



#plymlicensing



**Oversight & Governance**

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Published 23 November 2018

## LICENSING COMMITTEE

Tuesday 4 December 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, Laing, Dr Mahony,  
Morris, Singh, R 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. Apologies

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

### 2. Declarations of Interest

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

### 3. Minutes

**(Pages 1 - 14)**

To confirm the minutes of the following meetings:

Licensing Committee: 19 June 2018

Licensing Sub Committee: 26 June 2018, 31 July 2018,

### 4. Chair's Urgent Business

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

### 5. Street Trading Report 2019 / 2020

**(Pages 15 - 32)**

The Committee will be provided with the Street Trading Report 2019/2020.

### 6. Information regarding delegated decisions for applications for the grant / variation of premises licences

**(Pages 33 - 36)**

The Committee will be provided with the Information regarding delegated decisions for applications for the grant/ variations of premises licences.

### 7. Gambling Act 2005 - Statement of Licensing Policy

**(Pages 37 - 96)**

Members will be provided, for their information, with a copy of the Gambling Act 2005 – Statement of Licensing Policy that was submitted to the 19 November 2018 City Council meeting.

### 8. Licensing Act 2003 - Statement of Licensing Policy

**(Pages 97 - 188)**

Members will be provided, for their information, with a copy of the Licensing Act 2003 - Statement of Licensing Policy that was submitted to the 19 November 2018 City Council meeting.



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## Licensing Committee

Tuesday 19 June 2018

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Corvid, Downie, Hendy, Dr Mahony, Morris, Neil and Singh.

Apologies for absence: Councillors Deacon, Fletcher, K Foster, Smith and Winter

Also in attendance: Rachael Hind (Licensing Service Manager), Sergeant David Moore (Devon & Cornwall Police), Fred Prout (Senior Licensing Officer), Ann Gillbanks (Senior Lawyer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.05 am.

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

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

Members noted the appointment of Councillor Rennie as Chair and Councillor Parker-Delaz-Ajete as Vice Chair of the Licensing Committee for the municipal year 2018/19.

#### 2. **Declarations of Interest**

There were no declarations on interest made by Members in accordance with the code of conduct.

#### 3. **Minutes**

The Committee confirmed the following minutes:

##### Licensing Sub Committee:

- 23 January 2018
- 13 February 2018

##### Licensing Committee:

- 5 December 2017

4. **Chair's Urgent Business**

Under this item the Chair highlighted the importance of partnership working and the valuable experience offered to Members by Devon & Cornwall Police of going on a night time patrol to witness the pull on resources as a result of the evening and night time economy (ENTE).

It was agreed that Members should contact Sergeant David Moore direct if they wanted to go on the ENTE patrol with Devon & Cornwall Police.

5. **Licensing Activity Report**

Rachael Hind (Licensing Service Manager) and Sergeant David Moore (Devon & Cornwall Police) presented the Licensing Activity Report.

The following key points were highlighted to Members:

- (a) the report contained information relating to 1 April 2017 – 31 March 2018 time period; approximately 2404 licensing applications had been received;
- (b) Section 5 of the Licensing Act 2003 required the 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 was required to be reviewed in 2018 along with the Cumulative Impact Assessments;
- (c) Public Health had developed an alcohol harm mapping resource that presented neighbourhood level mapping of a number of indicators including alcohol related crime and disorder and injuries associated with alcohol;
- (d) the Council's Gambling Licensing Policy was republished in January 2016 and was currently being reviewed as it needed to be republished in January 2019;
- (e) the Licensing team are members of Safer Plymouth and the ENTE and Alcohol Harm Reduction subgroup which was reinstated this year;
- (f) during April 2017 to April 2018, Devon & Cornwall Police had dealt with 37 applications to grant premises licences, 50 applications to transfer premises licences, 12 variations of premises licences, 269 temporary events notices, 152 late temporary events notices, 30 minor variations and 1 application for a club premises certificate;
- (g) the Plymouth Best Bar None scheme was voted the best scheme in the country and won an award which was presented at the House of Lords;
- (h) Police Officers had actively engaged with door supervision companies and had provided training and support and were also promoting the Reducing the Alcohol Campaign city wide as well as the Ask for Angela campaign;
- (i) good relationships had been maintained with the Council and built with the University of Plymouth in relation to the coordination of events;

- (j) Police Officers had a meeting at the Home Office with the National Purple Flag Co-ordinator in the hope that Plymouth could achieve the accreditation; the Purple Flag status was awarded to towns and cities that had a good evening and night time economy with clean and safe premises and outside spaces;
- (k) a Safe Bus had been developed by Devon & Cornwall Police which was kitted out for use as a safe zone during the evening and night time economy; water, tea and coffee was on-board as well as St John's Ambulance volunteers who were able to administer minor first aid taking the strain off A&E. A similar Safe Bus had been introduced in Swansea and was expected to save £500,000 a year by reducing the need for ambulances or visits to A&E;

The following areas of questioning were highlighted by Members:

- (l) if the incident on Union Street regarding a man jumping onto a car and being thrown off when celebrating England's World Cup Performance was the remit of the Events Safety Advisory Group;
- (m) the change in legislation relating to the maximum stake pay-out on Gambling machines and the importance of officers considering legislative changes when developing the Council's licensing policy;
- (n) the Council's pledge to move away from single use plastics and how this could be incorporated into the licensing policy as well as the promotion of this pledge at events organised in the city;
- (o) the location of the Safe Bus in the city centre; if it affected the movement of late night coaches and buses; and what was affecting the regular use of the bus by Devon & Cornwall Police i.e. money, volunteer support, resources.

Members praised the Safe Bus initiative and highlighted the following points:

- The Council had great partnership working with several organisations and could bring people together to join the discussion regarding resourcing the Safe Bus;
- Details surrounding the Safe Bus initiative should be sent to the Leader of the Council;
- Once resourcing issues had been finalised, the promotion of the Safe Bus on social media should be considered to ensure people were aware of its existence;

Members thanked Rachel Hind and Sergeant David Moore for their attendance and agreed that a report would be presented the December Licensing Committee meeting updating on progress with the plastic free pledge.

## 6. **Information Regarding Delegated Decisions for Applications for the Grant / Variation of Premises Licences**

Fred Prout (Senior Licensing Officer) presented the Information Regarding Delegated Decisions for Applications for the Grant/ Variation of Premises Licences report.

Members were advised that between 1 November 2017 and 8 May 2018, several applications for the grant or variation of premises licences had been mediated out by officers without the need to go to committee.

Members noted the report and thanked Fred Prout for his attendance.

## Licensing Sub Committee

Tuesday 26 June 2018

### PRESENT:

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

Also in attendance: Sharon Day (Lawyer), Fred Prout (Senior Licensing Officer), Will Tomkins (Environmental Health Officer) and Helen Rickman (Democratic Adviser).

The meeting started at 10.34 am and finished at 10.37 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.*

### 55. **Appointment of Chair and Vice-Chair**

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

### 56. **Declarations of Interest**

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

### 57. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

### 58. **Temporary Event Notice - John Denman - Stuart Road Car Park, Stuart Road, Plymouth**

It was reported to committee that during pre-hearing discussions with the premises user, Environmental Health had agreed modifications to the TENs which addressed their concerns. This was in accordance with Section 106(2) of the Licensing Act 2003. The modifications had been made to four of the applications and the Licensing Officer was in possession of those modified TENs applications. Therefore under Section 106(3) Licensing Act 2003, Environmental Health's objections were treated as withdrawn. The remaining four TENs had been withdrawn by the applicant. As this had all happened prior to any hearing commencing, there was no requirement for the committee to hold a hearing.

### 59. **Exempt Business**

There were no items of exempt business.

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**Licensing Sub Committee**

**Tuesday 31 July 2018**

**PRESENT:**

Councillor, Rennie in the Chair.  
Councillor, Hendy Vice Chair.  
Councillors K Foster and Fletcher (Fourth Member)

Apologies for absence: Councillor Parker Delaz Ajete (Councillor Hendy substituting).

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

The meeting started at 10:00 and finished at 12:45.

*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.*

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

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

61. **Declarations of Interest**

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

62. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

63. **Plymouth Waterfront Trader Application - Marshmallow Man**

The applicant, Jason Wilkinson was given approval to trade marshmallow treats from his trike set up on a static site on Hoe Road or Madeira Road, until 31 March 2019. The decision about the specific site was delegated to the Street Trading manager.

64. **Variation of Premises Licence - The Clarence, 31 Clarence Place Stonehouse Plymouth**

The Committee:

- (a) Considered the report from the Director of Public Health
- (b) Heard and took account of verbal and written representations from the applicant, Mr Jakes and Ms Chilvers as follows:

- There was a restriction placed on the licence in relation to regulated entertainment on the premises when it was under different management. Since that restriction was put in place the applicant had taken over the licence and they had moved the door back into its original position and sound proofed the front of the premises. With that in mind the application was effectively asking the committee to reconsider the restriction that was placed on the licence in light of the changes they had made and the conditions put forward by Environmental Health. The idea was to have music at the back of the premises and be able to talk at the front of the pub;
- The limit of 2 nights per week put forward by Environmental Health and the other conditions were acceptable but they did not envisage having music every week. No all day events were planned however where they do charity events it was likely that the music would start in the afternoon. The proposition put forward by the complainant of non-consecutive days for the music was also acceptable to the applicant;
- A sound limiting device was a good idea and was in interest of all parties as it would ensure that the licensing objectives were upheld and would prevent noise issues in neighbouring property. When they took over the premises contact was made with the neighbours to ask if the music was loud but they never said anything to them;
- The Premises Licence Holder was regularly on the premises and when she was not there she is in regular contact with her partner on the premises and those working there have letter of authorisation to sell alcohol;
- No alcohol or glassware was permitted outside and this rule was enforced. Anyone disobeying the rules was asked to leave;
- Customers were told they can only smoke to the side of the building and ashtrays were provided. The area is cleaned at least once a day and inspected but it was impossible to mark out a specific area as the land was a public footpath;
- Any customers found standing outside the adjoining house were asked to move away. However, since the door had been moved no one had been sitting on the wall and if they have been they were not their patrons;
- Live music had only taken place when there was a TEN in place. The songs listed by the complainant had never been played as part of any TEN;
- The verbal abuse from the customer mentioned by the complainant did take place but the customer was rebuked by Ms Chilvers;
- Two sound monitors were used when any music performance took place and were recorded in the daily log. Recordings are taken inside and out. One example of the measuring that took place recorded as being between 86dB and 78dB and recorded as being background noise. Mr Jakes set his sound recorder 10dB higher than the other;



- Sound proofing had been installed in the main area of the pub to restrict any noise to neighbours and a detail of what had been installed was provided to committee. Whilst committee noted this, they were not given any information to confirm that this was to any approved specification;
  - The premises now attract different clientele to what it did previously. A number of veteran and LGBT now use the venue. All patrons get on well and there was a diverse atmosphere without trouble;
  - The using and supply of drugs is forbidden and they had a zero tolerance towards it. They were working with local police to help prevent drug activities in the area. The premises have CCTV which picks up any drug dealing activities in the back lane and toilets are also checked regularly. Live music has nothing to do with drug use in the area;
  - A number of letters from local people in support of the premises were submitted. These were taken into account by the committee;
  - Being unable to have music put the business at an unfair disadvantage to others in the area. This was not taken into account by the committee as it was not relevant under the licensing objectives;
  - The premises have been run for many years without problems and were a hub of the community. The aim was for this to be a community pub and they will run charity events.
- (c) Heard the following representations from Environmental Health. These were considered relevant under the Prevention of Public Nuisance and were taken into account in reaching a decision:
- That due to previous issues of noise from the premises they had made a representation under the licensing objective of prevention of public nuisance. Discussions had taken place with the Premises Licence Holder and conditions had been put forward which were detailed at appendix 2 of the report.
  - They were still of the opinion that Section 177A should not be removed from the licence but that the condition should be amended to reflect those conditions put forward at appendix 2.
  - Previous TEN had been granted and the premises had used the maximum they can for the year. They had one complaint in respect of music which claimed that there was no TEN in place. A visit to the premises had confirmed that a TEN was in place.
  - They were confident that the applicant would work with the conditions as Environmental Health has been working with the premises licence holder for 12 months without issues. Environmental Health believed that the conditions would address any potential problems.
- (d) Heard from Councillor McDonald representing a local resident who had made representations as follows. Both verbal and written representations were taken into account as follows:

- The Premises Licence Holder had not reassured residents and problems continue despite having spoken to the neighbours when they took over and having the problems explained to them. Bad language is frequently used within the premises and is heard within the property;
- There was a lack of sound proofing at the back of the property. This was where children may sleep and so music would disturb them. This was considered to be relevant under the licensing objective of prevention of children from harm. However the committee considered that the conditions put forward by environmental health would address any potential problems;
- Currently when music was played at the premises it can be heard within the next door property, even though sound proofing had been placed between the premises and the neighbouring property. When the premises had a private party the music was very loud and drowned out the sound from the complainant's television. The dates provided by the other party in relation to this problems experienced were: 5.5.18 (Sweet Caroline and Queen songs), 26.5.18, 19.6.18, 17.6.18. This was considered to be relevant under the licensing objective of prevention of public nuisance however the committee considered that the conditions put forward by environmental health would address any further problems;
- There were concerns that having live music will attract drug dealers to the area and that this raises concerns for the safety of their children. This was considered relevant under the licensing objective of prevention of crime and disorder however the committee were satisfied that the actions taken by the premises licence holder including CCTV addressed any drug related issues in the area;
- Various allegations made that licence conditions have not been complied and examples were provided in the representation. This was not considered to be relevant to the application save that it would be relevant when considering the likelihood of the Premises Licence Holder complying with the conditions put forward by environmental health. However having listened to what had been said by environmental health in this regard, the committee were satisfied that the Premises Licence Holder would comply with any conditions added to the licence;
- There was no requirement for an additional live music venue in the area. This was not considered to be relevant as it did not relate to any of the licensing objectives;
- The Premises Licence Holder is rarely at the premises. This was not considered to be relevant as it does not relate to any of the licensing objectives;
- In the representation suggested conditions had been put forward and whilst these were not relevant under any licensing objective, the committee gave consideration to the suggestion that music should not be on consecutive nights as this would promote the licensing objective of prevention of public nuisance and the applicant had also indicated this would be a workable condition.

- (e) Having considered the representations as set out above the committee did not consider it appropriate to grant the application as applied for as it had the potential to undermine the licensing objective of the prevention of public nuisance. However the committee agreed that the application would be granted as follows in order to promote the licensing objective of prevention of public nuisance:

Condition 26 be amended to read:

Section 177A of the Licensing Act 2003 relating to live and recorded music does not apply to this premises. Regulated entertainment may take place as follows:

- a. Regulated entertainment is restricted to live and recorded music with two vocalists only. No live instruments are permitted
- b. Regulated entertainment is restricted to two non-consecutive days per week between 10 am and 11pm.
- c. The licence holder will control the sound levels of the music/entertainment. A noise limiting device (the specification and design to be agreed with the Environmental Health Service) must be fitted so that all live amplified music including vocals and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Environmental Health Service and reviewed from time-to-time as appropriate. If the noise limiter is not working then no regulated entertainment is permitted.

The application for retrospective permission to move the location of the front door was granted.

65. **Variation of Premises Licence - La Roux, 33 Notte Street, Plymouth PL1 2AZ**

The Committee:

- (a) Considered the report from the Director of Public Health
- (b) Heard from the Premises Licence Holder and took into account both written and verbal representations as follows:
  - They were a small family run business and want to increase the licensed area to include decking with sale and supply of alcohol on the decking ceasing at 10pm on all days. Alcohol would be supplied outside using a small mobile bar;
  - He considers that Plymouth needs to promote itself and needs activity as the city centre was not at its best at the moment;
  - He was seeking to create employment but needs to be able to compete with neighbouring businesses which can serve outside until midnight;
  - He understands residents' concerns and doesn't want to upset them but wants to be successful;
  - CCTV covers the decking area and was always monitored;
  - All off sales were in a sealed container but in reality they had not had many off sales;
  - The toilets were regularly checked;
  - Never had any problems;

- Staff receive regular training on serving alcohol. Challenge 21 operates, no alco-pops were sold and non-alcoholic drinks were provided;
- Any music was played at low volume;
- The door was self-closing door;
- Waste was collected and the bin stores are out of site;
- The premises was always closed and staff were gone by 12 – 12.30am;
- The decking area can hold 30 people. They don't believe noise from stacking of chairs comes from this premises as they only have 7 aluminium chairs and these were put away 12.30am;
- The decking area was screened and includes foliage to create acoustic barrier. At present the decking area was used as a smoking area;
- He tries to work with neighbours and have only had 3 complaints in total;
- The outside area was monitored at all times and they have never had any reason for the police to be called. The premises was not a 'lads' bar and generally attracts couples and girls on a night out;
- The outside area was generally used for sitting and they don't encourage standing;
- Some residents do frequent the bar;
- Will endeavour to work closely with residents going forward and will adhere to what they were told to do;

(c) Heard from the resident association and a resident and considered both the verbal and written representations as follows:

- The use of the decking area after 9pm is in direct contravention of a planning condition which was put in place to protect residents from noise pollution. This was not taken into account as a breach of a planning condition was not relevant to any licensing objective. In considering this the committee had regard to the statutory guidance at paragraphs 14.64 and 14.65 and noted that, even if the application were granted to a later time than allowed by the planning condition, the applicant would still be bound by, and have to comply with, the planning restriction;
- If the application were granted the premises licence holder would be in breach of their lease. This was not considered to be relevant as it did not relate to any licensing objective;
- Granting the application was highly likely to cause noise disturbance from people arriving at, queuing for drinks on the decking and leaving the premises. Several residents have very complex health needs and noise disturbance caused by customers queuing will be extremely distressing and detrimental to their health. Residents will suffer loss of amenity, noise pollution and disturbance. The main cause of concern was that the area was to be used until 10pm. If it was only used until 9pm there wouldn't have been any objection. This was considered to be relevant under the licensing objective of protection of public nuisance. Committee noted that the outside area had been used as a beer garden for some time and that there had been no representations from any responsible authority. However the committee considered it appropriate to address the concerns outlined by way of condition restricting the time during which the outside bar and area can be used as set out below;

- The look of the decking area is unlikely to provide the impression to visitors that the Council should be hoping for the Mayflower celebrations. This was not considered to be relevant as it did not relate to any of the licensing objectives;
  - Extending the licensing hours would be likely to have significant negative impact on the health and well-being of residents. Whilst committee understood this concern it did not relate to any of the licensing objectives;
  - The application could have very significant negative impact on a person due to very complex disabilities which included autism, uncontrolled epilepsy, and visual impairment, sensory difficulties leading to sensory overload and extreme stress and anxiety. Their care ends at 10pm and they were affected by noise after this time. They were already disturbed by music being played outside in the evening, noise from patrons leaving after closing and staff closing up. Noise which may not disturb others affects this person because of his particular disabilities. This was considered relevant under the licensing objective of prevention of public nuisance however the committee could not be certain that the noise was coming from these premises due to the location of other premises in the area;
  - One resident is unable to have windows open due to smoking below. This led to the apartment becoming unbearably hot which can increase frequency and seriousness of seizures. This was considered to be relevant under the prevention of public nuisance licensing objective however the committee did not consider that the application would significantly change the use of the area in this regard as it was already used as a smoking area.
- (d) Agreed that having taken the above into account it was appropriate and proportionate to grant the licence as follows:
- The condition relating to the supply of alcohol consumption off premises is restricted to Mon – Sun 9am – 7pm is removed from the licence;
  - The extension of the licence area to include the decking area was granted. In granting this the committee noted that in doing so it would not increase the capacity of the premises due to a restriction on the licence limiting the number of customers at any one time to 28 people;
  - The sale and supply of alcohol on the decking area will cease at 9pm on all days and the decking area must be cleared of patrons by 10pm. This condition was considered appropriate to promote the licensing objective of prevention of public nuisance.

