



#plymlicensing



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LICENSING COMMITTEE

Tuesday 19 June 2018
10.00 am
Council House, Plymouth

Members:

Councillor Rennie, Chair
Councillor Parker-Delaz-Ajete, Vice Chair
Councillors Cook, Corvid, Deacon, Downie, Fletcher, K Foster, Hendy, Dr Mahony, Morris, Neil, Singh, Smith 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

1. To Note the Appointment of the Chair and Vice Chair

The Committee will note the appointment of Councillor Rennie as Chair and Councillor Parker Delaz-Ajete as Vice Chair for the municipal year 2018/19.

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 - 22)

To confirm the minutes of the following meetings:

Licensing Sub Committee:

- 23 January 2018
- 13 February 2018

Licensing Committee:

- 5 December 2017

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 23 - 34)

7. Information Regarding Delegated Decisions for Applications for the Grant / Variation of Premises Licences:

(Pages 35 - 38)

Licensing Sub Committee

Tuesday 23 January 2018

PRESENT:

Councillor Dr Mahony, in the Chair.
Councillor Churchill, Vice Chair.
Councillors Morris (Fourth Member) and Rennie.

Also in attendance: Catherine Fox (Legal), Marie Price (Enforcement Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.35 am.

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

44. **Appointment of Chair and Vice-Chair**

Agreed that Councillor Dr Mahony was appointed Chair, and Councillor Churchill appointed as Vice Chair for this meeting.

45. **Declarations of Interest**

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

46. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

47. **Grant of Premises Licence - Devon Stores, 38-40 Marlborough Street, Devonport, Plymouth, PL1 4AH**

The Committee:

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant as follows:

written representations:

- the applicant has submitted an application for a premises licence and has applied to be permitted to carry out the following licensable activities:-
 - 1) Late Night Refreshment (Indoors and Outdoors) – Monday to Sunday 11pm to Midnight
 - 2) Supply of alcohol for consumption OFF the premises – Monday to

Sunday 0600am to Midnight

3) Hours premises are open to the public – Monday to Sunday 0600am to Midnight;

- in support of the application and in response to written representations a copy of the operations and training manual had been produced;

heard from the applicant:-

- the owner of the premises has 11 years' experience of managing off-licenses. He owns 5 stores and 3 petrol stations all of which are licensed. One shop is in North Prospect, which it was felt was in a similar situation as the premises subject to this application. It is subject to the same management structure as this premises will have. It was built under Council accommodation allocated to over 55s. The residents are customers of the shop. There have been no problems;
- he has employed an area manager, who lives locally and who has 25 years retail experience, 15 of which with licensed premises. She has been area manager for this company for 3 years. She will manage both stores;
- in the course of preparation of this application they met with the police and took on board their suggestions which are reflected in the operating schedule and proposed conditions. The police have not raised any concerns or made any representations. The Committee were referred to the judgment in the Thwaites PLC appeal case and in particular the statement "" the fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them, whereas, in fact, they appear to have dismissed the police view because it did not agree with their own". Whilst recognising the fears of the residents, there is no evidence that problems will materialise as a result of these premises. The licence holder will help address any issues that arise;
- there is always the potential for any premises to cause problems. It is how it is managed that counts and that is why an experienced area manager has been employed. They do not cut corners with their management structure. Her name and number will be available within the shop to be given to customers/residents if a problem should arise;
- they will not be selling high strength beer or cider;
- the responsible authorities have considered the proposed conditions and have raised no concerns or representations;
- the owner stated that he views this shop as a community business, delivering goods to them. If there are any issues that arose he would work to put them right without delay. His mantra is the customer is

always right;

- the contents of the operating manual were summarised and the 3 stage training process of new members of staff in who they should and should not be selling alcohol to was explained;
- they will be operating Challenge 25;
- they will have CCTV both inside and outside the premises. The CCTV outside the premises should deter trouble makers loitering outside the premises and therefore should also benefit the residents of the Helen Fox House;
- having considered the written representations they are prepared to offer additional conditions which they feel will abate any likelihood of public nuisance occurring;
 - a) Signage being placed inside and outside the premises asking for consideration for residents from customers when in the vicinity of the premises;
 - b) A mobile extra bin which will be emptied regularly and taken in when the premises closes;
- whilst they cannot offer it as a condition as they do not know whether it is feasible, they will join a Radio Link Scheme if there is one for the area;
- the applicant accepted that this premises can be distinguished from the North Prospect one in that the North Prospect one was purpose built with sound proofing. The ceiling on this premises whilst not sound proofed is made of concrete. The management structure will be the same;
- there is planned to be an alarm that is connected to the door which will sound on the shops computers within the premises. The sound should not be audible to residents above but if there was an issue they would immediately try and resolve the issue even if it meant stopping using it. They do not plan on playing music. They are very focussed on customer happiness and the residents will be their customers and they do not want to upset them. They want to be part of the community;
- in response to Members questioning, the applicant agreed that it would accept a time limited condition of 3 months whereby its opening hours were brought forward to enable the premises to “bed in” and any teething problems to be resolved. At the end of that 3 month period the premises would revert to the planned opening hours as set out within the application. The applicant indicated a preference for 11pm as the earlier closing time but if need be would accept 10pm. Any earlier than that and the business would cease to be

viable;

(c) representations from responsible authorities:

- there were no representations from the responsible authorities;

(d) representations from other interested parties:

