



Democratic Support

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#plymlicensing

LICENSING COMMITTEE

Tuesday 19 January 2016
10.00 am
Council House, Plymouth

Members:

Councillor Rennie, Chair.

Councillor K Foster, Vice Chair.

Councillors Mrs Bowyer, Churchill, Sam Davey, Fletcher, Fry, Hendy, Jordan, Kelly, Morris, Parker-Delaz-Ajete, Riley, Singh and Sparling.

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

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 44)

To confirm the following minutes:

Licensing Committee

- 16 June 2015

Licensing Sub Committee

- 16 June 2015
- 28 July 2015
- 11 August 2015
- 27 August 2015
- 29 September 2015
- 15 December 2015

4. CHAIR'S URGENT BUSINESS

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

5. STREET TRADING REPORT 2016/2017

(Pages 45 - 88)

The Director of Public Health will submit a report for Street Trading 2016/2017.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ? of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

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Licensing 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.

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Licensing Sub Committee

Tuesday 16 June 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Sam Davey (substitute for Councillor Parker-Delaz-Ajete) and Fletcher (Fourth Member).

Apologies for absence: Councillor Parker-Delaz-Ajete.

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

The meeting started at 11.15 am and finished at 12.45 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.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

4. PLYMOUTH HOE, PLYMOUTH, PLI 2PA

The Committee –

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

(b) heard from the applicants as follows:

- The applicant already holds a licence however this does not cover alcohol. Where events have required alcohol this has been done by TEN but did not have the level of control which the applicant required as it is not possible to put conditions on a TEN;
- This application mirrors the existing licence except that it adds alcohol with an increase in some conditions;

- The application was for midnight to cover the eventuality of an event over running by 10 minutes or for such an occasion as the Jubilee/Royal Wedding;
- The conditions on the premises licence would be enforced against anyone using the Hoe for a licensed event (by way of conditions on a licence/contract granted to the user);
- The Designated Premises Supervisor (DPS) would be appointed for a limited time and would be under the direct control of the Events Team. This person would be vetted to ensure they were suitable (e.g. by looking at their history);
- They had carried out a 2000 letter drop to houses in the area as an invite to come and talk to the Events Team. A drop in session had taken place at the Duke of Cornwall hotel, attended by 8 people to discuss events on the Hoe and the application. The team had been there for 6 hours;
- Having spoken to local residents, lessons had been learnt from previous events such as MTV and extra security will be used to protect people's gardens;
- There had been no representations from Responsible Authorities about the application;
- At any event they work with the Health and Safety Executive and Public Protection Service to minimise any issues;
- Public Protection Service will be at the MTV event to monitor noise and to report back to the Events Team if there are any problems so that they can be addressed. The Public Protection Service have put together a noise guidance document for organisers to help address any issues. There is also directional sound equipment available which helps reduce problems;
- They have a large number of stewards and SIA security at events whose job it is to watch the crowds and who should spot any issues with vulnerable children or adults. These staff will also be responsible for dealing with any anti-social behaviour and if anyone is found to be heavily intoxicated they will be removed and taken to a safe place;
- In relation to litter issues, there would be a post event litter clean up (a full sweep) which would start at 11.30 pm so that the Hoe and surrounding area would be clean by 6.30 am;
- Many of the events will not take place in the evening and they have around 20 events per year;
- Alcohol is only to be sold at planned events and usually the earliest this takes place is 10 am;
- A condition relating to the DPS had been agreed with the Police as detailed in the report;
- There would be security/stewards at the perimeter of the licensed area who would stop people from taking alcohol out. There would also be a higher fence this year to stop alcohol being passed into the area. As part of their duties the stewards/security are to stop anyone looking under 25 who is carrying alcohol within the licensed area and ask for proof of age. If they cannot produce this then the alcohol will be confiscated;

- There will be no entry to the MTV event to any under 16s who are not accompanied by an adult and who do not have a ticket;

(c) considered the written representations under the following licensing objectives:

Crime and disorder:

- The application for alcohol, late night refreshment and entertainment will increase disorder, anti-social behaviour and public nuisance.

This was considered to be relevant however the existence of a licence did not mean that more events were planned and the applicant had advised that they had had a very low rate of incidents at previous events. The committee also noted that there had been no representation from any responsible authority on this point. With the above in mind, the committee did not consider that the granting of a licence would add to the problems in the area.

- The hours granted would lead to an increase in drunk and disorderly behaviour. Alcohol has a detrimental effect on the behaviour of some people. Drunken people have been seen urinating in the peace garden and in/on people's properties. Granting the licence would exacerbate that problem.

This was considered to be relevant however committee noted the measures put in place to combat any potential problems and noted that this had not been raised as an issue by the responsible authorities. However, in order to address the concerns raised, committee considered that, having taken into account the information provided by the applicant, that a special condition was appropriate to limit the sale of alcohol to planned events only and also that the hours during which alcohol sales could take place should be modified as detailed below.

- The police powers would be compromised in relation to the DPPO. The fact that the DPPO would be suspended during the operation of the licence is the opposite of what is needed.

This was considered to be relevant however the amount of events at which alcohol was being sold was not increasing and in the past when TEN were granted the same restriction to the DPPO applied. Therefore committee did not consider this would be an issue when taking the above into account in addition to the security arrangements with regard to anti-social behaviour and anti-social drinking.

- There is already a problem with alcoholics congregating on the grass frontage of the esplanade. Some who reside in the area have had problems with drunken people sleeping in their doorways and have had to call the police.

This was considered to be relevant however there would be additional security to deal with issues and there was not to be any increase in events. The committee therefore did not consider that the granting of the licence would add to the existing issues.

- There are existing problems with vandalism, criminal damage, fighting, foul language and drink associated problems. Granting the licence will exacerbate these problems.

This was considered to be relevant however committee did not consider that granting the licence would add to existing issues due to the security arrangements in place and the special condition limiting alcohol sales to planned events only.

Prevention of Public Nuisance

- Events and consumption of alcohol until midnight would increase unnecessary noise nuisance to the residents living near the Hoe. People under the influence of alcohol have been observed singing loudly and urinating within the vicinity of the Hoe. An extension to the current laws would exacerbate the problems.

This was considered to be relevant however committee considered that the fact that there was not to be an increase in events taken with the restriction on the sale of alcohol to planned events and the reduction in hours during which alcohol could be sold would address any potential problems.

- There would be an increase in litter (cans/bottles/ glasses etc). Granting the licence will exacerbate existing problems.

This was considered to be relevant however members felt that any problems would be addressed by the condition put forward on the applicant's operating schedule in relation to post event clean up.

- There have already been noise problems from events on the Hoe e.g. MTV Crashes Plymouth. Noise has gone on until 1am even after letters from local residents requesting that they be informed in writing about all events 28 days in advance. These requests have been ignored by Plymouth City Council.

This was considered to be relevant however the committee considered that the arrangements which the applicant had put into place with Public Protection Service monitoring of noise, new directional sound equipment, the increase in security to monitor events, the condition of licence that events will finish at 11pm and the reduction in the hours for the sale of alcohol would address any potential problems.

Protection of Children from Harm

- Children cross the Hoe on the way to and from school. If the licence is granted, people could have been drinking for anything up to 8 hours by the time that home time comes and this could lead to unacceptable behaviour towards the young people.

This was considered to be relevant however the special condition limiting alcohol sales to planned events only would address any potential problems in addition to the fact that stewards and social services would be present at events to monitor the crowd and remove any heavily intoxicated people to a safe place and that beer tents were to be situated away from walkways.

- The Hoe should be an area where it is safe for children to play. This would not be the case if the extended hours were granted.

This was considered to be relevant however members did not consider that this would be an issue as there wasn't to be an increase in planned events, events were to be family orientated and there would be a restriction on alcohol sales only being made at planned events.

- There was no guarantee that underage people would be prevented from drinking alcohol.

This was considered to be relevant however the committee considered that suitable measures were in place to prevent this in that the applicant had explained the challenge 25 policy, that staff training records would be checked and background checks would be made on the DPS.

(d) the following matters appeared in the representations but were disregarded by the committee as they do not relate to any of the licensing objectives:

- The Hoe and surrounding area is Grade II listed and the sale of alcohol would set a precedent for the commercialisation of the Hoe;
- Granting the licence will devalue homes in the area;
- The area is a park and war memorial;

The committee agreed that the licence would be granted subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule, the special condition below and also subject to the hours for the sale of alcohol being reduced to 10 am to 11pm seven days a week.

Special condition

The retail sale of alcohol shall only be permitted on the premises at a pre-planned event where the notice required under the condition agreed with the Police Licensing Department has been given.

5. EXEMPT BUSINESS

There were no items of exempt business.

Licensing Sub Committee

Tuesday 28 July 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete (substitute for Councillor Fry), Vice Chair.

Councillors Sam Davey and Kelly (fourth member).

Apologies for absence: Councillor Fry.

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

The meeting started at 10.00 am and finished at 11.31 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.

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

7. DECLARATIONS OF INTEREST

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

8. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

9. CAFFEINE CLUB, 45 TAVISTOCK PLACE, PLYMOUTH, PL4 8AX

The Committee –

- (a) considered the report from the Director of Public health;
- (b) heard from the applicant as follows:
 - These premises are situated next door to the Caffeine Club and will allow for any overspill from that premises to be catered for. They had not applied for an extension for Sunday to Wednesday as there was no demand on those days. The applicant also stated that he did not intend to use the extended opening hours during the university holidays when there were fewer students in Plymouth;
 - The premises are to be eco-friendly, supplying organic foods and drinks.

It will be seated patrons only although patrons will be allowed to take away any unfinished drinks and food. There will be no alcohol sales after 2 am. The premises will be a wind down place and the atmosphere will be relaxed. WiFi will be available as this is what the patrons will want;

- The new application will actually reduce the capacity of the premises; This is because at present it is a vertical drinking establishment and so can cater for more than the 100 the new licence will be limited to;
 - There will be CCTV in place;
 - Whilst patrons can take away unfinished food and drinks, they will not be a take-away premises. Any drinks will be in branded eco-friendly cups. There are other take-away premises in the area and the applicant believed that these premises contributed to litter problems in the area;
 - The smoking area was contained within the boundary of the premises;
 - The applicant confirmed that he considered it was reasonable that door supervisors were present from midnight to 5 am and that cleaning take place after the close of business;
- (c) considered written and verbal representations received from other parties under the licensing objectives listed below:

Prevention of Public Nuisance:

- That residents in the area already suffer with noise disturbance almost every night from drunk young people and students, especially on a Friday and Saturday night and stated that it would be good to have a peaceful night once in a while. In addition fast food wrappers are dropped every day.

This was considered to be relevant under this licensing objective however the committee did not consider that granting the licence would add problems in the area due to the nature of the venue in that its focus was away from an alcohol driven environment. Additionally in relation to problems with litter the applicant had confirmed that cleaning would take place after the close of business.

- There are significant issues and ongoing problems of rubbish in the area. With the number of theme nights in the area and increased number of people who will come into the area this will be a real issue. An increase in litter and rubbish in the Cumulative Impact Policy (CIP) area will mean residents who use mobility scooters and walking aids will have to avoid and dodge the bins, vomit, broken glass, discarded rubbish, fast food litter. Information accompanied a representation of a survey ('the 2010 survey') undertaken in 2010 showing that litter was considered an issue by residents at that time.

This was considered to be relevant under this licensing objective however the committee accepted that the premises were not going to be a take-away venue and did not believe that granting the licence

would add to existing problems in the area. In the event that there were litter issues from this premises this would be easy to identify from branded cups used, and may be able to be used as evidence in any review proceedings.

- In 2014/15, 155 formal complaints were registered against licensed premises and extending this licence in a CIP area would mean more noise, more people and more issues. The representation stated that noise complaints usually started from 10 pm until the crack of dawn depending on how well the area was policed and how quick people dispersed.

This was considered to be relevant under this licensing objective and in light of the fact that extra hours were being added it was possible that more people may come to the area. However the applicant had explained that the capacity of the premises was actually reducing as it was moving from a vertical drinking establishment to a seated premises.

Prevention of crime and disorder

- There was alarm at the number of late licences in the area. Issues around rowdiness, anti-social behaviour and people who are drunk walking home were issues raised by residents at the 'Have your Say' meeting. There was also a report of a streaker being seen. There had also been complaints about people using the area as a mobile urinal. The application may bring an influx of people to the area. Whether or not they are granted entry, their presence will exacerbate existing problems. Sherwell Arcade has problems with people hanging around and causing issues, with peak times for trouble flaring up being between 1 am and 4 am. Granting the application will add to existing problems in the Cumulative Impact Area and also will affect the areas that people pass on their way home.

This was considered to be relevant under this licensing objective however the committee did not consider that the premises were responsible for existing problems in the area or that granting the licence would add to those problems. The committee considered that as these were intended to be wind down premises they would help to alleviate problems. The committee also took account of the fact that there had been no representations from any responsible authority on this point.

Protection of Children from Harm

- It was reported that the young people from Mount Street Primary school had photos of broken glass, food litter, vomit, sanitary towels and discarded condoms along their route to school.

This was considered to be relevant under this licensing objective

however the committee did not believe that granting the licence would cause an increase to these issues. The premises were not a take-away premises and therefore there should not be any issues with litter. Additionally the premises were intended to be a wind down premises which may help to alleviate problems.

Public Safety

- There is a potential for an increase of people in the area to have a negative impact where people who may or may not have been drinking may become confrontational.

This was considered to be relevant under this licensing objective however as the applicant had agreed that door staff would be present until 5 am they would be able to deal with any problems as they would be monitoring the outside area. Also this would not be an alcohol led establishment.

- Due to the cuts in the Police service there are concerns for public safety. In particular as the premises are in a cumulative impact area, the increase of patrons in the area may mean more people carrying glass bottles from home or another club and discarding them before entering the CIP area. The representation stated that the 2010 survey showed that vandalism, graffiti and damage to property were a very big or fairly big problem.

This was considered to be relevant under this licensing objective. However this area would already have a large amount of people within it and the committee did not believe that granting the licence would encourage people into the area. Door staff will be present and the type of venue should help to alleviate drink related problems.

