



**Democratic Support**

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#plymlicensing

## LICENSING COMMITTEE

Tuesday 16 June 2015

10.00 am

Council House (Next to the Civic Centre), Plymouth

**Members:**

Councillor Rennie, Chair

Councillor K Foster, Vice Chair

Councillors Mrs Bowyer, Churchill, Sam Davey, Drean, Fletcher, Fry, Hendy, Kelly, Morris, Parker-Delaz-Ajete, Riley, Singh 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. TO NOTE THE APPOINTMENT OF THE CHAIR AND VICE CHAIR

The committee will note the appointment of Councillor Rennie as Chair and Councillor Foster as Vice Chair as confirmed at the Council's AGM on 22 May 2015.

#### 2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

#### 3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### 4. MINUTES

(Pages 1 - 28)

To note the following minutes –

Licensing Sub Committee -

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

To confirm the following minutes –

Licensing Committee –

- 3 February 2015.

#### 5. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

## **6. SCHEDULE OF MEETINGS FOR THE FORTHCOMING YEAR**

The committee is asked to note the dates of future meetings for the municipal year 2015-2016.

Licensing Committee –

- 15 September 2015
- 15 December 2015
- 15 March 2016

Licensing Sub Committee –

- 30 June 2015
- 14 and 28 July 2015
- 4 and 18 August 2015
- 1, 15 and 29 September 2015
- 6 and 20 October 2015
- 3 and 17 November 2015
- 1 and 15 December 2015
- 5 and 19 January 2016
- 2 and 16 February 2016
- 1, 15 and 29 March 2016
- 12 April 2016

Members are asked to note that the dates of the Licensing Sub Committees are ***provisional*** and will only be activated if required. Members will be contacted separately regarding the membership required for these meetings.

## **7. INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES (Pages 29 - 32)**

The Director of Public Health will submit a report detailing information regarding delegated decisions for applications for the grant/variation of premises licences and club premises certificates.

## **8. LICENSING ACTIVITY REPORT 2014-2015 (Pages 33 - 40)**

The Director of Public Health will submit a report detailing licensing activity for 2014-2015.

## **9. 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.

## Licensing Sub Committee

Tuesday 3 March 2015

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Ball, Vice Chair.  
Councillors Parker-Delaz-Ajete.

Absent – Councillor 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 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.*

### 28. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

### 29. DECLARATIONS OF INTEREST

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

### 30. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

### 31. THE STABLE, LITTLE VAUXHALL QUAY, VAUXHALL STREET, PLYMOUTH - VARIATION OF PREMISES LICENCE

The Committee having –

- (a) considered the report by the Director of Public Health;
- (b) heard from the applicant and applicant's Solicitor that the application was:
  - to vary the layout of the premises in accordance with plans supplied to extend the licenced premises on the ground floor and to add the balcony on the first floor;
  - to remove the licensable activity and hours for live music;
  - to amend the hours for sale of alcohol, for recorded music, late night refreshment and the opening hours seven days a week;
  - to remove the current conditions on the premises licence (other than mandatory conditions) and to replace them with conditions which have been agreed with the

Police and which are detailed in appendix 4 of the report provided by the Director of Public Health;

- the intention was to convert the premises from a night club into “The Stable” which was a family lead business chain offering a restaurant providing a variety of pizza and stocking a range of ciders;
- the floor space of the premises would increase but the increase would not impact on the overall capacity of the premises as the extra space would be to accommodate the tables for the restaurant;
- the applicant had consulted with the Police which had resulted in the proposed conditions which should address all issues concerning the management of noise at the property; although the noise would be reduced as the activities of live music and of making music were being requested to be removed from the premises licence as part of this application;
- “The Stable” has as a business already successfully operated since 2009 in Bridport/Weymouth/Poole/Newquay and Falmouth and within a cumulative impact area in Bristol;
- the applicant had tried unsuccessfully to engage with the other party who submitted the representation and although the representation was vague believed that the proposal being made was for a different property than was there before with less hours and no live music;

(c) considered written representation under the licensing objectives as detailed below:

### Prevention of Public Nuisance

- the representation referred to planning applications which had contained representations from the Public Protection Service in respect to impact upon planning considerations in relation to possible noise emanating from premises in Pinnacle Quay and also to the application for planning permission in relation to the current premises.
- the representation was on the basis of noise from the current premises.
- Members considered that although the representation was relevant as it contained a reference to noise from the premises, that the concerns addressed would be addressed by the change to hours, change of use and conditions put forward by the applicant.

### ● Prevention of Crime and Disorder

- No representations

### ● Protection of Children from Harm

- No representations

### ● Public Safety

- No representations

Having considered the application and the fact that there were no representations from Responsible Authorities MEMBERS AGREE that it is appropriate that the application be

GRANTED as applied for, subject to the proposed conditions agreed with the Police being substituted for the current conditions on the premises licence (with the exception that all mandatory conditions will remain on the premises licence).

32. **EXEMPT BUSINESS**

There were no items of exempt business.

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## Licensing Sub Committee

Tuesday 17 March 2015

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Mrs Nicholson (Fourth Member) and John Smith (substitute for Councillor Hendy).

Apologies for absence: Councillor Hendy.

Also in attendance: Sharon Day (Legal Officer) (pm only), Catherine Fox (Legal Officer) (am only), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.50 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.*

### 33. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

### 34. DECLARATIONS OF INTEREST

Prior to the commencement of the meeting Councillor Hendy declared a personal interest in respect of agenda item number 36 and withdrew from the meeting.

### 35. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 36. BARISTA BROTHERS, 3 GIBBON LANE, PLYMOUTH - GRANT OF PREMISES LICENCE

The Committee having –

- (1) considered the report from the Director of Public Health;
- (2) heard from the Applicant that it seeks to carry on the following licensable activities and timings
  - i. a Late Night Refreshment Licence in respect of the above premises from 11 pm to 5 am;
  - ii. the Supply of Alcohol for consumption ON the premises Monday – Sunday 10 am to 2 am;
  - iii. Hours Premises are Open to the Public – Monday to Sunday - 24 hours;

That the Applicant had attended a meeting at Winifred Baker Court with some of its residents at which he had agreed to install 3 CCTV cameras at the rear of the property; that there would be no access for customers/members of the public to the rear of the premises; that the store for bins would be internal to prevent the noise from bottles etc; 2 upstairs windows at the rear would be boarded up to limit noise nuisance;

The Applicant stated that any alcohol sales will be incidental to the main focus of the business as a coffee shop with refreshments (such as paninis). Alcohol will not be on display, spirits will only be sold as part of liqueur coffees. That the alcohol licence sought is a reduction from 6 hours a day of the licence attached to the premises when an off licence;

The Applicant wishes the premises to be a positive addition to the area and not a negative one. He understands the ongoing problems being experienced by the Interested Parties. He feels it will offer a viable alternative to the vertical drinking market to those wishing to sit down with a coffee and socialise, along the lines of a continental coffee shop;

The Applicant stated that he was happy to take on constructive conditions;