Prevention of crime and disorder

- Marlborough Street and the surrounding areas already suffer from problems associated with street drinking with disturbances and nuisances occurring regularly. Local residents especially those in sheltered accommodation have suffered enough. They already feel intimidated and feel an increase in more anti-social behaviour associated with alcohol sales would be too much for them. In the likelihood of antisocial behaviour arising the Members were satisfied that the management structure and style would be sufficient to abate the same; *this was considered to be relevant under this licensing objective. There was no evidence to link the street drinkers and antisocial behaviour to these premises;*
- if you get shoplifters in this shop and police have to be called it's going to be unsettling for some residents (sheltered accommodation); *this was not considered to be relevant under this licensing objective. This was felt to be a police matter;*
- the residents of the sheltered accommodation are fearful that the street drinkers are going to use the shop and they will then find them causing a nuisance and urinating in the sheltered accommodation's entrance way/porch and the car park at the rear. Some residents will be afraid to go out. People from the Salvation Army Hostel at the end of the street already congregate and cause problems despite CCTV recently installed at the other end of the street; *this was considered to be relevant under this licensing objective. However, there was no evidence to link issues directly with these premises. It was felt that any likelihood of antisocial behaviour would be reduced by the existence of CCTV outside of the premises. It was felt that the CCTV would benefit the community as a whole. It was felt that the experienced management team and systems to be put in place would take steps to mitigate any such behaviours;*
- they are going to open until 11pm and there are already 4 other shops selling alcohol as well as a 24 garage. Everywhere else shuts at 10pm. The street is dead at night and the other shops are struggling. The need for another is questioned; *the issue of "need" is not a relevant consideration for the Licensing Authority. It is a planning consideration;*

The prevention of public nuisance

- noise disturbance from people on the street on this part of the

pedestrianised Marlborough Street especially that linked to the purchase of alcohol is already too much for the residents of sheltered accommodation. This shop is under Helen Fox House sheltered accommodation. If groups gather outside the premises in the evening it will disturb the residents some of whom have mental health issues. Some residents go to bed at 8pm onwards due to their health difficulties and needs. They already run the risk of hearing foul language and being disturbed by noise if they open their windows; *this was considered to be relevant under this licensing objective. However, there was no evidence to link issues directly with these premises. It was felt that any likelihood of antisocial behaviour would be reduced by the existence of CCTV outside of the premises. It was felt that the CCTV would benefit the community as a whole. The proposed management structures and stated response to anyone causing trouble within the premises would be sufficient to guard against such issues. The Members accepted the offer of the Applicant to include an additional condition that signage would be displayed both within the shop and outside warning patrons that it is a residential area and to keep noise to a minimum. The interested party had indicated that the street was dead at night;*

- noise disturbance from deliveries relating to these premises of building supplies has disrupted the residents sleep. Many of the residents have health needs from Alzheimer's, to a frontal lobe tumour and many go to bed from 8pm onwards and are disturbed by noise. They cannot sleep with their windows open without being woken up; *This was considered to be relevant under this licensing objective. Whilst the disturbance from delivery noise complained off relates to building supplies rather than shop supplies, the Members believed that this demonstrated a high likelihood of shop deliveries made at antisocial hours disturbing the sleep of vulnerable adults with many health needs. The Members felt it could be obviated against by imposing a condition preventing deliveries at anti-social times;*
- despite the supply of extra litter bins , the cleanliness of Marlborough Street is made worse due to the current array of cans and bottles which would be worse should this licence be approved; *This was considered to be relevant under the licensing objective. The Members felt it would be obviated against by accepting the offer of an additional condition regarding the supply of a mobile external litter bin;*

The Committee:

- has taken into account all relevant representations;
- has considered the statutory guidance and its own licensing policy;
- considers that the action detailed below is appropriate and proportionate to promote the licensing objectives in light of the relevant representations and all that was said by the applicant;

- accepted the reassurances given by the applicant that a high standard of management control will be put in place to monitor the situation on each and every day of operation. It accepted as genuine the applicant's assurances that it will consult with and work with the Residents' Associations to resolve in a timely manner, any issues that do arise. However, given the sheltered accommodation above and how vulnerable many of the residents are it felt that the conditions contained within the proposed operating schedule attached to the application would not of themselves be sufficient. It concluded that the additional conditions set out below would offer protection to the residents and abate any nuisance arising from noise or anti- social behaviour. The committee was satisfied with the layout of the shop and felt the inclusion of the CCTV provisions would be a support to managing problems and would benefit the community as a whole. It also felt that a variation and reduction to the permitted hours of off sales sought to reduce the likelihood of issues arising under the crime and prevention and public nuisance objectives, would be appropriate and proportionate.

Having taken into account these representations the licence is granted for:

- A) late night refreshment indoors and outdoors 11pm to 12 midnight;
- B) supply of alcohol for consumption OFF the premises :-
Monday – Saturday 06.00am to 11.00pm
Sunday 06.00am to 10.30pm

subject to:

- the conditions put forward by the applicant as amended/added to below and;
- the following additional condition from Plymouth City Council's pool of licensing conditions
- additional conditions proposed by applicant:
 1. The Premises License Holder of nominated person shall erect and maintain suitable and sufficient conspicuous and legible notice at every entrance/exit both within the premises and outside, requesting patrons and staff to avoid causing noise, nuisance or disturbance to local residents;
 2. The Premises Licence Holder or nominated person shall ensure that a mobile litter bin is placed outside the front of the premises during the premises opening hours. Such bin is to be brought inside at closing time;
 3. That for a period of 3 months, commencing with the date of the premises opening, no off sales will be made beyond 10pm, 7 days a week. At the end of the 3 month period the times for the supply of alcohol will revert to the times granted for off sales above – namely 11.00pm Monday to Saturday and 10.30pm on Sunday;

Additional Condition from Plymouth City Council's pool of licensing conditions;

4. The delivery of goods is restricted and must only occur between the hours of 8.00 am and 7.00pm;

Whilst not a condition, the Members strongly urge the Premises to join any existing radio link scheme for the area.

48. **Exempt Business**

There were no items of exempt business.

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Licensing Sub Committee

Tuesday 13 February 2018

PRESENT:

Councillors Loveridge, Dr Mahony, Morris and Rennie.

Also in attendance: Ann Gillbanks (Legal), Frederick Prout (Licensing), Bev Gregory(Licensing) and Jamie Sheldon (Democratic Advisor).