66. **Exempt Business**

There were no items of exempt business.



**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	<b>Street Trading Report 2019 / 2020</b>
<b>Committee:</b>	Licensing Committee
<b>Date:</b>	4 December 2018
<b>Cabinet Member:</b>	The Leader
<b>CMT Member:</b>	Anthony Payne Strategic Director for Place
<b>Author:</b>	Emily Bullimore, Street Operations and Street Trading Manager
<b>Contact details</b>	Tel: 01752 304604 e-mail: Emily.bullimore@plymouth.gov.uk
<b>Ref:</b>	Street Trading 2019
<b>Key Decision:</b>	No
<b>Part:</b>	I

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**Purpose of the report:**

This report seeks to set the process for the issuing of consents for the 2019 / 2020 trading year.

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**The Corporate Plan 2016 - 2019:**

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

Confident Plymouth - We will work towards creating a more confident city, being proud of what we can offer and growing our reputation nationally and internationally.

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

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2019 / 2020 financial year.

Consent fees for both City Centre and Ice Cream sites were increased by 2% for the period 2018 / 2019.

For 2019/2020 I propose a 1.5% increase in street trading consent fees.

Total budgeted income from the consents shown in the Appendix, assuming 100% occupancy, would be £137,813. Additional income arising from this proposed 1.5% increase, with fees rounded to the nearest pound, would be £139,514

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

Revised Nov 2018

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

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### **Equality and Diversity**

Has an Equality Impact Assessment been undertaken? No – Each application is assessed on its own merit

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### **Recommendations and Reasons for recommended action:**

It is recommended that:

1. The Consent dates for 2019 / 2020 are approved of 1 April 2019 – 31 March 2020.
2. The Consent fees set out in Appendix 1, for 2019 / 2020 are approved.
3. The Service 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 2019 / 2020.
4. The Service 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 Service 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 Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service 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 2019 / 2020.
8. The Service 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 Service 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 2019 / 2020.
10. For Hoe and Madeira Road Waterfront trading sites the licensing committee delegate approval to the licensing sub-committee for all new applications.
11. To agree new Terms and Conditions for traders as set out in Appendix 2 .

Reason for recommendations:

These actions are recommended as the quickest option in facilitating the process of renewing Street Trading Consents for the start of the 2019 / 2020 trading year and maintaining the income stream and to comply with Environmental Protection requirements.



**Alternative options considered and rejected:**

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

**Published work / information:**

None

**Background papers:**

None

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

**Sign off:**

Fin	Pl.18. 19.13 7	Leg	31570/ag/I 3.11.18	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes / No* please delete as necessary													

## **1.0 Introduction**

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

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

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

14 sites, in the pedestrianized City Centre

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

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

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

1.4 The purpose of the report is:

a) To set the consent dates and fees for 2019/ 2020.

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

c) To adjust the terms and conditions for traders in relation to an input from Environmental Health.

## **2.0 Duration of Consents for 2019 / 2020**

2.1 It is proposed that all City Centre Consents commence on 1 April 2019 and end on 31 March 2020.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2019 and end on 31 March 2020.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2019 – 31 March 2020.

## **3.0 Consent fees for 2019 / 2020 background**

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

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

Consent fees were adjusted for 2018 / 2019 by 2% and for the year 2019 / 2020 it is proposed that the Consent fees are increased for the City Centre Street Trader pitches and ice cream consent sites by 1.5% to cover the increased costs of Non Domestic Rates, repairs, maintenance and increased salary and support costs. Although inflation has risen by approximately 2.7% I have also take into consideration the lessened footfall in the city centre and the closed shops in the vicinity of street

trading consent sites. This has led to even more of a need to keep street trading to keep vibrancy and life to the high street and also to allow our mostly local traders to keep their prices affordable to visitors to the city. The street traders have incurred their own increase in charges for items such as stock and fuel so the 1.5% increase for 2019/2020 to try and support street traders in the high street.

I have proposed another freeze on the cost of the waterfront pitches to try and encourage new traders to the area in 2019/2020

Total annual income for 2018/2019 for these consents if all consents were let at full capacity is currently budgeted at £135,752. A proposed increase of 1.5% on this budget, with fees rounded to the nearest pound, is expected to result in additional annual income of £139,514 if the consents were let at full capacity.

The proposed consent fees are set out in Appendix I to this report. This schedule does not propose increases to the current fees charged for outdoor seating and board advertising; this would not be governed by Street Trading but by the Highways Department.

#### **4.0 Allocation Procedure**

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

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

4.3 In 2013 the Committee approved the creation of trading sites on Hoe Road and Madeira Road and delegated approval of new applications to the Licensing Sub Committee. As only one site has been let it proposed that all new applications would continue to be considered by the Licensing Sub Committee, and that any renewals are given delegated authority to the Service director for Economic Development

#### **5.0 Street Trading during City Centre Events**

The City Centre Company and Plymouth City Council organise a number of events and entertainment each year in the City Centre, City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Service Director for Economic Development may approve short-term licenses for street trading associated with events or promotional activity. During events in the City Centre, full time Street Traders are not asked to move out of the City Centre.

#### **6.0 Ad hoc Street Trading**

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

**7.0 Terms and Conditions.**

7.1 Following a review of the Street Trading Terms and Conditions in partnership with PCC Environmental Health Some suggested changes have been made, these can be seen in Appendix 2.

The main changes relate to

- Waste water - as it is now an offense to let waste water drain onto the highway into surface water drains.
- In 2019/2020 work will also start to encourage traders to look at the amount of single use plastics that they use.
- Provision of Food and Drink and the documentation to be provided on application.

## Appendix I- Proposed 2019/2020 Consent fees

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2018 / 2019	PROPOSED ANNUAL FEE 2019 / 2020
<b>CITY CENTRE SITES</b>			
2A	New George Street (nr. Former Woolworths building)	£6424	£6520
2B	New George Street (WHSmiths)	£6424	£6520
2D	New George Street (nr. Sundial)	£6424	£6520
9	New George Street (Waterstones)	£6424	£6520
3A	Bedford Way (Royal Parade end)	£3869	£3927
3B	Bedford Way (New George Street)	£6362	£6457
4A	Old Town Street	£3869	£3927
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£2940	£2984
8	New George Street Winter (Sundial area) seasonal	£2471	£2508
8	New George Street Summer (Sundial area) seasonal	£1294	£1313
10	Sundial East	£7586	£7699
11	Sundial West	£7586	£7699
12	Cornwall St o/side Superdrug	£4309	£4374
13	Place De Brest East	£4309	£4374
14	Place de Brest, o/s Specsavers	£4309	£4374
<b>ICE CREAM SITES</b>			
B	Madeira Road	£4499	£4566
C	Madeira Road	£4499	£4566
E	Hoe Road	£11099	£11265
F	Hoe Road	£11099	£11265
G	Hoe Road / Grand Parade	£5592	£5675
H	Pier Street	£1337	£1357
I	Cliff Road	£1088	£1104
<b>HOE AND MADEIRA ROAD SITES</b>			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid – east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
<b>TOTAL*</b>		<b>£137,813</b>	<b>£139,514</b>

\*Assumes 100% occupancy

**Appendix 2 – 2019/2020 Application form with terms and conditions**

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

Name: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Please give details of your proposed merchandise or service including range, type, quality and the name and address of your proposed manufacturer/supplier if your application is for ice cream sales

Please give details of proposed sales unit (one back up vehicle may be included if selling ice cream), such as mobile van, towed trailer, static trailer, hand trolley etc and provide a colour photograph and full description including dimensions, colour etc:

Do you personally own the proposed sales unit?  Yes  No

If no, who owns the sales unit:

Do you have any previous trading experience?  Yes  No

If yes, please give details of any street trading consents you hold or have held within the last three years with the name and address of a contact within the local authority concerned:

Does your proposed trade involve the sale of food?  Yes  No

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

I confirm that I am not currently in breach of any food hygiene regulations at other premises and have not been convicted of such on offence within the last three years. I further confirm that this statement is true for any proposed assistants who shall work from the stall unsupervised.  Yes  No

Have you completed a food business registration with your local authority(provide name of local authority and date / year of registration, name of business as registered below)  Yes  No

Have you and your employees attended an approved food handling course within the last three years? (Please enclose copies of course certificates)  Yes  No

Will you be trading from the unit yourself?

Yes  No

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

If you have any previous trading experience please provide details (not required if you're reapplying from 2018/2019). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

**Referees**

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2018/2019).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

**Street trading consents: All sites**

Tell us which sites you're interested in, in order of preference, with number one being your most preferred site. Consent fee includes business rates and is for a year from 1 April to 31 March.

**PERMITTED TRADES FOR ICE CREAM PITCHES**

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

Sites B to H are dedicated ice cream parking bays, while site I can use any pay and display parking bays on Cliff Road not solely reserved for permit holders.

Site	Consent fee per year	Preference
B: Madeira Road	£4566	
C: Madeira Road	£4566	
E: Hoe Road	£11265	
F: Hoe Road	£11265	
G: Hoe Road/Grand parade	£5675	
H: Pier Street	£1357	

I: Cliff Road	£1104	
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## PRICE LIST

Please give details of your prices for 2019/2020 including examples of popular items that you sell.

Product	Price
Small ice cream cone	
Medium ice cream cone	
Large ice cream cone	
Child's standard fruit flavour ice lolly	
Adult's standard fruit flavour ice lolly	

## PERMITTED TRADES IN CITY CENTRE

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

The site at Sundial East will be allocated specifically for the sale of ice cream, frozen confectionery and cold soft drinks. Sales of ancillary commodities from this site such as sugar confectionery will not be permitted.

Site seven in New George Street will be allocated for the sale of balloons from the hand.

Site eight is a site that has been specifically allocated for the trade of a street photographer. There are currently two separate periods available; October to March, and April to September.

Site	Consent fee per year	Preference
2A: New George Street (outside Sports Direct)	£6520	
2B: New George Street (outside W H Smiths)	£6520	
2D: New George Street	£6520	
3A: Bedford Way	£6520	
3B: Bedford Way	£3927	
4A: Old Town Street	£6457	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3927	
8: New George Street (winter)	£2984	
8: New George Street (summer)	£2508	
9: New George Street (outside Waterstones)	£1313	



I0: Sundial East (Please attach an ice cream price list if interested in this site)	£7699	
I1: Sundial West	£7699	
I2: Cornwall Street (outside Superdrug)	£4374	
I3: Place de Brest East	£4374	
I4: Cornwall Street (outside Specsavers)	£4374	

### PERMITTED TRADES FOR HOE AND MADEIRA ROAD WATERFRONT PITCHES

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

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

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

Site	Consent fee per year	Preference
1: Hoe Road (colonnade west)	£3,000	
2: Hoe Road (mid-west colonnade)	£3,000	
3: Hoe Road (mid-east colonnade)	£3,000	
4: Hoe Road (colonnade east)	£3,000	
5: Hoe Road (lido west)	£3,000	
6: Madeira Road (triangle west)	£3,000	
7: Madeira Road (triangle east)	£3,000	
8: Madeira Road (adjacent to Cannons)	£3,000	

Your application should be accompanied by the following items:

Two recent colour photographs of your proposed sale unit, one clearly showing the registration number of the vehicle and the other the nearside of the vehicle.

Two passport size photographs of the applicant(s) and any named assistants.

Copies of food hygiene certificates for the applicant(s) and any named assistants.

Confirmation of your food registration and food hygiene rating for each proposed vehicle or unit

A copy of your public liability insurance.

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

### SUBMISSION OF APPLICATIONS

Applications must be made in writing on the ice cream street trading form and sent together with photographs and certificates to: Street Trading Manager, Plymouth City Council, Floor 2, Ballard House, West Hoe Road, Plymouth PL1 3BJ.

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

Email [emily.bullimore@plymouth.gov.uk](mailto:emily.bullimore@plymouth.gov.uk) or call 01752 304604 if you have any enquiries.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **GUIDANCE NOTES**

### **APPLICATIONS FOR CONSENTS**

Each trading location must be applied for individually, but applicants can submit applications for as many locations as they are willing to trade from. If the number of acceptable applications received is greater than the number of consent locations only one consent location will be allowed per applicant.

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

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

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

Applications are being invited for the period until 31 March 2020 and successful applicants will be expected to trade throughout the whole of this period.

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

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

### **TERMS AND CONDITIONS OF CONSENTS**

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

### **TRADING**

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

A trader may trade at his discretion within the permitted hours of 8.30am to 9pm throughout the week. Good business ethics, good quality merchandise/services and value for money are expected and required from traders.

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

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

Traders and approved employees will be supplied with identification consent permits, which must be displayed inside the stall at all times when trading. The consent fee includes the cost of providing a total of four identification permits during the consent period. With reasonable notice Plymouth City Council endeavour to issue additional permits for which there will be a charge of £15 for each permit requested. The Council will

endeavour to issue any additional permits required on receipt of payment, two passport size photographs and, if appropriate, evidence of attendance at an approved food handling course.

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

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

The use of free standing external generators is not permitted.

### **UNITS**

Any sales unit used by the trader must be of a design and standard acceptable to the Council and approved in writing. Details must be provided with the application. Applicants are required to submit full details of their trading unit with the application form, including two colour photographs. Prior to the confirmation of the grant of a trading consent, any sales unit providing food must have received an inspection by an authorised officer of the local authority where they are registered and must meet at least the minimum standards of the relevant food and health and safety legislation. **A minimum food hygiene rating of 3 (satisfactory) must be achieved. If the council proposes to grant a consent to applicants who have not received a food hygiene inspection or rating at the time of the application, a rating of 3 or above must be achieved within a month of trading. Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in a consent being withdrawn.**

Consent holders will be required to provide and operate from their own purpose built or specially adapted, completely self-contained sales unit (eg a motorised van, towed road trailer or hand trolley) of a design and appearance acceptable to the Council.

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

For waterfront pitches, units will need to be moved on and off site every day. A unit left on site full time is not acceptable on these sites.

### **ACCESS TO THE SITE**

All of the City Centre sites are in pedestrianised areas. Access to sites must be before 8.30am and after 6pm. Traders must apply for and be granted a permit from Plymouth City Council's parking department. If it is necessary to re-stock or remove refuse between these times, access will only be available by foot with, if necessary, pedestrian controlled trolleys, which should be removed as soon as the task is completed. Vehicles must not remain on site throughout the day; any breach could result in a consent being withdrawn.

For Hoe and Madeira Road Waterfront traders, the structure proposed must be temporary and be able to be removed from site at the end of the day. Trading from motorised mobile vehicles is not acceptable. The provision of gazebos and tents will not be accepted as they are not safe during high wind conditions, on exposed areas of Hoe Road and Madeira Road.

Ice cream traders will only be authorised to trade from the allocated permit bay. Traders must NOT stray outside their allocated consent area.

The ability to trade is subject to any road closure, temporary or otherwise, that may prevent access to the consent location or the permit bay.

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

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

For Ice Cream vans and Waterfront traders, applicants should be aware that it is possible that the trading location MAY be affected by temporary road closures or suspension of parking facilities in connection with events such as Lord Mayors Day, Firework Competition, MTV Crashes Plymouth, Plymouth Bike Week or works or improvements to the roadway or footway. In these circumstances trading will not be possible and no refund of any consent fee will be made.

## **ELECTRICITY**

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

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

## **CONSENT FEE**

The fee for the consent will be payable in quarterly or monthly instalments by standing order, or in a one off up-front payment. If invoices are not paid on time then proceedings will be started to take action against the consent holder to retrieve payment and the consent to trade will be withdrawn. The fees are inclusive of any business rates that may become payable. Where a consent commences part way through the year the instalment dates will be confirmed by the Council.

Details of the consent fees can be found on the application form.

## **WASTE / LITTER**

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

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

## **WASTE WATER**

Waste water from the trader's premises must not be permitted to drain onto the public highway. Waste water will need to be collected in a clearly labelled waste water container(s). The waste water container used must be able to collect the water without spillages. A direct piped connection to the waste water container would be the preferred option. The waste water container must be taken off site for suitable disposal. Waste water must not be disposed onto the highway or rainwater gully or surface water drains.

## **WASTE MINIMISATION**

All food stall holders must take steps to minimise their use of packaging. Where possible traders are asked to ensure any serving containers or utensils provided to the customer are reusable / recyclable and/or biodegradable/compostable to reduce the level of waste going to landfill.

## **STATUTORY REQUIREMENTS**

Traders must comply fully with laws, byelaws and regulations, including for ice cream, fruit and confectionery food safety legislation. The food business must be registered with the Council's Public Protection Service. Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three years.

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

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

In addition to the road traffic regulations and parking restrictions and prohibitions, traders must comply fully with all other laws, bye-laws and regulations, including food safety legislation. The food business must be registered with the Council's Public Protection Service.

## **NUISANCE**

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

## **ADVERTISEMENTS**

In order to maintain the high visual standards required by the Council there will be strict control of advertisements displayed on the unit. A boards are not permitted for any traders.