(3) representations from Responsible Authorities:

no written representations were received from any of the Responsible Authorities – but Devon and Cornwall Constabulary have had consultation with the Applicant who has agreed to accept conditions proposed by the police becoming conditions on the licence;

(4) considered written representations and heard oral representations from other interested parties under the licensing objectives as detailed below:

**Prevention of crime and disorder**

- Will add to the existing problem of students congregating/large crowds, swearing and shouting, all night partying causing intimidation to residents/business holders of nearby properties;

This was considered to be relevant under this licensing objective. It was felt a possibility but that no evidence had been produced that linked these problems to this premises and there had been no representations from the Responsible Authorities. The Committee felt that the nature of the premises based on a coffee and food model could help to alleviate the problems and pressure on the area. In addition the installation of CCTV, positioning of signage and assurances given with regard to monitoring of outside space supported by appropriate conditions would also mitigate against any increase in the problem;

- Will add to existing problem of fights by burger van;

This was considered to be relevant under this licensing objective. Again

the Committee felt there was no evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem;

- Will add to problem of urinating in street, public sexual activity and other antisocial behaviours;

This was considered to be relevant under this licensing objective. Again the Committee felt there was no evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem;

### **Public Safety**

- Size and layout of property including capacity will cause fire risks to users of premises;

This was not considered to be relevant under this licensing objective. This is an issue that is dealt with by the Planning Authority. The Committee noted that there had been no representations received from Devon and Somerset Fire & Rescue;

- Layout of streets and existing congestion will limit appropriate access for emergency services;

This was considered to be relevant under this licensing objective;

- Safety of customers leaving venue and adding to congestion/crowds;

This was considered to be relevant under this licensing objective. The Committee felt there was neither any evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem. The Applicant has given assurances he and his staff will actively discourage his customers from loitering outside and within the neighbouring car park (currently used by Relate). The installation of CCTV cameras will mitigate against this risk. These factors will be supported by relevant conditions;

- Risk of harm from discarded glass and bottles;

This was considered to be relevant under this licensing objective. The Committee felt there was neither any evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem. The Applicant has given assurances he and his staff will actively seek to prevent his customers from taking any glass or bottles outside. The installation of CCTV cameras will mitigate against this risk. These factors will be supported by relevant conditions;

**Prevention of Public Nuisance:**

- Increase in litter and overturned bins and mess all up and down street;

This was considered to be relevant under this licensing objective. The Committee felt there was neither any evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem. The conditions agreed that CCTV will be installed at the front and rear of the property and should help reduce the current problem and prevent any exacerbation of the same;

- Increase in noise levels late at night impacting on local residents sleep – noise from drunk people screaming, crowds, music, smokers outside premises, dispersal;

This was considered to be relevant under this licensing objective. The Committee felt there was neither any evidence of a link to this premises nor any representations from the Responsible Authorities that this premises has contributed to this problem. The conditions agreed with regard to monitoring of customers leaving, smoking outside, the boarding up of 2 upstairs windows at the rear, the bin area being enclosed to become internal will alleviate the risk of any increase in these levels;

**Protection of Children from Harm**

- Concerns that children on way to and from local primary school have to walk by the premises and will be exposed to drunkenness, antisocial behaviour, swearing etc;

This was considered relevant under this licensing objective. There has been no representation from the Responsible Authorities or the school. Due to the business practice proposed of primarily a coffee shop with food and the installation of CCTV the Committee did not consider any risks were posed to the children;

- Concerns that children will be exposed to drinking culture and able to make underage purchases;

This was considered to be relevant under this licensing objective. This was considered relevant under this licensing objective. There has been no representation from the Responsible Authorities or the school. Due to the business practice proposed of primarily a coffee shop with food and the installation of CCTV the Committee did not consider any risks were posed to the children. The conditions relating to staff training and Challenge 21 will also address these concerns;

Members have considered the application and the fact that there are no

representations from any Responsible Authorities, and have taken into account all relevant representations from the Other Parties.

Members have also considered the Home Office guidance and Plymouth City Council's Licensing Policy.

Members consider the action taken below to be appropriate and proportionate to promote the licensing objectives in light of the relevant representations and all that was said by the Applicant.

Members agree that the following decision is appropriate, given the fact that there are no representations from any Responsible Authority and the lack of specific detail relating to this application in representations by the other Interested Parties. The application is **GRANTED** subject to the mandatory conditions within the Licensing Act 2003 and the conditions put forward by the Applicant in their application as well as those agreed with the Police (as amended at Committee) and the additional conditions all of which are set out below.

#### APPLICANT'S OFFERED CONDITIONS

- 1 there will be no irresponsible drinks promotions. The premises will be run predominantly as a restaurant/café and coffee shop with alcohol ancillary to the other products on offer;
- 2 there will be an adequate number of seats to allow all customers (as referred to in the stated capacity) to sit down if the premises is at full occupancy;
- 3 there will be a zero tolerance to offensive conduct;
- 4 there will be supervision of customers and areas will be checked regularly, including toilets;
- 5 management will control levels of noise from customers 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;
- 6 the Premises License Holder will ensure that sufficient measures are in place to remove litter or waste arising from their customers and to prevent such litter accumulating in the immediate vicinity of the premises – to include where necessary the provision to customers of sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter;
- 7 from 11 pm onwards, a table service will be put in place so that the customers are seated and food and drinks are brought to them unless being bought as a takeaway;
- 8 customers will not be allowed to congregate around the coffee bar pick up area as this is purely for collection of drinks and not for customers to stand

at and socialise;

- 9 the Premises License Holder or nominated person shall erect and maintain in a prominent position at every exit and on the rear wall facing Winifred Baker Court, a clear, legible and conspicuous notice requesting patrons avoid causing a noise, nuisance or disturbance to local residents;
- 10 customers will be asked not to stand around talking in the street outside the premises or the neighbouring car park and asked to leave the vicinity quickly and quietly;
- 11 a specific taxi operator is to be nominated for staff and customers use. The company's telephone number is to be advertised to customers. The operator and all drivers are to be made aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily;
- 12 staff are to leave as quietly as possible;

#### CONDITIONS AGREED WITH POLICE

##### **Prevention of Crime and Disorder**

- 13 all staff shall be fully trained to perform their role. The Premises Licence Holder and/or 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, 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 twelve months;
- 14 training of staff shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by any authorised officer from a relevant Responsible Authority. The records will be retained for at least 3 years;
- 15 a Refusals Register will be kept for any underage person refused service. The record will contain the time and date, the reason, the person (if known), the action taken and details of the staff member;
- 16 an Incident Book shall be maintained to record any activity of violent, criminal 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;
- 17 a Refusals Register and Incident Book shall be available for inspection at all reasonable times by an authorised officer of a relevant Responsible Authority. The records will be retained for a minimum of 3 years;
- 18 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](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises;