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.

49. **Appointment of Chair and Vice-Chair**

Agreed that Councillor Mahony was appointed Chair, and Councillor Morris as Vice Chair for this meeting. Councillor Loveridge acted as fourth member.

50. **Apologies**

No apologies received.

51. **Declarations of Interest**

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

52. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

53. **Grant of Premises Licence - Smileys Grocers, 95 Mayflower Street, Plymouth, PL1 1SD**

Application for the Grant of a premises Licence – Smileys Grocers, 95 Mayflower Street, Plymouth

The Committee

a) Considered the report from the Director of Public Health

b) Heard from the applicant as follows:

The application is for the supply of Alcohol for consumption off the premises at:

Monday to Friday 09:00am to 11.00pm

Saturday 11.00am to 11.00pm
Sunday Midday to 11.00pm

Hours the premises are open to the public are:

Monday to Friday 9.00am to 11.00am
Saturday 11.00am to 11.00pm
Sunday Midday to 11.00pm

Written representation from the applicant:

•the applicant is the designated premises supervisor (DPS) of Smileys Grocers, and is a law abiding citizen and of good management skills. The business enterprise is fully aware of factors to always consider about it's location and aim to do business in way that discourages anti-social behaviours but promote the four Licensing objectives. Similarly to Iceland supermarket that is in matching location with Smileys Grocers premises, we intend to sell alcohol off premises on a minimal scale compared to other items and will put measures such as follows in place:

a)no sales of cheap and high alcoholic drinks such as Frosty Jack cider, Tennent's Super beer and so on.

b)no selling to anyone perceived as drunk or allow them inside premises

c)to always abide to any conditions of the license outlined by sub-committee

d)clear challenge 25 information to prevent the supply of alcohol to underage drinkers

•for experimentation, the applicant obtained a licence for temporary event with (off the premises) alcohol sales in the recent festive and busy times of the year between 11am -9pm from 23rd December to 29th December 2017. The outcome was positive without any trouble and planned to have another temporary event before the set 13th of February 2018 Licensing Sub-Committee hearing date.

•it was observed that, the held temporary event good outcomes link to factor such as the type of alcohol products been sold, management and hours of operation. At the moment our hours of operation is between 11am – 6pm Monday to Saturday with no immediate plan of extension. However, 2 or 3 hours (i.e. to close 8pm or 9pm) might be added to premises closing hour in future if need be.

At the committee meeting the applicant made the following additional representations:

•that the primary business is to supply a multi-cultural community;

•the shop is a UPS access point;

•that the applicant will work in an ethical way with the government bodies to promote the licensing objectives to provide something safe for the society;

- that in reply to the police representations but anti-social behaviour the applicant believes it is important to tackle anti-social behaviour but is not sure that not granting the licence will solve the anti-social behaviour in the area and believes this should be tackled by working in a collective way with the authorities and within the licensing objectives;

- that the sale of alcohol will be on a very small scale;

- will not be selling alcohol to attract street drinkers and will not sell cheap alcohol;

- when alcohol was sold over Christmas it did not attract hooligans to the shop;

- want to work in a safe way to promote the licensing objectives;

In response to questions raised by Committee members the applicant gave the following responses:

- that the shop sales could not compete with Sainsbury and Iceland (which were nearby) and that they sold African and other international good, spices and stuff;

- that they did not have a large student custom as the students mainly went to Iceland for convenience foods/sandwiches;

- that the business could trade without a premises licence but that the application was to sell alcohol such as African beers which would enhance the shops' goods;

- that the applicant would never be in the shop alone and would have another family member in the shop with him;

- that the shop is covered by CCTV and that they have mobile phones to call the police if there is a problem, but he was not a member of the PARC scheme (Plymouth Against Retail Crime);

- that the alcohol will not be on a shelf in the open shop where it would attract shoplifters but would be kept on shelf behind the till area so a member of staff would have to pass it to a customer;

- that since the shop has been trading it has never been open past 6pm and that the applicant would be willing to stop selling alcoholic 6pm if the licence was granted;

- the shop does not sell tobacco.

Heard from the responsible authorities as follows:

Under the Licensing objectives of Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety

The Devon and Cornwall Police made the following representations:

- the premises are situated in Mayflower Street Plymouth adjacent to the Stonehouse area;

- the premises are near the following operations;
- Congress Hall Armada Way which provides various activities and support groups Band practice, open door café, bereavement support, Drug and Alcohol support, Bible study, adult support group, Christian teaching, fun and games for children aged 4 – 13;
- Plymouth Coach Station –The previous coach station namely Bretonside was a hot spot of activity for alcohol related anti- social behaviour;
- Pilgrim Academy Oxford Street Stonehouse – this school provides breakfast and afternoon clubs;
- Royal British Legion Pop in Centre Armada way – these premises offer support for ex-servicemen including advice for alcohol and drug addiction Methodist Central Hall Eastlake Street – this organisation provides youth clubs for young people aged 11 to 18 years old.

The relevance of these premises is provided by the Plymouth City Council Statement of Licencing policy (page 13) which states-

“Responsible Retailing for Off-Sales

The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

Many parts of the city have Designated Public Places Order in place to help address problems of drinking alcohol in public areas. Street drinking can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime. Local research has established that many people now drink at home before heading out for the evening, which contributes significantly to the problems of drunken and disorderly behaviour. Businesses involved in the city’s evening and night time economy are left to deal with this issue.

Page 15 of the policy states

Location and Trading Restrictions

The Licensing Authority may not approve applications for off sales in the following locations:

Near to alcohol addiction recovery activities or buildings.

In areas where street drinking affects any of the licensing objectives.”