## **UNAUTHORISED STREET TRADING**

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

## **PUBLIC LIABILITY INSURANCE**

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

## **WITHDRAWAL OF A CONSENT**

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

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

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

## **PROVISION OF FOOD AND DRINKS**

**Consent Holders will be required to produce:**

- Confirmation of their food registration with the Local Authority where the van / unit is stored overnight (Correspondence for the Local Authority will suffice)
- Confirmation of their food hygiene rating or proof that they are exempt. Food traders must have achieved a 'Food Hygiene Rating Scheme (FHRS) score of 3 or above at their last local authority food hygiene inspection as a minimum. If a rating has not been given by your local authority at the time of the application a rating of 3 or above must be achieved with a month of trading . Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in the consent being withdrawn.
- A documented Food Safety Management System (SFBB) or similar system, shall be available on the stall for inspection at all times when trading. In short this is written procedures for cleaning and disinfection, stock rotation, personal hygiene, water supply, temperature control. Your local Public Protection Department will be able to advise you.
- All consent holders and any permitted employees must have received formal food hygiene training to a minimum of level two Award in Food Hygiene in catering within five years of the expiry date of the consent or an equivalent certificate in food hygiene refresher training within three years of the expiry of the consent. In either case, awards must be issued by a recognised training provider.
- If the council proposes to grant a consent to applicants who do not hold an acceptable certificate in food hygiene training the commencement of the consent will be deferred for a reasonable period pending the applicant obtaining training.
- All food businesses must provide information about allergenic ingredients used in foods sold or provided by them. Details of the allergens will be clearly listed in an obvious place such as a menu, chalkboard or information pack. Where not on show you will need to signpost to where it can be obtained. Further information on allergen information can be obtained from the 'Food Standards' Agency' website.: [www.food.gov.uk/business-industry/allergy-guide](http://www.food.gov.uk/business-industry/allergy-guide).

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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>	04 December 2018
<b>Cabinet Member:</b>	Councillor Sally Haydon
<b>CMT Member:</b>	Dr Ruth Harrell (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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**Corporate Plan:**

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

**A Growing City:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**A Caring Council:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See **Our Plan**

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

Not applicable

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

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

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations**

That Members consider this report and note its contents

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**Alternative options considered and rejected:**

None

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**Published work / information:**

For more information please see the below links.

**Statement of Licensing Policy**

**Licensing Act 2003**

**Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018**

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**Background papers:**

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

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**Sign off:**

Fin		Leg	31578/ag/l 3.11.18	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*
- |                          |              |
|--------------------------|--------------|
| Plymouth Hoe & Promenade | Hoe          |
| A Taskinha               | Union Street |
| The Fabulous Burger Boyz | North Hill   |
| Hutong Café              | Stonehouse   |
| Honky Tonk Wine Library  | Barbican     |
| Daisy Tea Rooms          | Barbican     |
| Meze Grill               | Barbican     |
- 2.2 *Devon & Cornwall Police*
- |                         |                     |
|-------------------------|---------------------|
| Ravi Sol Limited        | Bretonside          |
| Rockfish                | Barbican            |
| Sound Bites Café        | Queen Annes Battery |
| Honky Tonk Wine Library | Barbican            |
| Daisy Tea Rooms         | Barbican            |
| Morrisons               | Plymstock           |
- 2.3 *Licensing Authority*
- |                                 |                |
|---------------------------------|----------------|
| Honky Tonk Wine Library         | Barbican       |
| Daisy Tea Rooms                 | Barbican       |
| Kings Tamerton Community Centre | Kings Tamerton |

## 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 08 May 2018 until 30 October 2018 and this report is submitted for the information of the committee.

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**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	Gambling Act 2005 – Statement of Licensing Policy
<b>Committee:</b>	Council
<b>Date:</b>	19 November 2018
<b>Cabinet Member:</b>	Councillor Sally Haydon
<b>CMT Member:</b>	Ruth Harrell, Director of Public Health
<b>Author:</b>	Rachael Hind, Licensing Service Manager
<b>Contact details</b>	Tel: 01752 308794 email: Rachael.hind@plymouth.gov.uk
<b>Ref:</b>	
<b>Key Decision:</b>	No
<b>Part:</b>	I

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**Purpose of the report:**

The report provides details of the three year review of the City Council's Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2019. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30 January 2019.

The Gambling Act 2005 (the Act) creates the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery and spread betting. The regulation of gambling aims to promote the following licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Plymouth City Council is designated as a licensing authority for the purposes of the Gambling Act 2005 and is responsible for granting premises licenses within its area. Gambling premises would include casinos, bingo halls, betting shops, adult gaming centres and family entertainment centres. The Gambling Commission regulate the operators of gambling activities and how gambling is undertaken.

The Act requires the Council to review and publish a Statement of Licensing Policy every three years on how we will exercise our functions over the three year period to which it applies.

The new policy includes the Council's expectations of gambling premises under the responsibility code; the need to have local risk assessments held on the premises and provides guidance on how businesses can protect children from child sexual exploitation.

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## Corporate Plan

The relationship to the Corporate Plan (and Plymouth Plan) –

**Growth** – Gambling is a part of the local leisure and entertainment industry offered within the City. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities

**Caring** – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction.

**Plymouth Plan** – the Policy will assist in the delivery of Policy HEA5 – Delivering safe and strong communities and good quality neighbourhoods.

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

None

The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded.

The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who have determined that its fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified in the Act.

---

### 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.

The Equalities Impact Assessment concluded that the new Statement of Licensing Policy would promote equality. It is a statutory requirement that no persons under the age of eighteen shall be permitted entry to age-restricted licensed premises for the purposes of gambling, although there is no upper limit. There are no restrictions that apply to any of the other protected characteristics i.e. disability, gender, race and sexual orientation.

Problem gambling can cause significant social and health problems, irrespective of socioeconomic status. The adverse impacts on family members, including children, are also clear (34% of callers to Gamcare reported gambling affected the family, friend or partner). Problem gambling can exacerbate child poverty. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

Local data identifying the number of persons who are at risk of or those that experience problem gambling is not easily obtainable. National surveys are undertaken periodically by NatCen which show that 3.9% of adults are classified as “at risk” using the Problem Gambling Severity Index (PGSI). Problem gambling was more prevalent among people who had participated in a number of gambling activities in the past year. Prevalence was 11.9% for those who participated in seven or more activities compared to 0.3% of these who had taken part in just one gambling activity in the past year.

The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements, in particular in respect to the protection of young persons and other vulnerable persons.

**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? Yes

**Recommendations and Reasons for recommended action:**

That the City Council adopts the Gambling Act Statement of Licensing Policy contained in Appendix A with effect from 31 January 2019.

**Alternative options considered and rejected:**

No alternative options are available

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 19 November 2018. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 January 2019 until a new policy statement had been formally approved.

**Published work / information:**

- [Gambling Act 2005](#)
- [Gambling Commission Guidance to Local Authorities \(5<sup>th</sup> Edition\)](#)
- [Plymouth City Council - Gambling Act Statement of Principles 2016 to 2019](#)

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
Responses to consultation	x								
Equality Impact Assessment	X								

**Sign off:**

Fin	pl.18. 19.10 3	Leg	SD/3 0298 /26.9 .18	Mon Off	AL T/3 05 08.	HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													



## **1.0 BACKGROUND**

- 1.1 The Gambling Act 2005 (the Act) contains the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery.
- 1.2 Plymouth City Council is designated as a 'licensing authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its administrative district in respect of;
- Casino premises;
  - Bingo premises;
  - Betting premises, including tracks;
  - Adult Gaming Centres;
  - Family Entertainment Centres.
- 1.3 The Gambling Commission regulates gaming and certain lotteries. They are responsible for issuing new operating licences under the Act to organisations and individuals who are providing facilities for gambling and personal licences to certain categories of people working in the gambling industry. In general the Gambling Commission regulate the operation of the gambling activities, whilst the Licensing Authority regulates the environment in which the gambling activity takes place, such as the building.
- 1.4 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who has determined that fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified by the Act.
- 1.5 The report provides details of the 3 year review of the City Councils Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2019. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30<sup>th</sup> January 2019.

## **2.0 STATEMENT OF LICENSING POLICY**

- 2.1 The Council are required to publish a Statement of Licensing Policy regarding the exercise of their functions in a manner, which is consistent with three licensing objectives. The licensing objectives are:
1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  2. Ensuring that gambling is conducted in a fair and open way, and
  3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Council's existing Statement of Licensing Policy is due to expire on the 30 January 2019, therefore the current review must be completed and the revised policy in place by this date in order for the Council to continue to be able to administer this legislative function.

- 2.2 The Council's revised policy is divided into three parts.

Part A sets out a **statement of principles** of how the Council, as the licensing authority, will discharge its functions, its policy on the exchange of information and the better regulation principles that will be applied;

Part B sets out the **general principles of how the Council will consider applications**, its relationship with other agencies and the relevance of licensing conditions;

Part C sets out **how the Council will issue gaming machine permits**.

- 2.3 Most people who gamble do so safely most of the time. But gambling can be harmful for some. Excessive play due to inexperience or binge gambling, periods of loss of control and more serious gambling addiction. The harm suffered is not restricted to the gambler, but also felt by families, friends, communities and employers.

Inequalities and the protection of children and vulnerable persons is a priority for the City. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

- 2.4 The new policy provides an additional section with regards to the Local Authorities expectations of gambling premises under the social responsibility code.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level.

Plymouth City Council Licensing Department are currently working with Public Health; Devon County Council and the other Devon and Cornwall Local Authorities; the Gambling Commission; Gamcare and a gambling machine supplier to review the findings and recommendations of the recent Local Government Association paper 'Tackling Gambling related harm – a whole Council approach'. This publication provides an overview of problem gambling, and how councils can begin to try to help local residents who are impacted by it. The Council will provide consistent support and advice to businesses to ensure they have effective procedures in place to protect people from gambling related harm and promote the licensing objectives.

- 2.5 The policy also provides clarification for existing operators and applicants about what is expected to be included in the local risk assessments to ensure that the assessments are tailored to the local area and not a generic form. The risk assessments must be available on site and copies provided if requested by the Licensing Authority.
- 2.6 Councils have the discretion to create Local Area Profiles (LAPs).

The statement of policy refers to the LAPs that will be published on the City Council's website after the statement of policy has been approved. In this way LAPs can be updated without the need for City Council approval and will make them a more responsive tool.

Local Area Profiles provide a baseline of data which will help to identify elements of our local communities which may be vulnerable to gambling activities. Areas of vulnerability must be addressed through the gambling operators risk assessments and ultimately will be used when considering the suitability of an application.

- 2.7 Further clarification has been provided about what is expected to be included in application and to ensure premise licence holders make a new application or variation where any plans of the premises are altered. Clarification has been provided to ensure there is tangible and evident separation between premises such as screening, walls, clear signage, PIR alarms etc. Site Plans should be scaled and provide sufficient detail of the layout of the premises and to assist with demonstrating how the premises will be adequately supervised.

A Pool of Licensing Conditions have been included in Appendix C to the policy to assist applicants in offering to include conditions with their applications ensure the licensing objectives are promoted.

- 2.8 The Policy clarifies what the Licensing Officers will expect during routine inspections to ensure all gambling operators can prepare for inspections and ensure all documentation is in place.
- 2.9 The requirement for premises to operate a proof of age scheme has been updated to include a 'Challenge 25' policy.

The updated policy includes a requirement for the results of any under-age testing that is carried out on the Gambling Premises to be shared with Licensing, Trading Standards or the Police and used to review the local area risk assessment.

- 2.10 Appendix B to the policy has been included to demonstrate how gambling premises licence and permit holders can assist tackling child sexual exploitation and ensure that safeguarding is everyone's business across the City.

### **3.0 PUBLIC CONSULTATION**

- 3.1 The Council is required to consult publicly with stakeholders affected by the administration of its functions under the Act. A four week public consultation exercise was undertaken between 14 August 2018 and 14 September 2018, which included writing to the following interested parties:

Citizen's Advice Bureau  
Safer Plymouth  
Devon and Cornwall Constabulary  
Plymouth City Council  
    Social Services  
    Education  
    Public Health  
    Team Plymouth  
    Environmental Health  
Devon & Somerset Fire and Rescue Service  
Gambling welfare support organisations  
Gambling Commission  
Local businesses groups

Local faith groups  
 Local residents groups  
 NSPCC  
 Existing licence-holders  
 Voluntary & Community organisations working with children & young people  
 Ward Councillors

3.2 The Gambling Act Statement of Licensing Policy is specified within the Council’s Policy Framework. In accordance with the Constitution the Cabinet Member for Safer and Stronger Communities referred the draft Policy to the Performance, Finance, and Customer Focus Overview and Scrutiny Committee for consultation. The Committee did not wish to review the policy at this stage.

3.3 A total of two responses were received and are summarised below.

No	Date received	Responses received	Response from Plymouth City Council
1	21.8.18	<p>Many thanks for the letter you sent to our office on 14 August. As a part of the review I have read through the documents and would want to endorse:</p> <p><b>Openness</b></p> <p>1.13 The Council is aware that the Gambling Commission has responsibility for ensuring that gambling is conducted in a fair and open way via operating and personal licences. However, this does not preclude this from being considered during premises inspections. The Licensing Authority will need to consider this objective in detail and may add conditions in situations where an operating licence is not in place, such as in the licensing of tracks.</p> <p><b>Children and Vulnerable Persons</b></p> <p>1.14 The Council notes the Gambling Commission’s Guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.</p> <p>The Council notes the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.</p> <p>The Council recognises that the Gambling Commission does not seek to offer a definition of the term “vulnerable persons” but that “it does for regulatory purposes assume that this group includes people who gamble more than</p>	<p>Thank you for your support of these sections of the proposed policy. This will be included as documented and safeguarding will be a high priority.</p>

		<p>they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”.</p> <p>Where physical barriers are required to separate activities due to differing age restrictions the applicant must provide sufficient information with regards to the height, transparency and materials to be used. The licensing authority will require barriers to be designed and constructed to prevent inadvertent access and viewing of restricted areas. Adequate supervision within these areas must also be maintained.</p> <p>We expect all operators to have a safeguarding policy in relation to children and vulnerable adults. All staff will be expected to undertake training regarding:</p> <p>As a part of your review please be mindful of this particular section, which impacts a wide range of people and has implications on the wider community. Our response to the consultation would be to support this definition and ask that it is understood and that Safeguarding is the highest priority.</p>	
2.	7.9.18	<p>Further to the publication of your draft policy for gambling licensing, we wish to respond to the following points:</p> <p>Throughout the document, there is repeated reference to ‘Challenge 25’. I am aware that this scheme is widely used in liquor licensing, but for gambling, all operators use a similar ‘Think 21’ scheme, which is accepted by the Gambling Commission. As an operator with around 2300 shops, we clearly need to adopt the same policy throughout our estate, so we would ask that you revise the document to reference ‘Think 21’, consistent with the rest of the country.</p> <p>We would also like to respond to the following point:</p> <p>14.1 The results of any under-age testing that is carried out by the Gambling Premises should be kept on the premises and used to review the local area risk assessment.</p> <p>We do conduct our own Age Verification testing, but the results would not be kept in branch. The results are discussed with our Primary Authority as well as the Gambling Commission, and retained centrally by our compliance department. It would not be appropriate to retain such results in shop, where all members of staff were able to see them, given that there can be disciplinary measures taken as a result of this testing.</p> <p>I would be grateful if you would consider the above points when finalising the document. If you want to</p>	<p>Thank you for your feedback. PCC encourage the use of ‘Challenge 25’, however alternatives such as ‘Think 21’ are acceptable. The wording within the policy states ‘Proof of Age Schemes such as Challenge 25’ so you are able to use an alternative. The recommended conditions have been kept with Challenge 25 as this is deemed best practice but these are only suggested conditions and will be negotiable as part of any application/variation.</p> <p>We would only require the outcome of the test purchase and would not require any confidential details to be kept. However, the wording has been altered to say that</p>

		discuss any of the above, please get in touch.	the results should be shared with Licensing, Trading Standards or the Police so that you don't have to store them onsite.
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# STATEMENT OF LICENSING POLICY

Gambling Act 2005



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## PART A – STATEMENT OF PRINCIPLES

### I Introduction

- 1.1 The Gambling Commission was set up under the Gambling Act 2005 (The Act) to regulate gambling in Great Britain in partnership with licensing authorities. The Commission is an independent non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Commission licenses.

The Commission issues operating licences for gambling operators and, through effective regulation and public engagement, ensures that crime is kept out of gambling, that gambling is fair and open, and that children and the vulnerable are protected. The Commission works closely with other regulators, including licensing authorities, and with bodies such as police and HM Revenue and Customs to regulate the gambling industry. (Gambling Commission: Who are and what we do; April 2011) The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission,  
Victoria Square House,  
Victoria Square,  
BIRMINGHAM,  
B2 4BP

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommision.gov.uk](mailto:info@gamblingcommision.gov.uk)

- 1.2 Plymouth City Council (the Council) is designated as a Licensing Authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its district in respect of;

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.

The Act requires the Council to prepare and publish a Statement of Licensing Policy (Statement of Principles) that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

### 2 The Licensing Objectives

- 2.1 The Council has a duty under the Gambling Act 2005 (to carry out its licensing functions in a manner, which is consistent with three licensing objectives. The relevant licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

- Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.2 In discharging its responsibilities under the Act and in making decisions in relation to premises licences and temporary use notices (S.153), this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that its use will be:
- In accordance with any relevant code of practice issued by the Gambling Commission,
  - In accordance with any relevant guidance issued by the Gambling Commission,
  - Reasonably consistent with the licensing objectives,
  - In accordance with this Licensing Authorities Statement of Licensing Policy
- 2.3 The Council particularly notes the Gambling Commission’s latest Guidance to Local Authorities (from now on referred to as the Gambling Commission’s Guidance)
- “In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).”
- 2.4 Each case will be considered on its merits.
- 2.5 In deciding whether or not to grant a licence, this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.

### **3 The Geographical Area**

- 3.1 Plymouth is one of the largest cities on the south coast and the 15<sup>th</sup> largest city in England with a population of approximately 262,700, an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016).
- 3.2 Plymouth is ‘Britain’s Ocean City’, its connections to the sea go back to the sailing of the Mayflower in 1620 and now include western Europe’s largest naval base, a thriving commercial and ferry port, a significant fishing industry, and one of the most significant global concentrations of marine research and production.
- The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side (Please refer to Figure 1). Plymouth’s rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.
- 3.3 It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).
- 3.4 The Council recognises that the provision of entertainment is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant City, which in turn continues to be a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 3.5 The Licensing Authority has developed local area profiles which contain neighbourhood based data. The local area profiles will help to develop our Statement of Gambling Policy and set out

our expectations of operators of gambling premises. The profiles will be maintained separately from this statement to enable the profiles to be updated when required.

**Figure 1: The Plymouth City Council boundary**



#### **4 Statement of Principles**

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years (or alternate time period as may be imposed by statutory provision). The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

This Statement of Principles is written to conform to the provisions of the Act and its associated regulations. The Gambling Commission’s Guidance issued under S.25 of the Act by the Gambling Commission outlines the way that this Licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.

- 4.2 This Statement or Principles is effective from the 31 January 2019 for a three-year period (or alternate time period as may be imposed by statutory provision) after which time it will be the subject of a further public consultation. The Statement of Principles may also be reviewed from time to time where there are significant changes in government guidance at which point an appropriate public consultation will be undertaken prior to any amendments being re-published.

The Council’s current Statement of Principles can be seen in the Council’s website [www.plymouth.gov.uk/gamblingpolicy.htm](http://www.plymouth.gov.uk/gamblingpolicy.htm)

Should you have comments regarding this Statement of Principles please email the Licensing Service Manager at [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk) or send them to Licensing Department, Windsor House, Plymouth, PL6 5UF.

