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#plymlicensing

## Licensing Committee

Tuesday 7 June 2016

10.00 am

Council House, Plymouth

**Members:**

Councillor Dr Mahony, Chair

Councillor Churchill, Vice Chair

Councillors Carson, Cook, Sam Davey, Drear, Fry, Hendy, Loveridge, Morris, Parker-Delaz-Ajete, Rennie, Singh, Storer and Winter.

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

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**Tracey Lee**

Chief Executive

# Licensing Committee

## Agenda

### Part I – Public Meeting

#### 1. To Note the Chair and Vice Chair

The committee will be asked to note the appointment of the Chair and Vice Chair for the municipal year 2016-2017.

#### 2. Apologies

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

#### 3. Declarations of Interest

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

#### 4. Minutes

**(Pages 1 - 24)**

To confirm the following minutes –

##### Licensing Committee

- 19 January 2016

##### Licensing Sub Committee

- 19 January 2016
- 12 April 2016
- 17 May 2016

#### 5. Chair's Urgent Business

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

#### 6. Licensing Activity Report

**(Pages 25 - 34)**

The committee will receive the licensing activity report.

**7. Information Regarding Delegated Decisions for Applications (Pages 35 - 38)  
for the Grant/Variation of Premises**

The committee will receive information regarding delegated decisions for applications for grant/variation of premises.

**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 19 January 2016

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Foster, Vice Chair.

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

Apologies for absence: Councillors Jordan and Singh.

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

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

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

### 57. **DECLARATIONS OF INTEREST**

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

### 58. **MINUTES**

Agreed 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

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

There were no items of Chair's urgent business.

60. **STREET TRADING REPORT 2016/2017**

Emily Bullimore (BID Street Operations and Street Trading Manager) provided Members with the Street Trading report 2016/17 which sought to set the process for the issuing of consents for the 2016/17 trading year.

Members were advised of the following key issues-

- consent fees for 2016/17 background;
- allocation procedure;
- street trading during city centre events;
- ad hoc street trading;
- update of application forms

The main areas of questioning from Members related to the following –

- (a) there was no Equalities Impact Assessment attached to the report, as each application was considered on its own merits;
- (b) consideration should be given to increasing the fees for sites that would potentially benefit from an increase in footfall, due to redevelopment taking place in the city centre (such as the redevelopment of Bretonside and the potential of more people using Royal Parade to access bus services);
- (c) following a review of the fees for Madeira Road it was considered that they had previously been set too high and in order to attract more applicants the fees had been reduced (the site favoured a 'start-up' business);
- (d) weekly site visits were undertaken to ensure that litter was being properly disposed of;
- (e) a guarantee was given that regular traders would not be moved from their pitches when special events took place.

Agreed that –

- (1) a formal review of the existing street trading policy is currently underway;
- (2) the consent dates for 2016/17 are approved of 1 April 2016 – 31 March 2017;
- (3) The consent fees are set out in Appendix 1, for 2016/17 are approved;
- (4) the Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading 2016/2017;
- (5) 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;

- (6) the Assistant Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity;
- (7) the Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
- (8) the Assistant Director for Economic Development has delegated authority to approve, within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading 2016/2017;
- (9) 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;
- (10) for Hoe and Madeira Road trading sites the licensing committee delegate approval to the licensing sub-committee for all applications;
- (11) 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.

### 61. **EXEMPT BUSINESS**

There were no items of exempt business.

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**Licensing Sub Committee**

**Tuesday 19 January 2016**

**PRESENT:**

Councillor Rennie, in the Chair.  
Councillor Hendy, Vice Chair.  
Councillors Mrs Bowyer and Fry (Fourth Member).

Also in attendance: Sharon Day (Lawyer), Catherine Fox (Lawyer Observer), Fred Prout (Senior Licensing Officer), Rachel Hind (Senior Environmental Health Officer), Kristin Barnes (Democratic Support Assistant), Helen Rickman (Democratic Support Officer)

The meeting started at 11.00 am and finished at 1.30 pm.

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

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

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

22. **DECLARATIONS OF INTEREST**

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

23. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

24. **REVIEW OF PREMISES LICENCE - WILL'S AT ONE, RESIDENCE NO.1, ROYAL WILLIAM YARD, PLYMOUTH**

The committee:

1. Proceeded to hear the matter having been advised that the premises licence holder (PLH) would not be attending.
2. Considered the report from the Director of Public Health
3. Heard from the Environmental Health officer as follows:
  - That they have worked with the Premises Licence Holders to attempt to resolve the situation however the use of the rear garden for wedding marquees and other music events is not suitable due to the close proximity of residential properties. This is because the level of noise cannot be adequately controlled and is having a negative impact on the licensing objective for the prevention of public nuisance.

