



Democratic Support

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#plymlicensing

LICENSING COMMITTEE

Tuesday 3 February 2015

10.00 am

Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Rennie, Chair

Councillor Mrs Bowyer, Vice Chair

Councillors Ball, Downie, K Foster, Fry, Hendy, Morris, Mrs Nelder, Mrs Nicholson, Parker-Delaz-Ajete, Riley, Singh, John Smith and Sparling.

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 - 34)

To confirm the following minutes:

Licensing Sub Committee:

- 12 August 2014
- 23 September 2014
- 7 October 2014
- 21 October 2014

Licensing Committee:

- 26 August 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. CITY CENTRE STREET TRADING 2015

(Pages 35 - 40)

The Director of Public Health will submit a report on City Centre Street Trading 2015.

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 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

Tuesday 12 August 2014

PRESENT:

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

Also in attendance: Sharon Day (Lawyer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 1.05 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.

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

Agreed that Councillor Rennie is appointed Chair and Councillor Mrs Bowyer is appointed Vice Chair for this particular meeting.

7. **DECLARATIONS OF INTEREST**

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

8. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

9. **MARGO'S AT MOUNT WISE, 2 CHARLES DARWIN ROAD, DEVONPORT, PLYMOUTH - GRANT OF PREMISES LICENCE**

The Committee having –

(a) considered the report from the Director for Public Health:

(b) heard from the applicant that:

- He will have CCTV at the premises;
- Staff will be CRB checked;
- They will have a challenge 21 underage sales policy;
- Alcohol will only be served with food;
- They are not seeking to attract a rowdy clientele;
- The alcohol sales are an add on to the main business which will be a deli, café and shop;

- Only bottled beer and wine will be served;
 - There is no bar in the premises;
 - They have a no drugs policy and a four drink policy;
 - Noise will be kept to a minimum;
 - One member of staff will be working at the counter with another on the shop floor;
 - He lives in the village;
 - The application no longer included off sales following consultation with the police;
 - He would be happy to restrict delivery times to address the concerns of local residents;
 - The maximum capacity of the premises is 60 people which is a figure set by the fire authority. There will be approximately 19 tables;
 - There is no application for an outside seating area. This would form a separate application at a later date if necessary;
 - He sees the premises as being a social hub for the village;
 - The location of a smoking area is under discussion with the developer as is storage for refuse;
 - He was willing to restrict the times when he would dispose of glass in response to representations from local residents;
 - He has been in the trade for 25 years, has had residents meetings and provided his contact details to local residents in case there are any problems;
 - He was happy for the smoking area to be monitored with CCTV and noise monitoring equipment;
- (c) Considered the written and verbal representations made by local residents (including a petition) as follows:

Prevention of Public Nuisance:

- The premises are situated with residential properties both directly above, next to and opposite. There was concern that the residents would be disturbed by noise from the premises until 10 pm. Residents felt that the hours of operation were excessive and should be reduced to avoid disturbing the peace and quiet of a residential area. One resident suggested that the hours of operation should be limited to 10 am to 8 pm on a Sunday and 8.30 am to 9.30 pm on a Monday to Friday. Concerns were also raised about potential noise issues from the smoking area.

This was relevant under this licensing objective but members considered that the concerns could be addressed by conditions 1 – 4 set out below.

- There was concern from local residents about noise and disturbance from deliveries taking place at the premises at times outside of the operating hours.

This was relevant under this licensing objective and members considered that the concerns could be addressed by the imposition of condition 5

below.

- There was a potential for a nuisance to be caused from deliveries taking place in that they would cause disruption to the free flow of traffic as the road is a narrow and busy single lane street which is one of the main access roads to other parts of the residential estate.

This was relevant under this licensing objective however the only matter before the committee was that of the retail sale of alcohol and committee did not consider that deliveries of alcohol would be excessive from the information they had been given. If problems did occur then this would be a matter for other agencies to enforce.

- There was a potential for light pollution to affect residential premises nearby.

This was relevant under this licensing objective however the committee did not consider that this was a problem which was linked to the hours of operation for the licensable activities applied for.

- There was concern that the use of an outside seating area for dining and alcohol consumption would cause noise problems for the nearby residents due to their proximity to the premises and hours of operation.

This was not relevant as there was no application for the use of the outside area.

- There was concern that there was a potential for smells from any kitchen waste ventilation system.

This was not considered to be relevant to the application which was for the retail sale of alcohol.

- There was a potential for noise, mess, smells and vermin if the appropriate provision for disposal of food, glass and other waste was not dealt with appropriately.

This was relevant under this licensing objective but only with regard to its link to the licensable activity applied for. The committee considered there was a potential noise problem from glass bottles being disposed but that this could be addressed by condition 6 below.

- There is limited parking in the area and there is already an issue with a shortage of on-site parking spaces. The area outside the premises has very limited access for pedestrians and motor vehicles. The existing small car park is thought to be for use for Tesco's.

This was not considered to be relevant under any of the licensing objectives as parking and road traffic issues were matters for enforcement

by other agencies.

- There was a potential for litter problems from smoking and takeaway containers.

This was relevant under this licensing objective in relation to smoking as food did not form part of the application for consideration by the committee. With regards to potential litter problems associated with smoking the committee felt this would be addressed by condition 7 below.

Prevention of crime and disorder

- There have been past problems in the area with anti-social behaviour and alcohol abuse which are now under control due to work from many agencies. If this licence was granted the problems could resurface particularly with the off sales of alcohol.

This was relevant under this licensing objective however the committee took account of the fact that off sales had been removed from the application and there had been no sustained representation by the police on this point. Therefore on the information they had been given the committee did not consider that the grant of a licence would contribute to a recurrence of the issues in the area.