It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

### **Review Procedures**

- 4.3 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 4.4 The Council will also consult relevant organisations and interested parties who it considers have a relevant legal or professional interest to comment, and consider any other contribution from any other person, business or organisation that it considers as relevant.

### **Organisations and Interested Parties**

The Council may consult the following organisations /persons as part of any public consultation;

- Citizen's Advice Bureau
  - Community Safety Partnership
  - Devon and Cornwall Constabulary
  - Plymouth City Council Adult Social Care
  - Plymouth City Council Children's Social Care
  - Plymouth City Council Planning Services
  - Office of Director of Public Health
  - Plymouth City Council Environmental Health Service
  - Gamblers Anonymous
  - Gamcare
  - Gambling Commission
  - Local Chambers of Commerce and Federation of Small Businesses
  - Local faith groups
  - Local residents groups
  - NSPCC
  - Existing licence-holders
  - Voluntary & Community organisations working with children & young people
  - Ward Councillors
  - Team Plymouth Managers
- 4.5 Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.
- 4.6 In producing the published Statement of Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Gambling Commission's Guidance and any responses from those consulted on the statement.

## 5 Fees

- 5.1 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee.
- 5.2 The Council takes the matter of non-payment of annual licence fees seriously and in accordance with Section 193 of the Gambling Act 2005 where an operator fails to pay, without reasonable excuse, the annual fee shall revoke the premises licence.
- When dealing with public money the Council has a duty to secure prompt payment as any delay in settling debt can undermine the effective operation of services within the city. Prompt payment of bills will avoid possible imposition of late payment charges.
- The same principles will apply to permits and the Council will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the permit.
- Each case will be treated on its own merits and consideration may be given to mitigating circumstances.

## 6. Relationship with Other Legislation

- 6.1 The Council will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
- 6.2 The grant of a licence does not imply the approval of other legislative requirements. Applicants for Premises Licences for Casinos, Bingo Halls, Adult or Family Entertainment Centres (licensed or unlicensed) or Permits are advised to speak to the Planning Services of this Council before making a formal application.
- Email: - [planningconsents@plymouth.gov.uk](mailto:planningconsents@plymouth.gov.uk)

## 7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations in relation to applications. All representations made by responsible authorities are relevant if they relate to the licensing objectives. The responsible authorities are detailed in Appendix A.
- 7.2 The Council is required by regulation to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance this Authority designates the Children Young People and Family Service, Plymouth City Council, Midland House, Notte Street, Plymouth, PL1 2EJ for this purpose.

## 8 Interested Parties

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. An Interested Party is defined in the Act as;

“For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person -

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy paragraph (a) or (b)” (S.158)

8.2 The Council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles that will apply are that;

- Each case will be decided upon its merits.
- Will not apply a rigid rule to its decision-making.
- Will consider considerations provided in the Gambling Commission’s Guidance.

Examples include interested parties who may be democratically elected councillors or MPs; people living close to the premises; the nature and scope of business interests that could be affected; and people who may represent those in the above categories.

Other than these we will expect written evidence that a person/body (e.g. an advocate/relative) ‘represents’ a person who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

8.3 The Council will also consider the Gambling Commission’s Guidance that ‘business interests’ should be given the widest possible interpretation and include, for example partnerships, charities, faith groups and medical practices.

## 9 Exchange of Information

9.1 The Council is required to include in their Statement of Principles the procedure to be applied in exercising the functions under S.29 and 30 of the Act in respect to the exchange of information with the Gambling Commission. The functions under S.350 of the Act with the respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.

9.2 The Council will apply the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the General Data Protection Regulation 2018 will not be contravened and any Guidance issued by the Gambling Commission or the Secretary of State under the powers provided in the Act.

9.3 The Council will work closely with the Gambling Commission, Devon and Cornwall Police and with Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.

9.4 The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to Responsible Authorities and the



Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.

- 9.5 This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and this will be available on the Council's web site at [www.plymouth.gov.uk/licensingregister.htm](http://www.plymouth.gov.uk/licensingregister.htm)

## 10 Enforcement

- 10.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under S.346 of the Act to institute criminal proceedings in respect of the offences specified.
- 10.2 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.3 The Council will undertake routine inspections using the premises assessment templates available at [www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-templates.aspx](http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-templates.aspx)
- 10.4 During proactive or pre-planned compliance visits the Licensing Enforcement Officers will review documentation including:
- Site Plan to ensure this reflects the actual layout of the premises
  - Local area risk assessments
  - Training policies and training undertaken by staff
  - Records of refusals to serve or admit on age grounds
  - The premise's approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and the numbers of people currently self-excluded
  - The involvement or impact of any work in local gambling schemes such as Betwatch
  - That appropriate signage and information is in place.
- 10.4 The Council's compliance and enforcement functions will be guided by the Gambling Commission's Guidance, Regulators Compliance Code, Better Regulation principles, Primary Authority partnerships schemes and the Public Protection Service Enforcement Policy in that the following guiding principles are applied;
- **Proportionality** - regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountability** - regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Fairness and Consistency** - rules and standards must be joined up and implemented fairly;
  - **Openness and Transparency** - regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted Enforcement** - regulation should be focused on the problem, and minimise side effects.
- 10.5 In line with the Gambling Commission's Guidance the Council will endeavour to avoid duplication with other regulatory regimes so far as reasonably possible.
- 10.6 The Council will apply in principle of risk-based inspection based on;



- The Licensing Objectives
- Relevant Codes of Practice
- [Gambling Commission's Guidance](#), in particular Part 36 on Compliance and Enforcement
- [Public Protection Service Enforcement Policy](#)
- The Current Statement of Licensing Policy ([Statement of Principles](#))

10.7 The Council's enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises having regard to the Gambling Commission's guidance Part 36.

## 11 Licensing Authority Functions

11.1 Licensing Authorities have a duty under the Act to;

- Issue premises licences where gambling activities are to take place
- Issue Provisional Statements where gambling activities are to take place
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from premises licensed under the Licensing Act 2003 for the use of up to two gaming machines on the premises
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines on the premises
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission
- Maintain registers of the permits and licences that are issued

Local licensing authorities are not involved in licensing remote gambling, which is regulated by the Gambling Commission via operating licences. The National Lottery is regulated by the National Lottery Commission and Online (Remote) Gambling is dealt with by the Gambling Commission.

## 12 The Licensing Process

12.1 A Licensing Committee, a Licensing Sub-Committee, or officers acting under delegated authority may carry out the powers of the Licensing Authority under the Act.

12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are delegated to licensing officers.

12.3 The Council will ensure that all Licensing Officers and Members of the Licensing Committee receive adequate training to enable them to undertake their role under the Act.

- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Licensing Sub-Committee is delegated to hear the matter.

### 13.0 Gambling Prevalence and Social Responsibility

- 13.1 Harmful gambling is defined as any type of repetitive gambling that disrupts or damages a person, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling).
- 13.2 Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.
- 13.3. A recent investigation published by the Citizens Advice reported research suggesting that for every problem gambler there are on average between 6 to 10 additional people who are directly affected by it.
- 13.4 Gambling Operators must comply with the Gambling Commission's licensing conditions and code of practice (LCCP). The social responsibility code requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling.
- 13.5 The requirements on gambling premises under the social responsibility code are based upon key areas:
- **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
  - **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
  - **Layout of the premises** - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
  - **Self-exclusion** – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.
- 13.6 Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the Code of Practice.

**14.0 Test Purchasing**

- 14.1 The results of any under-age testing that is carried out on the Gambling Premises should be shared with Licensing, Trading Standards or the Police and used to review the local area risk assessment.

## **PART B - PREMISES LICENCES – CONSIDERATION OF APPLICATIONS**

### **I. General Principles**

#### **Introduction**

- I.1 Premises Licences are subject to the requirements set out in the Act and associated regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- I.2 The Council is aware that in its decision-making about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is;
- In accordance with any relevant code of practice or guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives
  - In accordance with the Licensing Authority's Statement of Principles.

It is appreciated that in line with the Gambling Commission's Guidance "**moral objections to gambling are not a valid reason to reject applications for premises licences**" (except as regards to any 'no casino resolution' - see section on Casinos below).

The absence of unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

#### **Definition of "Premises"**

- I.3 The Council will have regard to the definition of 'premises' as set out in the Section 152 of the Act to include 'any place'. In addition that the intention of Section 152 is to prevent more than one premises licence applying to any place.

A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be given to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

#### **Multiple Licences**

- I.4 The Council will have regard to the Gambling Commission's Guidance that states 'In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.'

- I.5 The Council will have regard to the clarification of guidance issued by the Gambling Commission in respect to any premises granted multiple licences. These premises may be inspected to reconsider the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives, in particular to the protection of children and vulnerable persons from being harmed or exploited from gambling.
- I.6 The Council takes particular note of the Gambling Commission's Guidance, which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following.
- The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
  - There should be tangible and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, PIR alarms etc.
  - Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the Codes of Practice.
- I.7 The Council may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case.
- Do the premises have a separate registration for business rates?
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
  - Has a risk assessment identified and adequately controlled risks

**The Council will have regard to the Gambling Commission's Guidance on relevant access provisions for each premises type**

**Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

**Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises or one with a permit (such as an unlicensed family entertainment centre (uFEC)).

**Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### Tracks

- No customer should be able to access the premises directly from:
  - A casino
  - An adult gaming centre

#### Bingo Premises

- No customer must be able to access the premise directly from:
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

#### Family Entertainment Centre

- No customer must be able to access the premises directly from
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

Part 7 of the Gambling Commission's Guidance also contains further guidance on this issue, which this authority will also take into account in its decision-making.

### Provisional Statements

- I.8 The Council will have regard to the Gambling Commission's Guidance that a licence to use premises for gambling should only be issued in relation to premises where the licensing authority can be satisfied that the premises are going to be **ready to be used for gambling** in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

- I.9 The Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence and will have regard to the detailed examples of the circumstances in which such a licence may be granted set out in the Gambling Commission's Guidance.

## 1.10 Location

The Council is aware that demand issues cannot be considered with regard to the “location of premises” but that considerations in terms of the licensing objectives are relevant to its decision-making. Particular attention will be given to the protection of children and vulnerable persons from being harmed or exploited by gambling in addition to issues of crime and disorder.

The Council will have regard to any further guidance as regards areas where gambling premises should not be located although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In determining whether a premises location is suitable for the grant of a licence regard will be given to the Local Area Profiles and to the following factors:-

- The proximity of the premises to any school, centre or establishment for the education, training or care of young and/or vulnerable persons
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons
- Proximity to payday loan businesses, pawn shops or other similar premises
- The proximity of any other area or location where young and / or vulnerable persons could congregate

Where gambling premises are located in sensitive areas, e.g. near schools, the Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

## Relationship with Other Agencies

- 1.11 The Council is aware of the overlap with planning, building regulations in the granting of a premises licence. In determining applications the Council will take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Planning controls may restrict the provision of gambling activities. It is a relevant to consider the evidence base for this restriction and consider the reasons for the restrictions

### **Crime and Disorder**

- I.12 The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime or being used to support crime and will pay attention to the proposed location of gambling premises in terms of this licensing objective. Where evidence is submitted that an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it will be taken into account.

### **Openness**

- I.13 The Council is aware that the Gambling Commission has responsibility for ensuring that gambling is conducted in a fair and open way via operating and personal licences. However, this does not preclude this from being considered during premises inspections. The Licensing Authority will need to consider this objective in detail and may add conditions in situations where an operating licence is not in place, such as in the licensing of tracks.

### **Children and Vulnerable Persons**

- I.14 The Council notes the Gambling Commission's Guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The Council notes the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

The Council recognises that the Gambling Commission does not seek to offer a definition of the term "vulnerable persons" but that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs".

Where physical barriers are required to separate activities due to differing age restrictions the applicant must provide sufficient information with regards to the height, transparency and materials to be used. The licensing authority will require barriers to be designed and constructed to prevent inadvertent access and viewing of restricted areas. Adequate supervision within these areas must also be maintained.

We expect all operators to have a safeguarding policy in relation to children and vulnerable adults. All staff will be expected to undertake training regarding:

- Vulnerability risk factors
- How to identify safeguarding issues
- How to report and record concerns

Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child sexual exploitation and trafficking.



### **Licensing Conditions That May Be Imposed**

I.15 The Council will consider the imposition of conditions on a case-by-case basis. Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises: and
- Reasonable in all other respects.

The Council will also expect the licence applicant to offer his/her own suggestions as to the ways in which the licensing objectives can be met effectively when making their application e.g. the use of supervisors, appropriate signage for adult only areas etc. Please refer to the suggested pool of conditions in Appendix C.

I.16 The Council will consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-restricted premises in order to pursue the licensing objectives.

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted that the following measures are considered.

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

I.17 The Council notes that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **Conditions That May Not Be Imposed**

I.18 The Council will not attach conditions to premises licences, which;

- Are impossible to comply with as an operating licence condition;
- Relate to gaming machine categories, numbers, or method of operation;
- Provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Are in relation to stakes, fees, winning or prizes

## Door Supervisors

- 1.19 Where premises attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then the entrances to the premises will be controlled by a door supervisor and attach such conditions as may be appropriate to the premises licence.

## 2. Adult Gaming Centres

- 2.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Appropriate licence conditions may cover issues such as:

- Proof of age schemes such as Challenge 25
- CCTV
- Door supervisors
- Location of entry
- Notices / signage
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
- Provision information leaflets helpline numbers for organisations such as GamCare
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Specific opening hours
- Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 2.2 The Council recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff prevent the use of these machines by children and young persons. The Council reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Additional factors to be taken into consideration will include to following:

- Visual observation
  - Re-location of the machines
  - Door buzzers
  - Remote cut-off switches
  - Training provision
  - Any other factor considered relevant
- 2.3 The Council will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision-making.

- 2.4 The Council accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

### 3. (Licensed) Family Entertainment Centres

- 3.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.

- 3.2 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes such as Challenge 25
- CCTV
- Door supervisors
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Specific opening hours
- Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 The Council recommends applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice in respect to Adult Gaming Centres and Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## 4 Casinos

### Casino – Local Policy

- 4.1 The Council has not passed a '**no casino**' resolution under Section 166 of the Gaming Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council. Similarly, a resolution will not affect the ability of the casinos with preserved entitlements from the 1968 Gaming Act from continuing to operate as casinos.
- 4.2 The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

## 5 Bingo Premises

- 5.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.
- 5.2 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes such as Challenge 25
  - CCTV
  - Door supervisors
  - Location of entry
  - Measures / training for staff on how to deal with suspected truant school children on the premises
  - Notices / signage
  - Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
  - Provision of information leaflets / helpline numbers for organisations such as Gam Care
  - Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
  - Opening hours
  - Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 5.2 The Council notes that the Gambling Commission's Guidance that it should take steps to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its licensed area and then applies for a new premises licence, or multiple licences, for those excluded areas.
- 5.3 The Council will consider it an unusual circumstance in which the **splitting of pre-existing premises** into two adjacent premises might be permitted. In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' and compliance with the social responsibility code 9.
- 5.4 Children and young people are allowed into bingo premises however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. This Licensing Authority will also take note of any restrictions and requirements on the Operating Licences for betting premises as regards credit.

## 6 Betting Premises

6.1 The Council recognises that the design and layout of betting premises (or any other premises including tracks) will vary. The Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the betting machines an operator wants to offer. The Council reserve the right to request that gaming machines are re-positioned or reduce the number where circumstances demonstrate that it is appropriate to do so. Factors to be taken into consideration will include to following:

- Proof of age schemes such as Challenge 25
- CCTV
- Visual observation
- Re-location of the machines
- Door buzzers
- Remote cut-off switches
- Training provision
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Opening hours
- Any other factor considered relevant

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 7 Tracks

- 7.1 The Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the impact on the protection of children and vulnerable persons from being harmed or exploited by gambling; the need to ensure that entrances to each type of premises are distinct; that children are excluded from gambling areas where they are not permitted to enter are considered.
- 7.2 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes such as Challenge 25
  - CCTV
  - Location of entry
  - Notices / signage
  - Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
  - Measures / training for staff on how to deal with suspected truant school children on the premises

- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Specific opening hours
- Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Gaming Machines**

- 7.4 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Applicants are advised to consult the Gambling Commission's Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Council will also, in line with the Gambling Commission's Guidance, consider the location of gaming machines at tracks.

### **Betting Machines**

- 7.5 The Council will have regard to Part 6 of the Gambling Commission's Guidance, to take account the size of the premises and the ability of staff to prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. The Council will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

## **8.0 Applications and Plans**

- 8.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads

- 8.2 If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s. 159 or to seek an amendment to the licence under s. 187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different

to those to which the licence was granted. In such cases, variation of the licence under s. 187 would not be possible and a new application would be required under s. 159.

- 8.3 The Council will require a full premises licence variation application where premises are intending to use privacy screening and/or booting to any machines. The Council will expect any application proposing the use of customer privacy screens/booths, to clearly identify how these areas can be adequately supervised.
- 8.4 The Licensing Authority expects all applicants for Gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, persons who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
- 8.5 Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
- 8.6 Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
- 8.7 Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
- 8.8 Where access to premises is restricted, the Licensing Authority expects applicants to have a Proof of Age Scheme in place such as 'Challenge 25' and to train its staff in recognising acceptable forms of identification. Posters should be displayed stating that the relevant policy is in place and that users may be challenged.
- 8.9 Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator and any instances of crime and disorder that occurs on, or in association with, the licensed premises. Applicants should demonstrate how they will identify self-excluded persons.
- 8.10 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will also be used to plan future premises inspection activity. The plan should be scaled (1:100).  
Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 8.11 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.  
In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 8.12 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to

be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## **9 Travelling Fairs**

9.1 Where category D machines and/or equal chance prize gaming without a permit are available for use at travelling fairs, the Council is responsible for deciding whether the facilities for gambling are no more than an ancillary amusement at the fair.

9.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring Authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **10 Provisional Statements**

10.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

10.2 S.204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered; or
- Expects to acquire a right to occupy.

10.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

10.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

10.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- They concern matters which could not have been addressed at the provisional statement stage, or
- They reflect a change in the applicant’s circumstances.



- 10.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by objectors at the provisional statement stage;
  - Which in the authority's opinion reflect a change in the operator's circumstances; or
  - Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.
- 10.7 Once an operator has completed a building, the licensing authority will be able to consider a premises licence application for it. Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements, for example, that Category C and D machines in a licensed family entertainment centre are situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.

## 11 Reviews

- 11.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities however it is for this Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the Licensing Authority's Statement of Principles.
- 11.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 11.3 The Council can also initiate a review of a particular premises licence or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.
- 11.4 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 11.5 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 11.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are;
- Add, remove or amend a licence condition imposed by the licensing authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;

- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

11.7 In determining what action, if any, should be taken following a review, the Council will have regard to the principles set out in S.153 of the Act, as well as any relevant representations.