- Due to the time that the music is taking place performance of live and recorded music has fallen outside of the requirements to be licensed.
- The PLH had been advised in July 2014 that noise complaints could occur if the premises were used for wedding marquees
- The first complaint of noise was received in December 2014 but no further complaints arose until July 2015. Noise complaints were then received on the following dates: 31 July 2015, 22 August 2015, 3 October 2015 and 11 December 2015.
- Environmental Health officers visited the complainant's home on the 22 August and 3 October. During their visit on the 22 August the officer's described the noise from those visits as being at an intrusive level that would prevent sleep (lyrics from the music were distinguishable) and that the noise from the premises could be heard with the windows open and shut and above the complainant's TV and washing up noise. On the 3 October the officers described the noise again as being clearly audible with the windows open and closed and prevented sleep. The DJ could be heard speaking on the microphone, drums and vocals were clearly heard and people singing along and shouting could be heard. The music was extremely loud. It was described at one point as being as though a concert was being played in the complainant's back garden. Sound measurements made during the visit recorded noise levels of 22db above background noise levels with the windows closed. BS standard 4142 indicates that where noise from a source is more than 10 dB above background levels then the noise is likely to cause a significant adverse impact. Despite discussions with the PLH's noise consultant the volume of the music could not be reduced sufficiently to prevent unacceptable disturbance to the complainants. The noise consultant advised during a text conversation that 'there wasn't any more down before off'
- The witness statements from the residents re iterated the levels of noise outlined above and explained the effect the music noise had had on them. Other problems mentioned were that they had been disturbed by patrons leaving an event at the premises and also the fact that there was no one at the premises that they were able to discuss the noise problems with.
- The premises had been granted a TEN for the 3 October 2015 after agreeing that live music outside would cease at 10.30pm and all activities would move inside at 11pm. As detailed above, despite these concessions noise problems still occurred at the premises.
- There had been no problems from music noise once the entertainment had moved inside and there had been no problems when patrons used the garden when music was not being played.
- Environmental Health Officers were of the opinion that any future events were likely to cause disturbance as a marquee isn't a suitable structure for holding live or recorded music as there are residential properties directly behind the garden wall.
- Environmental Health have tried to work with the PLH however the attempts to control the noise have not been successful. Due to the problems that have occurred Environmental Health recommended that live and recorded music should not be

permitted in the garden at any time. They considered that live and recorded music could be held inside the property if sufficient noise conditions were applied to the licence. The suggested conditions were detailed in the information provided by Environmental Health in the response to notice of hearing.

4. In addition to the witness statements from the complainants, representations had also been received which reiterated the problems outlined in a witness statement produced by Environmental Health but also stated that since Environmental Health involvement or the lack of good weather to hold outside events, the noise levels had improved.
5. When reaching their decision the committee took into account the representations received, the summary of evidence and witness statements from Environmental Health and the response to notice of hearing received from the PLH. The committee did not take account of the decibel reading levels however they focused on the description of the noise and the reported impact it had had on the local residents. They also took account of the failed attempts that had been made to control the noise when the TEN had been granted.
6. Considered that the representations received from both the residents and Environmental Health were relevant under the licensing objectives of prevention of public nuisance and protection of children from harm.
7. The committee agreed that based on what they had heard the rear garden at the venue was not suitable for live or recorded music to be played or performed. This was because it was not possible to control the noise levels the music generated and this was due to the venue's close proximity to residential properties. The committee therefore considered that in light of the evidence it was appropriate to apply the following condition to the licence in order to promote the licensing objectives referred to above:

'There shall be no live or recorded music played or performed in the rear garden of the premises at any time. (Section 177A of the Licensing Act 2003 does not apply to this condition)'

The committee also noted that one of the residents had encountered problems in contacting a member of staff to discuss noise issues they were experiencing and therefore the committee considered that in order to promote the licensing objectives referred to above it was appropriate to attach a further condition to the licence as follows:

'The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises. (S.177A of the Licensing Act 2003 does not apply to this condition)

The committee considered whether any other conditions put forward by Environmental Health should be applied to the licence however they noted that there had not been any

problems as a result of music being performed/played inside the building or by the use of the garden per se and therefore they did not consider that it was appropriate to add any further conditions to the licence.

25. **VARIATION OF PREMISES LICENCE - PL4 CAFE, 8 DRAKE CIRCUS, PLYMOUTH**

The committee:

1. Considered the report from the Director of Public Health
2. Heard from the applicant that :
  - The application had been made mainly to extend the hours that late night refreshment was provided. The premises wished to provide food and soft drinks between 1am and 7am.
  - The additional hour for the sale of alcohol had been made as a result of a meeting with the Police and Environmental Health who had said they would not object to such an extension

With regard to the representations that had been made, the applicant:

- Did not consider that there would be an increase in customers to the area as the premises had operated there before. As a result he did not consider that there would be any increase in anti-social behaviour or noise.
- Did not consider that there would be an increase in litter as this was not a take away establishment and there was also a large council litter bin directly opposite the premises. With regards to their trade waste there was a contract in place to deal with this.
- There would be no change to delivery times which would continue to take place during daytime hours with there being no deliveries between 1am and 5am.
- There was no intention to extend the premises and if they wished to do this they would need a new licence.
- The kitchen had been refurbished and inspected so would be able to cope with demand
- During the meeting with Police Licensing they had confirmed that due to their small capacity, door staff would not be required. If there were any unforeseen problems they had the ability to call City Security who worked for PL4 bar next door.
- The service of food and alcohol would be by table service only and not takeaway
- He considered that the additional provision of late night refreshment would assist in reducing the levels of crime and disorder and nuisance in the area as a cool down area as it would stop people wandering around the streets and the food would help soak up any alcohol.
- The premises would serve all sort of food and whilst the Bar is in the café and customers would not be required to order food, alcohol could only be consumed whilst seated at tables and opened containers would not be permitted to be removed from the premises or brought into them.
- The Car Park is private and so there would be no members of public parking there. There is no exit from here onto Drakes Circus but only onto Tavistock Place. The main entrance to the premises was from Drakes Circus.
- Appendix 2 of the report sets out the conditions that will apply

3. Were advised that correspondence sent to three of the residents who had made objections had been returned 'not known at this address'. However without further information committee still took these representations into consideration in reaching their decision. The following written representations were received:

### Prevention of Public Nuisance

- Disruption was already caused by students and young adults in the area and this would become worse with another venue to add to this. Existing problems in relation to noise from drunken revellers would worsen. This was considered to be relevant under this licensing objective however in effect the application was to add one extra hour for the sale of alcohol and the addition of food provision should help to reduce existing problems.
- There was a risk of an increase in the litter problems that already exist in the area. This was considered to be relevant under this licensing objective however members had been advised that the premises was not going to operate as a takeaway and so there should be no litter associated with these premises.
- Deliveries may logistically cause a nuisance in the area in addition to adding to parking problems. This was not considered to be relevant as there would be no change to delivery times as a result of this application.