(d) the committee did not take the following representations into account as they were not relevant to any of the licensing objectives:

- There is already sufficient provision of licensed premises in the area and there is no need for an extension to another bar.
- Information was included in a representation mentioning the effects of alcohol misuse on individuals and sections of society and the implications for long term public health and wellbeing.
- There may be problems with an overspill of people from this premises which would cause issues for other premises both inside and outside of the CIP area.

The Committee in reaching its decision took account of all the relevant representations, all that was said by the applicant, statutory guidance and their own licensing policy. In respect of their own licencing policy the Committee noted that representations had been received

which brought the cumulative impact policy into effect. In reaching their decision the Committee noted that in light of the representations received, the applicant's operating schedule was not sufficient to demonstrate that there would be no negative cumulative impact on the licensing objectives. However they considered that modification of the conditions suggested by the applicant and an additional condition would address the concerns identified in the representations and that these were matters to which the applicant had agreed during the hearing.

The Committee therefore agreed that the application would be granted subject to the mandatory conditions contained in the Licensing Act 2003, conditions consistent with the applicant's operating schedule (including those agreed with Environmental Health) and subject to the matters mentioned below:

- (1) The condition contained in the applicant's operating schedule relating to door supervisors would be amended to read as follows:

There will be at least 1 member of door staff on a Thursday, Friday, Saturday and bank holiday Sunday nights between the hours of midnight and 5 am. This will ensure the safety of patrons, monitoring of the outside area, consideration to the local residents and litter.

- (2) An additional condition that the immediate outside area of the premises is to be clean and tidy at the close of business.

10. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 11 August 2015

PRESENT:

Councillor Rennie, in the Chair.
Councillor Parker-Delaz-Ajete, Vice Chair.
Councillors Fletcher and Fry (fourth member).

Apologies for absence: Councillor Sam Davey.

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

The meeting started at 10.00 am and finished at 12.15 pm.

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

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

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

2. **DECLARATIONS OF INTEREST**

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

3. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

4. **SUTTON HARBOUR, PLYMOUTH - GRANT OF PREMISES LICENCE**

The Committee –

- (a) considered the report from the Director for Public Health;
- (b) heard from the applicant and the applicant's Solicitor as follows:

- this was an application made by the landowner to organise and deliver events in a safe, regulated manner in the waterfront area;
- it would provide a structure to control events within Sutton Harbour by contract with the event organisers so that they could be held accountable to Sutton Harbour, but that under the premises licence Sutton Harbour would have ultimate responsibility to the licensing authority, responsible authorities and other parties in respect of each of the events held; with a complaints line being established for every event

and all issues will be recorded in order that they might be addressed at the next event;

- prior to each event consultation would be carried out with the Event Safety Advisory Group, Police, Highways, Plymouth City Council Licensing and Environment officers and any other relevant responsible authorities to ensure that a fully risk assessed and conditioned document was drawn up to fully manage the particular event; which would address issues relating to stewarding, signage litter, site planning, barriers, and water safety provision;
 - that Sutton Harbour employed a full time marine employee whose role includes the management of marine environment; that there is a close working partnership with the Waterfront Partnership;
 - it was intended to hold children related activities, films, live music, plays and similar open air performances working with local groups to stage these events;
 - there was no application for alcohol being made as it this was to be an element of the event it would be expected that an event organiser would liaise with the Police and Environmental officers to make a temporary event notice for the specific event;
 - that there had been no representations made by the Police and other responsible authorities; and it was believed that concerns made by local stakeholders over noise would be mitigated by the conditions agreed with the Environmental Health Officers;
 - that for safety of children where necessary activity leaders would be DBS checked and safeguarding would be included in stewards briefing;
 - that the application was not for a huge increase in event activity but was about putting a structure in place so that events are well managed.
- (c) considered the written representations and representations made in person at the committee meeting under the following licensing objectives:

- **Prevention of Crime and Disorder:**
 - the area already has problems with noise and anti-social behaviour with night time revellers moving between the Barbican and the Oceana nightclub, the granting of this licence will only exacerbate the problem;
 - that resident regularly hears and sees drunken behaviour around Sutton Harbour in late evenings;
 - later in the day events will be attended by “fuelled-up” adults which will inevitably lead to crime;

- an increase in the number of people congregating and drinking alcohol is likely to lead to an increase in anti-social behaviour, as it has in other parts of the City;

All of these representations were considered relevant by the Committee but many were describing ongoing issues in the area which were not associated with the management of the premises being applied for. It was also noted that there was no representation in respect of this Licensing objective from the Police. In light of the conditions agreed with the Environmental Health Officers, with the conditions put forward by the applicant in the operating schedule and the details of the engagement with the Events Safety Advisory Group the committee considered that this would address these concerns for any events held;

- **Public Safety**

- recorded death in connection with the “Police blue boat” and student falling in water; the Committee noted that whilst these incidents were totally regrettable they were not considered relevant to this application as they were not related to the management of the premises licence applied for
- have seen drunks jump in water; the Committee considered this relevant but had no evidence of this being attributable to the current application but considered that the applicants representations regarding safety barriers to mitigate the risks of people falling into the harbour and the conditions attached to the operating schedule would mitigate this risk;
- no safety barrier around Sutton Harbour and increased footfall around Sutton Harbour can only increase the risk of somebody falling into harbour whilst intoxicated; the Committee considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;
- public safety for intoxicated customers at risk of falling into the Harbour late at night and for residents at risk of violence and assault from drunken customers around the area; the Committee considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;
- the proposed events are planned to operate around the Harbour on what is a public footpath at the edge of the water which is surely a public safety health hazard; the Committee

considered the representations regarding safety barriers and risks of people falling into the harbour relevant however these would be addressed by the application conditions attached to the operating schedule;

- capacity of the two way traffic highway fronting Mariners Court is used to the limit. If events of any sort are permitted on the car spaces taking the attention of pedestrians who use the road as a walkway it has the potential to make an already dangerous and existing danger go from bad to worse; the Committee considered the representations regarding the use of the roads was not a licensing objective however it had been recognised in the applicant's submission that any events would include consultation for routes for emergency vehicles with the events safety advisory group;
- a large part of the area to be licenced is used by vehicles which inevitably present a serious danger to pedestrians; the Committee considered the representations regarding the use of the roads was not a licensing objective however it had been recognised in the applicant's submission that any events would include consultation for routes for emergency vehicles with the events sports safety group;
- although no alcohol will be sold at the events, this still does not prevent drunk people from congregating at these events and causing a nuisance, putting the public in danger, as well the potential for damage to the residential properties similar to previous incidents in Mariners Court where the pedestrian gates had to be locked to that drunk people couldn't damage cars on their way through; the Committee considered this to be relevant but had no evidence of this being attributable to the current application but were satisfied that the conditions put forward in the operating schedule would address concerns relating to the potential nuisance described. The Committee also noted the helpful nature of the applicant towards consideration of use of plastic drinking vessels at appropriate events;
- **Prevention of Public Nuisance**
 - the residents of Sutton Harbour already have noise disturbance and issues and problems with litter and the remains of takeaway containers and empty or broken bottles in the area; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;

- a resident has observed drunks urinating and couples performing sex acts in the street; the Committee considered this was a matter for the Police therefore was not relevant to their considerations under the Licensing Act objectives;
- residents already have problems with noise disturbance as night clubbers go home so do not want more noise in the daytime; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- music, public speaking etc. is clearly audible from the Barbican causing residents to close windows and vacate outdoor space in hot weather so music and entertainments immediate outside of homes would be unbearable and a serious health risk to the elderly; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- the application is likely to cause a nuisance to residents due to both noise and the likely disruption of vehicular access; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- the likely increase of take-way food litter would exacerbate the existing problems posed by seagulls and rats; the Committee considered this was relevant however agreed that the events would be managed to deal with these issues in accordance with matters set out in the operating schedule and in consultation with local residents. The Committee added that a provision of a contact number would enable residents to make their feelings known;
- **Protection of Children from Harm**
 - increase in disturbance to young children could be detrimental to their education and provide exposure to possible antisocial behaviour; the Committee considered this was relevant however confirmed that the potential impact on children as a result of loss of sleep would be covered by the conditions

agreed with Environmental Health Officers . that the events would be held on a maximum of 24 days in a year and , would end by 10pm and would generally be arranged to be held over the school holidays and weekends;

- potential for children to be exposed to observing drunks urinating and couples performing sex acts in the street; the Committee considered this was a matter for the Police therefore was not relevant to their considerations under the Licensing Act objectives;
- potential for danger to children being encouraged to run around the water edge, which is unprotected and possibly obscured from view by temporary structures; the Committee considered this was relevant and that it was adequately addressed in the conditions in the applicant's operating schedule and would be risk assessed as part of consultation for each event;
- adults, including vulnerable elderly and children of school age are resident in the area. The unrestricted noise generated would have a detrimental effect of the health of the former and, as has been demonstrated in many national studies, the resultant loss of sleep has the potential to significantly affect the learning performance of children; the Committee considered this was relevant however confirmed that the potential impact on children as a result of loss of sleep would be covered by the conditions agreed with Environmental Health Officers. that the events would be held on a maximum of 24 days in a year and , would end by 10pm and would generally be arranged to be held over the school holidays and weekends;

(d) the following matters appeared in the representations but were disregarded by the committee as they do not relate to any of the licensing objectives:

- the sex acts taking place on the Barbican;
- comments regarding impact upon highways in the area;
- that the Barbican was turning into Union Street;
- reference to the recent MTV event;
- reference to the application being made for the benefit of Sutton Harbour Company profits.

The Committee considered all of these representations in the light of statutory Guidance and the Council's Licensing Policy.

The Committee agreed to depart from its Licensing Policy in this instance as they were satisfied that the applicant had included within the operating schedule sufficient conditions to control events so that they would not have a significant negative impact on the area. In making this decision the Committee also took note of the lack of representations on Crime

and Disorder from Police and the agreement of conditions with the Environmental Health officers.

The Committee agreed to grant the application subject to the mandatory conditions contained in the Licensing Act 2003, the conditions consistent with the applicant's operating schedule and the special conditions agreed with Environmental Health and set out below. In addition the application is also granted with the applied for starting hour of 10.00am but is subject to the terminal hour for all the licensable activities applied for being reduced from 11.00pm to 10.00pm seven days a week:

Special conditions:

1. Where the event will attract 500 or more people the Licensing Authority will be advised at least 6 weeks prior to the commencement date and an operating schedule must be provided. The operating schedule must be agreed with the Licensing Authority at least one week prior to the event taking place. This agreed operating schedule will be deemed to be the conditions attached to the licence for that event.
2. The performance of regulated entertainment will be limited to 24 days in a calendar year.
3. The performance of regulated entertainment must cease between 10.00pm (22:00hrs) and 9.00am (09:00hrs).

5. **EXEMPT BUSINESS**

There were no items of exempt business.

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Licensing Sub Committee

Thursday 27 August 2015

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Bowyer, Vice Chair.
Councillors Sam Davey and Kelly (Fourth Member).

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 12.00 pm.

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

6. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

7. DECLARATIONS OF INTEREST

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

8. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

9. APPLICATION FOR TEMPORARY EVENT NOTICE IN RESPECT OF PREMISES: ANGELS, 38 UNION STREET, PLYMOUTH

The Committee –

- (a) considered the report from the Office of the Director of Public Health;
- (b) heard from the applicant's representative that –
 - the application for the Temporary Event Notice (TEN) was for Sunday 30 August 2015 for the hours of 11pm – 4am which represented the licensed hours of operation for the Friday and Saturday opening under the premises licence;
 - with regard to the Environmental Health objection about alleged complaints of noise from the premises they considered that this noise was taking place at 6am and that it could not be attributed to Angels as they close at 4am and can provide CCTV evidence to show that the

premises had been cleared of all patrons at that time;

- they contested the notice of objection supplied by the Police (dated 18 August) as being factually incorrect as this stated that the application was a late TEN application when it was a standard TEN. Also that the premises had been opened for longer than the time suggested by the Police. Also that the Police stated in their objection they had been unable to arrange a meeting with the DPS but this did in fact take place as originally scheduled;
- he questioned why the Police had failed to make an objection to the initial appointment of the DPS upon the transfer of the premises licence and yet were making the current representations against this application;
- with regard to the problems with CCTV, officers attended the premises and were shown the CCTV footage of an incident taking place outside the premises; members of staff were unable to download the footage at the time however provided telephone numbers of both the DPS and his representative (present at the Licensing committee) – no contact was made by the Police however this is still available;
- the DPS co-operated with the Police as he identified the person involved in the incident;
- he challenged why the Police had not contested a previous application for a late TEN when they were considered to be a problem premises;
- an action plan was offered detailing to use of plastic beakers instead of glass, from 2am three doormen would be employed, no baseball caps would be allowed as they would interfere with identification on CCTV, all customers were required to sign in providing their name and address and someone would always be on the premises to download CCTV;
- although the Police had suggested that the condition relating to the signing in book could be removed if they made an application for variation, but the DPS considered that he wished to keep it in place so he knew who was inside the premises;
- changes had been made to take account of the Environmental Health objection of extra sound proofing, speakers being moved away from the direction of nearby homes and volume being reduced;
- licensing officers visited the premises last Friday but did not provide feedback to the DPS as to whether there were any issues with noise from the premises;
- he confirmed that they had been opened for four weekends and they had not been made aware of any trouble other than the one incident in the lobby for which access had been allowed to the Police to view

CCTV footage;

- this application was for one night only with a capacity of 100 people when some of the other premises in the area have capacity limits ranging from 700-900 people as part of their premises licence;

(c) heard from the Police that –

- with regard to the comment that the Police had made no objection to a late TENs application made by the previous licence holder it was confirmed that the Police did not consider the premises to be a problem at that time;
- with regard to the action plan outlined to Committee during this hearing, this had not been presented to the Police for consideration so this was the first time they had been made aware of it;
- the premises have been open for two weekends, on the first weekend there was a complaint of noise that extended past the premises opening hours;
- on the Saturday night there was a complaint of fighting and subsequent disorder involving the same people in another area of Union Street; Officers attending reported that they could view the CCTV but no one was present who could download it;
- on 18th August 2015 the Police Licensing Officer met with the Premises Licence holder and DPS. During this meeting it became clear that he had no knowledge of the premises licence nor the conditions therein;
- the DPS failed to convince the Police that he was in full control of the running of the premises deferring several questions regarding Public Liability Insurance to his business partner;
- with regard to the CCTV issue he stated that the System had been replaced by his business partner and they could not work it. He has since replaced it with the original system;
- expressed concerns that the signing in book was not being properly managed and that no ID checks were being taken as some guests were signing in using fictitious names and comments;
- the Police are not assured that the DPS is actually managing the premises and that the business partner and his associate were linked with other problem premises;
- the Police were concerned that the DPS was not present at the meeting to be able to alleviate their concerns;

- the Police had concerns about granting the TEN application as there was a sporting event being held in Plymouth earlier on the day TEN application and that the supporters of such events were linked to higher levels of anti-social behaviour;
- the management of the premises at this early stage has not proved effective in engaging with the licensing objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder;
- the police contend that the issue of the Temporary Event Notice will have a negative impact on the Licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety;

(d) heard from the Environmental Health Officer that -

- the premises had been closed for 11 months and re-opened on the 7 August; complaints were received by Environmental Health from local residents regarding noise from loud music, with the first complaint being received on 7th August 2015;
- complaints have specified that the level of music has been intrusive, preventing sleep and has been disturbing within their property, even with windows kept closed;
- when contact was made with the DPS to discuss the noise complaints, the DPS appeared to have an inadequate understanding of the conditions attached to Premises License with regard to Public Safety and Prevention of Public Nuisance;
- Environmental Health has given advice on noise containment and controls, however, complaints of noise still continue. Officers were concerned about the lack of engagement by the DPS and lack of response to advice;
- there have been no previous complaints about noise from music whilst the premises have been unoccupied, and Environmental Health currently do not have any complaints regarding other similar nightclubs in the area. However, since Angels has re-opened as a nightclub, complaints of noise have been received occurring until 6am and Environmental Health is currently investigating these complaints;
- it was believed on a balance of probabilities that the noise complaints were attributed to this premises as there had been no such complaints whilst it had been closed and there were no current complaints regarding the other licence premises in the area;
- the continued nature of complaints, and lack of engagement from the DPS, suggests that the management of the premises has been inadequate with regard to preventing public nuisance. Environmental

Health are therefore of the opinion that the issue of the Temporary Events Notice will be likely to have a negative impact on the licensing objective for the Prevention of Public Nuisance.