Public Safety

- Having an outside seating area would cause disruption to the safe passage of pedestrians and vehicles.

This was not considered to be relevant as no application had been made for the use of the outside area.

(d) Other representations

There were written representations from local residents querying whether the premises had the correct planning permission to operate as applied for. Additionally a representation was made that there was a current Designated Public Places Order being considered for the area. Neither of these matters were considered by the committee as they do not relate to any of the licensing objectives.

Having taken account of all of the relevant representations, representations by the applicant, the Council's licensing policy and Home Office guidance, the committee agreed that it was appropriate and proportionate to grant the application for on sales only. The grant of this licence is subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule, conditions agreed with the Police and the additional conditions listed below. The committee did not consider it appropriate to impose the conditions put forward by Environmental Health because they were not relevant as there was no application for the use of an outside area.

Additional conditions imposed by the committee:

1. No licensable activities shall take place at the premises unless and until a designated and delineated smoking area is in place. Any smoking area must not be positioned in front of the premises.
2. The smoking area must be linked up to the CCTV system so that it can be monitored by the premises licence holder or nominated person.
3. The premises licence holder or nominated person shall monitor and control levels of noise in the smoking area and advise customers of the need to respect local residents. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
4. The premises licence holder shall ensure that a record of all monitoring of the smoking area is recorded and such records made available for inspection by any officer of a responsible authority.
5. Alcohol deliveries shall only be permitted between 9 am and 5 pm on weekdays. No alcohol deliveries shall take place at weekends.
6. Glass bottles shall not be disposed of into outside bins/containers before 9am or after 7 pm.

10. **COMMERCIAL SERVICE STATION, 9 CHAPEL STREET, DEVONPORT, PLYMOUTH PLI 4DP - VARIATION OF PREMISES LICENCE**

The Committee having –

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant that:
 - The service station was a twenty four hour operation which offered cold snacks and drinks at the moment. They had originally applied for a twenty four hour alcohol licence but following consultation with the Police had reduced this to 8 am to midnight;
 - The application for late night refreshment was really to cover the sale of hot drinks. Hot food would be a minimal part of the business and they were happy to be limited to the sale of hot drinks only if committee thought this was appropriate having considered the representations;
 - The police had made representations but withdrawn them and there had been no other representations from other responsible authorities;
 - With regard to the proposed DPPO for the area the applicant was happy to support this but did not consider granting the licence would undermine it in any way or contribute to street drinking;
 - The company had 200 service stations already;
 - With regard to attracting late night revellers, the applicant stated that they already open until 11 pm and the only problems they have ever had were

- minor thefts which did not involve theft of alcohol;
- The alcohol is positioned next to the counter and the shop doors are closed from 11 pm onwards;
- Schools will not be open during the time the variation application is made for;
- With regards to litter there was other legislation to deal with any associated problems;

(c) considered written and verbal representations from other parties:

Prevention of Crime and Disorder

- There is an existing problem with street drinkers and associated anti-social behaviour which has resulted in an application for a DPPO for the area which is currently under consideration.

This was relevant under this licensing objective however the committee considered that the conditions agreed with the Police would prevent any potential problems.

- The premises are situated within a few metres of a hostel for persons with drug and alcohol dependency issues.

This was relevant under this licensing objective however the committee considered that the conditions agreed with the Police would prevent any potential problems.

- The premises are on the main route home from the City Centre and may attract already intoxicated people on their way home from clubs and bars in town late at night or early hours of the morning.

This was relevant under this licensing objective however from the information it had been given the committee did not consider that this would be a problem.

Public Safety

- It is not appropriate for a garage to sell alcohol to drivers at all let alone 24 hours a day.

This was not considered relevant under this licensing objective.

- It is not appropriate to permit sales to people who are already intoxicated on their way home from clubs and bars in town late at night or in the early hours of the morning.

This was considered to be relevant under this licensing objective however the conditions agreed with the Police would prevent any problems and in addition there was other legislation to deal with some of the issues raised.

Prevention of Public Nuisance

- Sales will attract additional noise, litter and anti social problems at night. The premises are next to a new residential estate where the problems will become intolerable.

This was relevant under this licensing objective however the committee did not consider this would be a problem having considered the extent of the application.

- The sale of food items is expected to cause a significant increase in litter within the vicinity.

This was relevant under this licensing objective but as the premises already sell cold snacks and drinks, the committee did not consider there would be any potential additional impact.

- With so many retailers selling alcohol in the area the incidences of anti-social behaviour will significantly increase.

This was relevant under this licensing objective however the committee did not consider that this was a potential problem having considered the conditions agreed with the police and the extent of the application.

Protection of Children from Harm

- There is a primary school within 20 yards of the premises as well as other schools nearby. There may be problems with underage sales purchases and young families being exposed to behaviour associated with alcohol abuse.

This was relevant under this licensing objective however no schools would be open for the period applied for with this application and there were conditions in place to deal with potential underage sales.

Having taken into account all relevant representations, representations made by the applicant, the Council's licencing policy and Home Office guidance the committee agreed that it was appropriate and proportionate to grant the application (with the hours amended as detailed in the report) subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule and conditions agreed with the Police.

11. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 23 September 2014

PRESENT:

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

Absent: Councillor Sparling (Fourth member).

Also in attendance: Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 10.30 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.

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

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

13. **WELCOME TO NEW MEMBERS**

The Chair welcomed Councillor Morris to his inaugural Licensing Sub Committee meeting with Plymouth City Council.