- 19 the CCTV equipment shall be maintained in good working order and shall cover all areas of the premises to which the public have access including outside frontage and the rear of the premises and should be capable of obtaining a clear head and shoulders image of every person entering or leaving the premises;
- 20 images shall be retained for a minimum of 28 days and the CCTV system shall be capable of downloading images to a recognisable viewable format;

### **Public Safety**

- 21 the Designated Premises Supervisors and/or Responsible Person shall ensure that no open drinking vessel (other than takeaway drinks) glass or bottles are taken outside the premises;

### **Public Nuisance**

- 22 the smoking area at the frontage of the premises and the neighbouring car park (currently used by Relate), is to be monitored and managed to the same standard inside the premises to prevent any public nuisance and loitering within the area;

### **Protection of Children from Harm**

- 23 all staff shall be trained in the requirements of Challenge 21 policies;
- 24 all staff shall be suitably trained in the operating procedures for refusing service to any person who appears to be under age;

### **ADDITIONAL CONDITIONS IMPOSED/AGREED AT COMMITTEE**

- 25 the bin area at the rear of the premises to be enclosed and the bins to be kept in an internal area to prevent any nuisance from noise;
- 26 the 2 upstairs rear windows to be appropriately blocked up to provide total sound proofing to prevent any nuisance from noise;
- 27 suitable receptacles for discarded cigarettes to be affixed securely on the external walls of the premises in such a way to be accessible to anyone passing the neighbouring car park (Relate).

*(Councillor Mrs Nicholson (Fourth Member) left the meeting after this agenda item)*

37. **THE CLIPPER INN, 65 UNION STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE**

- (1) The Committee heard from the Premises Licence Holder (PLH) that he would like an adjournment of today's hearing as he had been unable to obtain legal representation. He advised the Committee that initially he had not been able to find a lawyer who could deal with licensing issues and that once he had the solicitors had said that the time frame was too short. The Police objected to an adjournment stating that the review papers had been served on the 23 January 2015, that meetings with the PLH had taken place in February and that there had been further issues with the premises since the review papers were served. The further papers had been served on the PLH three days earlier than the regulations required.

The Committee considered what was said by both parties and carefully considered the nature of the alleged incidents and their impact on the public against the right of the PLH to legal representation. The Committee agreed that the hearing would go ahead as they did not consider that it was in the public interest to grant an adjournment. They felt that the PLH had had ample time to seek legal advice and that the review application had been detailed enough to allow the PLH to do this as early as the 23 January 2015. The fact that there had been further alleged incidents in the time since the review papers were served was a decisive factor in reaching this decision;

Following the consideration for the adjournment the Committee then –

- (2) considered the report from the Director of Public Health;
- (3) received written and verbal representations from the Police as follows:
- a. the premises is within a Cumulative Impact Area;
  - b. evidence shows that the majority of crime, disorder, incidents of anti-social behaviour and drunkenness in the vicinity of these premises occurs between 4 am and 8 am and is attributable to the Clipper;

Officers had reported attending incidents of drunken customers, anti-social behaviour, public order incidents and assaults occurring in the vicinity and outside the premises between 4 am and 8.30 am especially at weekends. CCTV indicated the extent of the problems and showed that customers gathered in the front of the premises to smoke and socialise, many appearing to be drunk and some engaged in verbal and physical altercations and anti-social behaviour.

- c. that customers using the premises between the hours of 4 am and 8 am are likely to have already been drinking and then frequently congregate outside to smoke and socialise, cause congestion and occupy a substantial part of the pavement, interfere with the free flow of traffic, engage in incidents of public disorder, drunkenness,



fights and anti-social behaviour and often leave the premises heavily intoxicated. Patrons are not effectively controlled by door supervisors;

- d. due to its location, the way the premises are being operated is having a negative effect on the local community and causing concern for residents from noise, anti-social behaviour and alcohol related crime;

Local residents voiced concerns in November, following police enquiries, regarding the operation of the premises citing disorder, noise, drunkenness, regular fighting, feeling unsafe in the early mornings, disturbed sleep for families and feeling intimidated on the public highways when these activities are taking place. One family was trying to arrange a house move. Over the Christmas period one family thought there had been an improvement but still lots of disturbance;

- e. the premises did not have a recognised coherent Dispersal Policy however since adopting one there has been no improvement in the situation;
- f. the premises had not had any formal recognised training for staff with regards to its own operating schedule, the licensing act, sale of alcohol, underage policies and drug policies;
- g. meetings had taken place with the Premises Licence Holder (PLH) who, having viewed the CCTV, agreed it was not acceptable but felt that the lack of Police presence was a contributory factor and was satisfied with the operation of the premises and the actions of his Door Supervisors. An action plan was requested from the PLH in December but was not produced until another meeting which took place in February. In that meeting the PLH had said that:
  - He was employing 2 extra door staff when busy and had retrained his door staff;
  - He was prepared to put up signage requesting people to leave quietly and not loiter;
  - He was trying to get people to leave in groups rather than all out at once;
  - He had no formal training regime and trained people verbally;
  - Zero tolerance Drug Policy (not written);
  - Operates a Challenge 25 policy but this is not formal training but he does display posters;
  - He is engaged in the local breathalyser campaign;
  - He had refused entry to six people;
  - He opens between 10 pm and 5.30 am weekdays and 10 pm and 8.30 am at weekends.
  - He keeps door supervisors on the door all the time;
  - He has introduced a door charge of £2 or £3;

- h. CCTV was viewed which showed various incidents of drunkenness and disorder, fights, patrons wandering in the road narrowly missing traffic, urinating in the street, falling asleep/unconscious outside the premises, premises doors being closed whilst a group of patrons remained outside. The CCTV also showed that the PLH had helped a vulnerable female from a potentially dangerous situation;
- i. evidence was presented of incidents which were tied and linked to the premises which showed that:

In October 2014 there were six crime reports said to be tied and linked to the premises all of which occurred between 2.30 am and 8.30 am.

Out of these three involved violence and three indicated the influence of alcohol. Three offences occurred inside the premises and three occurred outside the premises.

There was also one other incident of violence at the premises around midnight and then four instances of drunkenness (two of which seemed to be the same person) between 5.45 am and 8.10 am.

The majority of incidents appeared to be taking place outside the premises.

In November 2014, there were five crimes tied and linked to the premises between 1.30 am and 8 am.

Three out of five indicated the influence of alcohol, three out of five involved violence and three out of five occurred between 4.30 am and 8 am.

Six further instances occurred between 5.20 am and 8.50 am involving anti-social behaviour. One incident involved an assault on the landlord by a drunken customer.

The majority of instances appeared to be taking place outside the premises.

In December 2014, there were five crimes tied and linked to the premises between 2 am and 8 am. (Two of those crimes arose out of the same incident).

Four out of five indicate the influence of alcohol, two out of five involve violence.

In addition to the crimes reported there were four other instances which required police attendance at the premises between midnight and 7 am. There were two other reports involving nuisance and anti-social behaviour in that time scale.

In January 2015 there were six offences tied and linked to the premises between 3 am and 6.45 am. Four out of these six instances occurred between 4.30 am and 6.45 am. Two involved violence (but arose out of the same incident) and four involved the influence of alcohol.

