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#plymlicensing

LICENSING COMMITTEE

Tuesday 18 February 2014

10 am

Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Rennie, Chair

Councillor Gordon, Vice-Chair

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

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

Tracey Lee

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 - 20)

To confirm the minutes of the meeting of the Licensing Committee meeting held on 10 December 2013 and the Licensing Sub-Committee meetings held on –

- 10 December 2013
- 24 December 2013
- 7 January 2014
- 21 January 2014
- 4 February 2014

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 2014/15

(Pages 21 - 26)

The Committee will consider the report of the Strategic Director for Place which seeks to set the process for the issuing of consents for the 2014/15 trading year.

6. 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 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

Tuesday 10 December 2013

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Bowyer, Vice Chair.
Councillors Jordan, Morris, Mrs Nicholson, Parker, Singh, John Smith and Wright.

Apologies for absence: Councillors Drean, Gordon, Dr Mahony, Monahan and Kate Taylor.

Also in attendance: Ann Gillbanks, Senior Lawyer, Katey Johns, Democratic Support Officer, Fred Prout, Senior Licensing Officer, and Andy Netherton, Manager Health Safety and Licensing.

The meeting started at 10 am and finished at 11.05 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.

19. APPOINTMENT OF VICE-CHAIR

Agreed, in the absence of Councillor Gordon, that Councillor Mrs Bowyer is appointed as Vice-Chair for the purposes of this meeting only.

20. DECLARATIONS OF INTEREST

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

21. MINUTES

Agreed the minutes of the meetings of the Licensing Committee held on 17 September 2013 and the Licensing Sub-Committee held on –

- 17 September 2013
- 24 September 2013
- 15 October 2013
- 26 November 2013

22. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

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

The Director for Place submitted a report detailing applications which had received representations from responsible authorities or interested parties and had been mediated out by agreement by both the applicant and the respective responsible authority without the need to bring the applications before the committee for determination.

The committee noted the report.

24. **SCRAP METAL DEALERS ACT 2013 - DETERMINING SUITABILITY**

Further to minute 17, the Director for Place submitted a report updating Members on the key provisions of the Scrap Metal Dealers Act 2013. Members were advised that –

- (a) since the initial report to committee in September, the scrap metal fees for 2013/2014 had now been set based on best estimates of the amount of work and time required, including set up costs. However, in accordance with best practice, the fees would be reviewed to ensure that the income balanced costs over a three-year period;
- (b) there were two types of licence –
 - a site licence which authorised an operator to carry on a business as a scrap metal dealer, and
 - a collector's licence which allowed the collector to carry on a business as a mobile collector throughout Plymouth;

A dealer could only hold one type of licence in any one local authority area;

- (c) every applicant was subject to a suitability test and matters to be considered included –
 - whether the applicant or any site manager had been convicted of any relevant offence;
 - whether the applicant or any site manager had been the subject of any relevant enforcement action
 - any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
 - any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
 - any previous revocation of a scrap metal licence (and the reasons for the revocation);
 - whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with;
- (d) to date, 37 applications had been received, 15 site licences and 22 collectors' licences, none of which had been deemed necessary to refer to Licensing Sub-Committee.

In response to questions raised, Members heard further that –

- (e) delays with the issue of disclosures certificates by Disclosure Scotland could affect the target date of 1 December 2013 to start issuing licences, however, measures were being put in place to ensure that licences could be issued as soon as officers were in possession of all the relevant information;
- (f) officers were ensuring that all dealers had every opportunity to apply for a licence prior to introduction of the enforcement provisions. Dealers should now be making records of who they are receiving scrap from, noting ID and ensuring transactions are dealt with through bank credits as opposed to cash;
- (g) guidance issued by the Home Office was not particularly clear and Officers would have to come to an informed view on whether or not a licence was required, depending on the amount of scrap metal generated and the working practices of the business in question. Discussions with peers and debate via the Devon Licensing Forum would help officers in this regard;
- (h) the flow chart set out in Appendix I to the report outlined the process for dealing with applications which had been refused, varied or revoked;
- (i) as there was a value in scrap metal it was hoped that fly-tipping would not be a problem.