14. **DECLARATIONS OF INTEREST**

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

15. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

16. **PRIVATE SHOP, 31 ATHENAEUM PLACE, PLYMOUTH, PL1 2RG, RENEWAL AND VARIATION OF SEX ESTABLISHMENT LICENCE (SEX SHOP)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) considered the representations from the applicant;
- (c) considered the written representation received in support of the application;

(d) heard from the applicant that –

- the application made was for the renewal of the sex establishment licence and that the sex shop had been in operation for over 20 years;
- the application was also to request approval to the variation of the shop frontage appearance which was looking dilapidated;
- the current colour looked austere and the change of colour was to make the shop look less austere with a warmer appearance and a more inviting, welcoming and friendlier look;
- the colour had been changed in other premises in the country;
- the colour requested was purple and was considered a friendlier look;
- the windows were 83 cm wide and the proposed shields were 53 cm deep and 52 cm across;
- three examples of shields had been provided, the shield headed '+18 years only' was to be displayed on the inner door of the premises as this was a legal requirement;
- the application was that the other two shields were to be displayed on the front window;

In response to members' questions it was reported that –

- (e) the application also included the request to change the whole background 'blank out' of the windows to include the decal including the wording 'your intimate lifestyle';
- (f) it was hoped that the change to the frontage would be inviting to customers and increase custom and although footfall may increase it was not expected to be significantly so.

Members considered all of the representations made by the applicant and the representation supporting the application. Members also noted that no representations against the application had been received.

Members agreed to grant the application for the renewal of the sexual establishment licence.

With regard to the application to vary the appearance of the front of the premises, members considered that the changes proposed would not adversely affect the licensing objective of Protecting the Nature, Amenity and Character of a Neighbourhood and agreed to the following:

To approve -

- the application to change the external colouring to purple;
- the application to display the window decal containing the words 'your intimate lifestyle';
- the application to display the shield headed '+18 years only' on the inside door of the premises;
- the application to display up to two shields headed 'PRIVATE SHOP' on the front window;

To reject the application to display the shield headed 'BE who YOU want to be' as this did not mention that the premises were an adult shop and did not give any information as to what type of establishment it was.

17. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 7 October 2014

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillors Mrs Bowyer and Sparling.

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

The meeting started at 10.00 am and finished at 11.00 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.

18. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

Under this item The Chair welcomed Councillor Sparling to his first Licensing Sub Committee meeting.

19. DECLARATIONS OF INTEREST

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

20. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

21. MY FISH BAR, 35 BRETONSIDE, PLYMOUTH

The Committee –

- (a) considered the report from the Director for Public Health;
- (b) considered representations from the applicant and the landowner;
- (c) considered written representations received in objection to the application;
- (d) heard from the applicant and the landowner that –
 - the landowner's father had died suddenly six months ago and the previous premises licence has lapsed as he had neglected to advise the

Licensing team within the 30 day notice period and therefore this application was required to go before committee for determination;

- the landowner considered Mr Metin Yobas was suitable to run this business in his premises as he reflected his father's professionalism and values;
- the premises had been run as a takeaway establishment for 17 years therefore he considered there was no real change other than it was now being run as a fish and chip shop rather than a kebab takeaway;
- Mr Yobas planned to create approximately 10 jobs; he was also regenerating the shop so that it would be an addition to the area;
- 8 CCTV cameras would be installed; the previous establishment only had 3 cameras;
- the applicant agreed to the restriction of opening hours as put forward by the Police;
- the applicant had signed a 15 year lease.

In response to Members questions it was reported that –

- (e) Mr Yobas was unable to control the behaviour and noise of clientele from other premises disturbing local residents however patrons of his premises would be served quickly and encouraged to leave quickly and quietly; the Police would be contacted if trouble arose;
- (f) the landowner's father previously worked with the Police, patrons and local residents in order to run his establishment;
- (g) Mr Yobas intended to employ several female staff and he considered that they were treated with more respect; he would also work at the establishment and would be available to help diffuse problems if any arose;
- (h) Mr Yobas considered that the hygiene, quality of food, service and security were of a 5 star quality and could not be beaten;
- (i) currently the area was considered to be rather run-down with several shops boarded up or closed; this premises was expected to help regenerate the area and attract a different type of clientele; the premises would be open during the daytime as well as in the evening and at night;
- (j) the location of the premises was on a natural walkway from the Barbican so patrons would pass the establishment on their way home;
- (k) it was not expected that the premises would be open until 3am or 4am very often; the applicant and landowner were encouraged to apply for the full licence and operating hours to ensure more flexibility;

- (l) the applicant had previous experience in running a kebab and pizza premises;
- (m) the premises had a customer toilet installed to prevent customers urinating outside and guaranteed that the outside of the premises would be cleaned to maintain his 5 star rating;
- (n) CCTV images would be retained for 31 days;
- (o) the landowner was keen to reassure local residents that the fish and chip shop was simply replacing the kebab takeaway that had been there for 17 years and would not be opening regularly until 3am or 4am as requested on the licence; during the week the premises was expected to close by midnight.