In response to questions raised by Members it was reported that –

- the DPS representative was unable to comment as to whether or what checks were in place to ensure the signing in book was monitored;
- the DPS was on the premises during all licensable opening hours however he also had a full daytime job;
- the DPS representative contested that he was running the premises as he had a fulltime job elsewhere;
- the DPS representative denied that he had links with some of the problem premises attributed to him by the Police;
- the DPS representative said that the sporting event and their clientele had nothing to do with the Angels Club;
- the DPS representative refuted the comment that noise was attributed to these premises at 6am and offered CCTV evidence to be able for inspection to prove this;

Members accepted that –

- the CCTV is now operating and that footage can be downloaded if requested by responsible authorities;
- that there have been no recorded incidents of disorder since the upgraded CCTV had been installed but Members noted that this was installed last weekend;
- Members noted that the action plan had been presented by the DPS representative today but also noted that this had not provided to the Police or EH prior to this meeting;
- that the previous owners of the premises had been granted a late TENs application; and accepted that the Police considered that this was due to the fact that the premises were not considered a problem at that time;

Members had concerns that –

- representations were made by the Police and Environmental Health so say that the DPS had an inadequate knowledge of the licence conditions and procedures and therefore would be unable to effectively manage the premises for the additional hours applied for;
- the Police had indicated they had concerns about the DPS business partner

and legal representative's involvement in the running of the premises;

- the requirement to keep a signing in book was a condition of the licence however this was not being effectively managed;
- the DPS had no knowledge of the day to day running of the premises;
- the DPS was not in attendance at the committee;
- complaints had been received about noise when in fact the premises had only been operating for three weekends so far.

Having regard to the objection notices provided by the Police and Environmental Health and representations made by the DPS representative the Committee considered that the event would undermine the licensing objectives of Crime and Disorder and the Prevention of Public Nuisance and should not take place so it is agreed to give a counter notice in respect of the application.

10. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 29 September 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Fry, Vice Chair.

Councillors Sam Davey (substitute for Councillor Singh) and Fletcher (Fourth Member).

Apologies for absence: Councillor Singh.

Also in attendance: Catherine Fox (Legal Officer), Rachael Hind (Environmental Health officer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.25 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.

11. APPOINTMENT OF CHAIR AND VICE-CHAIR

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

12. DECLARATIONS OF INTEREST

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

13. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

14. APPLICATION FOR TEMPORARY EVENT NOTICE IN RESPECT OF PREMISES: WILL'S AT ONE, RESIDENCE ONE, ROYAL WILLIAM YARD, PLYMOUTH

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicants that the application for the Temporary Event Notice (TEN) was for Saturday 3 October 2015 from 11 pm until 2 am Sunday 4 October 2015 for a wedding reception with a pay bar for a maximum of 190 people. The licensable activities intended with the notice are: the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment;
- (c) prior to the meeting the applicants, having considered the objection from

Environmental Health, produced an e-mail within which they indicated they would be amending their application to exclude live music after 11 pm and proposed the following arrangements in an attempt to alleviate concerns and which they felt would make a considerable difference –

- they also had new figures for the days event; 90 guests will attend during the day with a further 60 arriving for the evening making a new total of 150 people (less a percentage of guests in the evening, as no shows - as with every event);
- whilst their intention by making the TENs application was to be able to offer their clients the opportunity to purchase alcoholic drinks during the planned event they did not intend to offer live music or suggest that it is permitted past 11 pm. They explained that this was their first and only TENs application notice they intended to submit this year. All other bookings planned fall within their current licence with serving of drink stopping at 11 pm and all guests have left the premises by midnight;
- they have appointed the services of an acoustic consultant for Saturday 3 October 2015 who will monitor the noise levels from within the grounds of Residence One, throughout Royal William and Admiralty Road. This company has had experience of working with another authority to reduce the complaints received in Plympton from the Volksfest. They are more than willing to work with the Environmental Health Department on this date to overcome and establish an acceptable standard for all concerned. The aim of this collaboration will be to work within the 5DB level that may be acceptable;
- they will be appointing a designated responsible person within Will's at One who will supervise any entertainment provided, consciously focusing on noise pollution from entertainment and guests in attendance;
- a notification letter to be issued to the residents of Admiralty Road and immediate adjoining premises. This they felt will provide them with plenty of notice for such an event and details with timings of the event, including an immediate contact name and telephone number for the appointed designated responsible person for that event;
- they are also investigating various forms of volume limitation controls eg electronic noise limit systems, where the volume is unable to go higher than the limits set by their conclusions from sounds tests and onsite 'Live' survey reports;
- they had also established that the placement of live music within the marquee area previously was not in the optimum position for noise reduction/limitation and had been wrongly placed. The angle and direction of speakers can also be altered and thought more consciously about, with the aim to project in the opposite direction to local residents' properties;
- they will start to move the clients from the outside area to inside Will's in the lower ground floor where a lounge area will be offered for guests to finish their evening in;
- they have also discovered various acoustic absorption systems such as

acoustic blankets and various acoustic panels that hang from the ceiling of a structure such as a marquee for future events but does need much further investigation and could not be implemented in a timely manner for this event (if at all);

- (d) At the hearing the applicants produced with the consent of the Environmental Health Officer a draft copy of a letter intended to be circulated to the local Stonehouse residents immediately adjacent to Admiralty Road behind their premise boundary wall and a plan demonstrating their proposed layout for the band, speakers, tables for guests, pay bar and preparation marquee.

They indicated that there had been no issues with policing since they opened, nor have there been any complaints from the residents at Royal William Yard to their knowledge.

They explained that the marquee would be positioned some 8 metres from the rear stone wall, the speakers would be facing towards their premises and away from the wall and the residents, the positioning of the service preparation marquee would also act as a buffer and reduce the sound.

- (e) heard from the Environmental Health Officer that –

- the Environmental Health Officer is of the view that the granting of the TEN applied for until 2 am is likely to cause significant public nuisance to local residents given the recent complaints made by local residents regarding excessively loud and intrusive music emanating from Residence Number One. These complaints are the subject of an ongoing investigation the details of which were provided as follows;
- Environmental Health have received complaints about loud music from the garden in Wills at One, Royal William Yard, since 4 August 2015;
- specifically its out of hour's service was contacted by two separate complainants at approximately 21.18 on 22 August 2015. Officers witnessed noise nuisance in the two residential properties from a live band in a marquee in the garden at Wills at One. The level of music witnessed by officers was such that it was clearly audible above conversation in the complainants' properties. Officers advised that the lyrics were clearly audible and were at such a level would prevent them being able to enjoy their home. The level was such that it could clearly be audible above the television and it would be impossible to read a book and would prevent sleep;
- correspondence was sent to the Premise Licence Holder and copied to the DPS. No response to these letters was received by Environmental Health;
- Environmental Health has concerns that the Temporary Event Notice which has been applied for a wedding for 190 guests until 2 am with regulated entertainment in the marquee is likely to cause a public nuisance to a number of residents;
- Environmental Health supplied a map which identified a number of residential properties directly behind the wall of the garden at Will's at

One (Admiralty Road and Mount Stone Road). Environmental Health from their investigations is aware that when used, the marquee is positioned very close to the edge of this wall;

- Environmental Health advised that noise in a marquee cannot be adequately controlled and is likely to have a negative impact on the licensing objective to prevent public nuisance;
- having considered the proposals set out within the applicants' e-mail, Environmental Health were still concerned enough to maintain their objection;
- Environmental Health welcomed the proposed letter to the residents. This is action they encourage;
- the layout will be a lot better but will still depend on the level of music and whilst a noise limiter would help you cannot get away from the fact that it is in a marquee and effectively outside;
- with specific reference to point 7 of the email, to move 150 guests inside at a particular time would be hard. There could still be a fair number of people outside;
- whilst the number of guests had reduced to 150 it still gave the potential for a lot of noise outside;
- whilst Environmental Health welcomed the involvement of the sound/technical consultants the event is still in a marquee and has the same impact as music in the open air;
- if the music, whether a live band or recorded music, goes on beyond 11 pm it will disturb people trying to sleep and at a time when background noise levels drop, will become even more prominent. Some of these neighbours have found noise from an event outside a nuisance at 9 pm;
- even if the music is without a DJ and is background, if it is providing entertainment it is regulated entertainment;
- it is a wedding and with people drinking, enjoying themselves they tend to talk loudly or sing whilst dancing and noise levels are very hard to control. That is why Environmental Health receive complaints about beer gardens without music;
- even with Environmental Health in attendance there is a limit to what intervention there can be with the numbers of people and with drink involved. There has to be a balance;
- in any future event with sufficient notice the Department could work with the applicants to resolve the issues and reach a solution;
- the 5 decibel level they have referred to is the level set as part of their planning conditions. Even with the input from the technical consultants Environmental Health do not think this is achievable in an outside live music/recorded music event.

In response to questions raised by Members it was reported that –

- the applicants had held a meeting with the sound consultants and a further meeting was to occur this afternoon;
- the applicants had liaised with the band who were going to attend on Friday 2 October together with the sound consultants to ensure appropriate control over the volume. Only vocals and drums would go through the main

- speakers, not any bass;
- once the band concluded there would be recorded music as background music but no DJ. There is a dance floor in the marquee;
- once the band had concluded its set at 11 pm they would encourage their guests to move into Residence One. The bride and groom had originally not wanted the band to start until 9.30 pm but they had insisted it be brought forward to 9 pm for a 2 hour set finishing at 11 pm;
- the stone wall will be 8 metres from the marquee. It is 4.2 metres high and 1 metre thick;
- on being asked how they would set about encouraging guests to move inside, Ms Hewitt indicated that would be her role. Whilst she would use her best efforts and perhaps try and encourage people in by music being inside she could not honestly say to the Committee that she could guarantee all would be inside by a certain time. It would be difficult. The best way would be to close the outside bar and she would have to warn guests earlier in the evening to prepare them. There could be uproar;
- the wedding ceremony is at a local church at 1 pm and they are expected to arrive at the premises just after 2 pm;
- the capacity for the premises agreed with the Fire Authority is 200. Whilst the tea rooms hold 50 for fine dining at this event the tables will be moved and the guests will have full use of the 2 rooms, the bar and lower basement and the connecting hallways thereby using the space as a whole. This will provide a capacity of 15 in the bar area and 80 to 90 in the rest. In addition there is space for 40 to 45 standing on the lower front terrace which is sunken and screened from the residents by the 4 storey building that is Residence One/Will's at One so noise from there should not be an issue;
- there were to be 90 for the day celebration with a further 60 guests invited for the evening reception due to start at 7 pm. From their experience not all from the day reception stay for the evening; that there are 9 children coming and they have usually left by 9 to 9.30 pm and elderly guests often do not stay late;
- the applicants are aware that complaints were made in August but were surprised that they were timed at just gone 9 pm. They are now posting events on their Facebook page and are finding that one or two are raising objections in advance;
- the applicants have met with Environmental Health for guidance and to work cooperatively with them to find a solution that works for all including the residents. They have been running the business for 12 months and are on a big learning curve and are eager to resolve these issues hence the employment of the technical expert and attempts to take on board suggestions and advice from Environmental Health;

Having heard the points made on behalf of Environmental Health and considered the questions posed by the Committee Members, and the various solutions they had responded with, the applicants were granted a short adjournment to consider what their proposed final arrangements would be for the event, to enable the Committee to reach a decision.

The applicants indicated that -

- the live band would start earlier at 8.30 pm and finish at 10.30 pm which would then give them half an hour within which to pack away;
- the dance floor would be moved from the marquee outside into the 2 rooms in the lower basement. The soft seating area with sofas they had proposed would be in the lower basement would move to the ground floor gallery;
- any music outside would cease from that point.

Members have considered the application and the objections made by Environmental Health. They have also considered the Home Office guidance and Plymouth City Council's licensing policy. They found that the objections from Environmental Health were relevant under the public nuisance licensing objective.

The Committee was concerned that the continuation of any form of music and dancing outside post 11 pm would cause a public nuisance through noise to the many flats and residences nearby. However, they were impressed by the honest and frank way the applicants had responded to difficult questions posed, and the sincerity of their stated willingness to cooperate with Environmental Health and to limit disruption to residents. They found their stated assurances that the live band will cease by 10.30 pm, be packed up by 11 pm and any form of music and dancing moved inside the premises, genuine.