### Prevention of Crime and Disorder

- The venue will cause and increase damage from intoxicated adults and cause an increase in crime levels generally. This was considered to be relevant under this licensing objective however in effect the application was to add one extra hour for the sale of alcohol and the addition of food provision should help to reduce existing problems.
- Due to an entry and exit point into a car park on Drakes Circus, damage was likely to be caused to parked cars. The entry and exit point were not in a suitable location. This was considered to be relevant under this licensing objective however the car park is private so no members of the public will be parked there and the car park referred to is actually on Tavistock Place. The main entry and exit point is on Drakes Circus. Members did not consider that the granting of the licence will cause the problems mentioned in the representation.
- One resident said that they found it a very daunting experience walking home at night at present and that the addition of this licence would make them feel even more hesitant. This was considered to be relevant under the above licensing objective however the committee did not consider that there would be any added footfall to the area and members believed that as this is a food led outlet it may help to alleviate problems in the area.

- There were concerns that the plan was to extend the premises into an existing one thus making it a large venue which would significantly impact on customer flow. This was not considered to be relevant under any of the licensing objectives.

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. However the committee agreed that as a result of what they had heard from the applicant and all that was contained in his operating schedule that there would be no negative cumulative impact on the licensing objectives and that therefore the licence would be granted as detailed in the report subject to the conditions put forward in the applicant's operating schedule and mandatory conditions contained in the Licensing Act 2003.

### 26. **EXEMPT BUSINESS**

There were no items of exempt business.

**Licensing Sub Committee**

**Tuesday 12 April 2016**

**PRESENT:**

Councillor Rennie, in the Chair.  
Councillor K Foster, Vice Chair.  
Councillors Kelly and Parker-Delaz-Ajete.

Also in attendance: Kristin Barnes (Democratic Support Officer) Fred Prout (Senior Licensing Officer) Catherine Fox (Legal Officer)

The meeting started at 10.00 am and finished at 11.00 am.

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

27. **Appointment of Chair and Vice Chair**

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

28. **Declarations of Interest**

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

29. **Chair's Urgent Business**

There was no Chair's urgent business.

30. **Variation of Premises Licence - Food & Wines, 156 Union Street, Plymouth**

The Committee-

- a) Heard that the applicant was not present but had advised the Licensing Officer who telephoned him that morning that he had closed the shop the previous day and did not wish to proceed with the application. as nothing in writing had been received to this effect from the Applicant following service of Notice of Hearing and the written representations, under Regulation 20 Licensing Act 2003 (Hearings) Regulations 2005, the Members made the decision to proceed with the hearing in his absence;
- b) Considered the report from the Director of Public Health
- c) Heard from the applicant as follows:
  - the Committee considered the terms of his application in which the Applicant seeks to vary the existing Premises License (granted on 1 December 2015) by requesting the removal of Conditions 7 and 8 contained in Annex 2 –

Conditions consistent with the Operating Schedule. Under Conditions agreed with the Police Licensing Authority that is

7 No single cans or bottles of beer or cider will be sold

8 No sale of high strength beers or ciders above 6.5 ABV;

- within his application he states the application is for the sale of continental and locally sourced single cans and bottled beers and ciders, high strength beers up to a maximum of 9% ABV;
- in support of his application he said as follows; the conditions 7 and 8 agreed with the police on his initial application are affecting their business;

d) Heard written and oral representations from Responsible Authorities;

Devon and Cornwall Police made the following written and oral representations opposing the granting of the application relating to the prevention of crime and disorder, the prevention of public nuisance, Public Safety and the protection of children from harm;

- I. The premises are situated within an area that is subject to Plymouth City Council's Cumulative Impact Policy and rely on the evidence produced by the police that supported the introduction of this policy (This was considered to be relevant under this licensing objective. The variation sought will add to the existing problems in the area);

Evidence gathered by the Police licensing officers and the Police Neighbourhood Beat Manager demonstrates that the operation of these premises is impacting on the running of businesses, residential homes, all members of the community within the area due to the crime and disorder, and public nuisance and risk to public safety that arises from the sale of alcohol in breach of conditions 7 and 8;

The following incidents were considered to be relevant under the licensing objectives of crime and disorder, public safety, public nuisance and protection of children from harm. These are evidence that, if granted, the variation sought will add to the existing problems in the area;

Despite, when making his application for a premises licence in October 2015, having agreed conditions 7 (to restrict the sale of single cans of beer and cider) and condition 8 (the restriction of sale of high strength drinks i.e. not to exceed 6.5% abv), which conditions were constructed with the specific aim of dealing with issues relating to street drinking there is evidence that on at least 4 occasions he has failed to comply with the same on 4 occasions– namely

- 02.02.2016 – the Police Licensing Officer made a visit to the premises where he found an employee present. On inspection he found there was a large amount of high strength beers and ciders displayed for sale that exceeded 6.5% abv namely Barnstormer, Oranjeboom, Karipokie, Skool, Black Ace, Frostie Jack, Thatcher. The most alcoholic beer for sale was Debowe which

is 14%. When the DPS attended the premises he stated that the items were old stock and it had been agreed that this could be sold provided it was not replaced with similar items. The Licensing Officer challenged the Applicant as there were new brands on the shelf that were not evident on his previous visit. The DPS stated he would remove all stock immediately.