Members considered written representations under the licensing objectives as follows:

The Prevention of Crime and Disorder:

- to permit all night trading in a largely residential area will create a nuisance, disturbance and potential anti-social behaviour which will cause a nuisance to me and other residents in the area and will affect our sleep. This was not considered relevant by Members as the application was for a late night refreshment licence which would not be open all night;
- these premises are adjacent to the residential properties and the serving of food during the proposed hours is highly likely to occur after people have been drinking alcohol and as it is very noisy when the bars and clubs close, this is only likely to get worse. Instead of dispersing people are likely to congregate in or near the premises, leading to a risk of fights and criminal damage. Members considered this representation relevant but that it was addressed in the representations by the applicant and the conditions that had been agreed with the Police;

Prevention of Public Nuisance:

- there is an increased likelihood of excessive noise and litter and residents will have their sleep disturbed;
- allowing the outlet to serve food and drink all through the early hours will ensure it becomes a magnet for drunks in an area where residential blocks are situated a few yards away. Members considered these representations relevant and considered that the extra condition they imposed for collection of litter would deal with the representations and were satisfied that as the premises would not be licenced to sell drinks that the second representation would also be dealt with by the conditions agreed with the Police

Protection of children from harm:

- children living in the area will be subject to increased noise and lack of sleep

and fear engendered by the noise of fights and rowdy behaviour. Members considered this relevant but that it would be addressed with the premises licence holders management and the conditions placed on the licence.

Having taken into consideration all of the representations and noted that no representations had been received from any Responsible Authorities in respect of this application and also acknowledging the conditions that had been agreed between the applicant and the police which formed part of the application;

Members agreed that it was appropriate to grant the licence and that the following conditions should be added to the licence:

Amended condition 1:

The Premises Licence Holder, Designated Premises Supervisor or nominated person, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises. Between the hours of 11pm and close of business hourly rubbish checks will be made and rubbish cleared away. At the end of business each day the immediate vicinity should be cleaned of litter.

22. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 21 October 2014

PRESENT:

Councillor Rennie, in the Chair.
Councillor Ball, Vice-Chair.
Councillors Hendy (Fourth Member) and Singh.

Also in attendance: Ann Gillbanks, Senior Lawyer, Fred Prout, Senior Licensing Officer, Rachel Hind, Senior Environmental Health Officer, and Katey Johns, Democratic Support Officer.

The meeting started at 10.10 am and finished at 2.15 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.

23. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

24. DECLARATIONS OF INTEREST

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

25. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

26. QUEENS ARMS, SEVEN STARS LANE, PLYMOUTH - REVIEW OF PREMISES LICENCE

The sub-committee considered –

- (a) the report from the Director for Public Health;
- (b) the review application, written and oral submission of the Environmental Health Officer as follows –
 - (i) information was provided about the various communications that had taken place between Environmental Health, the Designation Premises Supervisor (DPS) and Premises Licence Holder (PLH) in relation to the complaints about noise. Correspondence started on the 12 May 2014 and has continued since. In addition there have been meetings and telephone calls to try and resolve the noise problems. Solutions have

been suggested by Environmental Health in relation to the restriction of the use of the outside area, an action plan and installation of a noise limiter. To date though the action plan has not been returned, no noise limiter has been installed and the use of the outside area continues beyond 11pm causing numerous complaints from residents;

- (ii) Environmental Health provided details of the complaints they had received from local residents about noise and also evidence of noise nuisance being witnessed by its officers. Noise diaries were kept by complainants and submitted for consideration to the committee. Unacceptable noise was witnessed by officers on the 6 June 2014, 27 June 2014 and 29 August 2014. The statements provided identify the noise as coming from music being too loud so much so that the lyrics of songs could be identified outside the premises. An officer also witnessed the DPS being abusive to a resident who complained to her about the level of the noise on the 6 June 2014. On the 27 June 2014, the officer witnessed doors being left open and loud recorded music coming from pub. Talking and shouting from patrons in the pubs beer garden was loud in complainant's bedroom and also bass beat from the music playing in the pub was also audible in a bedroom. On the 29 August 2014 officers witnessed noise from 20 patrons congregating in the outside area of the pub. They were described as being very loud, shouting and laughing and were the most prominent noise in the area. The officers considered that the noise would have disturbed local residents as the time was approximately midnight. During the 20 minutes they remained at the premises they didn't witness any member of staff trying to control the noise;
- (iii) evidence was contained in a witness statement from a local resident of the nuisance problems she has suffered from loud music and karaoke which has disturbed her from sleeping and resting. She has also witnessed violence and anti-social behaviour coming from the pub. A particular incident was on the day of the Tamerton Foliot Carnival which resulted in a fight and the police having to be called. She reported that people using the beer garden are often very inebriated and use horrendous language so that she unable to sit with her children in her garden through fear of the sort of things they will hear;
- (iv) Environmental Health recommended the removal of the DPS due to public nuisance caused having been given numerous opportunities and assistance from Environmental Health and the Police. They were of the opinion that noise issues could be controlled with the imposition of the following conditions -

Noise Nuisance

- I 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 the noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
- 3 no performances of live and recorded music can proceed without the noise limiting device in proper working order;
- 4 if the noise limiting device breaks down the Premises Licence Holder shall ensure that the Designated Premises Supervisor, or other responsible person verbally informs the Environmental Health Service as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay;
- 5 all doors and windows shall be kept shut during regulated entertainment except for access and egress;
- 6 all doors and windows shall be maintained in good order;
- 7 staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut;
- 8 noise emanating from the premises shall not be heard above background levels 1 metre from the facade of the nearest residential property;.
- 9 the performance of live entertainment will cease by 23:00 hours;
- 10 the performance of live entertainment by three or more performers will be limited to a maximum duration of *three* hours inclusive of any breaks;
- 11 the performance of live entertainment will be limited to two sessions per week;
- 12 entrance doors and the rear door to the outside beer garden must be provided with automatic door-closers and shall be maintained in good working order;
- 13 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;