The Committee noted the report.

25. **CONTROL OF PUBLIC PERFORMANCES OF HYPNOTISM**

The Director for Place submitted a report on the control of public performances of hypnotism. Members were informed that –

- (a) there was a duty on licensing authorities to control public performances of hypnotism, mesmerism or any similar act or process;
- (b) the City Council had not adopted standard conditions to be attached to licences to control public performance of hypnotism defined by the Hypnotism Act 1952, since the introduction of the Licensing Act 2003.

In response to questions raised, Members heard further that –

- (c) the Home Office Circular Guidance stemmed from the Hypnotism Act of 1952 and therefore the language used in the Guidance was reflective of that era;
- (d) if the standard conditions were not adopted –
 - the Council would have to write its own standard conditions which it would then have to consult on, including the licensing trade and

- the Home Office;
 - officers would have to spend more time considering applications and applying individual conditions;
- (e) licenses would be personal to the performer, not the venue, and would be 'policed' by the Licensing team. Licences would not be issued to anyone who was unable to demonstrate that they carried the necessary public liability insurance;
- (f) whilst separate applications would normally be expected for each performance per venue, there was no reason why a performer doing a circuit of the City could not list all dates and venues on one application;
- (g) in order to ensure that the Home Office Guidance Circular was adequately communicated, Licensing Officers would write to every licensed premises in the City and put the information on the Council's website.

Agreed that –

- (1) the model conditions contained in Home Office Circular Guidance 39/1996 (Appendix I to the report) which are to be applied to any future authorisation are adopted;
- (2) a letter is sent to the Home Office expressing the Committee's concerns at the outdated language used in the circular and requesting that it is brought up to date and modernised.

26. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 10 December 2013

PRESENT:

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

Also in attendance: Sharon Day (Lawyer), Catherine Fox (Lawyer - observing), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 11.15 am and finished at 11.50 am.

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

34. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Jordan is appointed Vice-Chair for this meeting.

35. DECLARATIONS OF INTEREST

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

(Councillor Singh left the meeting at the commencement of this item).

36. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

37. MINT, G/F, 2 UNION STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE

The Committee having –

- (a) considered the report from the Director for Place;
- (b) considered a written representation and heard from a representative of Devon & Cornwall Police that the crime prevention objective was not being upheld as detailed below–
 - the premises had operated without problem until 5 May 2013 when it was noted that the customer base of the club was becoming more aggressive and incidents of disorder surrounding and related to the club had increased;

- the premises were designated as problem premises on the 1 August 2013 due to the increase in violent and public order situations;
- since the review application was made there has been a transfer of the premises licence and the previous designated premises supervisor (DPS) and previous premises licence holder (PLH) no longer had responsibility for the club. The police were of the opinion that the previous DPS and PLH were not in control of the day to day running of the premises or who was admitted. They had previously taken over the premises in June 2012 and the Police commented that there had been deterioration in the premises from the time they took over;
- there were incidents of violence taking place from the 22 June 2013 onwards. Violence occurred at the premises on the following dates:

22/6/13, 29/6/13, 30/6/13, 6/7/13, 25/8/13, 1/9/13, 28/9/13, 6/10/13 and 13/10/13. None of these incidents were reported to the Police by those responsible for running the premises;
- when CCTV had been requested initially it had not been of good quality or had not been made available. Problems with CCTV quality were rectified on the 11 August 2013;
- meetings had taken place with the previous DPS on the 30 July 2013 and 13 September 2013, but no improvement in the situation resulted;
- the lack of cooperation from the management of the premises made it difficult for the Police to effectively deal with matters and this and the increase in violence were having a negative impact on the crime prevention licensing objective;
- the new premises licence holder has closed the premises since he became aware of the problems and has been liaising with police. There has been an agreement for a reduction in terminal hours for licensable activities and the operation of the premises to 00.30 hours which the police consider will be an effective step in ensuring similar problems do not recur. The Police stated that this step was appropriate to take as due to the bad reputation of the club, if it continued with its existing hours there was the potential to attract the same clientele which was likely to undermine the crime prevention licensing objective;

(c) heard from the new premises licence holder that –

- as soon as they had become aware of the problems they had taken immediate action and had forfeited the lease;
- they would consult with the Police regarding any new tenant for the premises and would ensure that the licensing objectives were upheld;

- they would continue to work with the Police and agreed that the best way forward for the venue was for the licensing hours to be reduced as per the agreement reached with the Police;

Having accepted the information provided by the police as outlined above and considered what had been said by the new premises licence holder the committee considered whether any action should be taken.