- the area in which the premises are located are subject of unacceptable levels of street drinking, alcohol related crime and disorder and street begging involving some of the Police’s well know faces being identified as street drinkers.
- that in discussions with the manager of Community Connections has said that they have a lot of cost cleaning streets from street drinking behaviour, eg urinating, defecating and that a business in Stonehouse has complained that their business in being affected by people drinking outside the premises and intimidating customers.

- that the Inspector attending for the Police had the unfortunate duty to be involved with a student in accommodation above Union Street to took alcohol mixed with drugs and fell eleven floors to his death in the accommodations' stairwell.
- between 1st November and 14th November 2017 129 incidents of begging were dealt with by the Plymouth PARC Rangers.
- in the same period they dealt with 69 alcohol related incidents in the city centre.
- the police have also noted an increase in crime and disorder involving a large group of juveniles who are reportedly stealing alcohol from both shops and street drinkers or are obtaining alcohol from existing outlets by proxy purchase.
- In response to this the neighbourhood officers have instigated Operation Grey Wild specifically to deal with the alcohol related Anti -Social behaviour and Crime within the city centre.
- the police have also conducted a survey within the city centre premises to obtain their views on the effect the operation of these premises will have.
- general comments indicated that the issue of this premises licence will have a negative effect and attract further incidents of alcohol related Crime and Anti – Social Behaviour, several expressed concern regarding the proximity of established outlets and the fear of street drinkers congregating in the car park coach station area. There were comments regarding public health issues arising if this happens due to urination and defecation in the area, indeed some people feel a problem already exists in this area.
- a further snap shot of street drinking incidents between 1st and 14th December 2018 show the problem persists with 40 people being spoken to regarding alcohol related incidents by PARC Rangers.
- a check of police systems show the following offences have been recorded as alcohol related between the 1st November 2017 and 16th January 2018.
- the figures relate to Mayflower Street, Market Avenue, Market Street, Cornwall Street, New George Street, Royal Parade, Derry's Cross and Raleigh Street.
 - 28 offences of Assault
 - 3 offences of Grievous Bodily Harm
 - 7 Offences of Criminal damage
 - 1 offence of Indecent Exposure
 - 2 offences of Racially aggravated public order
 - 1 offence of sexual assault on a female
 - 11 offences of theft from shops
 - 1 offences of theft from persons
 - 6 offences of Threatening Behaviour
 - The figures also reveal that about 65% of these offences occurred between 0900hrs and 2300hrs.

- the police believe the grant of this licence will have a negative effect on the licensing objectives listed at the head of this report.

- the facts presented show the local business community and members of the public who use the city centre facilities are already subject of incidents of alcohol related crime and disorder. It is felt the issue of this licence will inevitably add to existing problems and increase the number of reports.

- therefore the Devon and Cornwall Police invite you to refuse this application

In response to questions by the Committee Members and Officers the Police representative gave the following information:

- the Police did not object to the application for Temporary Event Notice in December on the basis that unless event had the ability to cause immediate mayhem to the area the Police were duty bound to give the applicant the ability to prove themselves. The Police representation here is that one event of limited sale of alcohol may not have a negative effect on anti-social behaviour but that looking at the long term it is considered that there will be an impact on the area.

- that alcohol related crimes are growing with the public's dissatisfaction in number of people engaged in alcohol disorder. These particular scenarios outlined in submissions are a recent innovation so the Police have to look for sometimes new and radical policies to deal with them.

- if this application was for similar premises in a different area then there would be no problems. Looking at the problems we have in this area at the moment and the proximity of Stonehouse, the number of crimes and problems the PARC Rangers are having to deal with coupled with the proximity of the bus station make this application quite unique. This will make the already quite serious problems we have worse

- confirmed that the incidents reported by PARC Rangers were taking place during the day

- had information from shopkeepers that rough sleepers were congregating in the loading bay of the nightclub and in the back door of this premises

Under the Licensing objectives of Prevention of Crime and Disorder, and Public Safety

The Public Health Authority (ODPH) made the following representations:

- the application for premise licence relates to a premise in the Stonehouse neighbourhood. The premise is on the border of an area that is subject to Plymouth City Council's Public Spaces Protection Order (PSPO). This PSPO was put in place in October 2017 to address a number of issues that were identified as having a negative impact on the neighbourhood. These include street drinking and Anti-Social Behaviour (ASB) due to drunkenness as evidenced by the following incidents recorded in the Stonehouse neighbourhood in the 6 months between April-October 2016

- 234 reported incidents directly linked to alcohol;

- 56 crimes recorded directly related to alcohol;
- 268 reported incidents of anti-social behaviour;
- 340 Public safety reports – concern, collapse, injury, trapped;
- Recent intelligence from Devon and Cornwall Police identifies significant issues with both alcohol related crime and street drinking in beat code ECIE area where this premise is located. Between 29th August and 19th December 2017 there were 98 alcohol related offences recorded between the hours of 08.00 and 23.00 hours in this area. These include criminal damage, common assault and multiple offences of theft from a shop.

•furthermore between 1st and 14th December 2017 there were 69 incidents of street drinking recorded with individuals and groups of up to 9 people in the beat code ECIE area.

•the proposed premise is also situated on the border of two cumulative impact policy areas (North Hill and Union Street, including Derry's Cross) that are in place to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

•the premise is in very near proximity to a number of high density student accommodations. It is also alongside the new coach station and satellite tourist information centre that has been granted the first ever Safer Coach Station accreditation status.

•the Plymouth Alcohol Harm Profile provides evidence of the level of alcohol related harm in the Stonehouse neighbourhood where this premises is situated. The alcohol harm profile shows;

•mapping of on and off licensed premises in Plymouth shows a proliferation of premises in areas of deprivation. Stonehouse has more off-licensed premises than any other neighbourhood in the city.

•there is a growing body of evidence indicating that the number of licensed premises in an area has a direct impact on levels of consumption and subsequent harm. Studies have shown clear relationships between density of outlets and levels of violence, traffic accidents and injuries. High outlet density has been directly linked to increased risky drinking and levels of violence.