- 14 the Premises Licence Holder, DPS or nominated person shall carry out observations in the residential streets surrounding the public house at the commencement of and at periodic times during any live music, karaoke or DJ's playing recorded music to establish whether there is a noise breakout from the premises
- (i) 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;
 - (ii) 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;
 - (iii) 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, DPS 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, DPS or nominated person shall ensure a telephone number is made available and displayed in prominent locations as agreed with Environmental Health 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;
- 17 the Designated Premises Supervisor or nominated person shall be available at all times during regulated entertainment and who is responsible for cooperating and liaising with any relevant responsible authority;

Use of the outside seating area

- 18 after 21:30 hours no drinks are to be taken outside to the outside area and no consumption of drinks to occur after 22:00 hours;

- 19 a sign is to be placed in the outside rear area specifying that no drinks are to be taken into this area after 21:30 hours;
- 20 after 22:00 hours noise levels in outside areas are to be monitored and controlled to minimise any potential impact on local residents;
- 21 the Premises Licence Holder, DPS or nominated person shall 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;

(c) written and oral submissions from the Police as follows –

- (i) there had been three instances where disorder had broken out at the premises since May 2014. Two of these had been large scale disorder involving between 8 and 20 people. These incidents had resulted in injuries to those involved including a glassing injury and a person being left unconscious on the floor of the premises. One incident had involved the DPS herself, assaulting a person although that person did not want to take the matter further. The DPS was not helpful with police enquiries in relation to these matters and no CCTV was provided;
- (ii) there have been reports of underage drinking at the premises and this was supported as a witness to a criminal damage incident was a 17 year old person who had been drinking;
- (iii) the police provided information of reports of noise that had been supplied to them;
- (iv) on one occasion the police had been called to the premises and found the DPS had been drinking and was screaming and shouting at the customers in the beer garden of the Seven Stars. She was escorted back to the premises and told not to go near the premises. Officers were of the opinion that the DPS's behaviour was appalling. The DPS denied she had been drinking;
- (v) the police provided evidence of their attempts to work with and assist the DPS however despite this there has been an escalation of drunkenness, crime and disorder. The DPS has also become less willing to cooperate with Police enquiries. The police do not consider that the DPS has demonstrated she can abide by the licensing objectives and this is demonstrated by the levels of crime and disorder and public nuisance that has emanated from the Queens Arms and believe she had no intention of addressing he issued or engaging with the police;
- (vi) in order to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance and protection of children from

harm the police requested the removal of the DPS from the licence, consideration be given to review of the licensable hours and also the imposition of the following conditions:

Prevention of Crime and Disorder

- 22 all staff shall be fully trained to perform their role.
The Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, using the SWERCOTS on-line training pack or equivalent, and the contents of the premises licence including times of operation, licensable activities and all conditions prior to undertaking the sale of alcohol and then at least every six months thereafter;
- 23 training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 3 years;
- 24 a refusal register will be kept for any person refused service. the record will contain the time and date, the reason, the person (if known), the action taken and details of the person responsible for the management of the premises at the time of the incident;
- 25 an incident book shall be maintained to record any activity of any violence, criminality or anti-social behaviour. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident;
- 26 a list of banned individuals is to be recorded in the Incident book with name, description of individual, length of ban and reason;
- 27 the refusals register and incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months;
- 28 there will be a drug prevention policy in place which staff will be trained in the contents of the policy;
- 29 there will be no aggressive drinks promotions (i.e 2 for 1, heavy discounting of alcohol and any happy hours);

Public Safety

- 30 the Designated Premises Supervisor and/or Responsible Person shall not allow any open drinking vessel, glass or bottle to be taken from the premises;

31 the collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties inside and outside within the premises boundary;

32 illumination is provided in the exterior areas of the premises that are accessible to the public;

The Prevention of Public Nuisance

33 the Designated Premises Supervisor and/or responsible person shall ensure that outside areas of the premises will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside areas have on the surrounding community;

34 clear Signage is to be on display by the exits requesting that patrons leave the premises quietly and respect the local residents;

Protection of Children from Harm

35 all staff shall be trained in the requirements of the Challenge 21 policies. The types of acceptable identification and refusing service to any person who appears to be under-age;

36 challenge Under 21 signage is to be clearly displayed behind the bar;

37 unaccompanied children will not be allowed on the premises;

38 children are not permitted to be on the licensed premises after 19:00hrs;

39 soft drinks are to be available;

CCTV

40 the Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises;

41 the CCTV system shall be capable of downloading images to a recognizable viewable format.

42 designated Premises Supervisor shall be competent in operating the CCTV system and able to view and download footage onto a recognised format when requested by an authorised officer of relevant responsible authority;

- 43 the CCTV equipment shall be maintained in good working order and continually record;
- 44 the CCTV system shall cover all areas of the premises to which the public have access including the frontage and Car park of the premises and any outside areas;
- 45 images shall be retained for a minimum of 30 days;
- 46 the Police Licensing Department will be informed if the CCTV system is not fully working during licensed hours;

(d) written and oral submissions from other parties -

- (i) one local resident provided a witness statement and diary entries of the problems which she had been experiencing since the DPS took over the premises in February last year. Initially her complaints about the noise were dealt with and action taken but gradually the incidences increased and her complaint calls went unanswered. Of particular problem is the Karaoke on a Tuesday night which is very loud and disturbing and means she cannot sit in her garden as she can hear the music. If she wants to watch the television she has to turn up it up to drown out the music. She is unable to open her windows if she wants to, due to the level of noise. The karaoke goes on until between 11.30 and 11.45pm. On weekends the problem is noise from live music particularly if the doors are left open. She reported that with the back double doors closed the music level is more reasonable. The live music is louder and more disruptive than the Karaoke. The music is so loud that she has been able to hear the music above her television and to make a list of what has been played. Whilst the live music finishes between 11.30 and 11.45pm once it has ended the patrons the juke box is turned on, the doors open and patrons go into the beer garden until 12.30am. The noise from this can be heard in the complainant's house. The noise has made her life a misery, disrupted her son's GCSEs, prevented the use of their garden as well as disrupting sleep and making her anxious. In addition to the problems from noise they have witnessed fights outside the premises which have resulted in the police being called and have also been shouted at by a drunken patron;
- (ii) another local resident stated that they have experienced problems from the premises in recent years and found that the car park has become an extension of the pub. There have been problems with smokers not using the rear garden for smoking but instead spilling out into the car park and road for hours at a time drinking, talking, shouting and searing loudly to each other well into the early hours. Often they will lean against his wall or sit in his driveway. At weekends there are usually about 50 patrons being more boisterous after midnight. There appears to be no supervision in the car park. The resident had also witnessed several events of disorder with fighting and glass throwing in