Members considered that action was appropriate even though there had been a change of premises licence holder because the potential still remained, from what the committee had heard from the Police, for the Crime Prevention licensing objective to be undermined.

Members then considered whether any modification of the conditions of licence would address the concerns outlined by the Police. In considering this point the committee noted that the problems with violence tended to occur between midnight and 3.30am. With this in mind the committee agreed that given the increase in violence that had occurred at the premises in a short period of time and given the agreement by the new premises licence holder, that it was appropriate and proportionate to amend the conditions of licence so that all licensable activities finish at 00.30am and that premises close to the public at 00.30am in order to promote the crime prevention licensing objective.

38. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 24 December 2013

PRESENT:

Councillor Rennie, in the Chair.
 Councillor Parker, Vice-Chair.
 Councillors Mrs Bowyer and K Foster (Fourth Member).

Also in attendance: Sharon Day, Lawyer, Fred Prout, Senior Licensing Officer, Rhodri Morgan, and Rachel Harris, Environmental Health Officers, and Katey Johns, Democratic Support Officer.

The meeting started at 10.00 am and finished at 11.15 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.

39. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Parker is appointed Vice-Chair for this meeting.

40. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declaration of interest was made –

Name	Minute No.	Reason	Interest
Councillor Rennie	42 – Porters, 20-21 Looe Street, Plymouth	Applicant's Designated Premises Supervisor is known to him	Personal

(Councillor K Foster (Fourth Member) left the meeting after consideration of this item).

41. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

42. PORTERS 20-21 LOOE STREET, PLYMOUTH - VARIATION OF PREMISES LICENCE

The Committee having –

- (i) considered the report from the Director for Place;
- (ii) heard from the DPS on behalf of the premises licence holder that:

- He has been a publican for nine years, is an experienced landlord and employs experienced staff.
- He was applying for the variation because people were now coming out later in the evening and therefore he needed an extension to accommodate that. He stated that he didn't very often have live music and does not and will not have recorded music in the garden.
- He explained the level of acoustic insulation that had been put in the function room to prevent noise escape. The room has no windows and only has an emergency exit so there would be no noise escape.
- He had taken advice from the responsible authorities when he prepared his operating schedule and believed the conditions put forward would address any potential problems.
- There have been no reported problems within the last 14 months since he has been taking steps to address issues which existed when he first took over the pub.
- He doesn't encourage patrons to use the outside area
- He uses door staff on a risk assessed basis and uses the night net radio system.

(iii) considered written representations under the licensing objectives as detailed below from a local resident:

Prevention of Crime and Disorder

At present the premises has live music until 11pm on a Sunday and the noise from patrons can be heard for 40 minutes after the music has stopped. If the hours were extended until 11.30pm this disturbance would continue until after midnight. This was considered to be relevant however the committee considered that condition three of the operating schedule would address any potential problems but also noted that the premises opening times were not altering and they were already authorised to remain open until 12.30am every day.

Prevention of Public Nuisance

The effect of the function room serving alcohol until 11.30pm will increase noise levels up to and past midnight. The noise disturbance is not acceptable with loud live music going on until 11pm and then crowds leaving and hanging around premises smoking and shouting. If the hours are extended until 11.30pm the noise of people in the street will extend until after midnight. This was considered to be relevant. The committee took account of the acoustic measures put in place and the fact that there were no windows and only an emergency exit within the function room. The committee considered that the conditions within the operating schedule would address the concerns raised however they were concerned that condition 1 within the proposed operating schedule was not specific enough as it stood and therefore it was appropriate to amend that condition as follows:

1. The premises licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment. To prevent entertainment

being intrusive, noise emanating from the premises will not be distinguishable above other background noise one metre from the façade of the nearest residential property.