There were a further eight instances recorded involving anti-social behaviour and drunkenness. Seven out of which occurred between the hours of 6 am and 8.05 am.

The majority of these instances occurred outside the premises. One of the incidents involved customers leaving and then fighting in Western Approach.

In February 2015 three offences were tied and linked to the premises (but two arose out of the same circumstances) and occurred between 5.50 am and 7 am. All involved violence and two out of three involved the influence of alcohol.

Nine further instances involving anti-social behaviour and drunkenness occurred between 5.20 am and 8 am.

The majority of instances occurred outside the premises.

- j. the PLH does cooperate and try to resolve problems; however it is the premises themselves which are the issue as it is effectively where people go when all the clubs have closed. As a result the premises have developed a culture of drinking to excess. It is effectively a vertical drinking establishment as it has no dance floor;
- k. whilst the door staff are adequate the Police felt it was not possible to control the patrons;
- l. an example of the issue of drunkenness at the premises was where two people had been arrested at the premises and had later been breathalysed and found to be four times over the legal drink drive limit;
- m. there had been two more recent incidents at the premises on the 8 March 2015 and 15 March 2015;
- n. staff did appear to be becoming reluctant to work with the Police and seemed to need to speak with the PLH before cooperating with them;
- o. the figures indicated that there were two incidents a week at the premises and that this was above average when compared with other venues in the City;
- p. the Police cannot provide a permanent presence outside the premises specifically for the Clipper;
- q. due to the above, the premises are having a negative impact on the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety;
- r. other interventions against these premises have not worked and previous conditions had not been effective at addressing the

problems regardless of who the Designated Premises Supervisor (DPS) or PLH was. The Police did not consider that a change in licensable activities or licensing hours would address the problems due to the culture that had developed at the premises of drinking to excess. Therefore the Police requested that the licence was revoked;

(4) Heard from the Premises Licence Holder as follows -

- a. people will get drunk and it is hard to tell how drunk they are if they stay sitting down. Often it is only when they stand up that you can tell how drunk they are;
- b. since February they have set up barriers around the smoking area. This was working better as it keeps the pathway clearer;
- c. an entry fee of £2/3 is now charged and this allows the door staff to interact with customers and assess each person's level of drunkenness;
- d. the capacity of the premises has been reduced by 40% - meaning that 60 people is now the maximum allowed in;
- e. in respect of the CCTV shown by the Police – regarding the 19/10/14 incident the lady in question did not enter the premises and in respect of the 15/11/14 incident the grey hooded man was not their customer;
- f. the issues at the premises really involved patrons from another club. This club closed at the beginning of January 2015;
- g. other premises in the area do not always communicate the problems they have had;
- h. the CCTV cameras are always on them;
- i. they feel victimised;
- j. they have a no glass policy and only plastic drinking vessels are allowed;
- k. door staff were retrained in December 2014. The PLH accepted that door staff were still not working to the required standard and that he needed to look at this issue again;
- l. he always has two door staff on the front of the premises and now has internal radios so that they can keep in touch;
- m. local people who live nearby say they have not got any problems with the premises;

- n. he had helped a vulnerable patron get home and had also assisted another trader who was having problems;
- o. the Police do not always have units available and so they do not attend but also they do not always need to attend;
- p. all bar staff will be Personal Licence Holders;
- q. there is no written record of training provided to staff save for a disclaimer which they sign to say they have been trained;
- r. in relation to the Dispersal Policy, patrons are asked to leave in small groups and taxis are called;
- s. the premises has a written Drugs Policy and written Challenge 25 Policy;
- t. they do not have cheap drink promotions;
- u. they always assist Police;
- v. they have regular clientele who are shift workers or people who have just finished work. These people do not cause problems;
- w. they consider that the premises is one of the safest pubs in Plymouth. They have not had any serious incidents (stabblings or glassings). If the premises were not safe then staff would not want to work there;
- x. they have put policies in place to address issues however these policies will take time to work;

- (5) the Committee considered that the representations made by the Police were relevant under the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and public safety.

In reaching their decision the committee disregarded the following matters:

- Cumulative Impact Policy as this was not relevant to the considerations for a review;
- the following incidents put forward by the police. One of which was a lawful ejection from the premises, the other in relation to an unsubstantiated allegation and the incident on the 19/10/14 in relation to the female who did not enter the premises. However the Committee have taken into account the incident on the 15/11/14 involving the grey hooded gentleman as although this person was not a patron of the premises the customers were congregating outside the Clipper and this had been a contributing factor to the incident;

Having considered the representations from the Police and those from the Premises Licence Holder, the Committee did not consider that the premises were being managed adequately and that there did appear to be a culture of excessive drinking at the premises. The change in the PLH and DPS had not altered this as the same sorts of incidents were occurring. These problems had been going on for several years and were a long term problem. There had been no marked improvement. The Committee were concerned that on occasion the PLH did not appear to be cooperating with the Police although it was accepted by the Committee that the PLH is generally cooperative with them. The evidence showed that there were a lot of drink related incidents at the premises together with a lack of control inside and outside the premises. Customers caused problems outside and in the immediate vicinity of the premises and the CCTV footage showed a lot of violence by Patrons. The public were being affected by the activities of the premises which had a culture of excessive drunkenness which was clearly demonstrated on the CCTV footage.

The Committee were satisfied on what they had heard that action should be taken against the premises in order to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety.

In reaching their decision the Committee took account of the fact that in relation to previous incidents involving the premises, conditions had been imposed on the licence. It was also noted that the PLH had not been complying with an existing condition in relation to the display of notices at the premises. Having considered this the Committee had no confidence that further conditions would address the issues occurring at the premises.

The Committee considered that the Police evidence demonstrated that there were peaks in problems at the premises at 2 am, 4 am and 6 am and that further problems occurred in the early hours of the morning. They considered that the contributing factor to this was the culture of excessive drinking at the premises into the early hours of the morning and the migration of customers to the premises when other clubs closed. With this in mind the Committee agreed, having taken account of statutory guidance and its own licencing policy, that it was appropriate to reduce the hours of operation of the premises to promote the licensing objectives listed above as follows:

Hours the premises are open to the public – 9 am to 2 am  
Alcohol Sales – 9 am to 1.30 am  
Music – 9 am to 2 am  
Late Night Refreshment – 11pm to 2 am.

38. **EXEMPT BUSINESS**

There were no items of exempt business.

## Licensing Sub Committee

Tuesday 19 May 2015

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Nicholson, Vice Chair.

Councillors Hendy (fourth member) and Parker-Delaz-Ajete.

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

The meeting started at 10.00 am and finished at 12.30 pm.