the car park one example was provided of the 31 August 2014 which resulted in the Police and ambulance being called. They stated that whilst they don't wish the premises to be closed they do want it to be more orderly;

- (iii) further representations were made that noise, violence and anti-social behaviour had increased in the last year coming from the Queens Arms. The resident stated that he was suffering constant noise from amplified music and resulting drunkenness and disorderly behaviour lasting into the early hours of the morning;
 - (iv) a further local resident reported witnessing drunkenness in day time as well as at night and customers shouting and stumbling in and out of the pub. He stated he found the patrons that congregate outside the pub frightening and intimidating and he has had to run the gauntlet of drunks to get to his car. Patrons also seem to congregate outside his house. He reported that there had been increasing levels of violence at the premises and that the road has been blocked on more than one occasion with police vans attending the pub which resulted in him having to do a detour to get home. The resident considered the pub to be poorly managed which has given rise to unacceptable levels of noise, drunkenness and violence. No specific details were provided as the resident stated he had failed to keep detailed records;
 - (v) an assistant with the local carnival stated that the local carnival has caused problems in the past and that as a result local premises use security on carnival day and close on time. This he said, was explained to the DPS at the premises who then kept the premises open and saw many drunks and people who looked underage at the premises. Having spoken to the DPS the next day he reported that the DPS had claimed that the Police had over reacted. This person had also witnessed noise coming from the premises when at a friend's property and found it frightening to see pictures of the violence which is alleged to have occurred there;
- (e) a summary of the response from the PLH -
- (i) the premises licence holder expressed to Committee their sincere apology that nuisance has occurred at the premises for the past six or so months and are embarrassed and sorry to be the subject of this review;
 - (ii) there is no suggestion of a challenge to the evidence of excessive noise nuisance from entertainment for the customers in and around the premises and in the beer garden.
 - (iii) the representatives here today were acting on behalf of the premises licence holder and were not representing the DPS in any way;
 - (iv) the DPS is not an employee of Punch Taverns but is a lessee of the

- premise. She pays rent and is entitled to call the property her own;
- (v) the premises are operated by licensees who take on the business under an agreement with the PLH. The day to day operation of the premises is the responsibility of that licensee rather than the PLH;
 - (vi) this works well in other parts of the Country; since 2005 in excess of 5,000 premises have been run on the same principle by Punch Taverns;
 - (vii) this premises is the exception to the rule and it is rightful for Punch Taverns to be engaged in any due diligence questions for the promotion of the licensing objectives. To deal with this they have a Risk and Compliance Team and work in local partnership with the local management [DPS];
 - (viii) the PLH Risk Compliance Team and Development Officers have tried to resolve these issues with dialogue and discussion with the DPS to no avail.
 - (ix) the premises have not been the subject of a review for the previous nine years and the issues seem to have escalated in May of this year which could be as a result of the fine weather.
 - (x) it was believed when this DPS was taken on in February that, as a former Police Officer, she would be fit for the job;
 - (xi) although evidence has been presented regarding problems it should be noted that these have ceased since this review procedure has commenced with the last reported incident being the end of August;
 - (xii) it is considered to be appropriate, proportionate and fair to promote the licensing objectives by the imposition of some 30 or so conditions proposed by the Environmental Health Officer and the Police, although it is submitted that with regard to the two Police conditions concerning the prevention of public nuisance these are dealt with by the proposed condition numbers 21 and 15 in the Environmental Health Officer's conditions;
 - (xiii) it is also submitted that the police condition dealing with no aggressive drinks promotions is superseded by mandatory conditions now imposed or in any event that the reference to two for one drinking, discounted alcohol and happy hours should be considered to be removed from this condition;
 - (xiv) it was suggested by the PLH that to combat the nuisance that had arisen as a result of customers entering after the closing hours of the other two pubs in the area could be dealt with by way of a condition restricting late entry to the premises.
 - (xv) The PLH also suggested that in the event of responsible authorities and

residents experiencing difficulty in resolving issues locally they could be provided with a telephone number for PLH's Risk and Compliance Team.

In response to questions by Members, the following information was put before Committee -

- (f) heard from the Police that there were five incidents of arrest and prosecution have been linked with the premises, the dates being 31 August 2014, 30 August 2014, 30 August 2014, 25 June 2014 and 4 May 2014 and these were for four for ABH and one for wounding GBH with intent;
- (g) heard from another party that the premises have largely been reasonably managed over the past but the nuisance has been exceptional since the current DPS has taken over;
- (h) the PLH advised that the officers they had in place who would now be dealing with the people appointed to manage these premises had worked for the PLH for the past seven years managing a number of other premises and this is the first premises within their area that has been the subject of a review.