Protection of Children from Harm

No representations were received under this licensing objective.

Public Safety

No representations were heard – the representation listed by the party under this heading was not relevant to this licensing objective but was instead dealt with under the Prevention of Public Nuisance objective above.

The committee agreed that having taken into account all that was said by the Designated Premises Supervisor and the written representation from the other party, the variation application would be granted subject to the mandatory conditions with the Licensing Act 2003 and conditions consistent with the applicant's operating schedule subject to the amendment to condition one within the proposed operating schedule as follows:

- I. The premises licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment. To prevent entertainment being intrusive, noise emanating from the premises will not be distinguishable above other background noise one metre from the façade of the nearest residential property.

43. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 7 January 2014

PRESENT:

Councillor Rennie, in the Chair.

Councillor John Smith (substitute for Councillor Kate Taylor), Vice Chair.

Councillors Mrs Bowyer (substitute for Councillor Drean) and Singh (Fourth Member).

Apologies for absence: Councillors Drean and Kate Taylor.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Licensing Officer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.15 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.

44. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor John Smith is appointed Vice-Chair for this meeting.

45. DECLARATIONS OF INTEREST

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

46. CHAIR'S URGENT BUSINESS

Under this item the Chair advised Members that it was necessary to change the order of the agenda in order to facilitate good meeting management.

Agreed that the order of the agenda would be changed in order to discuss Angels Gentleman's Club (38-40 Union Street, Plymouth – Renewal and Variation of Sexual Entertainment Venue Licence) first.

47. ANGELS GENTLEMAN'S CLUB, 38-40 UNION STREET, PLYMOUTH - RENEWAL AND VARIATION OF SEXUAL ENTERTAINMENT VENUE LICENCE

The Licensing Officer confirmed that the DPS had requested an adjournment for the renewal and variation of the sexual entertainment venue licence for Angel's Gentleman's Club in order to seek legal representation.

Agreed that the application for Angel's Gentleman's Club (38-40 Union Street, Plymouth – Renewal and Variation of the sexual entertainment venue licence) is adjourned until Tuesday 4 February 2014.

(The order of the agenda was changed to discuss this item first in order to facilitate good meeting management.)

48. **EXEMPT BUSINESS**

Agreed to exclude the press and public for the following item in accordance with regulation 14 (2) of the Licensing Act 2003 (Hearing) Regulations 2005.

49. **GRANT OF PERSONAL LICENCE (E1)**

The Committee having –

- (a) considered the report from the Director for Place;
- (b) heard from the applicant;
- (c) heard from the applicant's witness;
- (d) heard from the representative of Devon and Cornwall Police;
- (e) considered the representations and the guidance issued by the Home Office under section 182 of the Licensing Act 2003 at paragraph 4.9.

Agreed that having taken into account all of the representations the application for a personal licence be rejected.

(Please note that there is a private part to this minute).

Licensing Sub Committee

Tuesday 21 January 2014

PRESENT:

Councillor Gordon, in the Chair.
Councillor Mrs Bowyer, Vice Chair.
Councillor Monahan.

Apologies for absence: Councillor Rennie.

Also in attendance: Sharon Day (Lawyer), Rachael Harris (Senior Environmental Health Officer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.15 am and finished at 10.52 am.

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

50. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Gordon is appointed Chair and Councillor Mrs Bowyer is appointed Vice-Chair for this meeting.

51. DECLARATIONS OF INTEREST

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

52. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

53. WOODSIDE, 12 GASKIN STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE

The committee was advised that some matters linked to the review hearing were still under investigation and there may be prejudice to that investigation if the committee proceeded to hear evidence.

The Solicitor for the Premises Licence Holder outlined that conditions had been agreed between themselves and Environmental Health which addressed the concerns which had led to the review. All parties agreed that the conditions would be an appropriate way to deal with the matter.