A warning letter dated 03.02.16 was sent to the DPS following this incident;

- 03.03.16 – the Neighbourhood Beat Manager for the Stonehouse area attended the premises and took photographs of several displays containing beer and cider. It was noted that all cans were advertised for sale as individual cans as well as sets of 4. The Beat Manager reported that the person serving was not aware of the conditions of license. It was noted that there were no high alcohol items displayed for sale at this time;
  - 07.03.16 – the Neighbourhood Beat Manager dealt with 2 street drinkers under the DPPO (Designated Public Places Order) for the area, who stated that they had bought single cans of lager they were found drinking from 156 Union Street;
  - 07.04.2016 – the Neighbourhood Beat Manager issued the applicant with a fixed penalty notice pursuant to S141 Licensing Act 2003 for the sale of alcohol to a drunk. The Neighbourhood Beat Manager's statement dated 07.04.16 sets out that a single one litre bottle of White Ace Cider was sold. White Ace cider is 7.5% ABV. This sale contravened both condition 7 and 8.
2. The police licensing team met with local businesses within the area on 17 March 2016. All spoken to felt intimidated by these groups. Vehicles connected to the businesses have been obstructed by groups of drunks refusing to move from the lanes to allow the vehicles to pass, whilst being aggressive and threatening. They have witnessed incidents of people when drunk defecating and urinating in public view in the back lanes. The licensing officers were unable to locate anyone within the vicinity of the premises that were not negatively affected by the street drinkers and their behaviours. The back lanes where the street drinkers congregate are used by businesses for access, deliveries and parking and for residents walking their children to school (These incidents were considered to be relevant under the licensing objectives of crime and disorder, public safety, public nuisance and protection of children from harm. The variation sought will add to the existing problems in the area);
3. The Neighbourhood Beat Manager has detailed the problems he encounters and the effect the sale of single cans of alcohol to alcoholics and street drinkers has on the local community and in his statements dated 22 March 2016 and 7 April 2016 has evidenced that these premises are compounding the problem by selling single bottles and cans and high strength alcohol. Examples of the behaviours are;
- The Neighbourhood Beat Manager in his statement confirms that the groups of street drinkers have identified areas where they

congregate, usually in back lanes where they settle down for a day's drinking. The real problem is the more they consume the more problematic they become. At this point they can become aggressive, abusive and lose their social inhibitions relating to their bodily functions and responses to others;

- The Neighbourhood Beat Manager has identified that there has been a call as early as 8am reporting concerns about street drinkers in Adelaide Park;
- Empty beer cans and broken bottles are abandoned where the street drinkers congregate.

The incidents reported were considered to be relevant under the licensing objectives of crime and disorder, public safety, public nuisance and protection of children from harm. The variation sought will add to the existing problems in the area

4. A statement has been supplied from a PCSO detailing the reasons for the existing Designated Public Places Order which has been in place since 2006 and in respect of Stonehouse since 2009 and the continued need for the same or the implementation of a Public Spaces Protection Order as an aide in the reduction of alcohol related crime, violence and antisocial behaviour in an area which includes the vicinity of these premises. He identifies the area of Union Street as one of homelessness and social deprivation which in turn contributes to large numbers of persons congregating on a regular basis, particularly during the warmer spring and summer months, in public spaces for the purpose of consuming alcohol often to excess. These persons are not social drinkers, many are alcoholics who are homeless or reside in sheltered accommodation. Their behaviour whilst intoxicated has included multiple offences including but not restricted to violence, theft, robbery, sexual assault, indecent exposure, begging, public order offences and antisocial behaviour. (This was considered to be relevant under the 4 licensing objectives. It confirms that the problems that led to the imposition of the Cumulative Impact Policy in relation to this area are continuing to be existing problems in the area);
5. This statement of the PCSO, is supported by the production of lists of incidents in the area of these premises namely a list of calls to the police regarding drunken incidents between the hours of 06.30 and 2100 from 1 January 2016 to 15 March 2006; a list of alcohol related violence and drug offences between 1 January 2016 and 16 March 2016 ; a comprehensive list of all offences committed in the area between 01 January 2016 and 15 March 2016 (This was considered to be relevant under the licensing objectives of crime and disorder, public safety, public nuisance and protection of children from harm. Whilst not all incidents reported can be linked to these premises there is evidence that the street drinkers in the vicinity of these premises are purchasing alcohol from the premises and then displaying the reported behaviours.)

6. The police licensing officers have spoken to the maintenance workers for the area who advised that there are regular rough sleepers using the bin sheds and bottles, tins, needles and excrement are left behind (This was considered to be relevant under this licensing objective. Whilst not all incidents reported can be linked to these premises there is evidence that the street drinkers in the vicinity of these premises are purchasing alcohol from the premises and then displaying the reported behaviours);
7. Within the area of the premises are 5 school and 10 alcohol addiction rehabilitation/recovery centres. A map detailing the location of each has been presented to committee;
8. The premises are in close proximity to numerous residential properties This was considered to be relevant under this licensing objective of prevention of crime and disorder, public nuisance and public safety and protection of children from harm. Making stronger strength alcohol more readily available will lead to an increase in the behaviours and incidents reported within the location of residential homes, and the community which includes children on their way to and from these schools;

The committee received and considered the following written and oral representations from the Health Authority: Prevention of Public Nuisance, Crime and Disorder; impact on public safety and protection of children from harm:

1. Between April 2015 and February 2016 the number of alcohol related crimes and public order offences in the Stonehouse neighbourhood was the highest in any neighbourhood in the city and the number of notified domestic abuse offences with alcohol classification were also higher than any other city neighbourhood. (This was considered to be relevant under these licensing objectives but Health were not able to draw a specific link between the above and these particular premises);
2. The proposed variation to this premises licence will increase the overall availability of alcohol in this area and is likely to increase overall alcohol consumption, street drinking and associated crime, disorder, antisocial behaviour and public nuisance. It is likely to have a negative impact on public safety and perceptions of safety  
(This was considered to be relevant under this licensing objective but Health were not able to draw a specific link between the above and these particular premises);
3. The variations will also work against the objectives of the Strategic Alcohol Plan and the objectives of the Designated Public Places Order in place in the area (This was not considered to be relevant under all 4 licensing objectives.)