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

### 39. 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.

### 40. DECLARATIONS OF INTEREST

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

### 41. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

### 42. COMMERCIAL SERVICE STATION, 9 CHAPEL STREET, DEVONPORT, PLYMOUTH, PL1 4DP

The Committee having:

(1) heard from the applicant that:

- it seeks to vary the hours when the licensable activities for the retail sale of alcohol off the premises may take place Monday to Sunday from 8am to 12 midnight each day to 24 hours per day;
- it was proposed that the existing conditions on the premises licence are to remain unchanged in August 2014, following discussions with the police they had withdrawn their application for a 24 hour off sales alcohol licence and sought an extension until midnight which was agreed. This was during the consultation period for the application for the Designated Public Places Order (DPPO) which has now been granted

- they have checked with the store and understand there have been no complaints with the later sale of alcohol from this premises. The store manager has indicated that there have been no known problems with street drinkers or the homeless. They have spoken to the Spar shop that operated opposite the hostel. The Spar shop knows who the residents are for the most part and do not serve them and the issue is managed well.
- the police have no reported incidents of alcohol related crime linked to the premises
- they have excellent operating conditions already established as they are the same that were put forward to support their earlier application for a 24 hour off sales alcohol licence that was before the Committee in August 2014
- they have considered the data supplied by the police as part of their objections. The data covers a large area and not just the immediate area and deals with historic issues pre the granting of the DPPO.
- if you examine the data they had calculated that the number of reported night time crime incidents related to alcohol were at an average of 2 per month in 2013, 5 in 2014 and 2.5 in the first 4 months of 2015. These reflect the store managers experience that it is very quiet at night. This is not to belittle the issues that have arisen during the daytime that have led to the granting of the DPPO.
- alcohol sales in the evening are fairly quiet. Between 10pm and midnight on Monday to Thursday their sales of alcohol are in the region of £20 and on Friday to Saturday night £100-150.
- it appears the DPPO has been successful. Rontec supports the DPPO and its aims wholeheartedly and appreciates the concerns of the councillors and those who worked hard for the DPPO. However they believe it highly unlikely that they will impact on the area's problems. Their experience of other establishments with 24 hour licenses has shown there is a fear of problems arising that do not then materialise.
- they understand the concern that if their application were to be granted it would set a precedent and lead to other applications. However, the Spar shop has a licence until 10pm but has not been prompted to seek an extension since their licence until midnight was granted last August. In any event each case must be judged on its own merits
- they have noted that there have been no objections from the local residents to this current application. There had been 80 at the time of the DPPO consultation. There has been no objection from Mount Wise Home which objected to the earlier application



- whilst they cannot say there will not be any issues arising, in the same way the police cannot say that a 24 hour licence will cause issues.
- if the committee are minded to grant the application they will commit to making contact with the police on a quarterly basis. If any issues have been arisen from the 24 hour licence they will stop selling it. They recognise that this is not an enforceable condition but it will be recorded on the minutes and if there are issues or they do not make contact with the police then the police can call a review.
- each case should be granted on its own merits. The committee were referred to S182 of the Licensing Act and relevant guidance.

(2) written representations from Responsible Authorities:

written representations have been received from Devon and Cornwall Police and the Committee has heard oral representations today under the following Licensing Objectives:

**Prevention of crime and disorder and public safety**

- the area has historically experienced high incidences of drug and alcohol abuse including street drinking with the associated violent and disorder offences these bring. The crimes associated include fighting, aggressive begging, harassment, urinating in public place. *This was considered to be relevant under this licensing objective. However the committee considered this to be just that, historical, and there is no evidence since the granting of the DPPO in September 2014 and the last variation of this licence in August 2014, that there have been any alcohol related incidents linked to these premises or its vicinity;*
- whilst the above led to the police making an application for a Designated Public Places Order ( DPPO) which was granted on 15 September 2014, and a noted decrease in the level of crime reported, alcohol related crime does continue. Figures to support this for reported crime for the years 2013 and 2014 and 1 January 15 – 30 April 15 have been produced for the beat area within which the Application premises fall. The police assert that an increase in the licensing hours for off sales will negate the progress made and undermine the aim and purpose and achievements of the DPPO. *This was considered to be relevant under this licensing objective. However the committee considered this to be just that, historical, and there is no evidence since the granting of the DPPO in September 2014 and the last variation of this licence in August 2014, that there have been any alcohol related incidents linked to these premises or its vicinity. The police recognised the quality of the management and training of the Applicant. The committee felt that with the existing conditions and the additional 2 agreed today would deal with any issues that may arise;*

- the police have produced copies of the Findings of the Public Consultation Process undertaken by Public Protection Service, themselves and the Devonport Neighbourhood Team as part of the DPPO application process. These set out in detail and provide specific examples of incidents experienced pre DPPO being granted, by the residents of the area within which the Applicant's premises are located. *This was considered to be relevant under this licensing objective. However the committee considered this to be just that, historical, and there is no evidence since the granting of the DPPO in September 2014 and the last variation of this licence in August 2014, that there have been any alcohol related incidents linked to these premises or its vicinity. There have been no objections received from the local residents to this application;*
- the premises are situated within approximately 50 metres of a hostel for persons with drug and alcohol dependency issues and the increase in hours could undermine the work being done for example accessing alcohol in the early hours and then attending for morning rehabilitation work under the influence. *This was considered to be relevant under this licensing objective. The committee considered the terms of its own Policy document dated March 2014 and in particular page 15. Whilst the hostel in question had provided its objections/views to the DPPO consultation process it had raised no objections to this application. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems;*

### **Prevention of Public Nuisance and Protection of Children from Harm**

- the police have produced copies of the Findings of the Public Consultation Process undertaken by Public Protection Service, themselves and the Devonport Neighbourhood Team as part of the DPPO application process. These set out in detail and provide specific examples of incidents experienced pre DPPO being granted, by the residents of the area within which the Applicant's premises are located. These include litter, broken bottles, drunkenness, foul language, children being exposed to the drinking culture. *This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any 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 considered to be relevant under this licensing objective however from the information it had been given the committee did not consider it would be a problem and again the existing operating conditions with the additional 2 would mitigate against any problems arising. The committee noted that the police themselves confirmed that these are well run and managed premises*

*with a good record of staff training. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups;*

- *the premises are close to residential areas and there could be a risk posed to children by being exposed to the drinking culture at a young age and the antisocial behaviour and criminal activity that can arise as a result. . and in some instances witnessing adults having care of them being sworn at in Devonport Park and when in a group with their teaching assistant. An increase in licensing hours will lead to an increase in these incidents. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups. Given the hours that are the subject of the application being between midnight and 8 am the likelihood of any impact on children is reduced further;*
- No other representations have been received from the remaining Responsible Authorities;

Written representations from other parties:

#### **Prevention of crime and disorder**

- *a DPPO is in forces in this area to tackle the issue of street drinking and related crime and antisocial behaviour. To date the DPPO has proven incredibly successful but the problem has not gone away and the requested increase in hours would see an increase in this behaviour again. This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups;*