With the agreement of all parties present the committee retired to consider the report and the agreed conditions.

The committee identified that the main issues in relation to the review were disturbance from live music between 8pm/8.30pm and 11.30/11.45pm and noise from the use of the outdoor area. The committee considered that these issues were relevant to the Prevention of Public Nuisance licensing objective and were satisfied that the recommended conditions addressed these issues.

Therefore the committee agreed that it was appropriate to apply the conditions listed below which had been agreed between Environmental Health and the Premises Licence Holder and that the conditions relating to live music are applied in accordance with section 177A(4) of the Licensing Act 2003.

Agreed Conditions:

Noise nuisance

1. No regulated entertainment will take place until a noise limiting device (the specification and design to be agreed with Environmental Health Service) is fitted so that all regulated, live, Karaoke and recorded music (including the Juke Box) is channelled through the device(s). The maximum noise levels will be set by agreement with the Environmental Health Service and will be reviewed from time to time as appropriate.
2. All doors and windows shall be kept shut during regulated entertainment.
3. All doors and windows shall be maintained in good order and where appropriate acoustically sealed to minimize noise breakout.
4. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
5. Noise emanating from the premises shall not be heard above background levels 1 metre from the facade of the nearest residential property.
6. The performance of live music will cease by 23:00 hours
7. The performance of live entertainment will be limited to a maximum duration of three hours inclusive of any breaks.
8. The performance of live entertainment will be limited on a weekly basis (Monday to Sunday) as follows:
 - No more than two 'band' nights ('band' being defined as having three or more musicians)
 - No more than one karaoke night
 - Unlimited acoustic acts or acts with no more than 2 musicians performing at the same time
9. The main Entrance to be provided with a lobby and the patio doors and internal lobby doors to be fitted with automatic door-closers and shall be

maintained in good working order.

10. The Premises Licence Holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.
11. The Premises Licence Holder or nominated person shall carry out observations in the residential streets surrounding the public house on at least 30 minute intervals whilst live music, karaoke or DJ's playing recorded music is taking place to establish whether there is a noise breakout from the premises.
12. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
13. A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
14. Such records must to be made available at all times upon request to a police officer or an officer of the local authority.
15. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
16. The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations as agreed with the EHO officer for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.

Use of the Outside Seating Area

17. After 21:00 hours no drinks are to be taken outside to the outside area and no consumption of drinks to occur after 21:30 hours.
18. A sign is to be placed in the outside rear area specifying that no drinks are to be taken into this area after 21:00 hours.

19. After 21:30 hours noise levels in outside areas are to be monitored and controlled to minimise any potential impact on local residents.

54. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 4 February 2014

PRESENT:

Councillor Rennie, in the Chair.
Councillor John Smith, Vice-Chair.
Councillors Mrs Bowyer and Singh (Fourth Member).

Also in attendance: Ann Gillbanks, Senior Lawyer, Katey Johns, Democratic Support Officer, and Marie Price, Licensing Officer.

The meeting started at 10 am and finished at 11.55 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.

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

Agreed that Councillor Rennie is appointed Chair and Councillor John Smith is appointed Vice-Chair for this meeting.

56. **DECLARATIONS OF INTEREST**

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

57. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

58. **ANGELS GENTLEMAN'S CLUB, 38-40 UNION STREET, PLYMOUTH - RENEWAL AND VARIATION OF SEXUAL ENTERTAINMENT VENUE LICENCE**

In the absence of any mutually acceptable agreement between both parties being reached, Members considered the applicant's request for an adjournment and the Police's representations in support of a continuation.

Agreed, in the interests of natural justice and with regard to the Article 6 rights of the applicant to a fair hearing, to adjourn the matter to the next sub-committee meeting on 18 February. The start time to be notified in writing in due course.

The applicant was also advised that the Licensing Sub-Committee, which is an administrative process, is minded to consider the evidence submitted by the Police in accordance with previous rulings contained in the cases of *Kavanagh v Chief Constable of Devon and Cornwall* and *McCool v Rushcliffe Borough Council*.