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

The application is granted.

15. **EXEMPT BUSINESS**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 15 December 2015

PRESENT:

Councillor Rennie, in the Chair.
Councillor Sam Davey, Vice Chair.
Councillors Fletcher and Mrs Bowyer (Fourth Member).

Also in attendance: Catherine Fox (Legal Officer), Fred Prout (Senior Licensing Officer) and Amelia Boulter (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.30 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.

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

Agreed that Councillor Rennie is appointed as Chair and Councillor Sam Davey is appointed as Vice Chair for this meeting.

17. **DECLARATIONS OF INTEREST**

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

18. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

19. **APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR - JAMES WILLIAM JOHN WRIGHT**

Application to Vary a premises Licence to Specify an Individual as Designated Premises Supervisor Under S37 Licensing Act 2003 – by James William John Wright in respect of The Plymstock Inn, 88 Church Road, Plymstock

The Committee having –

1. considered the report from the Director of Public Health;
2. granted a 30 minute adjournment of the hearing upon the Applicant's non-attendance,
3. heard that an attempt had been made to speak to the Applicant on the telephone this morning but the phone was not answered

4. received confirmation from the Licensing Officer that:-
 - a. the Applicant had been served with notice of the date and time of today's hearing and had responded by e mail dated 6 December 2015 confirming he considered a hearing to be necessary and would be representing himself at today's hearing
 - b. the Applicant, on making his application in respect of the Plymstock Inn pursuant to S37 of Licensing Act 2003 to vary the current premises licence to specify an individual as Designated Premises Supervisor, namely himself, included a request that the variation applied for should have immediate effect
 - c. the Hearing had already been adjourned from 17 November 2015 until today at the request of the Applicant as he would be on a Cruise for 2 weeks at the time
5. considered the terms of S38(3) Licensing Act 2003 and Regulation 20 Licensing Act 2003(hearings) Regulations 2005
6. Heard the following oral representations from the police as to whether the hearing should be adjourned or proceed in the absence of the Applicant

ORAL REPRESENTATIONS - police

The police submitted that the hearing should proceed today. The hearing had been adjourned once already as the Applicant was on holiday; he had been given sufficient notice. The police representations which had led to the need for today's hearing, relate to whether or not the Applicant can fully engage with the responsible authorities. With that in mind and the busy Christmas period and the fact that the Plymstock Inn is a busy community pub which he is asking to take control of, we feel it would be a retrograde step and risky if the matter is not resolved today. We believe it is in everyone's interest, to decide one way or the other and asked that the hearing proceed so that there is a resolution

7. The committee held that the hearing should proceed today. It gave the following reasons:-
 - It concluded there were strong reasons to proceed with the hearing today.
 - The applicant had already been granted an adjournment at his request whilst he was on holiday;
 - he had received good notice of today's hearing and indicated a hearing would be necessary and he would be attending and representing himself;
 - that despite being telephoned this morning he had not answered;
 - he had made no contact with the Licensing Office or Democratic Support to say he was unable to attend or the hearing would not be needed;
 - given the nature of the concerns expressed by the police within their written representations and the circumstances leading to the same and the busy Christmas period and the fact that the variation has been in effect since the application was lodged it was in the public interest to for the application to be heard today
 - The Applicant was able to attend today to put his case forward but for whatever reason has not done so nor made contact to explain why

- He will have the opportunity to appeal the decision if he so wishes, or to make a further application
8. The Committee was unable to hear from the Applicant. It considered the contents of the email the Applicant had sent to the Licensing Officer dated 6 December 2015 and put to the police the point he made within that e mail that he wished to challenge the representations of the police “due to the effect it would have on his job and livelihood and also that of others who work for him within the premises”. The members believed he would have raised this point himself, had he attended.
 9. The committee then heard and considered the following written representations from the police under the following licensing objective

Prevention of crime and disorder

The police have submitted the following written representations, expanded upon within oral representations today, objecting to Mr Wright’s application to appoint a new Designated Premises Supervisor, namely himself. They state that they are satisfied that there are exceptional circumstances of the case and that granting the application would undermine the crime prevention objective.

They assert the following amounts to exceptional circumstances

1. The Applicant has been convicted of a relevant offence as set out in Schedule 4 to the Licensing Act 2003, namely driving a motor vehicle on a road with excess alcohol on 27 September 2014. This was considered to be relevant under this licensing objective.
2. On 10 October 2015 Mr Wright submitted an application to vary the premises licence of the Plymstock Inn naming himself as DPS immediately following being charged with a relevant offence. The timing of this was considered to be relevant under this licensing objective
3. He appeared at Plymouth Magistrates Court on 14 October 2015 where he pleaded guilty and was sentenced to an 18 month driving disqualification and fine £300. He lodged an appeal against sentence and the fine was reduced. This was considered to be relevant under this licensing objective
4. During his arrest and detention at Charles Cross Police Station in order to complete the breathalyser procedure officers noted the Applicant had adopted an uncooperative and abusive manner towards them which necessitated him being placed directly in a detention cell without the normal booking procedure This was considered to be relevant under this licensing objective
5. The police contend that the particulars of the offence which is alcohol related and a listed relevant offence, combined with the attitude of non-co-operation adopted by the Applicant whilst under the influence of alcohol, indicates at this moment in time it would be difficult to engage with him to effect an appropriate level of engagement with the four licensing objectives and specifically with the prevention of crime and disorder. This was considered to be relevant under this licensing objective

6. The police have also submitted the S9 statement of the arresting officer dated 21.10.15 which describes the arrest referred to in point 4 above. The arresting officer describes being called to the scene of the traffic stop by an MPC who was on abnormal load escort duties on 27 September 2015. The MPC had attempted to stop a black Audi TT at the junction of Larkham Lane with Plymouth Road. Initially the black Audi had continued towards the MPC and not stopped as other drivers had. The MPC had spoken to the driver and noticed his eyes appeared glazed and dilated and worse were slurred. He suspected the driver was driving under the influence of alcohol. This was considered to be relevant under this licensing objective
7. The arresting officer arrived at the scene at approximately 0415 on Sunday 27 September 2015. The driver was stood beside his vehicle and identified himself as James Wright. The arresting officer noticed the smell of alcohol on his breath. The Applicant was taken to the evidential intox machine and provided 2 specimens of breath with the lowest being 69ugs/100ml over the limit of 35. On being informed of the reading the Applicant tensed his arms and spoke aggressively saying "you are not putting me in a cell". This was considered to be relevant under this licensing objective
8. This behaviour continued in front of the Custody Sergeant. The Applicant continued repeating aggressively that he would not go into a cell. After some discussion he was led into a cell upon which he took his shirt off and picked up the mattress and placed it against the wall and then started to punch it repeatedly. This was considered to be relevant under this licensing objective

In response to questions by members it was reported that:-

9. The police reported serious concerns as to the Applicant's suitability. They have evidence of disgraceful behaviour to authority and believe that this will affect the Applicant's ability to engage with authority. His specimens of breath read 71ugs/100ml and 69. He was twice over the drink drive limit at 4 am in the morning. They do not believe his behaviours with regard to drinking and towards those in authority once arrested are suitable or demonstrate the levels of responsibility and maturity required by a Designated Premises Supervisor of a busy premises. They considered such specimen of breath reading would render the Applicant incapable of running the premises appropriately and that his affinity to alcohol needs to be looked at further before being in a position to retail alcohol. This was considered to be relevant under this licensing objective
10. The Applicant's attitude and response on arrest gives rise to concerns that he does not engage properly or react appropriately and that there is risk that he would respond to responsible authorities in an aggressive manner. These are indications that he is prone to violence when he does not get his own way. This was considered to be relevant under this licensing objective
11. In response to a question from the members, the police indicated that whilst the Applicant had not committed any further offences since he lodged his application, the police had received intelligence which they were investigating. This was new

information to which the Applicant had not had the opportunity to respond, the members agreed it would not form part of their decision today

12. The police confirmed that they do not enter lightly into these applications. They are well aware that they affect people's employment. The police had tried to engage with him but found the Applicant has a different view from them as to his responsibilities as a Designated Premises Supervisor. To date he has not engaged as fully and professionally as required. As a Designated premises Supervisor he has an important role and high levels of responsibility. He has not engaged with a responsible authority, nor displayed an ability to do this; he seems to think its part of game. The Applicant's Father is the owner and DPS of Three Crowns, Plymouth and has a business interest in the Plymstock inn. The police representative's personal opinion was that he did not think he would be out of a job and that the Plymstock Inn will remain a viable concern. This was not considered to be relevant under this licensing objective.
13. The police were of the view that the Applicant's lack of attendance and engagement with the Licensing process was another example of his lack of respect, his immaturity, and lack of responsibility. This was considered to be relevant under this licensing objective.

The Members have considered the application and the objections made by the Police.

The Members have also considered the Home Office guidance and Plymouth City Council's licensing policy

They found that the objections from the police were relevant under the prevention of crime and disorder objective.

The Committee was concerned that to grant the application and the continuation of the interim DPS licence would undermine the licensing objective of the prevention of Crime and Disorder for the following reasons:-

- It is the responsibility of a Designated Premises Supervisor to run licensed premises in a responsible manner and work within prevention of crime and disorder objective. What the committee has heard today is that in the short time had since the Applicant has had his interim DPS license he has acquired a relevant conviction pursuant to Sched. 4 Licensing Act 2003, namely a drink drive conviction; such aggression to police at station that an experienced Custody Sergeant felt the need to put him in cell where he proceeded to act violently by punching a mattress against the wall and arising from this are serious concerns as to his ability to work with authority and to react appropriately if there were to be an aggressive incident in the pub.
- This hearing was rescheduled for his convenience. He has shown a total lack of respect for committee, and the responsible authorities generally. His actions have not demonstrated that he understands the level of responsibility a Designated Premises Supervisor needs to operate at.
- His actions have completely contravened the prevention of crime and disorder objective

The Committee is of the view that the action detailed below is considered appropriate and proportionate to promote the licensing objective of crime and disorder in light of the relevant representations and all that was put forward by the applicant

- I. Taking account of these representations the application is refused as to grant the licence would undermine the following licensing objectives: crime and prevention

20. **EXEMPT BUSINESS**

There were no items of exempt business.

PLYMOUTH CITY COUNCIL

Subject:	Street Trading Report 2016 / 2017
Committee:	Licensing Committee
Date:	19 January 2016
Cabinet Member:	The Leader
CMT Member:	Anthony Payne (Director for Place)
Author:	Emily Bullimore, Street Operations and Street Trading Manager
Contact details	Tel: 01752 304604 e-mail: Emily.bullimore@plymouth.gov.uk
Ref:	City Centre Street Trading 2016
Key Decision:	No
Part:	I

Purpose of the report:

This report seeks to set the process for the issuing of consents for the 2016 / 2017 trading year.

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

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

- I. Create a vibrant City Centre and support schemes that give renewed life to the city.
-

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

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2016 / 2017 financial year.

Consent fees for both City Centre and Ice Cream sites were increased by 1.5% for the period 2015 / 2016.

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

The issuing of the Street Trading Consents under the Council's street trading policy ensures that all Consent holders are properly licensed and operate in a hygienic and safe manner within the street trading policy guidelines. It also finances the management of Street Trading enforcement.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that:

- I. A formal review of the existing street trading policy is currently underway.
- II. The Consent dates for 2016 / 2017 are approved of 1 April 2016 – 31 March 2017
- III. The Consent fees set out in Appendix 1, for 2016 / 2017 are approved.
- IV. The Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading 2016 / 2017
- V. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the chair and vice chair of the licensing committee.
- VI. The Assistant Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity.
- VII. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
- VIII. The Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading 2016 / 2017
- IX. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the chair and vice chair of the licensing committee.
- X. For Hoe and Madeira Road trading sites the licensing committee delegate approval to the licensing sub-committee for all applications.
- XI. The application forms for city centre sites, ice cream sites and Hoe and Madeira Road sites have been updated to reflect the changes within the areas. This includes updating the forms to remove any wording regarding stalls on hire from the Council as we do not have any, and also to make reference to dedicated parking bays for ice cream consent holders.

Reason for recommendations:

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

These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2016 / 2017 trading year and maintaining the income stream.

Alternative options considered and rejected:

The authority to renew annual Consents and set Consent fees by referral to the Licensing Committee for approval. This would take up Committee time on routine renewals and due to Committee timetables would slow down renewal process which could result in a loss of income

Published work / information:

None

Background papers:

None

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

Sign off:

Fin	ABPl ce FEDD 15160 10.17. 12.15	Leg	24256/ag/l 7.12.15	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes / No* please delete as necessary													

1.0 Introduction

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

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

1.3 The council has identified 30 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

14 sites, in the pedestrianized City Centre

7 Sites in the Hoe and Waterfront area for the sale of ice cream from mobile vans.

1 site in the City Centre from a mobile unit for the sale of ice cream.

8 sites in Hoe and Madeira Road for sale of food and non-food items.

1.4 The purpose of the report is:

a) To set the consent dates and fees for 2016 / 2017

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

2.0 Formal Review of Existing Street Trading Policy

2.1 The street trading policy is currently under review and subject to cabinet member approval will be released for consultation during 2016.

3.0 Duration of Consents for 2016 / 2017

3.1 It is proposed that all City Centre Consents commence on 1 April 2016 and end on 31 March 2017.

3.2 It is proposed that all hoe ice cream sites (vans) commence on 1 April 2016 and end on 31 March 2017.

3.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2016 – 31 March 2017

4.0 Consent fees for 2016 / 2017 background

4.1 The Local Government (miscellaneous Provisions) Act 1982 (Sch 4 para 9) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade.

4.2 The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the consent fees. The council cannot, however, budget to make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

Consent fees were adjusted for 2015 / 2016 by 1.5% and for the year 2016 / 2017 it is proposed that the Consent fees are increased for the City Centre Street Trader pitches and ice cream consent sites by 1.5% to cover the increased costs of repairs and maintenance and parking costs for the dedicated parking bays for consent holders.

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

5.0 Allocation Procedure

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

5.2 In the City Centre, any consents not renewed to existing traders are advertised.

5.3 Existing Ice Cream Consent holders are granted a degree of preference in the re-allocation of their consents. Any contested consents or new applications would be considered in consultation with the chair and vice chair of the licensing committee.