#### **Public Safety**

- *an increase in hours that alcohol is available will increase threat to public safety with an increase in crime and antisocial behaviour, broken bottles etc. and restrictions on police forces and time. This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups;*
- *the local residents have a fear of crime that arises from street drinkers. They are afraid to walk the streets, go to the park even in the evening. After an improvement in the situation whilst all off*

licences are operating under time constraints, there is a fear that problems will increase again. The community holds the belief that the DPPO safeguarded their community. *This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups. The committee noted that there had been no objections to this application from local residents;*

- the premises are situated next to a vulnerable community and there is a hostel which provides accommodation and opportunities for alcohol rehabilitation. At present there are no premises within in the DPPO with a licence to sell alcohol (off-sales) after midnight. A person battling a craving through the night might be tempted to buy when it is more readily available. *This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups. The committee noted that there had been no objections to this application from local residents. The committee considered the terms of its own Policy document dated March 2014 and in particular page 15. Whilst the hostel in question had provided its objections/views to the DPPO consultation process it had raised no objections to this application. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems;*

#### **Prevention of Public Nuisance:**

- prior to DPPO residents complained of noise, litter ( glass bottles smashed in play park, antisocial behaviour including sexual remarks and harassment. 24/7 sales of alcohol in this area will lead to an increase in these issues. *This was considered to be relevant under this licensing objective. Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In addition the powers conferred by the DPPO has given the police additional powers to deal with problem groups;*

#### **Protection of Children from Harm**

- the street drinkers tend to gravitate towards children's area such as play parks. *This was considered to be relevant under this licensing objective. . Again the committee considered the lack of any specific incidents linked to these premises and that the conditions already operating with the additional 2 to be added, would significantly reduce the likelihood of any problems. In*

*addition the powers conferred by the DPPPO has given the police additional powers to deal with problem groups. Given the hours that are the subject of the application being between midnight and 8 am the likelihood of any impact on children is reduced further*

- (3) The committee have taken into account all relevant representations, relevant representations made by the applicant, the Council's Licensing Policy Document March 2014 and Home Office guidance.
- The licensing policy states that an application for an off-licence may not be approved where the premises are near to alcohol addiction recovery activities or in an area where street drinking affects any of the licensing objectives.
  - Members noted that the management had already demonstrated that they had been able to control without complaint, the impact the additional opening hours granted in August 2014 and there had been no complaints against the premises. In addition the police commented on the quality of the Applicants' training and management. Members considered the proposal that the application be amended for a trial period of 6 months.
  - Having listened to all that was said today the committee consider that they have appropriately considered the terms of the Council policy and that it is proportionate to grant the application subject to conditions which are considered appropriate for the furtherance of the licensing objectives
  - The Committee therefore agree to grant the application to vary subject to the following conditions being added to the licence
    1. as the premises are in an area where there is a Designated Public Places Order in force the variation of the licensable activities namely an increase in off-sales trading hours to 24 hours a day shall be permitted for a period of six months permitted from the date of this variation and thereafter the said hours shall revert to those prior to this variation unless the licence holder shall make a further application for a variation
    2. the entrance door to the shop will be closed to customers between the hours of midnight and 0600. Any sales between these hours will be made through the night pay window.
    3. notices to be clearly displayed close to where the alcohol is exposed for sale, at the point of sale (including the night pay window) advising that the area is subject to a Designated Public Places Order and the effects thereof. The wording of such notice to be agreed with the Police. This condition will fall away should the Order no longer be in force.

43. **EXEMPT BUSINESS**

There were no items of exempt business.

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## Licensing Committee

Tuesday 3 February 2015

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

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

Apologies for absence: Councillors Fry, Mrs Nelder and Sparling.

Also in attendance: Emily Bullimore (BID Street Operations Manager), Ann Gillbanks (Senior Lawyer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 10.15 am.

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

#### 44. **DECLARATIONS OF INTEREST**

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

#### 45. **MINUTES**

Agreed the minutes of the meetings held on the following dates:

Licensing Sub Committee:

12 August 2014, 23 September 2014, 7 October 2014, 21 October 2014.

Licensing Committee:

26 August 2014.

The Democratic Support Officer advised Members that the minutes for the 26 August 2014 Licensing Committee needed to be amended to include apologies received from Councillor Hendy for this meeting.

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

There were no items of Chair's Urgent Business.

47. **CITY CENTRE STREET TRADING 2015**

Emily Bullimore (BID Street Operations Manager) and Ann Gillbanks (Senior Lawyer) ran through the recommendations attached to the City Centre Street Trading 2015 report.

In response to a question raised it was reported that the Assistant Director for Economic Development already had the delegated authority to permit individual street trading consent applications.

Agreed that:

- (1) a formal review of the existing street trading policy is currently underway;
- (2) the Consent dates for 2015 / 2016 are approved;
- (3) the Consent fees set out in Appendix 1, for 2015 / 2016 are approved;
- (4) 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;
- (5) the Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites;
- (6) 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;
- (7) the Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
- (8) 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.

Members agreed to expand recommendation 8 above to include the following wording:

‘all contested ice cream consents for the period 2015/2016 should be at the approval of the Assistant Director for Economic Development in consultation with the Chair and Vice Chair of the Licensing Committee.’

48. **EXEMPT BUSINESS**

There were no items of exempt business.



**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	Information regarding delegated decisions for applications for the grant / variation of premises licences and club premises certificates
<b>Committee:</b>	Licensing Committee
<b>Date:</b>	16 June 2015
<b>Cabinet Member:</b>	Councillor Brian Vincent
<b>CMT Member:</b>	Kelechi Nnoaham (Office of the Director of Public Health)
<b>Author:</b>	Frederick Prout (Senior Licensing Officer)
<b>Contact:</b>	Tel: 01752 304792 e-mail: <a href="mailto:licensing@plymouth.gov.uk">licensing@plymouth.gov.uk</a>
<b>Ref:</b>	ERS/LIC/PREM
<b>Key Decision:</b>	None
<b>Part:</b>	I

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**Purpose of the report:**

Applications have been received from various premises within Plymouth for the grant / variation of a premises licence under Sections 17 and 34 and the grant of a club premises certificate under Section 71 of the Licensing Act 2003.

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

This report links to the delivery of the City and Council objectives and outcomes within the plan.

**Growing:** The Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

**Caring:** Reduce Inequalities as the Licensing Policy has put in place an appropriate framework that will allow decision-makers, when considering applications, to reduce the impact on safety, well-being and local amenity on the local community. The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Alternative options considered and rejected:**

None.

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**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - Mar 2015](#)

**Background papers:**

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

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**Sign off:**

Fin		Leg	231122/ag/ 2/6/15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

## **1.0 INTRODUCTION**

- 1.1 Since the introduction of the Licensing Act regime in 2005 applications have been received for the grant and variation of premises licences. Some of these applications have received representations from responsible authorities or other parties and have been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the applications before the committee for determination.