In particular, a review of a premises licence may be initiated on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## 12 Local Area Gambling Risk Assessments

12.1 The Gambling Commissions Licence Conditions and Codes of Practice (LCCP) requires operators to consider local risks.

The Gambling Commission's Social Responsibility Code require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

12.2 The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They must be specific to the premises, the area and the local community and must be owned by the premises managers to ensure they are site specific. A local risk assessment of gambling premises should be carried out through a step-by-step approach. This will involve firstly assessing the local area; identify the relevant risk factors; assess the gambling operation and finally assess the premises design, both internal and external. Once the risk factors have been identified the appropriate control measures to mitigate the risks can be considered. These control measures may either already be in place or will need to be implemented.

12.3 It will be the responsibility of the gambling operator to assign an assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and it is highly recommended that licensees use staff or area managers to assist in gaining an understanding of that local area.

In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement and any associated local area profile produced by this Licensing Authority.

12.4 It will be the responsibility of the gambling operator to ensure that a local risk assessment is provided, is regularly reviewed or updated having regard to the following circumstances;

- When applying for a new or a variation of a premises licence, including a Temporary Use Notice.

- To take account of significant changes in local circumstances, including those identified in this policy.
- When there are significant changes at a licensee's premise that may affect the level of risk or the mitigation of those risks.
- on request of the Council

12.5 The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as having elevated crime by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
- A new gambling premises opens in the local area.

12.6 The following lists sets out some examples of what the Licensing Authority considers to be significant changes in licenced premises (some of which may also require a variation to the existing premises licence):

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed,
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- Changes in staffing levels or opening times

- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.
- 12.7 A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.
- 12.8 Operators must establish a regular review regime in respect of their local risk assessments. This should be at least annually and can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.
- 12.9 The Local Risk Assessment must be kept on the premises and be available for inspection by the licensing authority. Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment.
- 12.10 The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required. Licensees may wish to offer voluntary conditions to be attached to any licence.

### **Matters to be included when undertaking a local risk assessment**

#### The local area

- 12.11 Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.
- To assist in assessing the local area the Council will produce and maintain a Local Area Profile. The local area profile will be held on the City Council's website at [www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpremiseslicence](http://www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpremiseslicence) and will be updated from time to time. The Local Area Profile sets out the demographic profile of areas of the City and the specific concerns and risks that have been identified in respect to gambling in those areas.
- 12.12 The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located:
- The types of premises and their operation in the local area surrounding these premises
  - The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.
  - Socio-economic makeup of the area
  - Prevalence of dependant or addictive gambling in an area, including information from self-exclusion data
  - Transport links and parking facilities.
  - Educational facilities.
  - Community centres.

- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local community.
- Significant presence of young children
- Crime rates and types
- Unemployment rates
- Presence of alcohol or drug support facility
- Presence of a pawn broker/pay day loan businesses in the vicinity.
- Presence of other gambling premises in the vicinity.

#### The gambling operation

12.13 In assessing the risk factors associated with a gambling operation the assessor should consider how that gambling operation may affect risk. The assessor as a minimum must consider:

- How the operator conducts its business
- What gambling products it provides in the premises
- The facilities to enable gambling within the premises
- The staffing levels within the premises throughout different times of any day
- The level and requirement for staff training
- Whether loyalty or account cards are used or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- The security and crime prevention arrangements it has in place
- How it advertises locally and on the premises
- The marketing material within the premises
- The display and provision of information, etc.
- The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy.
- Support and early intervention engagement with customers
- Issues of lone working and staff working closely with children.

#### The internal and external design of the premises

12.14 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The ability to view all parts of the gambling area and entrances, whether directly or via aids such as mirrors /CCTV
- The ability for children and young people to look into the premises and see gambling taking place
- Nature and number of advertising materials present, particularly those viewable externally

- Position of various gambling activities
- The means to segregate various gambling activities

#### Control measures and monitoring

- 12.15 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Some risk factors may require a combination of control measures to adequately mitigate the risk.

Adequate management arrangements must be in place to ensure any control measures are in operation and licensees may wish to record these checks as part of any due diligence defence.

#### Completed assessment

- 12.16 The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure.

A copy of the local area risk assessment must be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. All staff should be made aware of the contents of the local risk assessment, including any additional control measures identified in the assessment.

The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

### **13. Local Area Profiles (LAP)**

- 13.1 The authority may produce local area profiles which will be a relevant matter when determining applications or reviewing existing licences.

LAPs will be updated more frequently than the licensing policy to ensure they take account of the latest data and guidance. LAPs will therefore be published separately to this policy.

- 13.2 These LAPs may identify levels of risk from gambling which should be considered as part of any operator risk assessment.

## PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

### I. **Unlicensed Family Entertainment Centres (Gaming Machine Permits)**

I.1 The term ‘**unlicensed family entertainment centre**’ (uFECs) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements, such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence, but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.

uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons. Only premises that are wholly or mainly used for making gaming machines available may hold an uFEC gaming machine permit or an FEC premises licence (S238 of the Act). Both a licensed FEC and an uFEC are classified as ‘premises. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

The Council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide uFEC.

In line with the Act, while conditions will not be attached to this type of permit. The Council can refuse an application if not satisfied that issues raised in this Statement of Principles have been addressed in the application.

- I.2 Where an establishment does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (S.238 of the Act).
- I.3 The Council notes the Gambling Commission’s Guidance which states that ‘An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and if the Chief Officer of Police has been consulted on the application...’ and will consider asking the applicant to demonstrate;
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
  - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
  - That staff are, or will be trained to have a full understanding of the maximum stakes and prizes
- I.4 The Council will not attach conditions to this type of permit.
- I.5 The Statement of Licensing Policy clarifies the measures it will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow this licensing authority to better determine the suitability of the applicant and the premises for a permit.
- I.5 Within this process the applicant must be able to demonstrate that:
- They are a fit and proper person to hold the permit
  - They have considered and are proposing suitable measures to promote the licensing objectives, and
  - They have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this Statement of Licensing Policy will be applied although will consider any alternative measures suggested by the applicant and will substitute measures as appropriate

I.8 The Council will require the following **supporting documents** to be served with all uFEC gaming machine permit applications:

- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
- Proof that the applicant has the right to occupy the premises - acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- A standard disclosure and barring service check issued within the previous month. This will be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
- Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- Suitable and sufficient gambling local risk assessments where the uFEC is located adjacent to an AGC.
- Suitable and sufficient safeguarding policy.
- A plan of the premises for which the permit is sought showing the following items:
  - (i) The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
  - (ii) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
  - (iii) The positioning and types of any other amusement machines on the premises
  - (iv) The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
  - (v) The location of any ATM/cash machines or change machines
  - (vi) The location of any fixed or temporary structures such as columns or pillars
  - (vii) The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
  - (viii) The location of any public toilets in the building

Unless otherwise agreed, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

I.9 Harm in this context is not limited to harm from gambling, but includes wider protection considerations. The council will consider these policies and procedures on their merits but should (depending on the particular permit being applied for) include appropriate measures/training for staff having regard to the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address problems associated with truant children who may attempt to gain access to the premises and to gamble when they should be at school
- Employ policies to address any problems that may arise when there is an increased likelihood that children may frequent the premises in greater numbers, such as half terms and summer holidays



- Safeguarding policies in place to both protect children and vulnerable adults but also staff training in relation to the identification and onward alerting of safeguarding concerns
- Display posters with the 'Child Line' phone number in discreet locations throughout the premises e.g. toilets, corridors
- Maintain a register of any incidents that arise on and around the premises related to children i.e. children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. The register can be used to detect any trends which require action by the management of the premises.
- Take steps to ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Undertake satisfactory disclosure checks (criminal records checks) for all staff who will be working with children.
- Clear signage that identifies gaming machines and skill machines
- Any prizes displayed must be capable of being won
- Staff training that covers all of the controls in place

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.10 The Council will expect the applicant to show that there are policies and procedures in place to **protect vulnerable persons**. The Council will assess the submitted policies and procedures on their merits, but (depending on the particular permit being applied for) should include appropriate measures/training for staff relating to the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines, including the display of Gamcare stickers on any such machines.
- Customer self-exclusion systems (for example where the uFEC is adjacent to an AGC).

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.11 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the exterior of the premises clean and tidy
- Ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

## 2. (Alcohol) Licensed Premises (Gaming Machine Permits)

### Automatic Entitlement: 2 Machines

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Licensing Authority will consider removing an automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines)
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

### Permit: 3 or More Machines

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25, codes issued under s24 of the Act, and “other such matters as the Licensing Authority think relevant.”

The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18, or suitable Challenge scheme. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

2.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence. It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for but conditions (other than these) cannot be attached.

2.4 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Please refer to the ‘Advice on gaming in clubs and premises with an alcohol licence: Gambling Act 2005 (March 2016)’ at [www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf](http://www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf) and [www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf](http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf)

2.5 All gaming machines must be located in a place within the premises so that their use can be adequately supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

- 2.6 A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.
- 2.7 Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only, sell alcoholic drinks as an ancillary to food will no longer automatically qualify for two machines. Any gaming machines must be obtained from a licensed supplier.

### 3 Prize Gaming Permits

- 3.1 The Act states that a licensing authority must prepare a Statement of Licensing Policy that they propose to apply in exercising their functions under this Schedule which 'may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit'.
- 3.2 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations; and
  - That the gaming offered is within the law
  - Clear policies that outline the steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit the Council does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission's Guidance (Schedule 14 and Para 8.3).
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

### 4 Club Gaming and Club Machines Permits

- 4.1 Member's Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

A **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as set out in regulations i.e. pontoon and chemin de fer. This is in addition to the exempt gaming authorised under S.269 of the Act.

Alternatively a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

**Commercial clubs** are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However they are not able to site category B3A gaming machines offering lottery games in their club.

- 4.2 Gambling Commission Guidance states: 'Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations'.

The Council will take steps to ensure that a club is a bonafide club within the terms set out in the Act and with this in mind reserve the right to request or require sight of evidence that confirms the status of the club. The Council may request evidence any of the follow factors for consideration in its decision-making;

- Evidence of committee members and evidence of their election by club members?
- Minutes of previous meetings (where appropriate)?
- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of club member's genuine domestic addresses and live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to (for member clubs)
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- Submission of a plan of the premises for which the permit is sought i.e. premises, boundaries, machine position, etc.

- 4.3 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:
- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) The applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) A permit held by the applicant has been cancelled in the previous ten years; or
  - (e) An objection has been lodged by the Commission or by the police.

- 4.4 There is also a **‘fast-track’ procedure** available under the Act for premises, which hold a Club Premises Certificate under S.72 Licensing Act 2003 (Schedule 12 paragraph 10) are exempt from the stricter vetting process that applies to applications for Club Gaming and Club Gaming Machine Permits.

As the Gambling Commission’s Guidance to licensing authorities states: ‘Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an Authority can refuse a permit are reduced’ and;

The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 4.6 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by suitable other means.

## 5 Temporary Use Notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The Council will only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Act (Temporary Use Notices Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of ‘premises’ in Part 8 of the Act is discussed in Part 7 of the Gambling Commission’s Guidance. As with ‘premises’ the definition of ‘a set of premises’ will be a question of fact, in the particular circumstances of each notice that is given. In the Act ‘premises’ is defined as including ‘any place’.

In considering whether a place falls within the definition of ‘a set of premises’, the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 5.3 The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance.

## 6 Small Society Lotteries

6.1 Under the Act a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. The Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories.

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with Plymouth City Council)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and their website:

[www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx](http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx)

## 7 Occasional Use Notices

7.1 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7.2 The Council will consider any guidance issued by the Gambling Commission or any other statutory agency (please refer to the glossary at the end of this document) regarding non-commercial betting and race nights of how their activities can be regulated within the Act.

## 8 Vessels

8.1 The Council when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

8.2 Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the licensing authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel. The licensing authority will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provisions, all of which are subject to regulations, which must be met before the vessel is issued with a Passenger Certificate and Safety Management Certificate. It is expected that if the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises will normally be accepted as meeting the public safety objectives.

In respect of other public safety aspects, representations made to the licensing authority by the Maritime and Coastguard Agency will be given particular weight.

Disclaimer: The Council wishes to make clear that the Gambling Commission's Guidance to Local Authorities (5th Edition – September 2015; Parts 17, 18 and 19 updated September 2016) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. This Licensing Authority will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.

**Appendix A - Responsible Authorities Contacts (non-emergency calls only)****Licensing Authority**

Licensing Office,  
Public Protection Service,  
Plymouth City Council,  
Windsor House,  
Plymouth,  
PL6 5UF

Tel: 01752 304141

Email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**The Gambling Commission**

Victoria Square House,  
Victoria Square,  
Birmingham,  
B2 4BP

Tel: 0121 230 6666

Fax: 0121 230 6720

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**H M Revenue & Customs**

Excise Processing Teams  
BX9 IGL  
United Kingdom

Tel: 03000 322 7072 Option 7

Email: [NRUBetting&Gaming@HMRC.gsi.gov.uk](mailto:NRUBetting&Gaming@HMRC.gsi.gov.uk)

**Child Protection**

Safeguarding Team,  
Children, Young People and Families,  
Plymouth City Council,  
Midland House,  
Notte Street,  
Plymouth,  
PL1 2EJ

Tel: 01752 306340

Email: [childprotect@plymouth.gov.uk](mailto:childprotect@plymouth.gov.uk)

**Devon & Cornwall Police**

Licensing Department,  
Launceston Police Station,  
Moorland Road,  
Launceston,  
Cornwall, PL15 7HY



Tel: 01566 771309  
Fax: 01566 771388  
Email: [licensingwest@devonandcornwall.pnn.police.uk](mailto:licensingwest@devonandcornwall.pnn.police.uk)

**Devon & Somerset Fire and Rescue Service**

West Devon Headquarters,  
Glen Road,  
Plympton,  
Plymouth, PL7 3XT

Tel: 01752 333600  
Fax: 01752 333640  
Email: [westfiresafety@devfire.gov.uk](mailto:westfiresafety@devfire.gov.uk)

**Public Protection Service**

Public Protection Service,  
Plymouth City Council  
Windsor House,  
Plymouth, PL1 2AA

Tel: 01752 304141;  
Fax: 01752 226314  
E-mail: [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)

**Planning Authority**

Development Consents Manager  
Plymouth City Council  
Level 2 West Wing, Ballard House  
Plymouth, PL1 3BJ

Tel: 01752 304471  
Fax: 01752 305523  
Email: [letters.of.representation@plymouth.gov.uk](mailto:letters.of.representation@plymouth.gov.uk)

**Maritime & Coastguard Agency (where applicable)**

Plymouth Marine Office  
Unit 35, 235 Union Street

Stonehouse

Plymouth. PL1 3HQ  
Tel: 01752 266211  
Fax: 01752 225826  
Email: [mcaplymouthadmin@mcga.gov.uk](mailto:mcaplymouthadmin@mcga.gov.uk).

## **Appendix B: Child Sexual Exploitation and Trafficking of Children and Young People**

Plymouth City Council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Police and Safeguarding Boards.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Police and Safeguarding Boards helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older person, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

### **How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation**

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101 or if immediate risk 999) and Plymouth Children's Gateway Service on Tel: 01752 668000 or please email for enquiries and referrals to [gateway@plymouth.gov.uk](mailto:gateway@plymouth.gov.uk)).

Alternatively please complete the online form:

Children - [www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect](http://www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect)

**Appendix C – Pool of Conditions**

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
2. The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
3. The licensee shall keep written records of all staff authorised to verify the age of customers who have received adequate training on the law using the SWERCOTS training package or similar, with regard to challenging persons to prevent under age gambling. The record should be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
4. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that is open, whose duties are to include the age verification of persons entering the premises who appear under the age of 25 years.
5. The Licensee shall have a 'Challenge 25' Policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
6. The Licensee shall prominently display notices advising customers of the Challenge 25 policy.
7. The following identification should only be accepted
  - Proof of age cards bearing the 'PASS' hologram symbol
  - UK Photo Driving Licence
  - Passport
8. The Licensee is to keep a register (Refusals book) to contain details of the date and time, description of underage persons entering the premises and the name of the employee who verified that the person was under age.
9. The Refusals Book is to be kept on the licensed premises and made available for inspection by Licensing, Trading Standards and the Police.
10. A CCTV system shall be maintained in good working order and fully operational covering both internal and external areas when the premises are open to the public.
11. The medium on which CCTV images are recorded will be clearly visible, stored securely and shall be retained for a period of 28 days. Recordings shall be made available for inspection by the Police or Licensing Authority upon request.
12. A copy of the local risk assessment shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. All staff authorised to verify the age of customers should be made aware of the contents of the local risk assessment, including any additional control measures identified in the assessment.
13. Test purchase results shall be shared with Licensing, Trading Standards or the Police.
14. All staff shall wear ID badges or other measures so that customers can easily identify them for assistance, guidance or gambling advice
15. Officers shall expect to be able to interview employees who can confidently define and clearly understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines). Employees need to be fully conversant with the Gambling Act 2005 and familiar with their own 'Local Risk Assessment'.
16. Staff training records shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
17. Staff training shall include various topics including a section on 'truanting youngsters'

18. Social Responsibility Stickers/Notices shall be clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'Gamcare' stickers/notices.

19. A book shall be kept at the premises, which is maintained with the following records:

- The name of the door supervisor deployed
- The SIA registration number of the door supervisor deployed
- The time they commenced and finished duty
- All incidents that the door supervisor dealt with

**Glossary**

**An Interested Party** – is a person, in the opinion of the Licensing Authority who:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)

**Responsible Authority –**

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) The Chief Officer of Devon & Cornwall Constabulary
- (iv) The Devon and Somerset Fire & Rescue Service.
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body, which is designated in writing for the purpose of this paragraph, by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm:
- (vii) And any other person prescribed by regulations by the Secretary of State.

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## **Cabinet Minute No. 50**

### **Gambling Act 2005 – Statement of Licensing Policy**



**9 October 2018**

**Minute No. 50**

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety) introduced the Statement of Licensing Policy concerning gambling.

Following a short discussion Cabinet agreed to recommend to the City Council that the Gambling Act Statement of Licensing Policy contained in Appendix A is adopted with effect from 31 January 2019.

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**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	Licensing Act 2003 – Statement of Licensing Policy
<b>Committee:</b>	Council
<b>Date:</b>	19 November 2018
<b>Cabinet Member:</b>	Councillor Sally Haydon
<b>CMT Member:</b>	Ruth Harrell, Director of Public Health
<b>Author:</b>	Rachael Hind, Licensing Service Manager
<b>Contact details</b>	Tel: 01752 308794 email: Rachael.hind@plymouth.gov.uk
<b>Ref:</b>	
<b>Key Decision:</b>	No
<b>Part:</b>	I

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**Purpose of the report:**

The Licensing Act 2003 places a duty on the Licensing Authority, every five years, to determine and publish a statement of licensing policy.