5.4 In 2013 the Committee approved the creation of trading sites on Hoe Road and Madeira Road and delegated approval of new applications to the Licensing Sub Committee. As none have in fact been let it proposed that new applications would continue to be considered by the Licensing Sub Committee.

6.0 Street Trading during City Centre Events

The City Centre Company organises a number of events and entertainment each year in the City Centre, City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Assistant Director for Economic Development may approve short-term licenses for street trading associated with events or promotional activity.

7.0 Ad hoc Street Trading

7.1 From time to time applications are received from entrepreneurs with propositions who wish to trade in the City Centre for a period less than 12 months. They are self-sufficient and do not require a street trading stall. An example of these may be an artist wishing to draw and sell their personal caricatures and another person seeking to sell his poetry on scrolls. Neither of these activities has the potential to clash with permanent shops or traders but would add to the vibrancy of the City Centre and help maintain the income stream. This type of trading does not require a fixed site and could be located comfortable and safely within the City Centre.

8.0 Update of application forms

8.1 To update all application forms to reflect parking arrangements and fees.

8.2 To remove reference to hiring of a stall as the council do not provide this service anymore. The application forms are in Appendix 2

SITE	LOCATION	CONSENT FEE 2015 / 2016	PROPOSED FEE 2016 / 2017
CITY CENTRE SITES			
2A	New George Street (nr. Former Woolworths building)	6145	6237
2B	New George Street (WHSmiths)	6145	6237
2D	New George Street (nr. Sundial)	6145	6237
9	New George Street (Waterstones)	6145	6237
3A	Bedford Way (Royal Parade end)	3700	3755
3B	Bedford Way (New George Street)	6145	6237
4A	Old Town Street	3700	3755
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	2840	2882
8	New George Street Winter (Sundial area) seasonal	2386	2422
8	New George Street Summer (Sundial area) seasonal	1249	1268
10	Sundial East	7327	7437
11	Sundial West	7327	7437
12	Cornwall St o/side Superdrug	4121	4183
13	Place De Brest East	4121	4183
14	Place de Brest, o/s Specsavers	4121	4183
ICE CREAM SITES			
B	Madeira Road	4302	4367
C	Madeira Road	4302	4367
E	Hoe Road	10614	10773
F	Hoe Road	10614	10773
G	Hoe Road / Grand Parade	5348	5428
H	Pier Street	1279	1298
I	Cliff Road	1040	1056
HOE AND MADEIRA ROAD SITES			
1	Hoe Road colonnade west	5400	3000
2	Hoe Road mid-west colonnade	5400	3000
3	Hoe Road mid – east colonnade	5400	3000
4	Hoe Road colonnade east	5400	3000
5	Hoe Road lido west	5400	3000
6	Madeira Road triangle west	5400	3000
7	Madeira Road triangle east	5400	3000
8	Madeira Road adjacent to cannons	5400	3000

**ALLOCATION OF
STREET TRADING APPLICATIONS
PLYMOUTH CITY CENTRE**



**Until
31st March 2017**

**Emily Bullimore
Street Trading Officer
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ**

ALLOCATION OF CITY CENTRE STREET TRADING CONSENTS

The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street trading in Plymouth City Centre. Under the scheme certain streets have been designated 'Prohibited Streets' where street trading (with the exceptions of news vending) is totally prohibited and other 'Consent Streets' where street trading is permitted only with the Consent of the Council. It is a criminal offence carrying a maximum fine of £1,000.00 for any person to trade from within the City Centre without the specific permission of the Council.

SITES:

Within the Consent Streets TWELVE fixed locations and TWO mobile locations have been identified where street trading takes place..

PERMITTED TRADES:

Apart from Sites 7 & 8 and Armada Way/Sundial all the sites will be allocated only for the sales of FLOWERS, FRUIT, CONFECTIONERY or other approved NON-FOOD sales and services appropriate to the City Centre and the specific locations. Applications will not be considered for any other foods, refreshments or beverages.

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders.

The SITE at Armada Way/Sundial will be allocated specifically for the sale of ICE CREAM, FROZEN CONFECTIONERY AND COLD SOFT DRINKS. Sales of ancillary commodities from this site such as sugar confectionery will not be permitted.

SITE 7 in Old Town Street will be allocated for the sale of balloons from the hand.

SITE 8 which includes all that part of New George Street shaded on the attached plan 7/02, is a site that has been specifically allocated for the trade of a Street Photographer. There are currently two separate periods available. January, February, March, October, November and December being one and April, May, June, July, August and September being the second.

ALLOCATION OF CONSENTS

The Consents to trade from the sites will be allocated at the sole discretion of the Council. Existing traders will be given a degree of priority when allocating the sites so new applicants may not get their first or subsequent choices. In that event you will be contacted and offered an alternative site.

The consent fee is payable by equal monthly instalments, the first payment being payable at the beginning of the Consent period before the Consent is issued. The fee is inclusive of business rates.

The allocation of Consent will be directed at obtaining a wide range of acceptable trades and a high quality style of trading. Applicants are required to provide full details including where possible photographs, of their trading style.

Applications are being invited for the period until 31st March 2017 and successful applicants will be expected to trade throughout the whole of this period.

Any persons aged seventeen years or over may apply for a Consent but in the event of competition for sites between local and non-local traders a minimum of 50% of the Consents will be allocated to local traders.

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders. Similar trades will not be allocated to different consent sites in the same street.

PROCEDURE FOR APPLICATION

Each trading location must be applied for individually. Applicants may however submit individual applications for all the locations or as many of them as they are willing to trade from using the same application form. If the number of acceptable applications is greater than the number of Consent locations only one Consent location will be allowed per applicant. Applicants must indicate their order of preference by numbering the sites from 1 (most preferred) to 4 (least preferred).

Applications must be made in writing using the application forms provided and accompanied by two passport size photographs of the applicant and known employees, copies (where relevant) of any food handling certificates and photographs of the applicant's proposed trading style. Forms can be delivered by hand to the First Stop shop on New George Street posted to:

Emily Bullimore
Street Trading Manager
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ
Tel; 01752 304604

The Council reserves the right to refuse any application without disclosing its reasons.

If you require any further assistance please do not hesitate to contact me on the telephone numbers given above.

TERMS AND CONDITIONS OF CONSENTS

The full terms and conditions that will apply to the grant of a Consent under the Local Government (Miscellaneous Provisions) Act 1982 are set out below. These terms and conditions must be strictly complied with as any breach could result in a trader's Consent being immediately withdrawn. Applicants are strongly advised to carefully read the terms and conditions before making an application. The following paragraphs highlight some points of particular note not covered elsewhere in these details.

TRADING

Traders will be only permitted to trade from the specific site allocated and in the merchandise or services for which Consent has been granted. No other commodities whether or not ancillary to the permitted trade may be sold. Advertisements describing the commodities sold must not mislead the consumer. It is illegal to falsely describe food and drink.

A trader may trade at his discretion within the permitted hours of 8.30 am to 9.00pm throughout the week. Good business ethics, good quality merchandise/services and value for money are expected and required from traders.

Traders must run their business and attend the stall in person unless the Council has given written permission for the appointment of an employee to run the business on the trader's behalf. Permission to appoint employees will not be granted without good reason. The requirement is not intended to prohibit traders from being assisted by employees provided traders are in a regular and substantial attendance at the stall in person.

Traders will not be able to share the benefit of a Consent or transfer it outright to another trader.

Traders and approved employees will be supplied with identification Consent permits, which must be displayed inside the stall at all times when trading. The consent fee includes the cost of providing a total of four identification permits during the consent period. With reasonable notice Plymouth City Council endeavour to issue additional permits for which there will be an additional charge of £15 for each permit requested. The Council will endeavour to issue any additional permits required on receipt of payment, two passport size photographs and, if appropriate, evidence of attendance at an approved food handling course.

UNITS

Any sales unit used by the trader must be of a design and standard acceptable to the Council and approved in writing. Details must be provided with the application.

ACCESS TO THE SITE

All the sites are in pedestrianised areas. Access to sites must be before 8:30a.m and after 6:00p.m. Traders must apply for and be granted a permit from Plymouth City Council's parking department. If it is necessary to re-stock or remove refuse between these times, access will only be available by foot with, if necessary, pedestrian controlled trolleys, which should be removed as soon as the task is completed. **Vehicles must not remain on site throughout the day, any breach could result in a Consent being withdrawn.**

STYLE OF TRADING

The style of units can be seen in the City Centre at various sites. Trading will be permitted only from within an agreed trailer or unit. All goods, packaging and other articles must be

stored and the service of customers must take place within the unit enclosure excluding the roof canopy overhang.

ELECTRICITY

A 13 amp electricity supply is available from a socket located adjacent to each site. Traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using cables until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

Proof of all portable electrical appliance equipment testing (PAT test) must be supplied by operators before any equipment is plugged in.

FOOD HANDLING TRADING

All named food/ice cream handlers to have undergone food safety training within the last 3 years (copy certificate required)

Consent holders will be required to produce:

- Evidence of an up-to date Food Safety Management System (e.g SFBB) In short this is written procedures for cleaning and disinfection, stock rotation, personal hygiene, water supply, temperature control. Your local Public Protection department will be able to advise you.
- Valid Food Business Registration with Local Authority
- Copy of most recent food hygiene inspection report.

If the Council proposes to grant a Consent to an applicant who does not hold an acceptable certificate in food hygiene training the commencement of the Consent will be deferred for a reasonable period pending the applicant obtaining the appropriate training.

CONSENT FEE

The consent fee for each site is set out in the application form. The fee is payable in equal quarterly or monthly instalments. The fee is inclusive of the business rates payable on the site.

Where a Consent commences part way through the year the instalment dates will be confirmed by the Council.

LITTER

Great importance will be placed on the control of litter by traders in and around the units. Traders are required to keep the sites and the surrounding street clean and tidy. Traders selling food and drink should provide a conveniently placed litter bin for use by customers. Trader's refuse must be disposed of by a person with a waste carriers license in an approved manner and not put in or left by a public litterbin.

Waste water from the trader's premises must not be permitted to drain onto public highway. Suitable arrangements must be made for the collection and disposal of waste water produced by the trading activities.

STATUTORY REQUIREMENTS

Traders must comply fully with laws, byelaws and regulations, including for ice cream, fruit and confectionery, food safety legislation. The food business must be registered with the Council's Public Protection Service.

The trader is responsible for ensuring the health and safety of himself, his employees and any other person who may be affected by his business undertaking.

Authorised officers from the Council's Public Protection Service must be permitted access to the trading premises at all reasonable times. It is an offence to obstruct an authorised officer in the execution of their duties.

Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three years.

NUISANCE

Traders must not conduct their business in such a manner as to cause a nuisance to other persons or in such a manner that would obstruct the highway. The use of radios or amplifying equipment will not be permitted.

ADVERTISEMENTS

In order to maintain the high visual standards required by the Council there will be strict control of advertisements displayed on the unit.

UNAUTHORISED STREET TRADING

The Council will use its best endeavours to control unauthorised trading but cannot guarantee that unauthorised trading will not take place. By submitting an application for a street trading consent applicants acknowledge that the Council will have no liability for any losses suffered in consequence of unauthorised trading.

PUBLIC LIABILITY INSURANCE

Traders must hold a valid public liability insurance of at least £5,000,000 and will be required to indemnify the Council against claims and proceedings arising out of the grant of the Consent.

WITHDRAWAL OF A CONSENT

Any breach of the statutory provisions relating to street trading or the terms and conditions of the Consent will enable the Council to revoke the Consent without compensation. The Licensing Committee of the Council will be the final arbiter of what constitutes a breach and whether the Consent will be withdrawn.

Traders may themselves at any time surrender a Consent which is no longer required. Where a Consent is surrendered or revoked, the Council shall remit or refund, as they consider appropriate, the whole or part of any fee paid for the grant or renewal of the Consent.

Any upheld report of illegal trading carried out by any consent holder in any location in Plymouth could result in consents being withdrawn with immediate effect

PLYMOUTH CITY COUNCIL
CITY CENTRE STREET TRADING CONSENTS
APPLICATION FORM

To Emily Bullimore, Street Trading Officer, Floor 2, Ballard House, West Hoe Road,
Plymouth, PL1 3BJ

I have read and understood the Terms and Conditions of the Council's Street Trading Consent and being over 17 Years of age make the following application under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for Consent to trade in Plymouth City Centre.

Full Name of Applicant: (Block Letters) _____

Home Address: _____

Business Address:(If different from above) _____

Telephone Numbers:
Home _____ **Business** _____

Full Details of your proposed merchandise or service. State any seasonal variations:

If your proposed trade involves the sale of food have you and your employees attended an approved food handling course within the last 3 years?
(If **Yes** enclose copies of course certificates)

- **Yes:**
- **No:**

Are you currently in breach of any food hygiene regulations at other premises or have you been convicted of such offences within the last 3 years?

(If **Yes** provide full on a separate sheet of paper)

- **Yes:**
- **No:**

PLYMOUTH CITY COUNCIL
CITY CENTRE STREET TRADING CONSENTS
CITY CENTRE SITES

SITE	CONSENT FEE £ Subject to committee approval	ORDER OF PREFERENCE 1,2,3 Etc. (1= most preferred)
2A New George Street (o/s T K Hughes)	6237	
2B New George Street (o/s W H Smiths)	6237	
2D New George Street	6237	
9 New George Street o/s Waterstones	6237	
3A Bedford Way	3755	
3B Bedford Way	6237	
4A Old Town Street	3755	
7 New George Street	2882	
8 New George Street (Winter)	2422	
8 New George Street (Summer)	1268	
10 Sundial East	7437	
11 Sundial West	7437	
12 Cornwall St o/s Superdrug	4183	
13 Place de Brest East	4183	
14 Cornwall St o/s Specsavers	4183	

The current fee includes business rates.

Additional Information: If you wish to provide any additional information in support of your application please continue on a separate sheet of paper.

Photographs: Two passport size photographs each of yourself any known employees must be attached to this application form.

Site Sundial East - Ice Cream Vendor: Please also complete and return a price list.