•Stonehouse is the most deprived neighbourhood in the city and has the lowest life expectancy of any neighbourhood in the city. There is good evidence that neighbourhoods with low socio-economic status have a greater susceptibility to the harmful effects of alcohol. This is evidenced by the rate of alcohol related hospital admissions in Stonehouse which is the highest in the city and is double the rate seen in at least 10 other neighbourhoods in the city.

•this correlation between licensed premises and higher rates of alcohol related hospital admissions appears to provide evidence of a link between outlet density and alcohol related health harms.

•in Stonehouse the level of all alcohol related crime recorded in 2016/2017 was the second highest of any neighbourhood in the city.

- during that time the level of violent crime and the number of domestic abuse offences with an alcohol classification in Stonehouse was the highest of any neighbourhood in the city.

- Plymouth's Strategic Alcohol Plan 2013 - 2018 Promote Responsibility, Minimise Harm and the city's Thrive Plymouth Programme are concerned with reducing alcohol related harm and enabling and encouraging positive choices for better health. Whilst the current licensing regime does not have a specific health objective it is acknowledged that approaches to alcohol licensing provide an important framework for creating the conditions for good health and wellbeing. Agreeing this application will work directly against the objectives of the Strategic Alcohol Plan and Thrive Plymouth.

In Conclusion:

- the proposed application premise licence will increase the overall availability of alcohol in this neighbourhood where there is significant evidence of alcohol related crime, disorder and street drinking. This is likely to increase overall alcohol consumption and escalate levels of alcohol related crime and disorder in this area. It is also likely to have a negative impact on public safety and perceptions of safety.

- the Committee have taken into consideration the representations made by the Police and Health Authority consider them relevant to the stated licensing objectives. The Committee have noted the levels of incidents reported by the Police in the City Centre area but have also taken into consideration that none of these incidents appear to have directly attributable to the time that the applicant was selling alcohol under the Temporary Event Notice (i.e. between 23 to 29 December 2017). With regard to the representations about anti-social behaviour and incidents occurring in the Stonehouse area, the Committee considered that these were not relevant to this premises (being situated in Mayflower Street).

- the Committee also took into consideration that there were 4 other premises in the vicinity which held a premises licence for off sales and noted the representation that granting this licence would only add to the stated problems, but considered that the applicant had explained that the intended sales of alcohol were to be tailored to compliment and support the specialist market items that were sold on the premises and that the premises were aiming for a target custom of local community and not for excessive sales of alcohol.

- the Committee noted that the premises sits on the boarder of 2 cumulative impact areas but not within one of the said areas and also noted the representations made concerning the proximity of the premises to the establishments listed by the Police but considered it appropriate to depart from its Licensing Policy in this instance to support a venture which was different in nature to the surrounding establishments.

- however, the Committee considered it appropriate that control would still need to be exercised at the premises to avoid any adverse impact on the problems outlined which affect the area so agreed to Grant the application on the following basis:

I. the hours for the supply of alcohol for consumption off the premises shall be:
Monday to Saturday 10am to 6pm Sunday 12midday to 4pm

2. in addition to the Mandatory conditions which are imposed by the Licensing Act 2003 on the grant of a premises licence the following additional conditions would also be imposed

- a) all alcohol must be sold from behind the till area and not in open shelved units
- b) outside of licensing hours any alcohol in the shop must be covered with lockable security shutters or within a locked fridge unit (If this is not reasonably practical the Licensing Authority shall be consulted regarding other suitable security solutions)
- c) no alcohol to be sold in cans
- d) all alcoholic drinks will be clearly labelled or marked with the name of the premises
- e) a minimum of two staff to be on duty at times when the premises remain open for the sale of alcohol
- f) all staff shall be fully trained to perform the role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions
- g) training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months
- h) all staff shall be trained in the requirements of the Challenge 25 policies.
- i) an incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
- j) an incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.
- k) all staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
- l) the Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
- m) the CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
- n) the CCTV system shall cover all areas of the premises to which the public have access including any outside areas. Images shall be retained for a minimum of 31 days
- o) the CCTV system shall be capable of downloading images to a recognizable viewable format.

p)at all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.

q)the CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

54. **Exempt Business**

There were no items of exempt business.

Licensing Committee

Tuesday 5 December 2017

PRESENT:

Councillor Dr Mahony, in the Chair.
Councillor Churchill, Vice Chair.
Councillors Morris, Parker-Delaz-Ajete, Rennie, Singh and Winter.

Apologies for absence: Councillor Drean

Also in attendance: Frederick Prout (Licensing), Sharon Day (Lawyer) and Jamie Sheldon (Democratic Advisor).

The meeting started at 10.00 am and finished at 10.50 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.

13. **Declarations of Interest**

There were no declarations of interest made by Members, in accordance with the Code of Conduct.

14. **Minutes**

The Committee confirmed the minutes of the Licensing Sub Committee meetings held on the following dates:

- 20 December 2016
- 04 April 2017
- 09 May 2017
- 30 May 2017
- 04 July 2017
- 18 July 2017
- 01 August 2017
- 12 September 2017
- 10 October 2017
- 7 November 2017

Also confirmed the minutes of the Licensing Committee meeting held on the following dates:

- 06 December 2016 subject to an amendment to a typographical error at point (g) which should read 'slabs' not 'slaps'.

15. **Chair's Urgent Business**

There were no items of Chair's urgent business.

16. **Street Trading Report 2018 / 2019**

The Strategic Director for Place submitted the street trading report providing an overview of the process for issuing consents for the 2018/19 trading year.

Emily Bullimore (BID Street Operation Manager) highlighted the following main areas –

- Duration of Consents for 2018 / 2019
- Consent fees for 2018 / 2019 background
- Allocation Procedure
- Street Trading during City Centre Events
- Ad hoc Street Trading
- Pier Street Terms and Conditions

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

- (a) The fact that there was a small error at paragraph 4.2 which should have had the words 'and lead opposition member' added to the end of that paragraph. This was noted by the committee.
- (b) The current occupation of sites, the types of activities carried out and expressions of interest for the next years trading period.

