises Licence;
  - there would be no requirement for a Premises Licence where only late night refreshment is provided;
  - the total number of Temporary Event Notices that could apply to any premises would be increased from 12 to 15 each calendar year;
  - further consultation was to take place on the possible abolition of Personal Licenses;
  - there will be no ban on multi-buy promotions for alcohol;
  - the plan to introduce a minimum unit price would not be taken forward at this time;
- (v) Government was looking to tighten up on Licensable activity in the following ways:
- amending the mandatory condition relating to the irresponsible drinks promotions;
  - there will be a requirement for premises to list the price of smaller measures of alcohol; if a customer does not specify a measure of alcohol when placing an order there will be a requirement for the customer to be made aware that smaller measures are available;

- there will be no sales of alcohol below the duty and VAT on the product;
- (w) Government has not taken forward the following proposals:
- a standard date for the payment of annual fees;
  - the removal of the requirement to display notices of application in local newspapers;
- (x) there had been no announcement about the intention to include health as a licensing objective;
- (y) the two premises that repeat sold in the Under Age Sales Test Purchase Initiative were both given an option to not sell alcohol for 48 hours; this was a significant penalty for them as it was a hot weekend and significant loss of revenue was guaranteed;
- (z) Chief Inspector Drummond-Smith made an announcement yesterday regarding the glass policy; whilst not frequent, glass injuries could have a devastating effect and injuries could be life changing;

In response to questions raised it was reported that –

- (aa) it was expected that the consultation would be available to view in the new few weeks;
- (bb) members would be provided with a copy of the consultation document once available;
- (cc) it was expected that the Devon and Somerset Fire and Rescue Service would respond to the formal consultation on the Late Night Levy and Early Morning Restriction Orders;
- (dd) Underage Sales Test purchases were repeated if a premises failed the test;
- (ee) the premises for the Underage Sales Test purchase Initiative were selected as a result of intelligence led information received;
- (ff) Andy Netherton would email Councillor Parker a copy of the Sex Establishment Policy;
- (gg) there were approximately six scrap dealers in Plymouth; it was not considered that there were any rogue scrap dealers currently;
- (hh) fly tipping was not considered to be an issue with scrap metal as metal would always have a residual value;

- (ii) the £80 fixed penalty notice fine had a good turnover rates of fees collected;
- (jj) proxy sales were a big issue in Plymouth; the Community Safety Partnership was doing a project this year to look into this matter;
- (kk) it was a criminal offence to supply alcohol to a child under the age of 18 on a licensed premises;
- (ll) it was the decision of the enforcement authority to decide when the 48 hour sanction would begin if a premises failed a test purchase operation;
- (mm) the police, licensing officers and the committee considered they worked well together;
- (nn) Newquay had trialled the glass policy; there was a significant reduction in incidents;
- (oo) a couple of premises on the Barbican had a policy whereby plastic cups were used instead of glasses due to incidents where people were throwing glasses into the water or at each other;

Agreed that –

- 1 the report is noted;
- 2 Andy Netherton would email Councillor Parker with a copy of the Sex Establishment Policy

Under this item Members were invited to go out with licensing officers and the police to experience the night time economy in Plymouth.

13. **EXEMPT BUSINESS**

There were no items of exempt business.