Having considered the representations made at Committee and also considered the written representations received, Members have been concerned about the breakdown in management of these premises and the effects upon the licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. As a result, the Committee agree that it is appropriate in order to promote the licensing objectives to remove the DPS from the licence and also to apply the conditions put forward by Environmental Health and the Police and, as set out below, and as a result of this review the conditions relating to live music are applied in accordance with section 177A(4) of the Licensing Act 2003 –

- 47 no entry or re-entry to the premises after midnight Sunday to Wednesday and after 0030 hours Thursday to Saturday;
- 48 condition number 18 of Environmental Health conditions will remain as the hours stated and therefore the PLH submission with regard to change of those hours is rejected;
- 49 to add the following to condition 16 of the Environmental Health suggested conditions the inclusion of a telephone number for the PLH Risk and Compliance Team or function.

27. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Committee

Tuesday 26 August 2014

PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Downie, K Foster, Fry, Morris, Mrs Nicholson, Parker, Riley, Singh and John Smith.

Apologies for absence: Councillor Mrs Nelder

Also in attendance: Ann Gillbanks (Senior Lawyer), Dave Hughes (Environmental Health Officer), Fred Prout (Senior Licensing Officer), Helen Rickman (Democratic Support Officer) and Lynn Young (Democratic Support Officer – observing).

The meeting started at 10.00 am and finished at 10.45 am.

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

38. **DECLARATIONS OF INTEREST**

The following declaration of interest was made by a member in accordance with the code of conduct –

Name	Minute Number	Reason	Interest
Councillor John Smith	38	Board member of Credit Union, an organisation with premises located within the proposed DPPO	Personal

39. **MINUTES**

Agreed that the following minutes are approved as an accurate record of the meeting:

- Licensing Committee – 29 April 2014
- Licensing Sub Committee – 15 April 2014, 29 April 2014, 13 May 2014 and 15 July 2014.

40. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

41. **INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES**

Fred Prout (Senior Licensing Officer) provided Members with an update on information regarding delegated decisions for applications for the grant or variation of premises licences.

Members were advised that the licensing department had received representations from responsible authorities or other parties that had been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the application before the committee for determination. The majority of issues raised linked to conditions on the license in relation to noise issues, CCTV, training for members of staff and outside bar issues.

The Chair thanked Fred Prout for his report and attendance at the meeting.

Members noted the update.

42. **APPLICATION FOR THE DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MARLBOROUGH STREET, DEVONPORT AND THE SURROUNDING AREA**

Dave Hughes (Senior Environmental Health Officer), Inspector Sean Harris (Sector Inspector Devonport & West), PC Ryan Pengelly (Neighbourhood Beat Manager) and Councillor Coker (Devonport Ward Councillor) provided the Committee with the application for the Designated Public Places Order (DPPO) to control street drinking in Marlborough Street, Devonport and the surrounding area.

Members were advised that –

- (a) on 29 April the Licensing Committee agreed that the Public Protection Service was authorised to facilitate the public consultation in the specified DPPO area in Devonport;
- (b) as part of the six week consultation process a public notice was displayed in the Evening Herald, an information pack was sent to various community groups, information was posted on the Council's website, a mail shot was undertaken in the proposed DPPO area and 6000 leaflets were distributed; 82 DPPO feedback questionnaires were also completed by local business and residents;
- (c) a scatter diagram was provided within the agenda pack to detail where respondents lived who responded to the consultation;
- (d) there was an overwhelming majority in support of the DPPO; in total 91 residents responded;
- (e) a second notice was required to be published in the Evening Herald confirming the date the DPPO was due to come into effect, if granted by Members;
- (f) throughout 'Community Focus Week' the Police had undertaken

questionnaires in specific streets in Devonport regarding the proposed DPPO and residents experiences of alcohol related problems; 82 questionnaires were completed in which 81 were in support of the introduction of a DPPO in Devonport;

- (g) 82% of people questioned confirmed that they had experienced alcohol related crime in the past 12 months within the proposed DPPO area including Devonport park, Marlborough Street, Stoke Village and Mount Wise;
- (h) 78% of people questioned confirmed that they had been subject to alcohol-related behaviour or anti-social behaviour on a weekly or monthly basis;
- (i) residents were asked to specify what type of alcohol-related behaviour they had experienced due to street drinking including intimidation, alcohol litter, urination/ defecation, verbal abuse, physical assault or noise/ begging; there were 190 responses to this question from 82 questionnaires completed;
- (j) residents were asked what action they took as a result of behaviour; 60% of respondents confirmed that they had not reported this to the police;
- (k) 81 of 82 questionnaires completed confirmed that they did support the proposed DPPO;
- (l) the Police recorded incidents in Devonport between 1 January 2014 to 31 July 2014 in order to evidence the continued on-going problem with alcohol related crime and disorder; 95 Police logs were created during this period and 53 were specifically linked to alcohol related crimes. Members were advised that crimes could be recorded without a log being generated and most police logs generated did not result in a crime being recorded;
- (m) 20 key offenders had been identified by the Police as causing ASB and alcohol related crime in this area; those identified had been put on an acceptable behaviour programme and were being supported by Harbour;
- (n) a section 30 Anti-Social Behaviour Act 2003 order was introduced in a small area of Devonport which provided Police and PCSOs with powers to disperse people engaging in ASB away from the area for a period of time; this power was introduced on 12 June 2014 and was due to expire in November 2014;
- (o) the introduction of the DPPO would enable the Police to have discretionary powers linked to alcohol related crime and disorder and this would not prevent people responsibly enjoying a glass of wine at several of the events planned for this area of the city;
- (p) within the DPPO boundary there were three primary schools and many children had to travel through areas where street drinking was an issue;

- (q) the powers attributed to the DPPO were essential to residents' quality of life; several people were scared of going to specific areas within Devonport;
- (r) Councillor Coker had worked alongside Councillor Kate Taylor, the Police, Licensing Officers, the local community, local businesses and support groups to progress the DPPO consultation and process. It was a community led project that had received overwhelming support.