The Committee considered written representations received from other parties under all the licensing objectives below;

1. The premises are near to alcoholic addiction recovery activities or buildings and is in an area where street drinking affects any of the licensing objectives (This was considered to be relevant under this licensing objective);
2. The proposed variation will increase the availability of alcohol in this area and is likely to increase street drinking and associated crime, disorder, anti-social behaviour and public nuisance. It is also likely to have a negative impact on public safety and perceptions of safety (This was considered to be relevant under this licensing objective although this rehabilitation centre has produced no evidence of a specific link to these premises);
3. Super strength alcohol products are low cost high strength lagers and ciders above 6.5% ABV. One single 500ml can of super strength lager contains 4.5 units of alcohol – exceeding the government’s daily recommended safe alcohol limit for men and women. There is evidence that some of these products are sold as single cans for less than £1 and in containers that cannot be resealed encouraging them to be drunk in a single sitting. Low cost super strength alcohol is most often drunk by the most vulnerable people in society such as homeless and young people and people with complex needs. These products can cause serious harm to health and contribute to crime and antisocial behaviour and violence (This was considered to be relevant under this licensing objective. Although this rehabilitation centre has produced no evidence of a specific link to these premises)

The committee has taken into account all relevant representations. It has considered the Home Office Guidance to the Licensing Act 2003 and Plymouth City Council’s Licensing Policy.

The premises remain within an area where there is a Cumulative Impact Policy in force.

The onus remains on the Applicant to demonstrate that the proposed variation will not negatively impact on the Cumulative Impact Area.

The Applicant has failed to demonstrate within his application that by his proposed operating schedule that there will be no negative impact on one or more of the Licensing objectives. He has not taken up the opportunity to provide either written or oral representations in response to written representations made by the Responsible Authorities and Other Parties in order to demonstrate that there will be no negative cumulative impact on one or more of Licensing objectives

Representations been received that grant will add to CIP of area in relation to all 4 Licensing Objectives

The grant of the application would undermine the promotion of all 4 of the licensing objectives.

- e) The committee considered whether conditions could be attached or licensable activities amended or hours of operation amended to address the concerns raised in the representations however this was not considered appropriate because;
1. There is police evidence that the premises are already selling single cans/bottles and high strength alcohol at greater than 6.5ABV in breach of conditions 7 & 8 of the existing operating schedule;
  2. There is police evidence that the large group of street drinkers that congregate within the vicinity of these premises causing a nuisance and risk to the business and domestic community are selecting the single cans and high strength alcohol which increases their antisocial behaviour;
  3. Has already had a negative impact on the licensing objectives of public safety, prevention of crime and disorder, public nuisance and the protection of children from harm;
  4. The Applicant has not demonstrated his understanding of the issues negatively impacting on the area that led to the Cumulative Impact Policy nor the Designated Public Places Order being implemented. He has not demonstrated an ability to implement the existing conditions nor an understanding of their importance;

The action detailed below is considered appropriate and proportionate to promote the licensing objectives in light of the relevant representations and all that was said by the applicant.

Agreed that the application is refused as to vary the licence would undermine all 4 licensing objectives:

31. **Exempt Business**

There were no items of exempt business.

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**Licensing Sub Committee**

**Tuesday 17 May 2016**

**PRESENT:**

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

Also in attendance: Kristin Barnes (Democratic Support Officer), Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer), Bev Gregory (Technical Support Officer, Licensing).

The meeting started at 10.00 am and finished at 11.00 am.

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

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

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

33. **DECLARATIONS OF INTEREST**

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

34. **CHAIR'S URGENT BUSINESS**

There was no Chair's urgent business.

35. **Application For Variation of Premises Licence**

The Committee -

- (a) considered report from the Office of the Director for Public Health;
- (b) heard from the applicant's legal representative that:

The application was to extend the terminal hour for all current licensable activities from 3am to 4am seven days a week and opening hours from 3am to 4.30am seven days a week and also to add to the list of notable days for non-standard timings in accordance with the report for a trial period of 6 months.

In addition there was an application to remove condition six under Annex 2 of the premises licence on the basis that the condition relates to the previous operator:

*6. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines.*

The following submissions were made in respect of the application:

- The primary purpose of the application was dispersal, it had been noted by the applicant that when customers leave at 3am they do not disperse but stay in the area. Allowing patrons to stay in the venue for an additional hour would allow for a more gradual dispersal.
- Stonegate have used temporary event notices to extend the closing time on occasions and the experience from this is that people stay in the venue longer and have a more gradual dispersal.
- Stonegate are committed to working with the Police, other Responsible Authorities and the Licensing Officers and the request for the variation to be on a trial basis of 6 months was made on advice from Police during the pre-application consultations.
- There were no objections from Responsible Authorities and the Police licensing officer was very complimentary about the premises' management
- If the application is granted, the hours will revert back to the present times unless the applicant proactively pursues an application to make the variation permanent and careful monitoring will take place over the next 6 months to monitor customer dispersals.
- With regard to cumulative impact the company promotes the licensing objectives and use door staff above the levels recommended by the Council. The applicant uses toughened glassware and through the joint experience of the Area Manager and Designated Premises Supervisor have driven up standards.
- £285,000 had been invested in refurbishing the premises which has resulted in a layout which allows better internal supervision from the bar.
- The Premises License holder has an excellent reputation in other challenging areas for promoting licensing objectives.
- With regard to the representation made by the Other Party, the applicant has not been made aware of issues directly or by any Responsible Authority and would say that the representation is speculative and not based on evidence.
- The Designated Premises supervisor is a former Chair of Club Watch and is now Chair of Best Bar None and attends Pub Watch meetings and sits on Evening and Night-time Economy meetings and is very involved in improving Plymouth's night time economy.