## **2.0 RESPONSIBLE AUTHORITIES**

### **2.1 *Environmental Health***

The Dock Restaurant	Millbay
Number 29	Barbican
Wok Fusion	Mutley
Prime Café	Ebrington St
The Walrus	City Centre
Barista Bros.	Mutley Palin
Cantina Deli & Diner	City Centre
Rumposcosy	City Centre
Boston Tea Party	Barbican
Rockets & Rascals	Barbican
O Tuga	City Centre
Tasty Food Express	Barbican
Authentic Sichuan Restaurant	City Centre

### **2.2 *Devon and Cornwall Police***

The Dock Restaurant	Millbay
Holland's	City Centre
Domino's Pizza	Exeter St
Milehouse Service Station	Milehouse
Will's at One	Royal William
Exeter Street Service Station	City Centre
McDonalds	City Centre
Pop Up	Greenbank
Ed's Easy Diner	City Centre
Favourite Foods	Barbican
Wok Fusion	Mutley
Manticore Spas	City Centre
Favourite Foods	Barbican
Tesco	City Centre
Tesco	Milehouse
Tesco	Ebrington St

St Pancras/TCI Fryday  
Pizza Hut  
42<sup>nd</sup> St. Grill  
Hubbox Ltd  
Premier Stores  
Camels Head Stores  
Kings Tamerton Community Club  
Barista Bros.  
Costcutter  
Plymouth Speedway  
Mutley's Munchies  
Cantina Deli & Diner  
Whiteford Road Tennis Club  
Rumposcosy  
Boston Tea Party  
Rockets & Rascals

Pennycross  
Derriford  
Barbican  
City Centre  
Mutley  
Ham  
Kings Tamerton  
Mutley Plain  
North Prospect  
Plympton  
Mutley  
City Centre  
Hartley  
City Centre  
Barbican  
Barbican

### 2.3 **Trading Standards**

○ Tuga

City Centre

### 3.0 **CONSIDERATIONS**

- 3.1 Paragraph 9.30 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.
- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 30 May 2014 until 30 May 2015 and this report is submitted for the information of the committee.

R. Carton  
Manager of Public Protection Service

**PLYMOUTH CITY COUNCIL**

**Subject:** Licensing Activity Report 2014/15  
**Committee:** Licensing Committee  
**Date:** 16 June 2015  
**Cabinet Member:** Councillor Brian Vincent  
**CMT Member:** Kelechi Nnoaham (Office of the Director of Public Health)  
**Author:** Andy Netherton (Service Manager)  
**Contact:** Tel: 01752 304742  
e-mail: andy.netherton@plymouth.gov.uk  
**Ref:** ERS/LIC/  
**Key Decision:** None  
**Part:** I

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**Purpose of the report:**

This report has been compiled to give the Licensing Committee an overview of the various aspects of the work undertaken by agencies involved in regulating the licencing regimes within the remit of the Committee. The report will also highlight future work plans and potential changes in legislation or guidance which will have an impact on the Committee.

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

This report links to the delivery of the City and Council priorities. In particular:

**1. Growing Plymouth**

Licensing systems aim to assist in the delivery of a safer, more vibrant Plymouth. This in turn should attract more visitors to the City and also support an increase in the numbers of citizens of Plymouth who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow.

**2. Confident Plymouth**

A safe and vibrant leisure economy will allow Plymouth to be positively marketed attractive destination both nationally and internationally.

**3. Caring Plymouth**

The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

See [http://www.plymouth.gov.uk/corporate\\_plan.pdf](http://www.plymouth.gov.uk/corporate_plan.pdf)

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That member consider this report and note its contents

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**Alternative options considered and rejected:**

None

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**Published work / information:**

For more information please see the below links.

Licensing Policy [http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf)

Licensing Act <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

**Background papers:**

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

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**Sign off:**

Fin		Leg	23123/ag/2 .6.15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes													

## Enforcement Activity Report – 2014/15

### 1.0 Introduction

- 1.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2014 to the 31 March 2015.

### 2.0 Licensing Act 2003

- 2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During the twelve months to the 31 March 2015, Officers processed the following number of applications:

	<b>2014/15</b>
Licensing applications, transfers and variations	<b>340</b>
New Personal licences	<b>174</b>
TEN's (of which 104 were 'late' TEN's)	<b>374</b>

- 2.2 Responsible authorities, in particular the Police and Environmental Health continue to submit formal representations in respect of licensing applications. In the majority of cases the applicant will agree with the advice given, thereby allowing them to be mediated out. Members receive regular updates of all the mediated applications by way of a report.

- 2.3 The Licensing Sub-Committee undertook the following activities:

	<b>2014/15</b>
Applications or variations	<b>11</b>
Review of premises licences	<b>3</b>

This resulted in 1 refusal (relating to 3 TENs).

These numbers are representative of previous years

### 3.0 Licensing Act Fees

- 3.1 The last government undertook a consultation considering changes to the current fee structure by the introduction of locally set fees. The Home Office have recently announced that they do not intend to take forward any proposals to change the current licensing fee system. Fees have remained unchanged since the introduction of the Act in 2005.

### 4.0 Legislative changes

- 4.1 There have been a number of de-regulatory measures introduced by the Government. The majority have been to reduce the number and range of licensable activities. Significant changes are outlined below:

- Generally live and recorded forms of music will not need a licence where a licence to sell alcohol is in place, has an audience of below 500 and takes place between the hours of 8am and 11pm

- School, hospital and Local Authority organised events no longer require a licence between the hours of 8am and 11pm, except for the provision of alcohol
- Other activities deregulated include circuses, community premises, Greco-Roman wrestling or freestyle wrestling.
- The number of TENs in relation to the same premises has increased from 12 to 15 pa
- There is no longer a requirement to report the loss or theft of a licence to the Police
- It is no longer an offence to sell liquor coffee to a person under the age of 16
- Personal licences no longer have an expiry date (previously was 10 years)

4.2 This is a summary of the changes as there are a number of different factors that can affect whether any activity requires a licence. This has created a highly complex system both for the licensing team and businesses or event organisers. Existing licence conditions will have no effect until after 11pm where they relate to any of the deregulated activities. Where a premises causes problems in relation to the licensing objectives then a review may be called and where Committee can re-instate or add conditions to be in place prior to 11pm.

4.3 The Anti-Social Behaviour Crime and Policing Act 2014 came into effect in October 2014. This replaced existing powers to immediately close premises with similar provisions. The main changes regarding licensing involved the repeal of Designated Public Places Orders (DPPO). Members have considered Police applications for DPPOs previously and a number exist across the City. A DPPO provides a power for Police Officers to prevent public drinking and confiscate alcohol if necessary. The DPPO has been replaced by similar provisions under Public Spaces Protection Orders (PSPO).

The Committee will no longer, therefore, receive applications for DPPOs. Applications for PSPOs will be considered via a Delegated Decision process and approved by the relevant Cabinet Member.

Existing DPPOs will continue until October 2017 where they must either be renewed with a PSPO or revoked.

### **5.0 Noise and Public Nuisance**

5.1 During 2014/15, 155 formal noise complaints were registered against licensed premises, which is very similar to previous years.

5.2 Environmental Health Officers continue to use 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. In most cases the complaint can be resolved by way of an action plan or minor variation with the agreement of the licensee.