The current statement of licensing policy was published and became operative from January 2014. Before determining its Policy, the Licensing Authority must consult in accordance with s.182 guidance issued under the Licensing Act 2003.

Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

The draft policy and current cumulative impact areas were consulted on for four weeks between Tuesday 11 September 2018 and Wednesday 10 October 2018. This report contains details of the consultation responses and a draft of the policy and cumulative impact areas proposed to be adopted.

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**Corporate Plan**

The relationship to the Corporate Plan (and Plymouth Plan) –

**Growth** – The draft policy aims 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. A safe and vibrant leisure economy will allow Plymouth to be positively marketed attractive destination both nationally and internationally.

**Caring** – 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.

**Plymouth Plan** – the Policy will assist in the delivery of Policy HEA5 – Delivering safe and strong communities and good quality neighbourhoods.

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

None

Government has set fees at a level that they believe will achieve full recovery of the administrative, inspection and enforcement costs falling on the Licensing Authority associated with their licensing functions under the Licensing Act 2003. The review of the Licensing Policy is a core part of the licensing function and there are no future financial implications.

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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.

The Licensing Policy has a key role in reducing alcohol related crime and disorder, the fear of crime and the prevention of nuisance or anti-social behaviour. Risk taking behaviour, such as irresponsible alcohol usage can affect individual, their families, local communities and society as a whole. This policy aims to play its part in minimising the negative aspects of alcohol supply and use.

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**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? Yes

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**Recommendations and Reasons for recommended action:**

It is recommended that:

1. Council adopts the draft Licensing Statement of Policy contained in Appendix A with effect from 31 March 2019.
2. That Council to retains the Special Policy on Cumulative Impact following Cumulative Impact Assessments for each of the following areas:
  - Union Street (including Derry's Cross)
  - Barbican
  - North Hill
  - Mutley Plain
  - Stoke

**Reason**

The policy has been updated to reflect the current needs of the City. For example further information has been provided on Safeguarding to help licence holders to report matters of concern.

A section has been included on flyposting to assist us in dealing with the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City.

Information has been included to support the Council’s ‘Plymouth Plan for Plastics’. Where the use of plastics are required to prevent crime and disorder or public nuisance, then businesses are encouraged to use reusable plastics where possible and ensure any plastics used are recycled.

The Council are keen to promote healthier food provision throughout the city and we expect all late night refreshment venues to promote the Public Health England recommendations.

Further guidance has been included with regards to expectations of businesses to ensure any noise associated with their premises is completed contained after 11pm so as not to cause a nuisance to local residents.

There is sufficient evident to support the continuation of the special policy on cumulative impact following a cumulative impact assessment for the 5 established areas. Although Stoke Village has shown a reduction in violent crime the area has a relatively high density of licensed premises in a residential area. This leads to the potential for public nuisance and so any further expansion of licensed premises would be usefully managed through the cumulative impact policy.

**Alternative options considered and rejected:**

No change to the Licensing Policy or the removal of the Cumulative Impact Policy. The evidence submitted as part of the consultation has established a significant proportion of violent crime occurs within the night time economy. The cumulative impact areas still experience high levels of crime associated with the supply or use of alcohol and local communities are affected by late night anti-social behaviour. On balance, the operation of the Licensing Statement of Policy appears to be proportionate and evidence exists for the retention of the Cumulative Impact Policy due to either crime and disorder or public nuisance.

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 28 January 2019. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 March 2019 until a new policy statement had been formally approved.

**Published work / information:**

[S.182 Statutory Guidance, issued by the Home Office Regulators Code \(Better Regulation Delivery Office\) Plymouth City Council – Licensing Act Statement of Policy 2014 - 2019](#)

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Responses to consultation	X									
Equality Impact Assessment	X									

**Sign off:**

Fin	djn18.19.117	Leg	31477/ag/24.10.18	Mon Off	LT/31477	HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## **1.0 BACKGROUND**

- 1.1 The Licensing Act 2003 places a duty on the Licensing Authority in respect of each five year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. This policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Plymouth's economy, particularly within the city's Evening and Night Time Economy (ENTE).
- 1.3 The use of alcohol, however, can have a negative impact on individuals, families, local communities and Plymouth as a whole. Whilst it is not possible to fully quantify the impact of alcohol misuse across the city a number of indicators provide evidence of harm, which are shown on the [alcohol harm mapping tool](#). Every year a significant number of children experience poor care and neglect due to parental alcohol misuse. In organisations across the city countless working days are lost due to alcohol affecting productivity and economic progress.
- 1.4 There is a strong association between deprivation and an increased burden of harm linked to alcohol misuse. People living in the most deprived areas of the city are nearly twice as likely to be admitted to hospital because of alcohol as those living in the least deprived areas.
- 1.5 The report provides details of the five year review of the City Councils Licensing Act Statement of Licensing Policy and contains a draft policy to commence from 31 March 2019. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30 March 2019.

## **2.0 Consultation Process**

- 2.1 The Licensing Act 2003 states that before determining its policy or making a Cumulative Impact Assessment a Licensing Authority must consult –
- The chief officer of police for the Licensing Authority's area
  - The Fire Authority for that area
  - Local Health Board
  - Office of the Director of Public Health
  - Such persons as the licensing authority considers to be representative of holders of premises licences issued by the authority
  - Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority
  - Such persons as the licensing authority considers to be representative of holders of personal licences issued by the authority
  - Such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 2.2 A four week public consultation exercise was undertaken between 11 September 2018 and 10 October 2018. Letters were sent to all premises holding either a 'premises licence' or club premises certificate' and personal licence holders advising them of the consultation. A similar letter was sent to the Resident / Community groups and faith groups for which contact details were available. Details of the consultation were posted on our webpages.

A total of approximately 4000 people or groups were contacted directly by letter. In addition the responsible authorities were consulted (Police, Child Protection, Fire and Rescue Service, Trading Standards, Environmental Health, Public Health, Planning Authority, HSE, Maritime & Coastguard Agency and the Home Office).

- 2.3 All ward Councillors were sent copies of the consultation documentation.
- 2.4 The Statement of Licensing Policy is specified within the Council’s Policy Framework. In accordance with the Constitution the Cabinet Member for Safer and Stronger Communities referred the draft Policy to the Performance, Finance, and Customer Focus Overview and Scrutiny Committee for consultation. The Committee did not wish to review the policy at this stage.
- 2.5 A total of 8 responses were received as a result of the consultation process. The Police submission and crime data is contained in Appendix B. The written responses are contained in the table below:

No	Date received	Comments received	Response
1	20.9.18	I work at Christ the King Church, Armada Way, and I want to tell you that this year in particular has been the worst ever. The alcoholics sit by the ‘anchor’ opposite the church. They continually use our toilet – leave it in a terrible mess – steal toilet rolls – even the toilet roll holder which I provided myself! I think that area and also the surrounding area should be an alcohol free zone. One Saturday morning I had to call an ambulance – the person was so drunk she fell up the steps leading into the church.	Thank you for your letter. I have passed this information to the Licensing Police so that they can review this area and take appropriate action.
2	24.9.18	I would just like to let you know that I have looked at the draft statement and the changes to the current policy. I agree with the changes proposed and am glad that the cumulative effect still includes those main areas. I would like to add that maybe there should be more enforcement on some of the shops that sell high ABV drinks fairly cheaply to all the people that drink on the streets that they are aware of but still sell to.	Thank you for your email and for your support of the proposed policy. The Licensing Police and our Licensing Team carry out enforcement checks regularly to ensure premises are complying with their licensing conditions. Please can you notify us with specific details of the premises that you are aware of that are selling high strength alcohol to street drinkers so that we can ensure these premises are investigated.
3	27.9.18	Environmental Health Response; With the deregulation of the requirement for a licence for regulated entertainment in licensed premises in 2012 the Government accepts that licensed premises may have an increased level of noise between 8am and 11pm. With this in mind the conditions requested by the Environmental Health Authority on new premises licences have become more focused on quiet hours of between 23:00 and 08:00. The Environmental Health	Thank you for your response. I have added an additional paragraph on page 12 after the paragraph ‘ Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation. To include the following : Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment

		<p>Authority would like to see these Quiet Hours integrated into the general licensing policy as they have been shown to be of benefit to Plymouth residents that live close to licensed premises. As such it would be beneficial under the licensing objective for the Prevention of Public Nuisance that the policy states that between the hours of 23:00 and 08:00 any new premises licence would be expected to include a condition of total sound containment within the licensed premises. Any already licensed premises that causes disturbance between 23:00 and 08:00 would be expected to take measures to reduce noise levels.</p>	<p>within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.</p>												
4	5.10.18	<p>Thank you for advising Crownhill Methodist Church about the review of the Statement of Licensing Policy.</p> <p>I have read the draft and would like to compliment whoever is responsible for a clear and comprehensive document.</p> <p>One small point - on page 4, the review date is shown as 20149. I guess this will read 2019 in the final version?</p>	<p>Thank you for your kind comments. The typing error has been corrected.</p>												
5.	6.10.18	<p>Public Health Response:</p> <p>With regards to the proposed review of the licensing policy it would be extremely useful if there could be some provisions relating to healthier food provision. This would fit with the other strategies in the city – specifically the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.</p> <p>We would request the inclusion of a licensing condition where premises are required to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:</p> <table> <tr> <td>Main meal</td> <td>less than 600 calories</td> </tr> <tr> <td>Snack</td> <td>less than 200 calories</td> </tr> <tr> <td>Breakfast</td> <td>less than 400 calories</td> </tr> </table> <p>Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at <a href="mailto:ODPH@Plymouth.gov.uk">ODPH@Plymouth.gov.uk</a>.</p> <p><a href="http://www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-">www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-</a></p>	Main meal	less than 600 calories	Snack	less than 200 calories	Breakfast	less than 400 calories	<p>Unfortunately a condition could not be introduced, however we have included the following paragraph within the policy on page 13 to demonstrate our expectations of businesses to provide healthier food provision throughout the City:</p> <p><b>Healthier Food Provision</b></p> <p>The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.</p> <p>We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:</p> <table> <tr> <td>Main meal</td> <td>less than 600 calories</td> </tr> <tr> <td>Snack</td> <td>less than 200 calories</td> </tr> <tr> <td>Breakfast</td> <td>less than 400 calories</td> </tr> </table> <p>Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at</p>	Main meal	less than 600 calories	Snack	less than 200 calories	Breakfast	less than 400 calories
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Snack	less than 200 calories														
Breakfast	less than 400 calories														

		<p><a href="http://healthier/eat-better/">healthier/eat-better/</a></p> <p><a href="http://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf">www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf</a></p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging healthier out of home food provision toolkit for local councils.pdf</a></p>	<p>ODPH@Plymouth.gov.uk.</p> <p><a href="http://www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-healthier/eat-better/">www.nhs.uk/oneyou/be-healthier/eat-better/https://www.nhs.uk/oneyou/be-healthier/eat-better/</a></p> <p><a href="http://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf">www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf</a></p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging healthier out of home food provision toolkit for local councils.pdf</a></p>
6.	9.10.18	<p>Response received from Safeguarding Team, Plymouth City Council</p> <p>I have reviewed the re-drafted licensing policy and have the following comments</p> <ul style="list-style-type: none"> <li>• Child Sexual Exploitation now changed to Child Exploitation – the Safeguarding Board are now using terminology of child exploitation to cover all aspects of exploitation (including sexual exploitation and gang related crime etc.) There is one paragraph in the document though where it is appropriate to maintain the definition of sexual exploitation.</li> <li>• Page 7 – Please use the term vulnerable adults or vulnerable persons instead of adults with care and support needs.</li> <li>• Page 9 - Where it mentions zero tolerance of drugs - consider including the regular audits/ checking of toilets, staff training and logs of drug finds/working in partnership with Police.</li> <li>• Page 9 – Public Safety – consider adding an additional bullet point for something like participating in safety incentives such as ‘Ask Angela’.</li> <li>• Page 10 - Protection of Children from Harm –consider adding additional bullet to include outdoor play areas – signage requiring adult supervision and</li> </ul>	<p>Thank you for your response.</p> <p>The Policy has been updated following your comments to ensure the correct wording is being used.</p> <p>The strategic safeguarding lead for Plymouth City Council has confirmed that the term ‘adults with support and care needs’ is the correct term to use.</p> <p>Additional information has been included with regards to the zero drug policy on page 12.</p> <p>An additional bullet point has been included to state: Participating in safety incentives such as ‘Ask Angela Campaign’.</p> <p>An additional bullet point has been included to state: All external areas to be routinely monitored to prevent children from being at risk from harm.</p>

		<p>appropriate safety checks being carried out on any play equipment.</p> <ul style="list-style-type: none"> <li>I have noticed that on Sheffield's LSCB website they consider Children's outside play areas at licensed establishments within their licensing conditions, I guess that regular maintenance and safety checks on roundabouts / swings etc. is a good idea if it is permitted to be included. Also give thought to now that lots of pubs serve food, then safety and maintenance of any equipment used by children such as highchairs could also be considered.</li> <li>Page 14: I have asked for consideration to remove Existing DPS as well as Proposed DPS –I thought that by including the wording "existing DPS" it would assist in easier removal of any inappropriate persons from positions of trust.</li> <li>I have worded several areas with Vulnerable persons as opposed to adults with support and care needs as I think that vulnerable persons or vulnerable adults is the terminology used by Adults Social Care you might want to check this out with them.</li> </ul>	<p>Unfortunately, the Policy cannot include anything regarding maintenance/health and safety aspects of play equipment or high chairs as this is covered under health and safety legislation.</p> <p>This is already covered in the bullet point above on page 15 which refers to the existing DPS at a problem premises.</p> <p>The strategic safeguarding lead for Plymouth City Council has confirmed that the term 'adults with support and care needs' is the correct term to use.</p>
7.	10.10.18	Report received from Devon and Cornwall Police – please see Appendix B.	Please refer to section 4 and 5 of the Cabinet report
8	10.10.18	Response received from a Large Pub Company	This response can be found in Appendix C.

### 3.0 Changes incorporated into the draft Licensing Policy

#### 3.1 The main changes that have been introduced within the draft Policy are:

- Safeguarding** – further information has been provided for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly if it relates to child sexual exploitation, abuse, modern slavery and human trafficking.
- Flyposting and promotional material throughout the city** – Plymouth faces a widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City. A section has been included in the draft policy to ensure Premises Licence Holders act responsibly and are



encouraged to have appropriate measures in place to prevent any illegal and nuisance fly posting.

- **Plastics** – information has been included to support the Council’s ‘Plymouth Plan for Plastics’. Where the use of plastics are required to prevent crime and disorder or public nuisance, then businesses are encouraged to use reusable plastics where possible and ensure any plastics used are recycled.
- **Alcohol Harm Mapping Tool** - reference to this tool has been included. This tool has been produced by Plymouth Public Health Team and can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population’s health and wellbeing.
- **Cumulative impact Assessment** – Please see further detail regarding this in section 4 below. It is proposed that the Cumulative Impact Policy continues to cover the five areas within Stoke Village, Mutley Plain, North Hill, The Barbican, Derry’s Cross and Union Street.

3.2 Following the responses received from the consultation, the following additional changes have been included in the draft policy:

#### **Healthier Food Provision**

A response from the Public Health Team requested that a section was included to promote healthier food provision throughout the city. The following section has been included on page 13 of the draft policy to encourage licensed food businesses to be responsible:

The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the cities ambitions to be a city where the healthy choice is the easy choice.

We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

Main meal	less than 600 calories
Snack	less than 200 calories
Breakfast	less than 400 calories

Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please call the public health team.

[www.nhs.uk/oneyou/be-healthier/eat-better/](http://www.nhs.uk/oneyou/be-healthier/eat-better/)<https://www.nhs.uk/oneyou/be-healthier/eat-better/>

[www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf](http://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf)<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604912/Encouraging\\_healthier\\_out\\_of\\_home\\_food\\_provision\\_toolkit\\_for\\_local\\_councils.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf)[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604912/Encouraging\\_healthier\\_out\\_of\\_home\\_food\\_provision\\_toolkit\\_for\\_local\\_councils.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf)

### **Public nuisance**

Following the response from Environmental Health, the paragraph below has been inserted on page 13:

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

### **3.3 Other amendments**

A number of minor amendments have been made following the responses received. These are referenced within the table above or in Appendix C.

### **4.0 Cumulative Impact Assessment**

4.1 The current policy includes a special policy in relation to Cumulative Impact. Guidance under s.182 of the Licensing Act 2003, describes this as the potential impact, on the promotion of the licensing objectives, of a number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

4.2 There must be an evidential basis for the decision to adopt a Cumulative Impact Assessment (CIA) within the statement of licensing policy regarding cumulative impact areas.

4.3 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a Cumulative Impact Assessment (CIA) and review it.

4.3 The following steps must be followed in considering whether to publish a CIA:

- 1 Identify concern about crime and disorder, public safety, public nuisance or protection of children from harm in a particular location
- 2 Consider whether there is good evidence that crime and disorder or nuisance are happening or whether there are activities which pose a threat to public safety or the protection of children from harm.
- 3 If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
- 4 Identify the boundaries of the area where problems are occurring
- 5 Consult with those specified in section 5(3) of the Licensing Act 2003.
- 6 Subject to the outcome of the consultation, include and publish details of the Cumulative Impact Assessment (CIA) including the evidence in support of the assessment
- 7 Summarise the licensing authority's opinion in light of the evidence of cumulative impact in the Licensing Policy Statement and explain with the policy statement how the authority has had regard to any CIA's it has published.

4.4

The effect of adopting a CIA is that the Council as licensing authority is stating that it considers that the number of relevant authorisations in respect of premises in one or more of the areas identified in the assessment is such that it is likely that it would be inconsistent

with the authority's duty to promote the licensing objectives to grant any further relevant authorisations in respect of premises in the CIA's

- 4.5 The Police have responded to the draft policy and have also included a report which is an evidence based problem profile, identifying those areas affected by violent crime associated with the evening and night-time economy and seeking the continuation of the Cumulative Impact Policy within the Statement of Licensing Policy.

The existing areas have been requested to be retained, based on their existing boundaries:

- Union Street
- Mutley Plain
- North Hill
- Barbican
- Stoke village

- 4.6 Devon and Cornwall Police have strongly recommended in their report in Appendix B that, following a period of consultation, the North Hill Cumulative Impact Area is extended to cover the area of Gibbon Street and Regent Street up to the far end of Hampton Street. Further police work around the intelligence which has been submitted can be carried out in order to identify if there is indeed a link between the intelligence and crime figures and vulnerability. The Police have suggested that this work takes place over the next 3 months until the end of January 2019 prior to the consultation.