Cllr Morris arrived part way through this item

The committee agreed the recommendations within the report with the exception of recommendation 10 which was agreed as set out below:

Agreed recommendations:

1. The Consent dates for 2018 / 2019 are approved of 1 April 2018 – 31 March 2019.
2. The Consent fees set out in Appendix 1, for 2018 / 2019 are approved.
3. 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 2018 / 2019.
4. 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 of the

licensing committee and lead opposition member.

5. 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.
6. The Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. 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 2018 / 2019.
8. 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 of the licensing committee and lead opposition member.
9. The Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading in 2018 / 2019.
10. For Hoe and Madeira Road Waterfront trading sites the licensing committee delegate authority to the licensing sub committee to decide upon all new applications.
11. To agree new Terms and Conditions for the Pier Street Ice Cream pitch following the addition of an electrical hook up installation on site.

17. **Licensing Activity Report**

The Director of Public Health submitted the licensing activity report which provided an overview of aspects of the work undertaken in relation to the various licensing regime within the remit of the Licensing Committee. The report further provided a legislative update for the committee's information.

The main areas of questioning from members related to the following:

- (a) Whether taxi marshalls were SIA approved;
- (b) Enforcement action in relation to underage sales;
- (c) Gambling establishments profiling, risk assessments and safeguarding considerations.

The Committee noted the report.

18. **Information regarding delegated decisions for applications for the grant / variation of premises licences**

Frederick Prout (Senior Licensing Officer) provided the Committee an update on Information regarding the delegated decisions for applications for the grant/variation of premises licenses.

The committee discussed the importance of having at least two Licensing Committee meetings a year, one in June and the other in December.

The Committee noted the report.

19. **Exempt business**

Agreed that under Section 100A(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

20. **Confidential minutes**

The Committee approved the confidential minutes:

- 20 December 2016 Licensing Sub Committee

Subject: Licensing Activity Report
Committee: Licensing Committee
Date: 19 June 2018
Cabinet Member: Councillor Sally Bowie
CMT Member: Dr Ruth Harrell (Office of the Director of Public Health)
Author: Rachael Hind (Service Manager)
Contact: Tel: 01752 308794
e-mail: Rachael.hind@plymouth.gov.uk
Ref: ERS/LIC/
Key Decision: None
Part: I

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.

The Corporate Plan:

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

1. Growing Plymouth

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

2. Confident Plymouth

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

3. Caring Plymouth

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

See [Our Plan](#)

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

Not applicable

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? N/A

Recommendations and Reasons for recommended action:

That members consider this report and note its contents

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 - April 2017](#)

Background papers:

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

Sign off:

Fin		Leg	30628/ag/8 .6.18	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report?													

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 2017 to the 31 March 2018. The team received approximately 2404 licensing applications in 2017/2018 covering the following areas:

- Alcohol and entertainment
- Gambling
- Sex Establishments
- Petroleum
- Explosives
- Animal welfare
- Charitable collections
- Scrap metal
- Caravan licensing
- Body and Beauty Art

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 2017/18, Officers processed the following number of applications:

Licence Type	2016/2017	01/04/17 – 31/03/18
Licensing applications, transfers and variations	503	464 (plus 216 suspensions)
New Personal licences	224	139
TEN's	400	436

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.

2.3 212 Licensing Inspections were completed between April 17 and March 2018 and 53 Licensing Act applications required representations from Environmental Health and Trading Standards.

2.4 The Licensing Sub-Committee undertook the following activities:

	2014/15	2015/2016	2016/2017	01/04/17 – 31/03/18
Applications or Variations	11	6	8	7
Review of premises licences	3	2	1	4
Expedited review applications	0	0	1	1

3.0 Licensing Act Fees

- 3.1 Licence fees are prescribed in regulations (the Licensing Act 2003 (Fees) Regulations 2005). The fees paid in respect of applications for new premises licences and club premises certificates; applications for full variations to premises licences and club premises certificates; and annual fees in respect of premises licences and club premises certificates vary dependent on the national non-domestic rateable value (NNDR) “band” of the premises.
- 3.2 The government does not intend to change the existing fees regime in the immediate future. It notes that the revaluation of business rates that came into effect in April 2017 resulted in increased rates for many licensed premises, with an additional impact in some cases of those premises moving up a fee band, meaning an increase in business rates and licensing fees as a result.

4.0 Licensing Act Policy

- 4.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Policy was last approved on 31 March 2014 and will require a review again this year. The Cumulative Impact Assessments will also have to be reviewed.

5.0 Public Safety and Public Nuisance

- 5.1 During 2017/18, 104 formal noise complaints were registered against licensed premises, which is slightly lower than 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.

Two premises licences (The Plymstock Inn and The Clarence) were reviewed in this financial year due to public nuisance and public safety.
- 5.3 The out of hours noise service, staffed on a voluntary basis, continues to operate between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving domestic and licensed premises. Proactive licensing visits and inspections of licensed premises are also conducted at these times and specific visits outside of these hours can be made by arrangement where necessary.

	2016/2017	2017/18
Total Calls to Service (Domestic & Licensing)	305	199
Calls Relating to Licensed Premises	86	47

6.0 Protection of Children from harm

- 6.1 The Police and Trading standards continue to try and reduce the access to alcohol, from on and off-licences 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 the Licensing Team will liaise with the Police and Trading Standards to arrange test purchase operations during the year.
- 6.2 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.
- 6.3 Businesses are supported to minimize the potential for under age sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to a regional

under age sales web based training system for their staff and all have been written to in April reminding them of this training tool. Model age verification policies have been provided and officers are available to provide one to one advice.

