

Licensing Committee

Tuesday 16 June 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor K Foster, Vice Chair.

Councillors Mrs Bowyer, Churchill, Sam Davey, Fletcher, Kelly, Morris, Riley, Singh and Sparling.

Apologies for absence: Councillors Drean, Fry, Hendy and Parker-Delaz-Ajete.

Also in attendance: Ann Gillbanks (Senior Lawyer), Jock McIndoe (Licensing Officer, Devon & Cornwall Constabulary), Andy Netherton (Service Manager, Public Protection Service), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 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.

49. TO NOTE THE APPOINTMENT OF THE CHAIR AND VICE CHAIR

The committee noted the appointment of Councillor Rennie as Chair, and Councillor Foster as Vice Chair for the municipal year 2015-2016.

50. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Council's Code of Conduct.

51. MINUTES

Agreed the following minutes -

Licensing Committee –

- 3 February 2015

Noted the following minutes –

Licensing Sub Committee -

- 3 March 2015
- 17 March 2015
- 19 May 2015

52. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

53. **SCHEDULE OF MEETINGS FOR THE FORTHCOMING YEAR**

The Committee noted the schedule of meetings for the Licensing Committee and Licensing Sub Committee for the municipal year 2015-2016.

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

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 licence in relation to operating hours, protection of children from harm, and Challenge 21 and Challenge 25.

The Chair thanked Fred Prout for his report.

Members noted the update.

55. **LICENSING ACTIVITY REPORT 2014-2015**

Andy Netherton (Service Manager, Public Protection Service) provided Members with a report on Licensing Activity for the period 1 April 2014 to 31 March 2015. Jock McIndoe (Licensing Officer, Devon & Cornwall Constabulary) was also present for this agenda item.

Members were advised that –

(a) Licensing Officers had processed the following number of applications –

- 340 licensing applications, transfers and variations
- 174 new personal licences
- 374 Temporary Event Notices (TENs), 104 of which were 'late';

(b) Licensing Sub Committee undertook the following activities –

- 11 applications of variations
- 3 review of premises licences

resulting in 1 refusal (relating to 3 TENs);

(c) Licensing fees had remained unchanged since the introduction of the Licensing

Act in 2005;

- (d) a number of de-regulatory measures had been introduced by the Government, the majority of which had been to reduce the number and range of licensable activities and included –
 - personal licences no longer had an expiry date (was previously 10 years)
 - there was no longer a requirement to report the loss or theft of a licence to the Police
 - the number of TENs in relation to the same premises had increased from 12 to 15 per annum;
- (e) the Anti-Social Behaviour Crime and Policing Act 2014 which came in to effect in October 2014 replaced existing powers to immediately close premises with similar provisions;
- (f) the main changes regarding licensing involved the repeal of Designated Public Places Orders (DPPO), a number of which exist across the City. The DPPO had been replaced by similar provisions under Public Spaces Protection Orders (PSPO);
- (g) the Committee would no longer receive applications for DPPOs - applications for PSPOs would be considered via a Delegated Decision process and approved by the relevant Cabinet Member. Existing DPPOs would continue until October 2017 when they must either be renewed with a PSPO or revoked;
- (h) 155 formal noise complaints against licensed premises were registered;
- (i) Environmental Health Officers used an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly, without the need for further formal action;
- (j) an Out Of Hours noise service operated between 8 pm and 1am on Friday and Saturday nights to respond to noise complaints involving licenced premises;
- (k) alcohol continued to be a significant factor in violent crimes, with alcohol being a factor in approximately 70% of violence against the person crimes. The evening and night time economy was involved in 19% of all violence against the person crimes;
- (l) the Police dealt with 15 venues classified as Problem Premises and had engaged in extensive negotiations and mediation to deal with concerns. One of these had resulted in a review hearing;
- (m) the Police were actively engaged in supporting Plymouth Pubwatch, Barbican

Pubwatch and the Plymouth Licensing Forum;

- (n) early discussions were taking place with individual licensees who were in receipt of 24 hour licences or 6 am terminal hours, regarding the feasibility of the trade voluntarily reducing their opening hours over a staged period;
- (o) 10 test purchases on premises had been undertaken, 2 of which had failed. This had resulted in a Simple Caution for one company, the other was still under investigation. Both of these premises had been advised that they would be re-tested. All licensed premises in Plymouth had free access to a regional underage sales web based training system for their staff;
- (p) Licensing Officers were also responsible for licensing establishments such as casinos, betting shops, adult gaming centres, and bingo halls covered by the Gambling Act 2005. In April 2016 existing operators and applicants would be required to complete a local risk assessment, covering the impact of their activities on the local community. The assessment must also consider how any risks would be mitigated and monitored;
- (q) by April 2016 Operators would also be required to introduce systems that allow a customer to make a single request to self-exclude from all operators within their area. The Gambling Commission were working on a national online self-exclusion scheme due to be in place by 2017;
- (r) these changes would have an impact on the Council's Licensing Policy which is due to be republished in January 2016. The new policy will provide additional details regarding our expectations of these local gambling risk assessments. Councils will also have the discretion to create Local Area Profiles (LAPs). This is likely to consist of local area data, which should be used by operators when completing their local risk assessments;
- (s) originally two lap dancing clubs were licenced, but one licence had not been renewed, two sex shops were still licenced and remain in business;
- (t) Licensing Officers had participated in joint operations with the Police where vans believed to be carrying scrap metal vans were stopped and visits had been made to those businesses licenced since the introduction of the Scrap Metal Dealer's Act 2013. No Police objections had so far been received in relation to any dealers, and site visits had not identified any significant issues. The new system had been very effective in reducing scrap metal theft and the new records kept by operators had proved useful to the Police when investigating other crimes;
- (u) enforcement agencies met on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continued to receive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE;

- (v) the Licensing Team and Police had supported the introduction of the Barbican Pubwatch scheme and were a member of the Best bar None Steering Group;
- (w) safeguarding measures were being reviewed following the Jay and Casey reports issued as a result of the child sexual exploitation incidents in Rotherham;
- (x) Barnardos had recently employed a Night-time Economy Worker to assist the work of the Police and the Licensing Team;
- (y) the Licensing Team had recently taken on responsibility for other forms of licencing, which included pet shops, explosives, fireworks and petroleum;

In response to Members' questions it was reported that –

- (z) it was estimated that there had been a 40% reduction in scrap metal thefts in the year 1 April 2014 to 31 March 2015, although this figure was unconfirmed;
- (aa) partnership working had helped to reduce the number of incidents in the Evening and Night Time Economy (ENTE), aided by the work of Street Pastors and CCTV operators;
- (bb) a number of initiatives were in force to ensure the safety of people using the ENTE, including Street Pastors and Street Safe (which operated on certain nights). Future initiatives being investigated including the introduction of Street Marshalls and a Best Practice Scheme for door staff.
- (cc) the Police had recently met with Plymouth University to discuss Freshers' Week 2015; in particular initiatives to encourage safe and responsible drinking.

Under this agenda item it was highlighted to Members that bullet point 6 of paragraph 4.1 should be amended to read – 'It is no longer an offence to sell liquor *chocolates* to a person under the age of 16'.

Members were reminded of the opportunities to be escorted around the night time economy to observe the operation of business, see how the night time economy is managed, and observe the operation of street pastors and the CCTV system and Policing methods. Licensing Officers can liaise with the Police to facilitate these evening visits should any Members wish to take up this opportunity.

The Chair thanked Andy Netherton and Jock McIndoe for their reports.

56. **EXEMPT BUSINESS**

There were no items of exempt business.