5.3 An Out Of Hours noise service operates between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving licenced premises. Specific visits outside of these hours can be made by arrangement where necessary.

### **6.0 Crime and disorder / Policing**

6.1 Alcohol continues 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 is involved in 19% of all violence against the person crimes



6.2 The Police have dealt with 15 venues classified as Problem Premises and have engaged in extensive negotiations and mediation to deal with concerns. Only one of these has resulted in a review hearing.

6.3 The Police are actively engaged in supporting Plymouth Pubwatch, Barbican Pubwatch and the Plymouth Licensing Forum.

This has resulted in a partnership with other authorities regarding Operation Moderate, which is designed to identify drinking habits and social trends. It also gives the opportunity to become more efficient in identifying premises which habitually serve alcohol to seriously intoxicated people.

Other voluntary campaigns have included actively supporting the reduction in strength campaign and partnerships with other agencies to promote this initiative.

6.4 There are very early discussions with individual licensees who are in receipt of 24 hour licences or 6am terminal hours regarding the feasibility of the trade over a gradually staged period voluntarily reducing their opening hours. Early indications are the principal is accepted as being sound the difficulty is that all will have to agree to make it successful.

## **7.0 Under Age Sales Test Purchase Initiatives**

7.1 Access to alcohol, from on and off licenses, by young people presents a risk to them and local communities from violence and crime or anti-social behavior. A large amount of work was done with the trade during 2013/14 by the Police and the Public Protection Service. Further test purchasing has been undertaken in 2014/15 where two premises failed out of 10 premises tested. This has resulted in a Simple Caution for one company and the other is still under investigation.

7.2 Where licensed premises failed a test purchase they were advised that they would be re-tested. Any person that sells to an underage person is liable to be issued with a fixed penalty notice which attracts a fine of £80.

7.3 Businesses are supported to minimize the potential for under age sales. All licensed premises in Plymouth have free access to a regional under age sales web based training system for their staff. Model age verification policies have been provided and officers are available to provide one to one advice.

7.4 There will be an on-going commitment to maintain test purchase and mystery shop initiatives as they have been proven to be of value in highlighting poor performance and obtaining improved standards.

## **8.0 Gambling Policy**

8.1 Licensing Officers with administrative support are also responsible for licensing establishments such as casinos, betting shops, adult gaming centres, bingo halls covered by the Gambling Act 2005.

8.2 The Gambling Commission issue operators licences and regulates the gambling practices of the industry. They have recently updated their licence conditions and codes of practice.

As of April 2016 existing operators and applicants will be required to complete a local risk assessment, covering the impact of their activities on the local community. Matters that may be considered include:

- Socio-economic makeup of the local community, including new developments as they happen
- Vicinity of sensitive buildings such as schools, youth clubs, hostels etc

- Type of usage of the premises
- Layout and size, position of access points
- Density of gambling activities
- Operating hours
- Staffing and supervision of the licenced area

The assessment must also consider how any risks will be mitigated and monitored.

By April 2016 Operators will also be required to introduce systems that allow a customer to make a single request to self-exclude from all operators within their area (normally where they live or work). The Commission are working on a national online self-exclusion scheme due to be in place by 2017.

- 8.3 These changes will have an impact on the Councils 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.
- 8.4 Local data on gambling and problem gambling is, however, not readily available. A grant funded scheme, being undertaken by Westminster and Manchester Councils, is currently working on a tool kit that will help councils map risk factors relating to gambling. This research is likely to conclude in September 2015. This will be too late to develop our own LAPs by January 2016. It is proposed, therefore, that the policy will cover the use of LAPs, with the actual LAP data being published and refreshed as data becomes available. In this way LAPs can be updated without the need for City Council approval and will make them a more responsive tool
- 8.5 Licensing Committee has delegated responsibility for the setting of annual fees payable by gaming establishments. The latest fees were approved by Members on the 14 February 2011 and an update in July 2013 to remain at the maximum levels specified by Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Income generated has remained stable since its introduction.

Income for 2014/15 totalled £55,000 with expenditure estimated to be the approximately £55,500. The Committee on the 14<sup>th</sup> February 2011 resolved that the fees would not be reviewed unless the difference between future fee income and future expenditure is 10% or more. As such fee levels will remain at the maximum level.

The development of the new policy and the creation of LAPs will be resource intensive. Fee levels will therefore be formally reviewed through the Committee after the new policy is in place.

## **9.0 Sex Establishments**

- 9.1 A new Sex Establishments Policy was approved by Council on the 30 January 2012, effective from the 5 March 2012. This brought premises such as lap dancing clubs within the legislative control of the Local Government (Miscellaneous Provisions) Act 1982 as opposed the Licensing Act 2003.
- 9.2 Originally two lap dancing clubs were licenced, but subsequently one licence has not been renewed. The two sex shops are still licenced and remain in business

## **10.0 Scrap Metal Dealers**

- 10.1 The Scrap Metal Dealer's Act 2013 reformed licensing requirements and was designed to curtail the profitable activities of metal theft. These changes prevent cash transactions (which are not traceable) and revised police powers of entry to check that these prohibitions are being complied with.
- 10.2 Officers have participated in joint operations with the police where vans believed to be carrying scrap metal vans were stopped and visits have been made to those businesses licensed since the introduction of the Act
- So far no Police objections have been received in relation to any dealer or collectors and site visit have not identified any significant issues.
- 10.3 The new system has been very effective in reducing scrap metal theft and the new records kept by operators have been useful to the Police when investigating other crimes.

## **11.0 Partnership Working**

- 11.1 Enforcement agencies meet 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) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.
- 11.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and Clubwatch.
- 11.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 11.4 The Licensing Team and Police have supported the introduction of the Barbican Pubwatch scheme and are a member of the Best bar None Steering Group.
- 11.5 Best Bar None is currently developing a self-regulatory approach by undertaking their own mystery shop and under age sales audits.

## **12.0 Work Initiatives for 2015**

- 12.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE.
- 12.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives. Safeguarding measures are also being reviewed following the Jay and Casey reports issued as a result of the child sexual exploitation incidents in Rotherham.
- 12.3 Test purchasing operations for alcohol sales will continue at licensed premises. Further test purchasing will be undertaken at targeted facilities for gambling.
- 12.4 The licensing team has recently taken on responsibility for other forms of licencing, including pet shops, explosives, fireworks and petroleum. The team will review the processes and introduce systems to provide an effective and responsive service.

- 12.5 In line with corporate progress we will be reviewing the mechanisms for on line applications and payments. New systems are being investigated to offer applicants the ability to track the progress of their application.

### **13.0 Insight patrols**

Opportunities exist for Committee members 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. Officers can liaise with the Police to facilitate these evening visits should any members wish to take up this opportunity.

### **14.0 Conclusion**

- 14.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by enforcement agencies responsible for regulating the evening and night time economy throughout 2014. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.
- 14.2 Officers in tandem with the police will arrange an 'in-sight' patrol for any Members who would like to visit the ENTE areas at night, which would include access to the CCTV control room.