Signed: _____ **Dated:** _____

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**ALLOCATION OF STREET TRADING
CONSENTS
PLYMOUTH HOE SEAFRONT AREAS**



**FOR THE SALE OF ICE CREAM, FROZEN CONFECTIONERY AND
COLD SOFT DRINKS**

Until

31st March 2017

Emily Bullimore

Street Trading

Floor 2, Ballard House

West Hoe Road

Plymouth

PL1 3BJ

**ALLOCATION OF
CITY CENTRE STREET TRADING CONSENTS
APPLICATIONS FOR CONSENTS**

The Consents to trade will be allocated at the sole discretion of the Council

Any person aged seventeen years or over may apply for a Consent. Each trading location must be applied for individually. Applicants may however submit individual applications for all the locations or as many of them as they are willing to trade from using the same application form. If the number of acceptable applications is greater than the number of consent locations only one consent location will be allocated per applicant. Applicants can indicate their order of preference by numbering the sites from 1 (most preferred) to 8 (least preferred).

Your application should be accompanied by the following items:

- (a) 2 recent colour photographs of your proposed sale unit, one clearly showing the registration number of the vehicle and the other the nearside of the vehicle.
- (b) 2 passport size photographs of the applicant(s) and any named assistants.
- (c) A copy of yours and named assistants' Food Hygiene Certificates.

Applicants must provide details of their prices for the standard items shown on the list attached to the application form together with details of popular items that you will normally sell, including the price.

SUBMISSION OF APPLICATIONS

Applications must be made in writing on the form provided and **enclosed together with photographs/certificates** and posted direct to Emily Bullimore, Street Trading Manager, Plymouth City Council, Floor 2, Ballard House, West Hoe Road, Plymouth, PL1 3BJ.

The Council reserves the right to refuse any application without disclosing its reasons.

IF YOU HAVE ANY ENQUIRIES PLEASE CONTACT:

Emily Bullimore

Street Trading

Tel: 01752 304604

e-mail: Emily.bullimore@plymouth.gov.uk

PLYMOUTH CITY COUNCIL
ALLOCATION OF STREET TRADING CONSENTS
HOE SEAFRONT AREAS

For the sale of ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS

The Council is inviting applications for the allocation of Street Trading Consents for the sale of ice cream, frozen confectionery and cold soft drinks from valuable trading locations in the Hoe Seafront areas of the City for the period 1st April 2016 to 31st March 2017.

TRADING LOCATION

7 Street Trading Consents are available in the Hoe Seafront area details of which will be found on the accompanying schedule and location plans. Each location will be allocated to a specific trader under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. It is a criminal offence carrying a maximum fine of £1,000.00 for any person to trade from these areas or elsewhere within a consented street without the specific permission of the Council. All of the consent locations are for one sales unit.

PERMITTED TRADES

All of the trading locations will be allocated solely for the sale of ice cream, frozen confectionery and cold soft drinks. The sale of any other commodities including such ancillary items as sugar confectionery and hot drinks will not be permitted.

METHODS OF TRADING

Consent holders will be required to provide and operate from their own purpose built or specially adapted, completely self-contained sales unit (e.g. a motorised van, towed road trailer or hand trolley) of a design and appearance acceptable to the Council. Applicants are required to submit full details of their trading unit with the application form and including 2 colour photographs. Prior to the confirmation of the grant of a trading consent the sales unit must have been inspected by an officer authorised by the Council's Public Protection Service and must meet at least the minimum standards of the relevant food and health and safety legislation.

Motorised vehicles or towed trailers may NOT be driven or parked on the pavement or any other pedestrian area. Trading will take place from a sales unit parked on the vehicle carriageway. All goods, packaging, refuse and other articles must remain in the sales unit during trading.

FOOD HYGIENE TRAINING

All Consent holders and any permitted employees must have received formal food hygiene training to a minimum of level 2 Award in Food Hygiene in catering within 5 years of the expiry date of the Consent or an equivalent certificate in food hygiene refresher training within 3 years of the expiry of the consent. In either case, awards must be issued by a recognised training provider.

Consent holders will be required to produce:

- Evidence of an up to date Food Safety Management System (SFBB). In short this is written procedures for cleaning and disinfection, stock rotation, personal hygiene, water supply, temperature control. Your local Public Protection Department will be able to advise you.

- Valid Food Business Registration with Local Authority.
- Copy of most recent food hygiene inspection report.

If the council proposes to grant a Consent to applicants who do not hold an acceptable certificate in food hygiene training the commencement of the Consent will be deferred for a reasonable period pending the applicant obtaining training.

RESTRICTION OF ACCESS TO TRADING LOCATIONS

Applicants should be aware that it is possible that the trading location **MAY** be affected by temporary road closures or suspension of parking facilities in connection with events such as Lord Mayors Day, Firework Festival, Plymouth Bike Week or works or improvements to the roadway or footway. In these circumstances trading will not be possible and no refund of any Consent fee will be made.

TERMS AND CONDITIONS OF CONSENT

The full terms and conditions that will apply to the grant of a Consent under the Local Government (Miscellaneous Provisions) Act 1982 are set out in_ below. These terms and conditions must be strictly complied with and any breach could result in a trader's consent being withdrawn. Applicants are strongly advised to carefully read the full terms and conditions of the proposed Consent before applying. The following paragraphs highlight some points of particular note not covered elsewhere in these details.

CONSENT: One consent will be issued for each trading location for the period 1st April 2016 to 31st March 2017.

FEES: The fee for the Consent will be payable in quarterly or monthly instalments by standing order. The fees are inclusive of any business rates that may become payable. Applications may only be for the full annual period – applications for pro rata periods will not be considered. Details of the consent fees will be found on the application form.

TRADING: Traders (called the Consent Holder in the specimen Consent) will only be authorised to trade from the specific street or part of a street (Consent Location) allocated to them. In most instances the Consent applies to only one side of a street and may not be continuous. Traders must NOT stray outside their allocated Consent area.

Trading can only take place if there is room to park the sales unit at that particular time somewhere within the Consent location. **If the Consent location is full there is no right to trade anywhere else.** The ability to trade is also subject to any road closure, temporary or otherwise, that may prevent access to the Consent location or the suspension of any of the parking bays or other parking restrictions.

Trading must always take place in a safe manner. The service of customers must be onto a pavement.

The sales unit must NOT be parked within 15 metres of a road junction on the same side of the street as the sales position

A trader may only sell the goods for which the Consent has been granted i.e. ice cream, frozen confectionery and cold soft drinks. No other commodities whether or not ancillary to the permitted trade may be sold. Advertisements describing the commodities sold must not mislead the consumer. It is illegal to falsely describe food and drink.

Only the sales unit(s) applied for in the application and subsequently inspected and approved by the Council may be used by traders at their Consent location without further written permission from the Council.

Traders must not use more than ONE sales unit at the Consent location at any time.

Traders may trade at their discretion within the permitted hours of 8 am. to 9pm. (or dusk whichever is earlier) Sundays included.

The sales unit must not be brought onto the Consent location before 7.45 a.m. and must be removed immediately following the close of business on the same day. The sales unit cannot be left at the Consent location overnight.

The sales unit must not be left unattended at any time. **A fully insured driver must remain with any motorised vehicle.** Consent holders must attend the sales unit in person unless the Council has given written permission for the appointment of an employee to operate the sales unit on their behalf. Requests for employees to run sales units on behalf of the Consent holders will be considered on merit. This requirement is not intended to completely prohibit traders from being assisted by employees provided the Consent holder is in regular attendance at the sales unit in person for most of the time. A Consent holder will not be able to share the benefits of a Consent or transfer it outright to another trader.

Good business ethics, good quality merchandise and value for money are expected and required from the Consent holders.

The use of free standing external generators is not permitted.

PERMITS:

Traders and any approved employees will be supplied with identification Consent Permits which must be displayed at the sales unit at all times when trading. A maximum of four permits will be supplied free of charge with further permits costing £15. Apart from the initial permits issued with the Street Trading Consent, requests for permits must be made in writing and will be available for collection within three clear working days (Mon to Fri).

PARKING

Traders must use the dedicated parking bay within their consent location within the allocated consent location. They may use any of the “Pay and Display” car parking bays within the allocated consent location for parking the sales unit without payment of the parking fees or being subject to the time restriction. This does not extend to any additional vehicles that may be used in conjunction with the sales unit and also does not apply at all spaces reserved for the use of disabled motorised.

Apart from the above, traders will be bound by parking regulations that apply to their type of vehicle in the same way as any other motorist. You will NOT be able to trade from any part of a street where or when parking is prohibited or is restricted to specified types of vehicles and elsewhere (apart from the use of the “Pay and Display” parking bays) you will be subject to any parking time limits.

LITTER:

Great importance will be placed on the control of the litter by traders in and around the trading locations. Traders are required to keep the trading position and the immediate surroundings street clean and tidy. An adequate and conveniently placed litter bin must be provided by the trader on each sales unit for the use of customers (plastic sacks will not be permitted). All trade and other refuse must be removed from the consent location and disposed of by the trader in an approved manner.

The trade and other refuse must be collected by an authorised waste disposal contractor or removed to an authorised waste disposal site; in either case a Waste Transfer Note must be obtained and kept by the trader for inspection.

Waste water from the trader’s premises must not be permitted to drain onto the public highway. Suitable arrangements must be made for the collection and disposal of waste produced by the trading activities.

STATUTORY REQUIREMENTS:

In addition to the road traffic regulations and parking restrictions and prohibitions, traders must comply fully with all other laws, bye-laws and regulations, including food safety legislation. The food business must be registered with the Council’s Public Protection Service. The trader is responsible for ensuring the health and safety of himself, his employees and any other person who may be affected by his business undertaking.

Authorised officers from the Council’s Public Protection Service must be permitted access to the trading premises at all reasonable times. It is an offence to obstruct an authorised officer in the execution of their duties. Applications will not be considered from any trader who is in breach of any food hygiene regulations at any premises or who has been convicted of such an offence within the last three years.

NUISANCE:

Traders must not conduct their business in such a way, or otherwise be a nuisance to other persons or obstruct the street. The use of radios or amplifying equipment will not be permitted.

ADVERTISEMENT: No free standing advertisements or placards will be permitted on the pavement or carriageway outside of the sales unit.

UNAUTHORISED STREET TRADING: The Council will use its best endeavours to control unauthorised street trading but cannot guarantee that such trading will not take place. By making an application for a street trading consent applicants acknowledge that the Council will have no liability for any losses. The Council will use its best endeavours to control unauthorised street trading suffered as a consequence of unauthorised trading.

PUBLIC LIABILITY INSURANCE: Every trader must hold valid public liability insurance in the sum of at least £5,000,000 (5 million) and will be required to indemnify the Council against claims and proceedings arising out of the grant of the Consent.

WITHDRAWAL OF A CONSENT: Any breach of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading or the terms and conditions of the Consent will enable the Council, to withdraw the Consent without liability for the payment of compensation. The Council's Licensing Panel will be the final arbiter of what constitutes a breach and whether the Consent will be withdrawn.

Refusal or delay in the payment of the second or third instalment of the Consent Fee will result in the immediate withdrawal of a Consent.

Consent holders may themselves at any time surrender a Consent which is no longer required.

Upon surrender or revocation of the Consent the Council will remit or refund as it considers appropriate the whole or a part of the Consent fee.

Any upheld report of illegal trading carried out by any consent holder in any location in Plymouth could result in consents being withdrawn with immediate effect.

SPECIMEN

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 3 SCHEDULE 4

STREET TRADING CONSENT

For the sale of

ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS

Consent is hereby given to (the Consent Holder)

To sell retail ice cream, frozen confectionery and cold soft drinks from the Consent location described in the schedule below and identified on the plan attached hereto in the Consent Street of (SITE) in the City of Plymouth between 8.00 am and 9.00 pm, or dusk if earlier.

Dated this

Authorised Officer
Authorised by Council

SCHEDULE

Details of Consent

Locations: _____

Approved Sales

unit(s): _____

Consent Fee: _____

INSTALMENT	AMOUNT £	DATE PAYABLE
1 st Instalment		
Instalments 2 –11		

Signed: _____

Dated: _____

ICE CREAM STREET TRADING CONSENT

THE HOE AREA, PLYMOUTH

APPLICATION FORM

I have read and understood the Terms and Conditions of the Council's Street Trading Consents and being over 17 years of age make the following application(s) under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for the Consent to trade in the above areas.

Full Name of Applicant: (Block Letters) _____

Home Address: _____

Business Address:(If different from above) _____

TELEPHONE NUMBERS:

HOME _____ **BUSINESS** _____

Full details of your proposed merchandise including range, type, quality and the name and address of your proposed ice cream manufacturer/supplier.

Details of proposed sales unit: (one back up vehicle may be included)

(E.g. mobile van, towed trailer, hand trolley etc. Please also provide a recent colour photograph and full description including dimensions, colours etc)

Do you personally own the proposed sales unit?

• **Yes:**

• **No:**

If No is it being made available to you directly or indirectly by an ice cream manufacturer, supplier or operator

• **Yes:**

• **No:**

If YES please give the name and address of the Ice Cream manufacturer/supplier/operator:

• **Yes:**

• **No:**

Previous trading experience if any:

(Please include details of any street trading consents you hold or have held within the last 3 years with the name and address of a contact within the local authority(ies) concerned):

Are you or any proposed assistants currently in breach of any food hygiene regulations at other premises or have been convicted of such an offence within the last three years?

• **Yes:**

• **No:**

If YES please provide full details on separate sheet of paper.

Food Handling experience: Have you and any named assistants attended and completed an approved basic food handling course within the last 5 years? (Please attach a copy of certificates).

• **Yes:**

• **No:**

If **No** please say why you will not be trading in person, the extent of any personal attendance, the basis on which the persons who will be trading will be employed (eg salaried only, part salary/part commission or commission only) and if known the names and address of the persons who will run the business on your behalf. **Before permits are issued the employee's driver's licence will have to be produced.** Please provide all this on a separate sheet.

Names and addresses of 2 trade or characters referees: (not required if re-applying from 2015/2016)

PLYMOUTH CITY COUNCIL

STREET TRADING CONSENTS

ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS

PLYMOUTH HOE SEAFRONT AREAS

CONSENT SITES: (See the “Schedule of Consent Location” enclosed)

SITE	Consent Fee 2016 / 2017 £	Order of preference
B - Madeira Road	4367	
C - Madeira Road	4367	
E - Hoe Road	10773	
F - Hoe Road	10773	
G - Hoe Road/Grand parade	5428	
H - Pier Street	1298	
I - Cliff Road	1056	

Please indicate the sites in which you are interested and your order of preference by placing a number from 1 (most preferred) to 8 (least preferred) site. Applications may only be made for both periods.