- The following answers were given in response to questions by Members of the Committee:
- There had been a total of 8 Temporary Event Notice's granted over the past 12 months where the hours had been extended in line with the current application.
- The occupancy numbers for the premises were 300 upstairs and 400 downstairs.
- Two Door staff were employed on Sunday to Thursday nights; 6 Door staff on a Friday and 8 Door Staff on a Saturday.
- Current dispersal approach is to quieten the music and start to encourage people to leave at about 3.15am and it would be proposed to use the same approach but move forward by an hour if the application is granted.
- At present the premises open at 10pm on weekdays and 9pm on the weekend with some promotional classes being held during the daytime hours;

(c) considered that no written representations have been received from Responsible Authorities;

(d) considered 1 written representation from Other Parties:

Under the Licensing Objective of Prevention of crime and disorder:

- The granting of the 4am extension will have an adverse effect on anti-social behaviour due to the business having an aggressive pricing policy allowing consumers to drink "more for their money"

Increased drinking time would lead to further intoxication that would impact on bars and clubs in the area who would have to deal with this once Popworld has closed.

The current licensable hours were a "happy medium" but granting an extension to 4am will only increase anti-social behaviour that impacts behaviour falling onto other premises.

Government cutbacks on police authority have impacted upon the other party, their security staff and bar staff having to deal with increased anti-social behaviour will before the police get involved which is unfair to all.

This representation was considered to be relevant by the Committee but it was noted that there was no specific evidence provided by the Other Party linking the observations to these premises, and, there were no representations on this point from the Police or other Responsible Authorities.

- (e) noted that there was no evidence of reported problems during the times where the Temporary Events Notices had been in effect, and that the application for variation would allow for the monitoring of the dispersal of customers and its effect upon the cumulative impact of the area.
- (f) noted the submissions made with regard to the provision of Door Staff and the policy to allow people to disperse more slowly from the premises and that the management were working with the Police, other Responsible Authorities and Licensing Officers

Having listened to all that was said today the Committee consider that the application for variation to licensable and terminal hours could be **GRANTED** subject to the following conditions as being proportionate and addressing the representations and therefore have decided to depart from its own special policy:

I. As the premises are in a cumulative impact area the variation of the permitted terminal hour for licensable activities of 04.00am and for opening hours of 04.30am Monday to Sunday, shall be permitted for a period of six months from the date of this variation and thereafter the said hours shall revert to those permitted prior to this variation unless the licence holder shall make a further application for a variation which shall be accompanied by a statement showing the impact of the variation on the cumulative impact area policy.

Members **REFUSED** the application to remove condition 6 of Annex 2 of the premises licence as they consider that it was appropriate for this condition to remain on the licence as the current variation was for a temporary period only and in addition Members would wish to see a continued liaison with the local neighbours.

36. **Application Grant of Premises Licence**

The Committee heard that the hearing for the grant of a premises licence in respect of the Co-op at Frogmore Avenue has been dispensed with following the withdrawal of the representation received.

37. **EXEMPT BUSINESS**

There were no items of exempt business.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Licensing Activity Report  
**Committee:** Licensing Committee  
**Date:** 7 June 2016  
**Cabinet Member:** Councillor John Riley  
**CMT Member:** Kelechi Nnoaham (Office of the Director of Public Health)  
**Author:** Andy Netherton (Service Manager)  
**Contact:** Tel: 01752 304742  
e-mail: andy.netherton@plymouth.gov.uk  
**Ref:** ERS/LIC/  
**Key Decision:** None  
**Part:** I

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**Purpose of the report:**

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

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

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

**1. Growing Plymouth**

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

**2. Confident Plymouth**

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

**3. Caring Plymouth**

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

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

Not applicable

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

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

**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

**Recommendations and Reasons for recommended action:**

That member consider this report and note its contents

**Alternative options considered and rejected:**

None

**Published work / information:**

For more information please see the below links.

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

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

**Licensing Act Guidance**

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

**Background papers:**

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

**Sign off:**

Fin		Leg	25696/ag/2 0/5/16	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes													

## Enforcement Activity Report

### 1.0 Introduction

- 1.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2015 to the 31 March 2016.
- 1.2 The team receives approximately 1500 licensing applications pa covering the following areas:
- Alcohol and entertainment
  - Gambling
  - Sex Establishments
  - Petroleum
  - Explosives
  - Animal welfare
  - Charitable collections
  - Scrap metal
  - Caravan licensing

### 2.0 Licensing Act 2003

- 2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During the twelve months to the 31 March 2016, Officers processed the following number of applications:

	<b>2014/15</b>	<b>2015/16</b>
Licensing applications, transfers and variations	<b>340</b>	<b>456</b>
New Personal licences	<b>174</b>	<b>197</b>
TEN's (of which 100 were 'late' TEN's)	<b>374</b>	<b>398</b>

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

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

	<b>2014/15</b>	<b>2015/16</b>
Applications or variations	<b>11</b>	<b>6</b>
Review of premises licences	<b>3</b>	<b>2</b>

- 2.4 On premises were found with a small quantity of non-duty paid alcohol which has been imported. The licensee accepted a simple caution in relation to this offence.

### **3.0 Licensing Act Fees**

- 3.1 The Government have not progressed any action in relation to changes to the current fee system, which has not changed since introduced in 2005. The Local Government Association has recently surveyed licensing teams to obtain evidence of under-funding and to lobby for a fee review.