7.0 Public health mapping

7.1 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 is used to support the systematic assessment of licensing applications.

7.2 The alcohol harm neighbourhood profiles were updated in 2017 and can be found on the Council website at:

https://www.plymouth.gov.uk/sites/default/files/Alcohol%20harm%20mapping%20Plymouth%20neighbourhood%20profiles%202017_0.pdf

8.0 Gambling Policy

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

Inspections are carried out throughout the year to ensure our establishments are fully compliant and some joint inspections are completed with the Gambling Commission which ensures consistency across the Country.

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

Existing operators and applicants are 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 licensed area

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

8.3 The Councils Gambling Licensing Policy was republished in January 2016 and is currently being reviewed as it needs to be republished in January 2019. The draft new Gambling Licensing Policy will undergo consultation with the responsible authorities including public health, the safeguarding board and the police.

8.4 We have drafted a local area profile for Plymouth and this will be launched with the new Gambling Licensing Policy. Profile maps similar to the alcohol maps have been 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.

8.5 Licensing Committee has delegated responsibility for the setting of annual fees payable by gaming establishments. The latest fees were approved by Members on the 14 February 2011 and an update in June 2015 to remain at the maximum levels specified by Gambling (Premises

Licence Fees) (England and Wales) Regulations 2007. These fees will need to be reviewed again this year.

8.6 Multi Operator Self Exclusion Scheme (MOSES)

The Gambling Industry introduced an online multi-operator self-exclusion scheme in April 2018. The scheme notifies all operators in a certain area, of the customers that have requested to be excluded from their premises. The scheme also prevents customers from using websites and apps to gamble. The scheme means that anyone who wants to exclude for all gambling only needs to complete the self-exclusion process once, as operators will be centrally linked to the scheme. Further information can be found at <https://www.gamstop.co.uk/>

8.7 Fixed Odds Betting Terminals – Changes to Maximum Stake

The Department for Digital, Culture, Media and Sport announced on 17 May 2018, that the Fixed Odds Betting Terminal maximum stake is to be reduced from £100 to £2. Changes to current stake and prize limits will be introduced through secondary legislation which will require parliamentary approval.

Problem gambling can devastate individuals' lives, families and communities. The Minister for Sport and Civil Society said 'it is right that we take decisive action now to ensure a responsible gambling industry that protects the most vulnerable in our society. By reducing FOBT stakes to £2 we can help stop extreme losses by those who can least afford it. While we want a healthy gambling industry that contributes to the economy, we also need one that does all it can to protect players'.

In addition to the reduction to FOBT stakes, the Government has confirmed that:

- The Gambling Commission will work with the industry to improve player control measures, including the potential ending of sessions where player limits are met and explore in more detail the costs and benefits of tracked play on B1 and B3 machines in other premises.
- Current stake and prize limits for all other gaming machines are to remain as existing for the time being.
- An uplift to stakes and prizes for prize gaming is to be made.
- The Gambling Commission will toughen up protections around online gambling including stronger age verification rules and proposals to require operators to set limits on consumers' spending until affordability checks have been conducted.
- A major multi-million pound advertising campaign promoting responsible gambling, supported by industry and Gamble Aware, will be launched later this year.
- The Industry Group for Responsible Gambling (IGRG) has amended its code to ensure that a responsible gambling message will appear for the duration of all TV adverts.
- Public Health England will carry out a review of the evidence relating to the public health harms of gambling.
- As part of the next licence competition the age limit for playing National Lottery games will be reviewed, to take into account developments in the market and the risk to harm to young people.

9.0 Sex Establishments

9.1 The current 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 to the Licensing Act 2003.

- 9.2 Originally two lap dancing clubs and two sex shops were licenced, but subsequently only one of each remains in business.

10.0 Scrap Metal Dealers

- 10.1 The Scrap Metal Dealer's Act 2013 reformed licensing requirements and was designed to curtail the profitable activities of metal theft. These changes prevent cash transactions (which are not traceable) and revised police powers of entry to check that these prohibitions are being complied with.
- 10.2 Two scrap metal dealers licences were revoked this year due to the Site Managers receiving convictions. One was a member of a gang involved with dealing £9 million worth of cannabis in the City and the other was revoked following a conviction for stealing £281,470 worth of vehicles and tools.
- 10.3 We also take part in joint Operations during the year with other agencies including the Police and Environment Agency to check scrap metal collectors are compliant.

11.0 Partnership Working

- 11.1 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.
- 11.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.
- 11.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 11.4 The Licensing Team and Police 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.
- 11.5 The Licensing Team are members of Safer Plymouth and the ENTE and Alcohol Harm Reduction Subgroup which was reinstated this year.

12.0 Plymouth Event Safety Advisory Group (PESG)

The Plymouth Event Safety Advisory Group (PESG) has been reinstated this year to consider high risk or large scale public events and their requirements. The Group's remit includes safety at sports grounds not regulated through the Safety of Sports Grounds Act, large music events, firework displays, carnivals, parades and other large scale events of a similar nature. Water borne events will be considered in so far as the land side and land / sea interface activities.

Small scale events will be considered where they pose a potential risk to public safety.

Meetings are arranged every month and we have met with two event organisers to discuss large events that are being arranged for the summer. Following the meeting, a letter is sent to the event organisers outlining the recommendations from the group. The event organisers

may also be asked to attend ESAG to debate and consider further recommendations from the group for future events.

13.0 Work Initiatives for 2018/19

- 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:
- Continue our joint working to detect, deter and disrupt modern slavery and exploitation
 - Continue the joint working 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
 - Consultation and adoption of the new Gambling Policy and Licensing Policy
 - Publish the local area gambling profiles
 - Audit all gambling risk assessments against the new gambling profiles
 - Safeguarding training for gambling establishments to be arranged.
 - Ongoing training of the additional Taxi Marshalls that have been appointed to assist with the ENTE.
 - Chair the Event Safety Advisory Group and attend the ENTE and Alcohol Harm Reduction Sub Group.