Additional Information: If you wish to provide any additional information in support of your application please do so on a separate piece of paper.

Photographs: two passport size photographs each of yourself and any named assistants must be attached to this application form together with 2 recent photographs of your sales unit(s).

Signed: _____

Dated: _____

STREET TRADING, THE HOE & SEAFRONT AREA

Schedules of Consent Location

REFERENCE LETTER	STREET	NO OF SALES UNIT	LOCATION
B	MADEIRA ROAD South Side East of The Royal Corinthian Yacht Club	1	Dedicated Ice Cream Parking Bay.
C	MADEIRA ROAD South Side Hoe Road end	1	Dedicated Ice Cream Parking Bay
E	HOE ROAD South Side West of Plymouth Dome	1	Dedicated Ice Cream Parking Bay.
F	HOE ROAD South Side East of Bull Ring	1	Dedicated Ice Cream Parking Bay
G	HOE ROAD/GRAND PARADE South Side West of the Bull Ring and adjacent to the Waterfront	1	Dedicated Ice Cream Parking Bay
H	PIER STREET	1	Dedicated Ice Cream Parking Bay
I	CLIFF ROAD	1	All pay and display parking bays not solely reserved for permit holders.

**ALLOCATION OF
STREET TRADING APPLICATIONS
HOE ROAD AND MADEIRA ROAD**



**Until
31st March 2017**

**Emily Bullimore
Street Trading Officer
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ**

INTRODUCTION

Eight sites are available for the sale of non-food and food (except for foods such as burgers, chips, hotdogs and similar fried foods). The sites are at various locations on Hoe Road and Madeira Road. The descriptions and locations of these consent sites can be found within this application pack.

The consents to trade will be allocated at the sole discretion of the Council.

Applications for the Consent sites are open to any person that is aged seventeen years or older.

Each trading location must be applied for individually.

Applicants may indicate the order of preference for each site that they wish to occupy. Applicants should indicate their order of preference by numbering the sites from 1 (most preferred) to 8 (least preferred) to which details are contained in the Consent Sites table.

Applicants may not be offered their preferred choice as indicated on their application.

Where multiple applications for a site are received, the Licensing Committee will decide the suitable application given the information supplied in the application form and consideration of any relevant consultation responses received.

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders. Similar trades will not be allocated to different consent sites in the same street.

ALLOCATION OF STREET TRADING CONSENTS

The Council is inviting applications for the allocation of Street Trading Consents for designated locations on Hoe Road and Madeira Road located on the Hoe Seafront area of the city for the initial period of 1 April 2016 to 31 March 2017.

SITES:

Eight Street Trading Consents are available at various locations on Hoe Road and Madeira Road. The descriptions and locations of these Consent Sites are located in the accompanying schedule and location plans. Each site will be allocated to a specific trader under the Provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. All of the consent sites are for one unit only.

PERMITTED TRADES:

The eight sites are available for the sale of non-food and food (except for foods such as burgers, chips, hotdogs and other similar fried foods). The sites may include trades such as street entertainers, arts and crafts, balloon sellers, fresh food produce etc.

The decision with regard to the acceptable type of trade at each location will be decided as part of the application process by Committee.

Where a particular item is not deemed suitable for that specific consent site, the application will be refused, or you may be offered an alternative site if possible.

METHODS OF TRADE

TYPES OF STRUCTURE

The structure proposed must be temporary and be able to be removed from site at the end of the day.

Consent holders will be required to provide and operate from their own structure, of which a design and appearance must be suitable. It is therefore required that you provide full details of your trading unit, including 2 colour photographs. Prior to trading, if the premise is to sell food items, the structure and arrangements must be inspected by an authorised officer of the Public Protection Service, to ensure that it meets at least the minimum requirements for relevant food and health and safety legislation.

Trading from motorised mobile vehicles is not acceptable. Trading will only be allowed to take place from the structure agreed with the council. Traders must obey parking restrictions.

The provision of gazebos and tents will not be accepted as they are not safe during high wind conditions, on exposed areas of Hoe Road and Madeira Road.

PERMITTED TRADES

The consent holders stall / structure shall not exceed 2.3 metres in height nor occupy an area greater than 3 metres x 3 metres, unless specified. There shall be a gap between the façade of the street traders' structure and the edge of the pavement of no less than 2 metres.

POWER SUPPLY

The use of generators is not acceptable due to the potential noise disturbance to local residents and existing businesses. Battery Operated Generators can be used as these are silent. Currently there is no electricity supply provided to the site locations.

RESTRICTION AND EXCLUSION FROM ACCESS TO TRADING SITES

Applicants should be aware that access to the trading location may be temporarily restricted, and there may be exclusions from trade. Where there are special events arranged, such as Lord Mayors Day, Plymouth Half Marathon, Firework Competition, access to the trading location may not be possible for the duration of the event.

In addition, where there are road closures due to highway maintenance improvements or police closures, access to trading locations may be restricted. In the event that trading is not possible, no refund of any consent fee will be made.

PROCEDURE FOR APPLICATION

There are a number of factors that the Council take into account when determining an application for street trading consents, these include:

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Public Order

Whether the street trading activity represents, or if likely to represent a substantial risk to public order.

(c) The avoidance of public nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

(d) Appearance of the stall or vehicle

The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.

(e) Needs of the area

The demand for the articles for sale, and the geographical location of the proposed site.

(f) Environmental Credentials and product type

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation. Consideration will be given to the types of products sold and the suitability of the products at the location requested.

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate to the satisfaction of the Environmental Health Department.

(h) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Plymouth City Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

How do I submit an application for street trading?

The following shall be required when submitting an application for street trading:

- 1 – A completed and signed application form.
- 2 – 2 passport size photographs of the applicant/s and any employees.
- 3 – Two colour photographs of the trading unit.
- 4 – A copy of the certificate of insurance covering third party and public liability risks.
- 5 – A copy of your risk assessment
- 6 – Copies of any certificates for food hygiene training
- 7 – Any specific licenses for specific types of trade.

Applications must be made in writing on the application form provided, together with any requested information to:

Street Trading Department
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ
Tel: 01752 304604
Email: Emily.bullimore@plymouth.gov.uk

What happens once I submit my application?

The Public Protection Service and Plymouth Waterfront Partnership Business Improvement District (BID) will receive copies of the application for consideration. Consultation with the following agencies will form part of the consideration for suitability of the application.

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Plymouth Transport and Infrastructure
- Planning
- Parking Division
- Environmental Health
- A period of 14 days is permitted for comments to be received.

All applications will be submitted to the licensing committee. The applications and any representations will be presented to the Licensing Committee at the next available date after the consultation period.

The Licensing Committee will decide which applicant will be granted to each site.

GENERAL CONDITIONS OF THE CONSENT

Each consent site will be subject to a number of General Conditions for Annual Street Trading Consents. These conditions can be found in the application pack. However, it may be determined by the council that additional conditions may be placed on a trader as part of the application process where these are applicable.

FEES

Fees will be set and reviewed annually.

The annual fee includes the Consent and Pitch Fee. The consent fee covers the general administration generated by the introduction and maintenance of the consent. The pitch fee will be used to facilitate the operation of the site, which will include maintenance and improvement of the site for the period of the consent.

The level of fees applicable takes into account the location, the duration of the consent, trading hours and the articles sold. Details of the current fees can be found on the Council's website or on application. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid in monthly instalments by direct debit.

GENERAL TRADING

The consent holder will only be authorised to trade from the specific location allocated to them and identified on the Consent. Traders must not trade outside of their designated pitch location.

Trading at the designated location is subject to exclusion due to roadworks /highways improvements, police closures or special events.

A trader may only sell the goods to which the Consent has been granted.

The trader may only trade from a structure that has been inspected and deemed suitable by an authorised office of the council.

Traders must not use more than one sales unit at the Consent location at any one time.

Traders can only trade at the permitted hours as determined in then Consent permission.

UNAUTHORISED STREET TRADING

The Council will use its best endeavour to control any unauthorised trading, but it cannot guarantee that it will not take place. By submitting the application for a street trading consent, applicants acknowledge that the Council will have no liability for any losses suffered in consequence of unauthorised trading.

Similarly, Consent holders that undertake their business outside of their designated Consent site will be considered as trading in an unauthorised manner.

SEATING

No external seating is permitted for staff or customers outside of the sales unit without a valid license to place tables and chairs on the highway.

WITHDRAWAL OF CONSENT

Any breach of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading, or the terms and conditions of the consent will enable the Council, to withdraw the consent without liability for the payment of compensation.

The Council Licensing Committee will be the final arbiter of what constitutes a breach and whether the consent will be withdrawn.

Refusal or delay in the payment of the Consent Fee instalments will result in the consent being immediately withdrawn.

The Consent Holder may themselves surrender Consent at any time, where it is no longer required. Upon surrender or revocation, the Council will consider the refund of part or the whole of the Consent Fee paid.

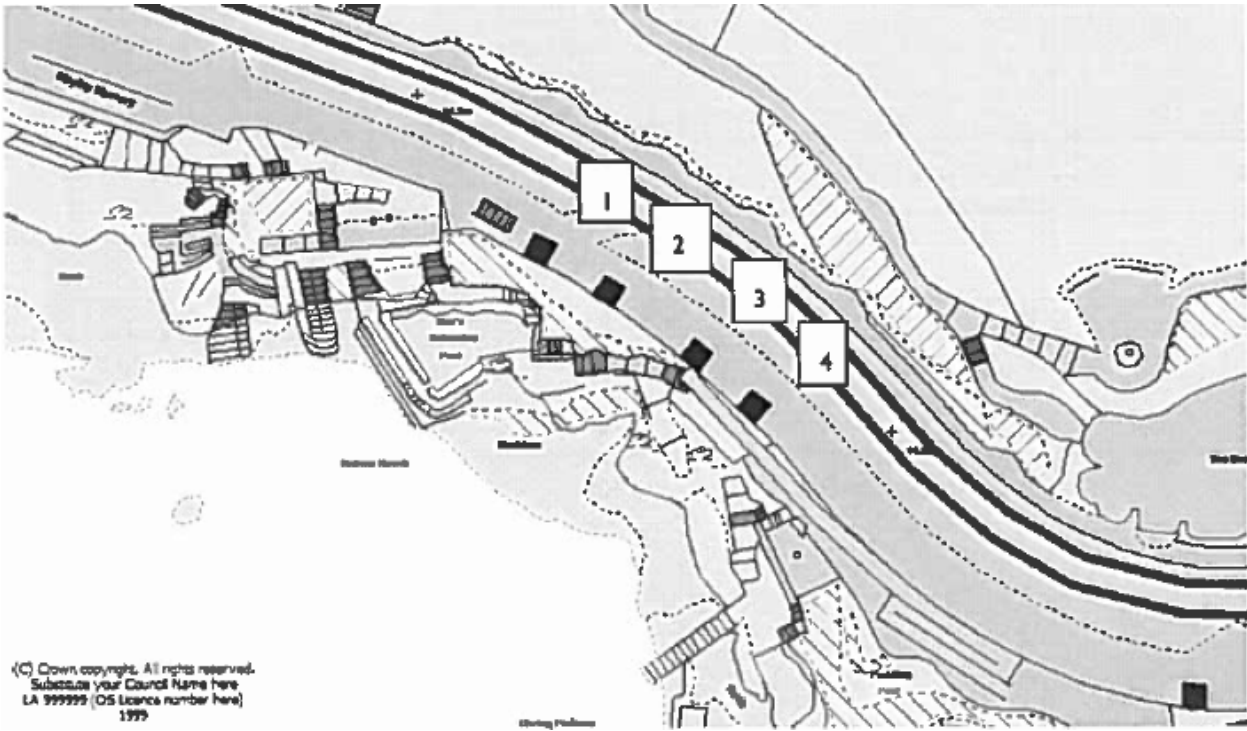
CONSENT SITES AND FEES TABLE

Site Number	Description	Fee	Type of trade
1	Hoe Road (Colonnade West)	£3000	To be decided as part of the application process
2	Hoe Road (mid-West Colonnade)	£3000	To be decided as part of the application process
3	Hoe Road (mid-East Colonnade)	£3000	To be decided as part of the application process
4	Hoe Road (Colonnade East)	£3000	To be decided as part of the application process
5	Hoe Road (Lido West)	£3000	To be decided as part of the application process
6	Madeira Road (Triangle West)	£3000	To be decided as part of the application process
7	Madeira Road (Triangle East)	£3000	To be decided as part of the application process
8	Madeira Road (adjacent to Cannons)	£3000	To be decided as part of the application process

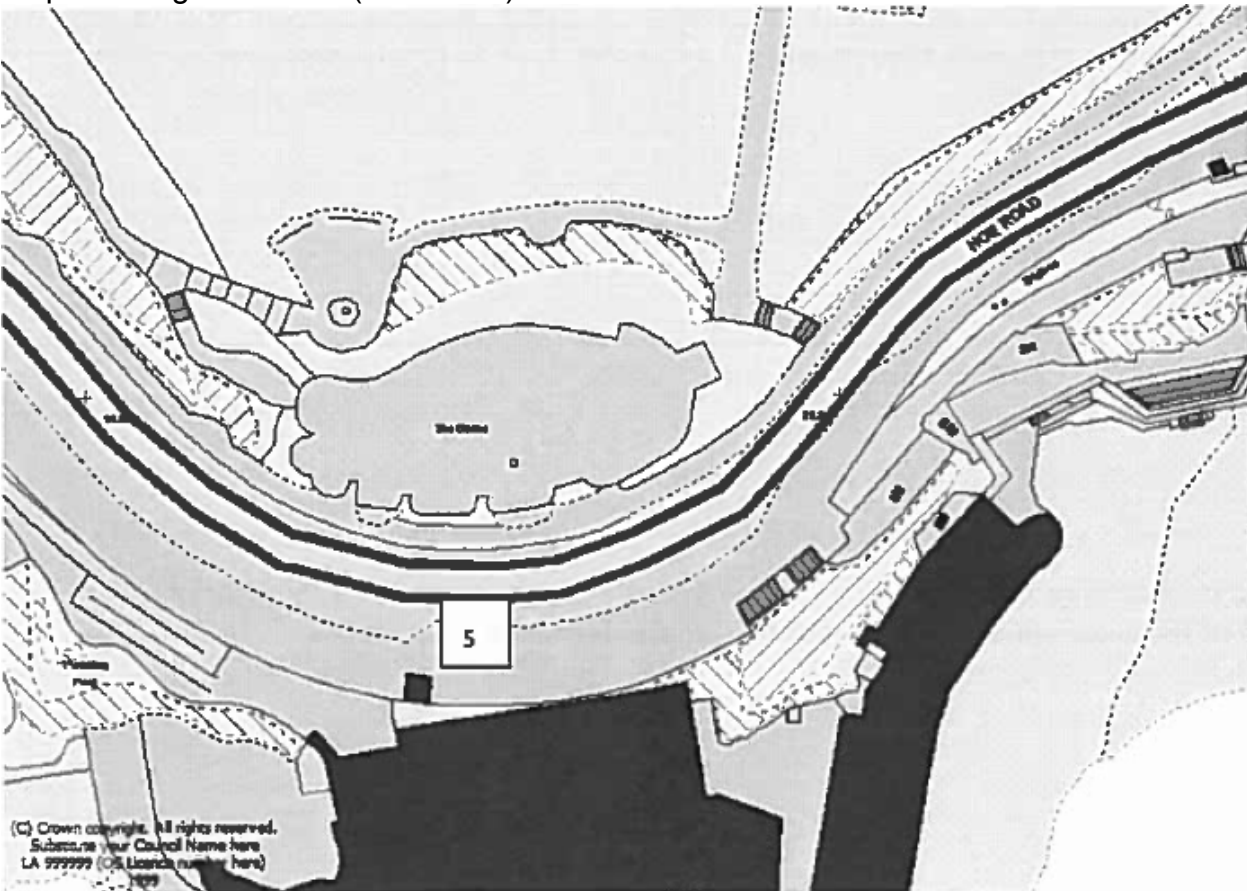
The fees above may be subject to review at the end of the financial year. Fees may increase or decrease as a result.