### **4.0 Legislative Update**

#### **4.1 Community Events and Ancillary Sellers -**

The planned changes have yet to be introduced and the Home Office have given no indication of any commencement date.

The Community and Ancillary Sellers Notice (CAN) is designed to benefit particular small businesses and community groups who wish to sell or provide small amounts of alcohol in limited circumstances as an ancillary part of a wider service. For a low, one-off fee a CAN user will be able to sell a limited amount alcohol over the course of three years between the hours of 7am and 11pm.

- 4.2 These notices have complex limitations which will be difficult to monitor and there are concerns that it will provide greater availability for alcohol within the community.

#### **4.3 Health Objective**

The Department of Health and the Home Office continue to be lobbied for the introduction of the Health licensing objective. This is supported by Directors of Public Health, Police and the Local Government Association. There are still no indications from either Department regarding policy on this matter

#### **4.4 Right to work checks**

The Immigration Bill proposes to introduce changes the Licensing Act 2003. The changes are designed to reduce the potential of illegal working. The main changes will be:

- The Secretary of State will become a responsible authority
- Premises and personal licences can only be issued to those with the right to work in the UK
- Licences will lapse if the right to work is removed
- The employment of illegal workers may result in the review of a premises licence and a closure notice
- Immigration officers will have the power of entry to licenced premises

### **5.0 Public Safety and Public Nuisance**

- 5.1 During 2015/16, 159 formal noise complaints were registered against licensed premises, which is very similar to previous years.
- 5.2 Environmental Health Officers continue to use an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly without the need for further formal action. In most cases the complaint can be resolved by way of an action

plan or minor variation with the agreement of the licensee. One licence was reviewed due to noise complaints.

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

### **6.0 Crime and Disorder/Policing**

- 6.1 Alcohol continues to be a significant issue in violent crimes being a factor in over 70% of violence against the person crimes including Domestic Abuse in Plymouth.
- 6.2 The Police have dealt with nine venues classified as Problem Premises and have engaged in extensive negotiations and mediation to deal with concerns. None of these required application to review the premises license. They have also objected to five late temporary offence notices and made representations regarding 8 licensing applications requiring a committee hearing
- 6.3 The Police are actively engaged in supporting Plymouth Pubwatch, Barbican Pubwatch, Plymouth Licensing Forum, Best Bar None, the Drink Awareness Campaign and the Reducing the strength campaign partnerships and have engaged with other agencies to promote these initiatives
- 6.4 The Police are actively driving a safeguarding initiative engaging with venues and security firms with advice and training as to how to protect vulnerable females they are also supporting the club hostess initiative present in two venues within the city.
- 6.5 The Police have also developed a close working relationship with the Royal Navy Police section whereby they will turn up and deal with military personnel for minor offences not involving the general public. This initiative is showing good results as servicemen are now subject to more stringent and effective military sanctions. Earlier this year, in a joint operation organised by the Royal Navy Police, officers carried out Operation Whid. Two service dogs with their handlers were drafted into Plymouth, together with service and police officers visited a number of pubs and clubs, where licensing and drugs checks were completed. This was a successful operation resulting in two people dealt with for possession of drugs.

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

- 7.1 The Police continue to try and reduce the access to alcohol, from on and off licenses to young people by means of neighbourhood interventions and advice to retailers. The number of test purchases was reduced this year due to conflicting advice regarding the RIPA (Regulation of Investigatory Powers Act) requirements. This has now been resolved and police are liaising with the Trading Standards Department to arrange a resumption of this tactic. In a recent operation two premises failed and were dealt with by way of a fixed penalty notice and a restorative justice outcome.
- 7.2 In addition as a result of the reducing alcohol campaign retailers are being reminded of their responsibilities by neighbourhood officers, Licensing Officers and Plymouth City Council Officers far more frequently. This is proving to be a slow ongoing initiative but is showing results with the majority of venues now engaging with the challenge 25 policy.

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

### **8.0 Public Health Mapping**

- 8.1 Alcohol impacts on individuals, families and communities in a number of ways. Some of these impacts are difficult to distinguish and define and some are more tangible. Public health has developed an alcohol harm mapping resource that presents neighbourhood level mapping of a number of indicators including alcohol related crime and disorder and injuries associated with alcohol. The indicators are mapped against levels of deprivation and density of licensed premises to give a detailed picture of how communities in Plymouth are affected by alcohol. The intelligence provided in this mapping will be used to support the systematic assessment of licensing applications.
- 8.2 The public health team will provide examples of the new alcohol mapping, demonstrating the data and how this can be used in relation to alcohol licensing

### **9.0 Gambling Policy**

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

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

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

- Socio-economic makeup of the local community, including new developments as they happen
- Vicinity of sensitive buildings such as schools, youth clubs, hostels etc
- Type of usage of the premises
- Layout and size, position of access points
- Density of gambling activities
- Operating hours
- Staffing and supervision of the licenced area

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

From April 2016 Operators will also be required to introduce systems that allow a customer to make a single request to self-exclude from all operators within their area (normally where they live or work).

- 9.3 The Council's Licensing Policy was republished in January 2016. The new policy provided additional details regarding our expectations of these local gambling risk assessments. Councils will also have the discretion to create Local Area Profiles (LAPs). This will consist of local area data, which should be used by operators when completing their local risk assessments.