14.0 Conclusion

- 14.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and night time economy throughout 2017/18. 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.

15.0 Police Licensing Activity Report

- 15.1 Attached in Appendix One is a report from the Police Alcohol Licensing Officer who is also invited to present information to the Committee at this meeting.

DEVON AND CORNWALL CONSTABULARY

From: David McIndoe
Alcohol Licensing Officer
Charles Cross Police Station
Plymouth

To: Sgt 14751 Moore
Licensing Sgt
Charles Cross Police Station
.Plymouth

Tel No:

Ref.:

Your Ref.:

Date: 23rd May 2018

Subject: POLICE LICENSING REPORT APRIL 2017 – APRIL 2018

Sergeant,

In response to your request I have searched the Devon and Cornwall licensing System and can provide you with the following details regarding our activities over the last twelve months.

We have dealt with :-

- 37 applications to grant premises licence and negotiated appropriate conditions with each
- 50 applications to transfer premises Licences
- 1 applications to vary Club Premises certificates
- 12 variations of Premises Licences
- 113 variations of DPS 4 of these applications were rejected following intervention
- 269 Temporary Event Notices of which 3 were withdrawn following negotiations
- 152 Late Temporary Event Notices 18 of which were rejected
- 30 Minor Variations
- 1 applications for Club Premises Certificates

In addition we have we have appeared before the Plymouth City Licensing Committee to make representations on 2 occasions with applications for a review of the premises Licences.

We have also dealt with 6 venues classified as Problem Premises and have engaged in extensive negotiations and mediation to deal with concerns.

We are actively engaged in effectively working in partnership with Plymouth Pubwatch, Plymouth Licensing Forum and the Plymouth Best Bar None schemes. We now have the ability to quickly circulate details and advice to these organisations, in return we are seeing a marked improvement in the standard of management of licensed premises and a reduction in the reports of offences actually taking place within them.

We have also actively engaged with Door Supervision companies and have provided training and support where appropriate, with the improved communication we have identified a number of unsatisfactory doormen who have either been sacked by the companies or had their licence suspended by the SIA.

In addition we are promoting the Reducing the Alcohol Campaign City Wide and are identifying premises which decline participation but are clearly linked to Anti – Social Behaviour. We will be visiting these premises to further discuss their options. This is an ongoing initiative.

The major events such as MTV Crash have proved particularly successful and trouble free this year, The close liaison between police and the council events planning team enabled us to negotiate out the problems identified at previous events and have eliminated a lot of the concerns.

We have worked very closely with the University of Plymouth this year to establish a working relationship and involvement in the planning of their events. This has already proved beneficial. It has included advice and training re safeguarding issues and the provision of safe rooms and mentors within the Student Union bar.

This year has seen the successful introduction of the ask Angela campaign and recently the reintroduction of the Taxi Marshal scheme both designed to safeguard vulnerable people.

We have engaged in a number of local operations with our neighbourhood policing Teams which have proved extremely successful, the most notable being information regarding the use of drugs and presence of weapons at the OFFICE public house in High Street Stonehouse. As a result of our work a warrant was executed, it did not recover any drugs however it did trigger the dismissal of the manager, the eviction of a known drug dealer and the possibility of closure in the near future.

In addition it sent shock waves through the Licensed Trade in Plymouth which since the date of the warrant has been decidedly more professional.

Unfortunately there were two fatalities at Pryzm involving Drugs, and one fatality at the Clarence Public House in Stonehouse where a man died after being punched

This highlights the dangers inherent in the night time economy, in the first incident the organisation and professionalism of the management provided first class medical aid however no amount of treatment could avert the outcome.

In the second there was no professionalism and the incident was a result of intoxication, as a result following our intervention the DPS and Premises Licence Holder decided to leave and transfer the licence. The Clarence is now a public house causing no concern whatever.

We have achieved a significant number of successes this year. As a result of the current working relationship with the licensed trade we have not had to proceed to review procedures in the majority of cases. We see this as a success and intend to

build on this to provide a safe enjoyable atmosphere in the Evening and Night Time Economy.

Submitted for your information

D McIndoe

D McIndoe
55474 Alcohol Licensing Officer

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PLYMOUTH CITY COUNCIL

Subject:	Information regarding delegated decisions for applications for the grant / variation of premises licences
Committee:	Licensing Committee
Date:	19 June 2018
Cabinet Member:	Councillor Sally Bowie
CMT Member:	Dr Ruth Harrell (Office of the Director of Public Health))
Author:	Frederick Prout (Senior Licensing Officer)
Contact:	Tel: 01752 304792 e-mail: licensing@plymouth.gov.uk
Ref:	ERS/LIC/PREM
Key Decision:	None
Part:	I

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.

The Corporate Plan:

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**

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

Not applicable

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

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 - April 2017

Background papers:

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

Sign off:

Fin		Leg	30627/ag/8 .6.18	Mon Off		HR		Assets		IT		Strat Proc	
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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*
Rock Bottom Bar North Hill
Plymouth Argyle Green Taverners Milehouse
Saltram Club Mount Gould
The Custom House Barbican
- 2.2 *Devon & Cornwall Police*
Rock Bottom Bar North Hill
Citicient Derrys Cross
Skiving Scholar North Hill
Central Stores Chaucer
Morley Arms Plymstock
KW Brothers (UK) Ltd Stonehouse
The Custom House Barbican
International Supermarket Union street
- 2.3 *Trading Standards*
Rock Bottom Bar North Hill
Kuet Wong Foods Ltd Cattedown
- 2.4 *Licensing Authority*
Saltram Club Mount Gould

3.0 CONSIDERATIONS

- 3.1 Paragraph 9.31 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.
- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 01 November 2017 until 08 May 2018 and this report is submitted for the information of the committee.

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