## **5.0 Results of Cumulative Impact Assessment Consultation**

### **5.1 Crime and disorder**

Appendix B contains the detailed statistical evidence supplied by the Devon & Cornwall Constabulary. Appendix 2 of the Police Report provides the crime associated within the ENTE in each Cumulative Impact Area. The Evening and Night Time Economy areas still account for the majority of violent crimes across the City.

Devon and Cornwall Police have advised in their report that they changed their crime recording standards from April 2016 on recommendations from HMIC. This has meant that the number of recorded crimes increased across the force by between 17 – 20%. This means that 8 months of 2016 and all of 2017 and 2018 are recorded under these new crime recording standards and will need to have this difference considered.

- 5.2 The ENTE contributes to a significant proportion of the incidents and the majority of incidents take place on a Friday and Saturday within the ENTE hours, which are 23:00 to 08:00 hours. Partnership working has already seen to have delivered good results and further work is ongoing. The continuation of a Cumulative Impact Policy can be seen as one possible means of controlling an increase in crime related to new licences which may be granted in areas with high concentrations of existing licences.

### **5.3 Public Nuisance**

In general the majority of public nuisance issues relate to noise from entertainment held on the premises or noise and anti-social behaviour in the vicinity of premises or transit routes between the evening and night time economy areas and places of residence.

- 5.4 Noise directly attributable to individual premises can be adequately controlled using existing legislation from within the Licensing Act or the Environmental Protection Act.

Nuisance not attributable to individual premises is difficult to control using powers available to the Local Authority.

- 5.5 All of the cumulative impact areas are in very close proximity to residential areas giving rise to residents' concerns regarding public nuisance and anti-social behaviour. The majority of these incidents go unreported due to their transient nature and the inability of the agencies to have an impact on this problem.

**6.0 Operation of the Cumulative Impact Policy**

- 6.1 Since 1 April 2014, there have been a total of 32 applications for new premises or major variations in CIP areas, with only one being refused.

Type	Applied	Refused
New Application	18	0
Variation	14	1

The majority of applications received within the Cumulative Impact Areas have been for the grant of new café/restaurants which do not have the same impact as vertical drinking establishments. A number of off licences have been approved but have put additional conditions in their operating schedule for example to prevent the sale of single cans and not selling high strength cider/beer above 6.5 ABV.

No objective evidence has been found to identify any impact on the evening and night time economy.

- 6.2 A Cumulative Impact Policy requires applicants to deliver an increased standard of application and operating schedule in order to establish that the Policy should not be applied on that case. It does not prohibit future approval of new applications or variations to existing licenses. In every case the Licensing Committee must still prove the need for conditions or for the refusal of a licence following a representation from either a responsible authority or interested party.

**7.0 Regulatory Impact**

- 7.1 Regulators must have regard to the principles contained in the Regulators Code when undertaking regulatory activities, including the establishment of policies. The specific obligations of the existing and proposed code relevant to the Licensing and Cumulative Impact Policies are;

**7.2 Economic Progress**

Regulators should consider the impact that their regulatory interventions may have on economic progress. They should only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving their objectives. Regulators should consider the impact that their regulatory interventions may have on small businesses, ensuring that the regulatory interventions fall fairly and proportionately considering the size of the business and the nature of their activities.

7.3 Assessment of Risk

Regulators should ensure that the allocation of their regulatory efforts is targeted where they would be most effective by maximising their target outcomes. In general policies and activities must target those businesses where greater controls will lead to the increased promotion of the licensing objectives.

7.4 No evidence has been submitted that confirms a disproportionate detrimental economic effect of the policy. Local experience appears to demonstrate that there is not a disproportionate effect.

7.5 A Cumulative Impact Assessment will only affect businesses in areas where evidence exists of crime and disorder or public nuisance, thereby targeting further regulatory controls to areas of need. The policy is applied equally to all business sizes and would not have a disproportionate effect on small business. It is possible that small businesses may have greater scope to convince the Licensing Committee or the responsible authorities that their operations would not add further negative impact.

7.6 The application of controls through the Licensing Policy are all subject to a legal test of being appropriate.

**8.0 Conclusion**

8.1 The responses received in relation to the Statement of Licensing Policy are welcomed and the proposed new policy has been amended accordingly.

8.2 The operation of the Cumulative Impact Assessment to date has been undertaken in a proportionate way to balance the need to promote the licensing objectives and the needs of the evening and night time economy.

8.3 The evidence submitted by the Police in Appendix B shows elevated levels of crime and disorder due to the concentration of licensed premises within the current 5 identified separate Cumulative Impact Areas.

**Appendix A: Statement of Licensing Policy 2019-2024**

# STATEMENT OF LICENSING POLICY

Licensing Act 2003



DRAFT

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## INTRODUCTION

Plymouth is one of the largest cities on the south coast and the 15<sup>th</sup> largest city in England with a population of approximately 262,700, an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016).

Plymouth is 'Britain's Ocean City', its connections to the sea go back to the sailing of the Mayflower in 1620 and now include western Europe's largest naval base, a thriving commercial and ferry port, a significant fishing industry, and one of the most significant global concentrations of marine research and production.

The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side (Please refer to Figure 1). Plymouth's rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.

It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).

Plymouth has a rich combination of heritage and natural beauty in what is a thriving maritime city that attracts millions of visitors. Plymouth aims to be one of Europe's most vibrant ocean cities where an outstanding quality of life is enjoyed by everyone.

As the Licensing Authority for Plymouth, Plymouth City Council recognises that the provision of entertainment and hospitality is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant ocean City, which in turn continues to be a major employer. Responsible businesses have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

There are numerous public houses, restaurants, clubs, community centres and halls in this City licensed to sell or supply alcohol or where a variety of regulated entertainment is provided on a regular or occasional basis. In addition there are a variety of retail outlets where alcohol can be purchased as an off sale.

**Figure 1: The Plymouth City Council boundary**



## PURPOSE OF THIS POLICY

Section 5 of the Licensing Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This is the fourth review of our Licensing Policy and following a public consultation City Council resolved to approve the revised policy on the 31<sup>st</sup> March 2019 to be effective from the 1<sup>st</sup> April 2019 for the next 5 years.

This policy statement has amongst other things, four main purposes;

1. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.
2. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
3. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.
4. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.

The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.

## SCOPE OF THIS POLICY

The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licenses and other matters set out in the Act within this district. This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

1. Retail sale of alcohol
2. Supply of alcohol by or on behalf of club members
3. Provision of Regulated entertainment i.e. entertainment (unless exempted by the Act) which is provided for the public, club members or for consideration with a view to profit
4. Supply of late night refreshment being the supply of hot food and / or hot drink from any premises (subject to any statutory exemption) including food stalls, between 23.00 and 05.00.

The Act makes provision for the licensing of individuals for the retail sale of alcohol (personal licences); the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshments (premises licence); the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates); the permitting of certain licensable activities on a temporary basis (temporary event notice); and provisional statements.

A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people.

The Licensing Authority recognise that the Act is not a cure-all for anti-social behaviour. There is a breadth of other strategies for addressing these problems, for example;

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Powers of Police and Local Authorities under the Anti-Social Behaviour legislation

- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
- Confiscation of alcohol from adults and children in designated areas and dispersal powers
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate
- Promotion of positive activities.

## GENERAL MATTERS

All references to “the Act” in this document shall be deemed to mean “Licensing Act 2003” unless otherwise stipulated.

Plymouth City Council is the Licensing Authority for this district under the terms of the Act who are responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

The Licensing Authority recognises that it operates services who act as ‘Responsible Authorities’ i.e. Environmental Health, Planning, Children’s Services and Trading Standards who are able to make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations having regard to the terms of the Section 182 Statutory Guidance and this Licensing Policy.

For the purposes of the Act Plymouth Safeguarding Children’s Board is the responsible authority in relation to the protection of children from harm

The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing this will have regard to the information set out in Schedule 3 of the Act.

To comply with this requirement our register may be accessed on line by using the following link - <https://www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/licensingregister>.

Alternatively the register may be viewed at First Stop, 71 New George Street, Plymouth or any Plymouth Library during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Section in advance to ensure that your request can be catered for at the time of visit.

### Avoidance of Duplication

This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health & Safety at Work Etc Act 1974, Environmental Protection Act 1990, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting the licensing objectives.

### Planning

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa

The Council must also have regard to its duties under section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. These regulatory regimes will be properly separated as described in the Revised Guidance (paragraph 13.57). This suggests that application for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.

### Culture and Leisure

The Licensing Authority recognises the need to encourage the promotion and development of a broad range of entertainment. The Licensing Authority would wish to promote a diverse range of different types and styles of entertainment, dancing and theatre, including traditional and historic plays for the wider cultural benefit of communities. There should always be a careful balance within any

particular area where the provision of regulated entertainment culturally benefits all sections of the community including families and children. Particular care should be given to ensuring that the 'entertainment package' provided in a specific area is positive, and there are not competing styles of entertainment that creates an overall negative impact that may contribute to public disorder and levels of disturbance.

In the exercise of its licensing functions the Licensing Authority is aware that it should try to ensure that it does not apply direct or indirect measures that deter live music (in particular those promoting performances that can be classified as no rock, pop modern music or similar music forms), dancing and theatre by imposing disproportionate licensing conditions.

In all cases the Licensing Authority will consider the positive and negative impact of regulated entertainment and how it impacts on the licensing objectives in the local community and where its discretion to impose conditions is raised only conditions appropriate for the promotion of the licensing objectives will be imposed.

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives and facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the City attracting tourists and visitors, making for a vibrant City and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

### **Promotion of Equality**

This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An equalities impact assessment has been completed and the actions of the Licensing Authority will be undertaken with due regard to equality obligations.

### **Safeguarding**

The Council recognises that promoting the welfare of children, young people and adults with care and support needs and protecting them from harm and exploitation is everyone's responsibility. Applicants; licensees; employees in licensed premises; responsible authorities; elected members; other local businesses and communities; everyone who has dealings with children, young people and adults with care and support needs - we all have a duty to report matters of concern to the relevant authorities. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and the ongoing use of the licence/notice.

Appendix 3 provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child exploitation and trafficking.

### **Plymouth Plan for Plastics**

Plymouth City Council expect businesses to review their plastic use and stop using where possible items such as plastic straws, stirrers, bottles, disposable cups, takeaway packaging, cutlery and cling film. Businesses should work with suppliers to find alternative packaging that is biodegradable and speak to their waste contractors to ensure they maximise their recycling.

**S.182 Statutory Guidance**

The Licensing Authority has had regard to guidance issued by the Secretary of State under Section 182 of the Act in formulating this policy. Any decision taken in discharge of its licensing functions will have regard both to the Section 182 guidance and this licensing policy.

All references to guidance refer to statutory guidance issued under Section 182 of the Act and references to premises also apply to club premises.

## THE LICENSING OBJECTIVES

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely;

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children From Harm

These objectives are the only factors that can be taken into account in determining an application and any conditions attached to a licence must be necessary to promote the licensing objectives. If there are no relevant representations then, for example, an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage. (April 2018 Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

Where it is appropriate to promote these licensing objectives the controls the licensing authority and responsible authorities will expect to see include:

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

- The use of toughened glass/ polycarbonate or other plastic / non glass bottles/ receptacles
- Measures to prevent open bottles or other drinks containers being carried from premises
- Restriction of drinks promotions and responsible retailing
- Means of providing free water
- Marketing promotions do not encourage excessive consumption and should be socially responsible
- Measures to prevent binge drinking
- Participation in pub/club watch schemes and attendance at meetings
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements.
- Adequate Lighting
- Design premises to minimise the opportunity for crime and disorder
- Quality of supervision and surveillance in premises
- Regular checks by staff of all public areas including toilets
- Assessment of customer profile ensuring effective management of customers both inside premises and in outside smoking / external seating areas
- Anti-discriminatory policies and practice covering e.g. homophobia and racism

- Provision of a means of communication to other venues and the Police

**Public Safety:**

- Promotion of responsible drinking
- Awareness of drink spiking
- Zero tolerance drug policies including the maintenance of an incident log; signage; staff training; appropriate use of searching/amnesty boxes to combat drug crime; an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding. Special arrangements for large events.
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation / temperature control
- Assessment, monitoring and management of noise exposure
- Assessment of crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water
- Maximum occupancies
- Participating in safety incentives such as 'Ask Angela Campaign'

**Prevention of Public Nuisance:**

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light.
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and night clubs etc.
- Litter collection in vicinity
- Fly posting and promotional material throughout the city
- Disposal of waste, particularly recycling of glass and plastics
- Use and maintenance of plant, including air extraction and ventilation systems
- Consideration of an adequate traffic management plan.
- Noise from deliveries/collections



- Odour and light nuisance
- Traffic Management
- Measures to supervise customers use of beer gardens, smoking and external seating areas

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

- Limitation of access dependent on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include prevention of under 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards
- Requirements for accompanying adults
- Adoption of a proof of age scheme such as Challenge 25
- Adequate staff training on age restricted sales
- Adequate warning signage
- All external areas to be routinely monitored to prevent children from being at risk from harm
- Measures to avoid proxy sales
- Control measures to protect child performers
- Records of refusals (refusals log)
- Suitable design and layout of alcohol display

It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Fire Authority, local businesses and local people towards the promotion of the objectives as outlined.

#### **PROMOTION OF THE LICENSING OBJECTIVES**

The following information is designed to clearly state in more detail the Councils expectations and standards for some of these matters.

#### **PREVENTION OF CRIME AND DISORDER**

In applying this policy, the Licensing Authority will have regard to their obligations under Section 17 of the Crime and Disorder Act 1998 in that we will do all that we reasonably can to prevent crime and disorder in the Plymouth area.

#### **Best Bar None, Pubwatch**

The Licensing Authority will support organisations such as Best Bar None, Pubwatch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Plymouth that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour.

The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

### **Drug Use and Safer Nightlife**

The use of illegal drugs particularly those which are commonly referred to as 'recreational drugs' can be harmful and in some cases contribute to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs. Drugs alter the way people behave, so their distribution and possession is controlled by law.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

### **Door Supervisors**

Whenever persons are employed at licensed premises to carry out any security function they must be licensed with the Security Industry Authority (SIA). Competent and professional door supervisors are central to maintaining public safety at licensed premises.

The Police may consider that certain premises require strict supervision to promote the licensing objective to prevent crime and disorder. In particular, the Council will normally support an approach that requires door supervisors to be employed at premises that open beyond midnight, where the responsible authority can demonstrate that it is necessary to prevent crime and disorder.

Where premises close before midnight, door supervisors may still have to be employed, if the risks associated with the operation warrant such an approach. The number of door supervisors to be employed, would need to be determined as a result of a risk assessment, carried out by the management of the premises, in most cases, in consultation with the Police Licensing Team. The suggested ratio is a minimum of 2 door supervisors for the first 100 patrons and an additional door supervisor per extra 100 patrons thereafter.

### **Dispersal Policy**

In cases where there is a likelihood that the local community living near a licensed premises will be disturbed by patrons leaving the premises, or where there is likely to be an impact on crime and disorder the licence holder will be expected to implement a dispersal policy.

Such a policy would set out the steps to be taken to minimise the potential for crime and disorder and public nuisance as customers leave the premises.

Other measures which would assist in promoting the licensing objectives at closing time and which the Licensing Authority would usually expect to see addressed in the applicant's operating schedule are to have a dedicated taxi/private hire vehicle service for the premises to assist in facilitating the quick removal of patrons from the premises and the immediate area, also for door staff should be stationed outside the premises to direct patrons to booked taxis and generally encourage customers to leave quietly.

### **Licensing Hours**

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Staggered licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing conflict at late night food outlets, taxi ranks and other areas where there have previously been incidents of disorder and disturbance.

The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application.

Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation.

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

New premises or variations should be in keeping with the existing trading hours of the area and have closing hours that allow for a staggered release of customers.

Closing hours will be set to protect local residents near to the venue.

### **Drinking Up Time and Winding Down Time**

In the interests of reducing crime and disorder and anti-social behaviour, the Licensing Authority consider that it is reasonable that patrons have the opportunity to remain on the premises for a period of time to encourage 'wind down' where music ceases and the tone within the premises substantially changes.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

In the case of nightclubs and other similar dance venues, during the 30 minutes immediately after the service of alcohol ceases, the operator will be expected to have a clearly defined strategy of how they implement a 'winding down' time. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements, serving hot food, coffee and other soft drinks, supervisors engaging positively with groups of patrons. This will help in ensuring that patrons do not exit the premises in an agitated state which is likely to increase the likelihood for crime and disorder.

### **Late Night Refreshment**

Late night refreshment can form an integral part of the operation of the premises and help reduce alcohol related crime and disorder and other anti-social behaviour within the vicinity of the premises.

Operators of late night refreshment premises will need to demonstrate clearly that nuisance, crime, disorder or other anti-social behaviour will not result as a consequence of their later operation.

### **Healthier Food Provision**

The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the city's ambitions to be a city where the healthy choice is the easy choice.

We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

Main meal	less than 600 calories
Snack	less than 200 calories
Breakfast	less than 400 calories

Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at [ODPH@Plymouth.gov.uk](mailto:ODPH@Plymouth.gov.uk).

- [www.nhs.uk/oneyou/be-healthier/eat-better/](https://www.nhs.uk/oneyou/be-healthier/eat-better/)<https://www.nhs.uk/oneyou/be-healthier/eat-better/>
- [www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf](https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf)<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>
- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604912/Encouraging\\_healthier\\_out\\_of\\_home\\_food\\_provision\\_toolkit\\_for\\_local\\_councils.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604912/Encouraging\\_healthier\\_out\\_of\\_home\\_food\\_provision\\_toolkit\\_for\\_local\\_councils.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf)

## Maximum Occupancies

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety.

It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as the levels of drunkenness and the extent of server intervention.

It is for the applicant to consider the maximum safe occupancy for each premise. A maximum occupancy figure may be expected as part of the operating schedule for premises or activities that present a higher risk, for example:

1. Where the licensable area involves two or more floors, including mezzanines
2. Where there is an expected capacity of greater than 500
3. Premises which may be described as high volume vertical drinking establishments, including any premises which attracts the fees multiplier
4. Premises which have a licence to trade beyond midnight
5. Where the use of pyrotechnics is likely
6. Any premise within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

## Availability of Free Water

Although the provision of free tap water is a mandatory condition the Licensing Authority wants to set out the expectations on how a business should comply with this requirement. The Council wishes to ensure that free tap water is readily available in suitable places and in suitable containers to ensure those wishing to drink responsibly can do so with ease.

Where the mandatory condition applies, licensed premises may be expected to:

- Prominently advertise the availability of free tap water
- Provide tap water supplied from a mains tap within a kitchen or bar area or via suitable dispenser easily accessible by a customer
- Provide water that meets the legal requirements for safe drinking water
- Provide a container free of charge where appropriate
- Refer to the Plymouth Plan for Plastics (<https://www.plymouth.gov.uk/environmentandpollution/plastics>) and avoid the use of single use plastics where possible (for example use of reusable polycarbonate plastics) and ensure all plastics are recycled

Where licensees fail to meet these standards, additional conditions may be added to the licence following representations or following a review. We would hope that licensees will voluntarily meet these requirements.