- 9.4 Work has already commenced on the production of a local area profile for Plymouth. This will be based on a pilot project undertaken by Westminster and Manchester Councils. The aim is to identify areas of vulnerable sections of our communities. This will be based on data but also on feedback from local stakeholders. Profile maps similar to the alcohol maps will be created. These will then be used to check the suitability of the operators gambling risk assessments and when considering the suitability of any new applications.
- 9.5 The Licensing Committee has delegated responsibility for the setting of annual fees payable by gaming establishments. The latest fees were approved by Members on the 14 February 2011 and an update in June 2015 to remain at the maximum levels specified by Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Income generated has remained stable since its introduction.
- 9.6 Income for 2015/16 totalled £53,500 with expenditure for 2016/17 estimated to be the approximately £53,000. The committee on the 14 February 2011 resolved that the fees would not be reviewed unless the difference between future fee income and future expenditure is 10% or more. As such fee levels will remain at the maximum level. The major areas of work planned for gambling are outlined in paragraph 13 and there will be significant costs in developing the local area profiles.

### **10.0 Sex Establishments**

- 10.1 A new Sex Establishments Policy was approved by Council on the 30 January 2012, effective from the 5 March 2012. This brought premises such as lap dancing clubs within the legislative control of the Local Government (Miscellaneous Provisions) Act 1982 as opposed the Licensing Act 2003.
- 10.2 Originally two lap dancing clubs and two sex shops were licenced, but subsequently only one of each remains in business.

### **11.0 Scrap Metal Dealers**

- 11.1 The Scrap Metal Dealer's Act 2013 reformed licensing requirements and was designed to curtail the profitable activities of metal theft. These changes prevent cash transactions (which are not traceable) and revised police powers of entry to check that these prohibitions are being complied with.
- 11.2 Licenses are due to be renewed this year and so far no issues have been identified.
- 11.3 The new system has been very effective in reducing scrap metal theft and the new records kept by operators have been useful to the Police when investigating other crimes.

### **12.0 Partnership Working**

- 12.1 The responsible authorities meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.
- 12.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.

- 12.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 12.4 The Licensing Team and Police continue to support Pubwatch schemes and are a member of the Best Bar None Steering Group. Additional time is now being devoted to multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.

### **13.0 Work Initiatives for 2016/17**

- 13.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE. Ongoing work with Planning will assist in the development of the Plymouth Plan and supplementary planning guidance in relation to the ENTE.
- 13.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.
- 13.3 Significant areas of work will be:
- Introduction of right to work checks
  - Joint working to detect, deter and disrupt modern slavery and exploitation
  - Work jointly with the Police to reduce hate crime
  - Continue with on the voluntary reducing the strength campaign
  - Undertake a programme of alcohol and gambling test purchasing operations
  - Review policies and approaches following the information gained from the alcohol mapping
  - Produce the local area gambling profiles and promote the new national self-exclusion schemes
  - Audit all gambling risk assessments against the new gambling profiles
  - Renew all scrap metal licences
  - Review the Street Trading Policy

### **14.0 Insight Patrols**

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

### **15.0 Conclusion**

- 15.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by enforcement agencies responsible for regulating the evening and night time economy throughout 2015/16. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.
  
- 15.2 Officers in tandem with the police will arrange an 'in-sight' patrol for any Members who would like to visit the ENTE areas at night, which would include access to the CCTV control room.

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**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	Information regarding delegated decisions for applications for the grant / variation of premises licences
<b>Committee:</b>	Licensing Committee
<b>Date:</b>	07 June 2016
<b>Cabinet Member:</b>	Councillor John Riley
<b>CMT Member:</b>	Kelechi Nnoaham (Office of the Director of Public Health)
<b>Author:</b>	Frederick Prout (Senior Licensing Officer)
<b>Contact:</b>	Tel: 01752 304792 e-mail: licensing@plymouth.gov.uk
<b>Ref:</b>	ERS/LIC/PREM
<b>Key Decision:</b>	None
<b>Part:</b>	I

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**Purpose of the report:**

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

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

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

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

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

See [Our Plan](#)

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

Not applicable

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

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

**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

**Recommendations and Reasons for Recommended Action:**

To note the report.

**Alternative options considered and rejected:**

None.

**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

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

**Background papers:**

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

**Sign off:**

Fin		Leg	25695/ag/1 9/5/16	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

## 1.0 INTRODUCTION

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

## 2.0 RESPONSIBLE AUTHORITIES

### 2.1 *Environmental Health*

George Street Community Centre	Mount Wise
Afro Caribbean Pot	City Centre
Le Petit Parisien	Barbican
Underground	Mutley
Nazareth Retirement Village	Stonehouse
Underground	Mutley
La Roux	City Centre
Charlie Franks	City Centre
Agaton Social Club	St Budeaux
Ker Street Social Club	Devonport
Kings Tamerton Community Centre	Kings Tamerton

### 2.2 *Devon and Cornwall Police*

Disco Volante (Vessel)	Millbay
SMN Stores	Keyham
Embassy Social Club	Milehouse
Leandras	City Centre
Blue Glazier Ice Cream Parlour	Barbican
Greedy Pig	City Centre
Foodie	City Centre
Woolway News	St Budeaux
Woodford Stop n' shop	Plympton
Piazza	City Centre
Off Licence Food and Wine	Union Street
Play	Barbican
Underground	Mutley
La Roux	City Centre
Charlie Franks	City Centre
Agaton Social Club	St Budeaux
Ker Street Social Club	Devonport
Real Food Kitchen	Derriford
Kings Tamerton Community Centre	Kings Tamerton
Whitleigh Post Office	Whitleigh

**2.3 Trading Standards**

Off Licence Food and Wine  
SMN Stores  
Woodford Stop n' shop  
Agaton Social Club

Union Street  
Keyham  
Plympton  
St Budeaux

**3.0 CONSIDERATIONS**

- 3.1 Paragraph 9.30 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the Licensing Act 2003 states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.
- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 31 May 2015 until 30 April 2016 and this report is submitted for the information of the committee.