Members commented that –

- (s) several million pounds had been injected into Devonport from Government in the past few years which had resulted in the enhancement of the area; it was now considered to be a balanced community and a natural progression of the area;
- (t) there were concerns that anti-social behaviour could displace to other areas of the city however this DPPO would help to improve the area.

In response to questions raised it was reported that –

- (u) multiagency work would continue to develop if the DPPO was granted;
- (v) additional police resources were identified and tasked to deploy on a Street Drinker Day of Actions to target street drinking; plain clothed police officers were also in attendance and still had full police powers;
- (w) a definitive map detailing DPPOs throughout the city was not provided to Members as each application was treated individually on its own merits;
- (x) housing associations had been consulted as part of the consultation and were fully supportive of the DPPO and were willing to work with the police to make the DPPO a success;
- (y) there was a requirement in the legislation that adopted DPPOs needed to have a reporting mechanism for feedback; the Licensing Committee would receive updates in the future if the DPPO was approved;
- (z) officers considered that the implementation of the DPPO would have a positive impact on the local neighbourhood and the people that lived, worked or visited the area;
- (aa) the DPPO could not be implemented before the 15 September 2014 as the public notice needed to be published in the Evening Herald.

Members unanimously Agreed that they considered that there was sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public in the Marlborough Street, Devonport and the surrounding area which is associated with the consumption of alcohol.

Members also unanimously Agreed to –

- (1) authorise a DPPO for Marlborough Street, Devonport and the surrounding area as indicated on the map in Appendix A and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 15 September 2014 or as soon as reasonably practical after this date;
- (2) authorise Officers to place a public notice in the local press confirming the order as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007;
- (3) authorise Officers to arrange the production and installation of the signage notifying persons of the existence of the DPPO to be in place by the 15 September 2014 or as soon as reasonably practical after this date (an order is not enforceable until after the signs have been erected).

43. **EXEMPT BUSINESS**

There were no items of exempt business.

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PLYMOUTH CITY COUNCIL

Subject:	Street Trading Report 2015 / 2016
Committee:	Licensing Committee
Date:	3 February 2015
Cabinet Member:	The Leader
CMT Member:	Anthony Payne (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 2015
Key Decision:	No
Part:	I

Purpose of the report:

This report seeks to set the process for the issuing of consents for the 2015 / 2016 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 2015 / 2016 financial year.

Consent fees were increased by 1.5% for the period 2014 / 2015.

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. A formal review of the existing street trading policy is currently underway.
- II. The Consent dates for 2015 / 2016 are approved
- III. The Consent fees set out in Appendix 1, for 2015 / 2016 are approved.
- IV. 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 2015 / 2016
- V. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites.
- VI. 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.
- VII. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- VIII. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to applicants for vacant ice cream consent sites or the 2015 /2016 trading period.

Reason for recommendations:

I - The purpose of the policy review is to ensure that the current provision of street trading is a) fit for purpose b) works for permanent retailers in the city centre and c) creates or adds to the vibrancy of the city centre, whilst consulting and working in partnership with existing retailers and street traders working together as a Co-operative Council.

II-VIII - These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2015 / 2016 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	ABPI aceF EDD 1415 006	Leg	SD/22097/ 22.1.15	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 2015 / 2016

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

2.0 Formal Review of Existing Street Trading Policy

2.1 The street trading policy is currently under review and subject to cabinet member approval will be released for consultation during 2015.

3.0 Duration of Consents for 2015 / 2016

3.1 It is proposed that all City Centre Consents commence on 1st April 2015 and end on 31st March 2016.

3.2 It is proposed that all hoe ice cream sites (vans) commence on 1st April 2015 and end on 31st March 2016.

4.0 Consent fees for 2015 / 2016 background

4.1 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.

4.2 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 for 2014 / 2015 by 1.5% and for the year 2015 / 2016 it is proposed that the Consent fees are increased for the City Centre Street Trader pitches and ice cream consent sites by 1.5% to cover the increased costs of repairs and maintenance.

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

5.0 Allocation Procedure

5.1 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.

5.2 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.

5.3 For the Hoe / Barbican allocation of Ice Cream consents previous trading locations, previous trading records including Environmental Health & payment history, evidence of public liability insurance and current driving licence, food hygiene certificates, standard and appearance of vehicle, type of goods on offer, quality and price of goods on offer and in the case of new applicants, the references received are taken into account when allocating sites to applicants. It is recommended that consents be allocated under delegated authority by the Assistant Director for Economic Development.

6.0 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.

7.0 Ad hoc Street Trading

7.1 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.

7.2 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 2014 / 2015	PROPOSED FEE 2015 / 2016
2A	New George Street (nr. Former Woolworths building)	6054	6145
2B	New George Street (WHSmiths)	6054	6145
2D	New George Street (nr. Sundial)	6054	6145
9	New George Street (Waterstones)	6054	6145
3A	Bedford Way (Royal Parade end)	3645	3700
3B	Bedford Way (New George Street)	6054	6145
4A	Old Town Street	3645	3700
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	2799	2840
8	New George Street Winter (Sundial area) seasonal	2351	2386
8	New George Street Summer (Sundial area) seasonal	1231	1249
10	Sundial East	7219	7327
11	Sundial West	7219	7327
12	Place De Brest East	4060	4121
13	Place de Brest, o/s Specsavers	4060	4121
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