(The Committee adjourned at 10.10 am and agreed to reconvene at 11 am in order allow time to resolve technical issues with the presentation equipment).

(Having reconvened at 11 am, the Committee agreed another brief adjournment to allow the applicant and Police opportunity to resolve the matter amicably through the application of conditions).

59. **EXEMPT BUSINESS**

There were no items of exempt business.

Subject: Street Trading Report 2014 / 2015
Committee: Licensing Committee
Date: 18th February 2014
Cabinet Member: The Leader
CMT Member: Anthony Payne (Strategic Director for Place)
Author: Emily Bullimore, Street Operations and Street Trading Manager
Contact details Tel: 01752 304604
e-mail: Emily.bullimore@plymouth.gov.uk
Ref: City Centre Street Trading 2014
Key Decision: No
Part: I

Purpose of the report:

This report seeks to set the process for the issuing of consents for the 2014 / 2015 trading year.

The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:

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

- I. 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 all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2014 / 2015 financial year.

Consent fees were not adjusted for the period 2013 / 2014.

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

The issuing of the 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.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that:

- I. The Consent dates for 2014 / 2015 are approved
- II. The Consent fees set out in Appendix I, for 2014 / 2015 are approved.
- III. 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 2014 / 2015
- IV. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
- V. 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.
- VI. 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 2014 / 2015 trading year and maintaining the income stream.

Alternative options considered and rejected:

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

Published work / information:

None

Background papers:

None

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

Sign off:

Fin	PC.Pla ceFED DI314 00606 0214	Leg	19523/ag/6 .2.14	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes / No* please delete as necessary													

1.0 Introduction

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

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

1.3 The council has identified 22 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

14 sites, in the pedestrianized City Centre

7 Sites in the Hoe and Waterfront 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 2014 / 2015

b) To ask that the Assistant Director for Economic development be given delegated powers to approve the issuing of consents.

2.0 Duration of Consents for 2014 / 2015

2.1 It is proposed that all City Centre Consents commence on Tuesday 1st April 2014 and end on Tuesday 31st March 2015.

2.2 It is proposed that all hoe ice cream sites (vans) commence on Tuesday 1st April 2014 and end on Tuesday 31st March 2015.

3.0 Consent fees for 2014 / 2015 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 not adjusted for 2013 / 2014 and for the year 2014 / 2015 it is proposed that the Consent fees are increased for the 2014 / 2015 year by 1.5% . The extra income from the pitch fees would cover the electricity connection costs for all pitches.

The proposed consent fees are set out in Appendix I to this report.

4.0 Allocation Procedure

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

5.0 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 licenses for street trading associated with events or promotional activity.

6.0 Ad hoc Street Trading

6.1 From time to time applications are received from entrepreneurs with 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 their 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 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 of Economic Development to allocate ad hoc street trading Consents and set fees for this within Committee policy.

Appendix I

SITE	LOCATION	CONSENT FEE 2013 / 2014	PROPOSED FEE 2014 / 2015
2A	New George Street (nr. Former Woolworths building)	5964	6054
2B	New George Street (WHSmiths)	5964	6054
2D	New George Street (nr. Sundial)	5964	6054
9	New George Street (Waterstones)	5964	6054
3A	Bedford Way (Royal Parade end)	3591	3645
3B	Bedford Way (New George Street)	5964	6054
4A	Old Town Street	3591	3645
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	2758	2799
8	New George Street Winter (Sundial area) seasonal	2316	2351
8	New George Street Summer (Sundial area) seasonal	1213	1231
10	Sundial East	7112.8	7219
11	Sundial West	7112.8	7219
12	Place De Brest East	4000	4060
13	Place de Brest, o/s Specsavers	4000	4060
ICE CREAM SITES			
B	Madeira Road	4238	4302
C	Madeira Road	4238	4302
E	Hoe Road	10457	10614
F	Hoe Road	10457	10614
G	Hoe Road / Grand Parade	5269	5348
H	Pier Street	1260	1279
I	Cliff Road	1025	1040

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