CONSENT SITE LOCATIONS

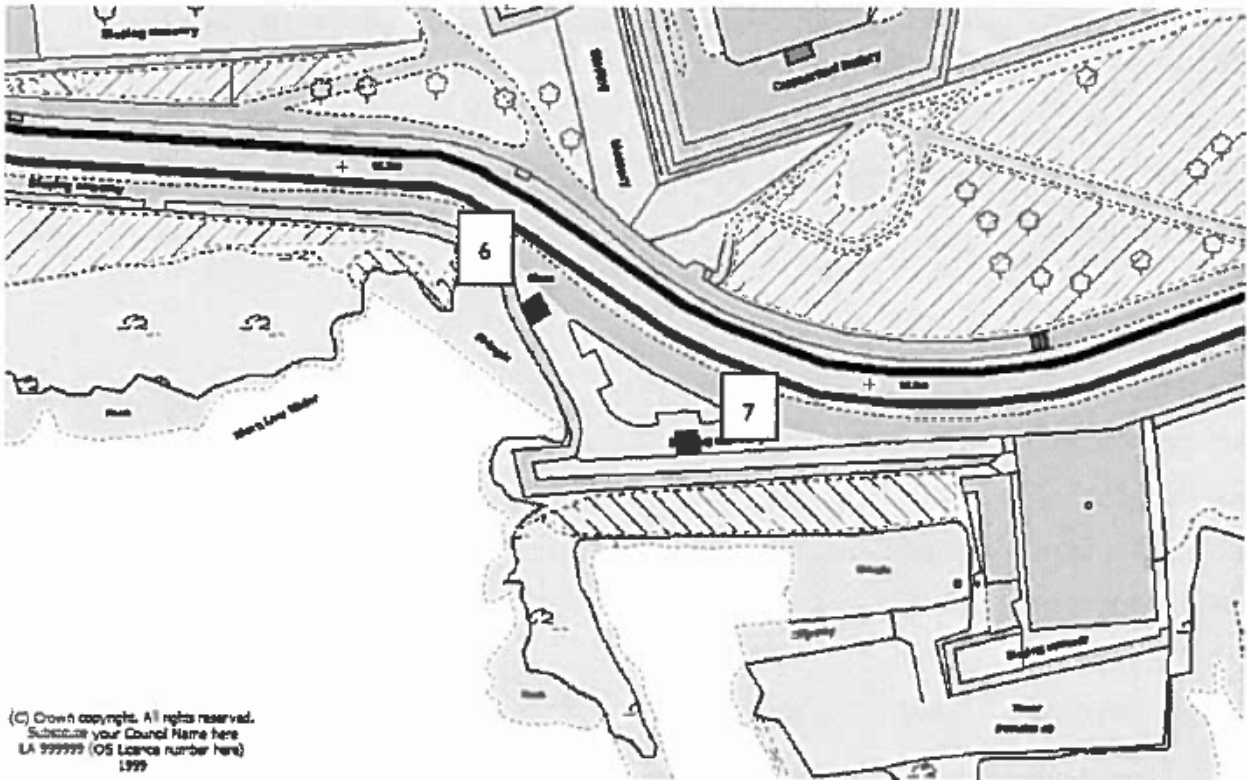
Map showing Hoe Road (Colonnade East, Mid-East, Mid-West and West) Locations for Consent Sites 1, 2, 3 & 4.



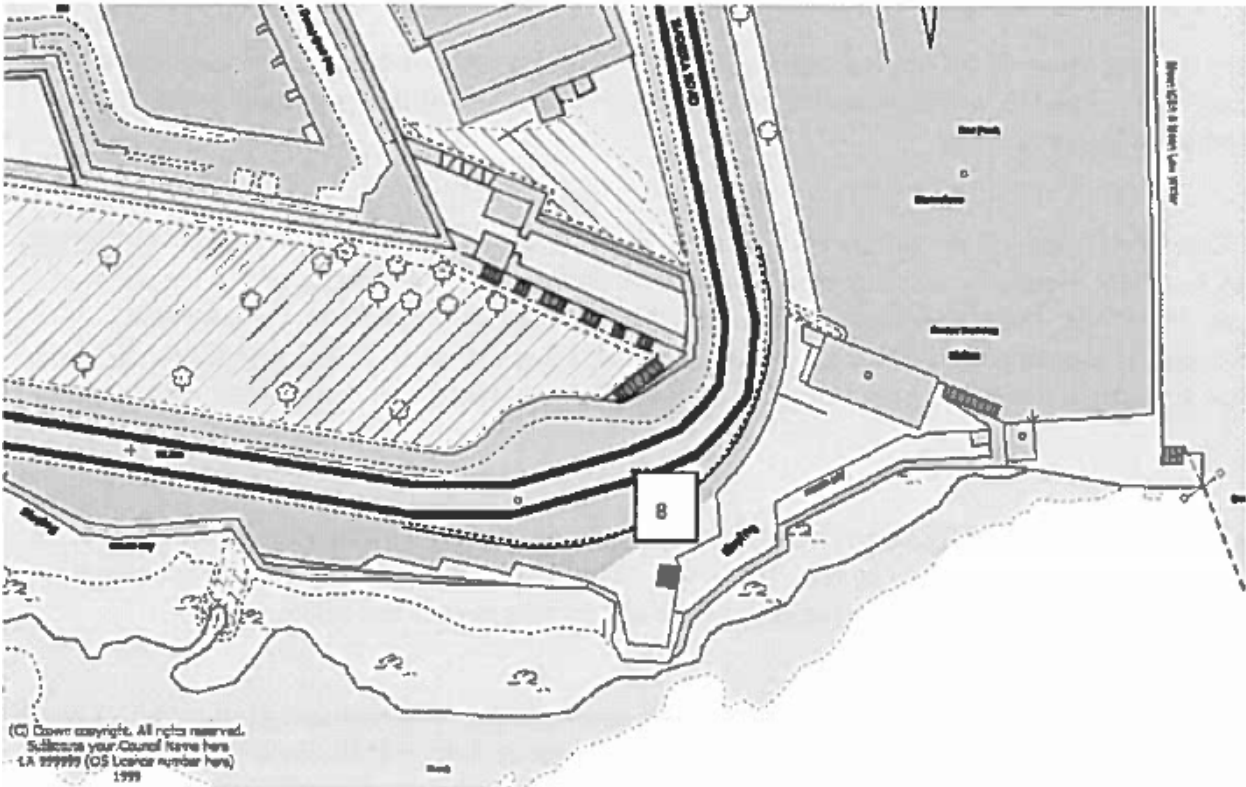
Map showing Hoe Road (Lido West) location for Consent 5.



Map showing Madeira Road (Triangle East & West) locations for Consent Sites 6 & 7



Map showing Madeira Road (Cannons) location for Consent site 8



PLYMOUTH CITY COUNCIL
HOE ROAD AND MADEIRA ROAD STREET TRADING
CONSENTS
APPLICATION FORM

To Emily Bullimore, Street Trading Officer, Floor 2, Ballard House, West Hoe Road, Plymouth, PL1 3BJ

I have read and understood the Terms and Conditions of the Council's Street Trading Consent and being over 17 Years of age make the following application under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for Consent to trade in Plymouth City Centre.

Full Name of Applicant: (Block Letters) _____

Home Address: _____

Business Address:(If different from above) _____

Company number (if applicable) _____

Telephone Numbers:
Home _____ **Business** _____

E-mail Address: _____

Full Details of your proposed merchandise or service. State any seasonal variations:

If your proposed trade involves the sale of food have you and your employees attended an approved food handling course within the last 3 years?

(If **Yes** enclose copies of course certificates)

• **Yes:**

• **No:**

Are you currently in breach of any food hygiene regulations at other premises or have you been convicted of such offences within the last 3 years?

(If **Yes** provide full on a separate sheet of paper)

PLYMOUTH CITY COUNCIL
HOE ROAD AND MADEIRA ROAD TRADING
CONSENT SITES

SITE	CONSENT FEE £ Subject to committee approval	ORDER OF PREFERENCE 1,2,3 Etc. (1= most preferred)
1 – Hoe Road (colonnade west)	£3000	
2 – Hoe Road (mid-west colonnade)	£3000	
3 – Hoe Road (mid-east colonnade)	£3000	
4 – Hoe Road (Colonnade east)	£3000	
5 – Hoe Road (Lido west)	£3000	
6 – Madeira Road (triangle west)	£3000	
7 – Madeira Road (triangle east)	£3000	
8 – Madeira Road (adjacent to cannons)	£3000	

Additional Information: If you wish to provide any additional information in support of your application please continue on a separate sheet of paper.

Photographs: Two passport size photographs each of yourself any known employees must be attached to this application form.

Signed: _____ **Dated:** _____

GENERAL TERMS AND CONDITIONS FOR STREET TRADING CONSENTS

Below is a list of the general conditions for trading on consented pitches on Hoe Road and Madeira Road.

1. No trading to which the attached consent relates shall take place except between the dates of: *

2. The operational hours shall be:
 - Between the hours of.....and.....on Mondays
 - Between the hours of.....andon Tuesdays
 - Between the hours ofand.....on Wednesdays
 - Between the hours ofand..... on Thursdays
 - Between the hours of.....andon Fridays
 - Between the hours ofandon Saturdays
 - Between the hours ofandon Sundays
3. The street trading consent relates to the particular area / site only.
4. The street trading consent relates to the particular stall / structure only.
5. Street trading can only be carried out from the structure authorised under the conditions of the consent. Any changes or replacement of the stall or vehicle must be approved.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health and Safety at Work Act 1974, the food hygiene (England) regulations 2006. Advice on these requirements is available from the Environmental Health Department. The consent holder shall not drive or park a vehicle on any part of the footway (It is an offense to drive other than on a road.)
7. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or Plymouth City Council. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on business to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent holder shall ensure that the area in the vicinity of the stall is kept clear of refuse at all times.
9. Consent holders trading site shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street trading consent bearing the name of the consent holder shall be displayed conspicuously on the traders' structure so that members of the public can clearly see it during hours of business.
10. The Consent holder shall ensure that the trading structure is positioned only in the allocated space in the consent street for which the street trading consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent holder or operator is requested to move their structure by an authorised Council Officer or Police Officer they shall immediately comply with that request.

11. The consent holders structure shall not exceed 2.3 metres in height nor occupy an area greater than 3 m x 3 m unless specified. There shall be a gap between the façade of the street traders structure and the edge of the pavement of no less than 2 metres.

12. The consent holder must take adequate precautions to prevent the risk of fire at the stall. All hot food outlets are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all structures selling hot food.

13. All staff involved in the preparation of food shall hold a current level 2 food safety certificate that is accredited by the Chartered Institute of Environmental Health the Royal Society of Public Health and Hygiene or a certificate of attendance at a Level 2 Course run by Plymouth City Council.

14. A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to a member of the Consent Holders immediate family in the event of the Consent Holders death or incapacity on payment of a fee. The sub-letting of a pitch is prohibited.

15. The Consent holder must be the principal operator and have day to day control of the stall. The Consent holder may employ any other person to assist in operating the stall and shall notify the Head of Environmental Services of the name and address of that person. An administration fee will be payable.

16. Anyone who operates a stall other than the Consent holder must be authorised by the Street Trading Manager.

17. A Consent holder may terminate a Street Trading consent by written notice to the Street Trading Manager. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the council will retain to cover administrative costs.

18. Consent holders shall ensure that people with accessibility issues can still be served from the pitch.

19. A copy of the consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.

20. Consent holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum level of insurance shall cover the operators vehicle (where applicable) or stall and any additional equipment under their control. If food is sold the insurance shall specifically include over cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Street Trading Manager before the Trading Consent is issued. Proof of cover must be produced to an office of Plymouth City Council as required.

21. These general conditions, which apply to all Street Trading in Plymouth, may be varied, having regard to a particular location. They are termed Special Conditions and are listed on the Consent Certificate. These special conditions must be complied with.

22. Consent holders must be aware that the trading location may be affected by temporary road closures or suspension of access to the trading location. This may be a result of organised events such as Lord Mayors Day, Firework Competition or Plymouth half marathon. Closure of the road and restrictive access may also be implemented due to roadworks or similar highways repair and improvements. In these circumstances, where trading is not possible, no refund of any consent fee will be made.

* To be determined by the Council on consideration of applications.