### **Designated Premises Supervisors (DPS)**

The main purpose of the ‘designated premises supervisor’ is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The Licensing Authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises. It is recommended that each premises details their Age Verification Policy in writing, stipulating who has been delegated responsibility for day to day tasks.

A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.

A DPS should be able to demonstrate that they:

- Have sufficient knowledge and experience appropriate to the premises that they intend to control
- Are able to respond to problems quickly and to meet with responsible authorities, local residents and ensure adequate direct management of an individual premise in a timely manner.

Following a Police objection the Licensing Authority may refuse an application or remove a DPS where

- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
- A proposed DPS cannot demonstrate their suitability for the licenced premises

### **Preventing Glass Injuries**

Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Glasses and bottles can be used as weapons in the drinking environment. By removing glass from premises, injuries may fall. Using alternatives for glass can place extra financial burdens on businesses, and customers may prefer glass containers. Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.

The Licensing Authority expects:

- Licensees to consider the need for alternatives to glass as part of their application. It may be appropriate to provide alternatives to glass in the following circumstances:
  - Where the nature of the event or activity prevents the frequent collection of glass from the venue
  - High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area
  - Large outdoor events
  - Areas where children or vulnerable adults are likely to be present, e.g. play areas, children’s parties
  - Where there is a history of glass incidents
- Applicants to have early discussions with Devon and Cornwall Police on suitable alternatives. Alternatives to glass bottles must also be considered as part of the operating schedule or supporting information.
- Licensees to maintain an on-going review of the need for alternatives to glass

Where a review has been requested due to glass incidents, the application of alternatives to glass containers as conditions are very likely to be applied.

Applicants should also refer to ‘Plymouth’s Plan for Plastics’ and avoid the use of single use plastics where possible for example using reusable polycarbonate plastics. Where this is not possible due to public safety and crime and disorder then all plastics must be recycled.

### **Control of Adult Entertainment**

The Policing and Crime Act has amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. This means that premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12-month period, in addition to any relevant entertainment, will be required to obtain a separate sex establishment licence, authorising such activity.

The Sex Establishments Policy has been the subject of a separate public consultation and the adopted policy will stand alone to this Licensing Policy.

When an applicant does not give any indication on their premises licence application form as to whether or not they propose to hold any performance of an adult nature, the Licensing Authority will include a condition on the premises licence that ‘there will be no adult entertainment at this premise’ as being consistent with the operating schedule and necessary to promote the licensing objective of preventing children from harm.

The Licensing Authority will consider the following factors when assessing applications and operating schedules:

The venue’s location is an important factor, particularly in sensitive locations, such as:

- Near residential accommodation
- Near schools, play areas or other areas where children might be present
- Family leisure areas
- Near historic buildings or tourist locations
- Near places of worship

Specific additional controls are expected as part of the operating schedule or supporting information, such as:

- Exclusions of under 18s
- Code of conduct for customers, dancers and performers
- Documentary checks of dancers and performers to include proof of age, identity and (where necessary), permission to work
- How the entertainment will be advertised and promoted at the premises and more generally, including any external signs or posters
- Minimising external advertising relating to sexual entertainment

### **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.

Some parts of the city have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas ([www.plymouth.gov.uk/antisocialbehaviourandcrime/communitysafetypartnership](http://www.plymouth.gov.uk/antisocialbehaviourandcrime/communitysafetypartnership)). Drinking in public spaces 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.

When considering an application or review the Licensing Authority will consider:

### **Off Licence design and layout**

All new applications must specify the area to be used for the sale or exposure for sale of alcohol. Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol.

Applicants should note that a display will not be considered suitable:

- At entrance/exit points of premises
- Where it might interfere with customer flow
- Near check outs, entrances or exits where shop lifting may become easier
- By using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
- Consisting of significant amounts of high strength alcohol or give undue prominence to high-strength alcohol

### **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 drinking in public spaces affects any of the licensing objectives

Responsible authorities and applicants are advised to refer to the Alcohol Harm Mapping tool which has been produced by Plymouth Public Health Team. This tool brings a number of indicators of alcohol related harm and presents them at a neighbourhood level. Using the best available evidence, this provides a picture of how communities in Plymouth are affected by Alcohol. This can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population's health and wellbeing. The latest copy of the Alcohol harm mapping: Plymouth Neighbourhood Profiles can be found at:

<https://www.plymouth.gov.uk/publichealth/factsandfiguresjointstrategicneedsassessment/ourjsnatopics/alcohol>

Where applications are granted additional conditions or limitations, such as trading hours may be appropriate.

Additional conditions may include:

- No single cans or bottles of beer or cider will be sold
- No sale of high strength beers or ciders of 6.5% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must obtain nationally recognised training on responsible alcohol retailing within 2 months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises
- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)
- Restrictions on the design and placement of alcohol for sale

## PROTECTING CHILDREN FROM HARM

The protection of children from harm includes the protection from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, in the context of film / video exhibitions, or where adult entertainment is provided.

The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Where relevant representations are received indicating that a particular application raises concerns under the Protection of Children from Harm licensing objective, access by children to all types of premises will not be limited unless it is considered necessary to do so and addresses the concern raised in representations..

Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided
- Where there is a strong element of gambling taking place
- With a known association with drug taking or dealing
- Where there have been convictions or other forms of proof of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

The Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule then, if relevant representations are made, the licensing authority can then consider making such restrictions as are deemed necessary to meet the licensing objectives.

Where the exhibition of film or video is permitted, the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification's recommendations in respect of the film/video to be exhibited. Only in exceptional cases will the authority consider variations of this general rule.

Conditions may be imposed, if not covered in other legislation on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

The options available for limiting access by children would include:

- A limit on the hours when children may be present
- A limitation or exclusion when certain activities are taking place
- The requirement to be accompanied by an adult
- Access may be limited to parts of the premises but not the whole
- An age limitation (for under 18s)

The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

The Licensing Authority will take strong measures to protect children where any licence holder is convicted or other forms of proof of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided.



## **Film Classification**

The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated - or by the Licensing Authority itself.

The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children and supports any relevant BBFC Guidelines and shall not seek to duplicate their recommendations. The Film Authorisation Procedure can be found on the Council's website. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

## **PUBLIC NUISANCE**

The Licensing Authority will assess each application having regard to noise and the likelihood of nuisance being caused to local residents.

The imposition of conditions to a premises licence may only be attached if such conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.

The Licensing Authority may impose conditions in relation to licensed premises to prevent unnecessary noise, vibration and disturbance to local residents, as it considers appropriate subject to the submission of relevant representations. This may include sound proofing requirements, restrictions on times when music or other licensable activities take place and may include the use of sound limiting devices properly set to prevent noise breakout and disturbance.

The Licensing Authority may impose conditions relating to the limitation of the hours of open-air entertainment, the use of outdoor areas, gardens and patios to control and prevent unnecessary noise and disturbance.

The Licensing Authority may impose conditions requiring the display of signs both inside and outside of the premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

## **No Smoking Legislation**

The government introduced legislation to prohibit smoking in public places and workplaces. This includes all licensed premises both permanent and temporary structures such as tents and marquees.

The introduction of smoke free legislation has created problems for some licensed premises in respect to noise disturbance and nuisance. It is the responsibility of the premises licence holder to ensure by proper management and control that, at all reasonable times, they minimise the effects on the surrounding residential property.

In many areas premises do not have the benefit of a beer garden or similar area which results in their customers having to smoke on the public pavement outside the front of the premises. The Licensing Authority acknowledge the potential problems in respect to crime and disorder that can arise as a consequence and would encourage the operator to contact the Police Licensing team in order to seek advice on how best to manage the risk of crime and disorder.

Where representations are submitted where the use of the outside of the premises i.e. beer garden, public pavement or thoroughfare, is a contributory factor, the Licensing Authority will give due consideration to imposing reasonable conditions that are designed to reduce noise nuisance and anti-social behaviour to local residents.

### **Fly posting and promotional material**

Plymouth often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

Existing legislation seeks to address this problem; however it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.

The Council expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or give risk to crime and disorder.

Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged.

### **Fire Safety**

The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application for, or variation of, a premises licence and seek to protect the safety of persons, both public and employees at all licensed premises by ensuring that the requirements of the Fire Authority are met.

In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.

The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

## OPERATING SCHEDULE

Where an application is approved conditions which are taken from the operating schedule and relevant mandatory conditions will form part of the licence. Licensing Officers will replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

Applicants that carry out inadequate research or fail to consider their business operation often submit very poor quality schedules; this can prejudice their application and cause unnecessary work for responsible authorities who have to negotiate and discuss in detail the business operation in order to get a better understanding of the business and propose voluntary conditions.

The Licensing Authority expects that the content of an Operating Schedule should have regard to the following points;

1. Applicants are expected to demonstrate that they understand:
  - the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
  - any risk posed to the local area by the applicants' proposed licensable activities; and
  - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
2. It should be specific to the individual application
3. Is sufficiently comprehensive to enable the Licensing Authority and other responsible authorities to consider the application fully
4. Where appropriate, specify the maximum intended occupancy including staff, performers and members of the public and how these numbers are controlled
5. Address the Council's expectations contained within this Licensing Policy

Responsible authorities will not be expected to provide a form of consultancy in modifying Operating Schedules. Representations may be used to seek clarification on how the applicant intends to manage their operation. However, prior to submitting an application, the Licensing Authority recommends that an applicant seek expert advice and guidance from all responsible authorities on matters relating to the licensing objectives as this will assist in completing their operating schedule. This will ensure the application is processed efficiently.

Potential wording of the operating schedule can be based on separate guidance issued by the Licensing Authority and responsible authorities.

The applicant may wish to submit supporting information to be read alongside the Operating Schedule; this information will not normally form part of the voluntary conditions offered through the Operating Schedule, but it is intended to advise responsible authorities about how the business will be managed and operated. It may be necessary to include some aspects of the supporting information into conditions where representations are received.

## LICENSING CONDITIONS

### Primary Considerations

The Licensing Authority recognises that it may not impose conditions (other than the mandatory conditions and those consistent with the applicants operating schedule) unless its discretion has been engaged following the receipt of relevant representations and upon it being satisfied of the necessity to impose conditions to promote the licensing objectives.

Where licensing conditions are imposed following relevant representations, they shall be appropriate to promote one or more of the licensing objectives and proportionate having regard to the size, style, characteristics and activities undertaken. Any condition imposed must also be practical, achievable and enforceable.

The Licensing Authority recommends that responsible authorities draw up their own pool of conditions to assist licence holders and applicants in developing an operating schedule that is suitable and sufficient for their licensed premises.

Where appropriate conditions will be designed to deter and prevent crime and disorder, improve public safety; limit public nuisance; and protect children from harm.

All representations will be considered during the decision making process unless they are considered to be not relevant to the licensing objectives, frivolous or vexatious or repetitious.

When imposing conditions, the Licensing Authority shall consider the direct impact the activities taking place at the licensed premises will have on members of the public living, working or engaged in normal activity in the vicinity of the premises. In addition, the Licensing Authority shall focus on matters within the control of licensed operators on or outside the premises. Whilst “vicinity” has not been defined in the Act this Licensing Authority shall take a “common sense” approach and shall treat each application on its own merit.

The initial application and subsequent approval is often closely linked to the individual nature of the activities intended for the business. For example, premises where the initial application for music is intended to be low key can be transferred and turned into a venue with very loud bands regularly throughout the week, leading to public nuisance. Depending on the nature of the application if representations are received then additional conditions may be placed on the licences by Committee that prevent the activities initially proposed by the applicant from altering to a degree that may affect any of the licensing objectives.

## LICENSING APPLICATIONS

### Primary considerations:

Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule. To assist some policies and guidance sources are set out in Appendix 2

When an application is received the Licensing Authority will consider each:-

- On its own merits
- In accordance with the Act, any subsequent amendments and supporting Regulations
- With regard to Guidance issued under Section 182 of the Act and this policy

In particular it is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

The Licensing Authority will expect that any regulated entertainment that incorporates any of the following activities for the entertainment or attraction of the public are properly defined and explained in the operating schedule of the application

- Striptease, lap dancing or any similar performance
- The installation of strobe or laser equipment
- The use of special effects such as pyrotechnics or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff
- The use of any temporary structure or staged area

The Licensing Authority will expect that an applicant will indicate whether or not the area to be licensed includes or comprises any part of the public highway. It is the policy of the Council to support the provision of street cafés that make a positive contribution to the street scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Council may grant permission under S.115E of the Highways Act 1980 for an applicant to use the public highway outside premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highways Act 1980.

Further details can be found at

[www.plymouth.gov.uk/licensingandpermits/tablesandchairspermitonpublicroadorstreet](http://www.plymouth.gov.uk/licensingandpermits/tablesandchairspermitonpublicroadorstreet).

### New Applications and Full Variations

All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the responsible authorities within the district of Plymouth. The contact details (current at the time of writing this policy) for the responsible authorities are detailed at the rear of this policy. However applicants are advised to check the specific details in the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.

Where an application for the grant of a premises licence or club premises certificate, variation of the same or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all responsible authorities as stipulated in the Act. Where such applications have been submitted electronically copies of the application will be forwarded to the responsible authorities by the Licensing Authority.

Where an application for the grant of a new application or variation of a premises licence is located in a residential area the Licensing Authority will expect to see measures set out in the operating schedule of how the potential effects of for example public nuisance and noise disturbance will be minimised and controlled.

Applicants for new licences are strongly advised to liaise with the relevant responsible authorities in relation to adopting measures to avoid crime and disorder problems; improve public safety; limit public nuisance; and protect children from harm in the premises to be licensed.

### **Minor Variations**

In August 2009, the Government introduced a streamlined process for applicants to make minor variations to their premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four licensing objectives.

Minor variations **can be** used to:

- Make minor changes to the structure or layout of a premises
- Make small adjustments to the licensing hours
- Remove out of date, irrelevant or unenforceable conditions
- Add or remove certain licensable activities
- Add volunteered conditions to a premises licence or club premises certificate.

Examples of where the new minor variation process **cannot be** used to;

- Extend the period for which the licence or certificate has effect
- Specify, in a premises licence, an individual as the premises supervisor
- Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
- Authorise the sale by retail or supply of alcohol at any time between 23.00 and 07.00
- Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
- Vary a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee.
- Substantially vary the premises to which the licence or club premises certificate relates.

Under a 'minor variation' the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is **not** required to advertise the variation in a local newspaper or send a copy to responsible authorities.

On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

### **Review of Premises Licence**

A responsible authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. Examples may be where there has been a breach of licensing conditions, failed test purchases or its activities do not promote the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.

Where the request originates from other persons the Licensing Authority may reject the application if it is considered not to be relevant to one or more of the licensing objectives; is frivolous or vexatious; or repetitious. The Licensing Authority will consider each case on its own merits having regard to the relevant statutory instruments and Guidance.

Where a review is brought the Licensing Authority may take any of the following actions:

- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
- To exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
- To remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action

In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the representations identify. The remedial action taken should be directed at these causes and should always be appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Equally, it may be that poor management is a direct reflection of poor company practice or policy and the removal of the designated premises supervisor may be an inadequate response to the problems presented.

### **Relevant, Vexatious and Frivolous Representations**

Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regarded all the available facts and not on the basis of any political judgment. A frivolous representation could be categorised by a lack of seriousness and vexatious circumstances may arise because of disputes between rival businesses. A representation would only be relevant if it relates to the likely effect on, at least one of the licensing objectives.

Where representations are rejected, the responsible authority or other persons making that representation will be given a written reason as to why is the case. Anyone who wishes the decision to be reconsidered should write to the Licensing Authority explaining why they have a relevant representation.

### **Use of petitions**

Standard letters of support or objection, and petitions are submitted in response to an application or review.

Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation, and it will be published separately as part of any Committee report.

Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. Notification about any Committee hearing will not be sent to names received via a petition.

## Temporary Event Notices (TEN's)

The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

A TEN is typically used to:

- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a fete
- Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
- Provide for licensable activities not authorised by the existing licence.

The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police and Environmental Health.

Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the responsible authorities by the Police.

The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does **NOT** include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health. The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.

The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance. In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, however they are encouraged to do so to ensure that any relevant planning consent is in place.



## **CUMULATIVE IMPACT ASSESSMENT**

### **Primary Considerations**

For the purposes of this policy “cumulative impact” means the potential impact that a significant number of licensed premises concentrated in one area can have on the promotion of the four licensing objectives. For example, it is not always possible to attribute incidences of crime and disorder and/or public nuisance to particular licensed premises where enforcement action can be taken using existing licensing provisions.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

The Licensing Authority may receive relevant representations from either a “responsible authority” or “other person” that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

The Licensing Authority will consider any application for a defined area to be covered by a cumulative impact assessment having regard to the legislative framework and the individual merits of the application. The onus is on any person or organisation making such representations to prove any assertion that the addition of the licensed premises would cause cumulative impact on crime and disorder and/or public nuisance.

In determining whether to adopt a cumulative impact assessment for a particular area the licensing authority may, among other things:

- Consider evidence from responsible authorities and local residents about public nuisance and disorder arising from a concentration of licensed premises in a particular area of Plymouth that is impacting on one or more of the licensing objectives
- Identify the area from which problems arise and the boundary of that area
- Make an assessment of the causes
- Adopt a policy about future applications for premises within that area

### **Premises Applications within a Cumulative Impact Area**

For new applications or applications to vary an existing premises licences or club premises certificates located within an existing cumulative impact area the Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours but will consider it on its own merits with regard to the individual characteristics of that premises and its impact on cumulative impact within that area.

A cumulative impact policy creates a rebuttable presumption that applications within a cumulative impact area will normally be refused, if relevant representations are submitted, unless the applicant can demonstrate why the proposed operation of the premises will not add to the cumulative impact already being experienced.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure.

On the 23 June 2008 the Council originally designated five areas within Plymouth as cumulative impact areas, these are Mutley Plain, North Hill, Stoke Village, Barbican, Union Street (including Derry's Cross). The Special Policy (including maps) is set out in Appendix I and contains the Council's Cumulative Impact Assessment which is to be read in conjunction with this policy.

Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018.

After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

## **ENFORCEMENT**

### **Primary Considerations**

The Licensing Authority has established protocols with the Police and other enforcing authorities. These protocols provide for the targeting of 'problem' and 'high-risk' premises with a proportionate, but vigorous and intelligence led enforcement approach. Premises which are shown to be well managed and maintained a 'lighter' approach is applied.

The Licensing Authority has adopted an [Enforcement Policy](#) that is available on the Council's web site which adopts the good principles of consistency, transparency, proportionality and accountability set out in the Regulators Compliance Code.

The Licensing Authority conducts its inspection and enforcement procedures in accordance with the Enforcement Policy and better regulation to ensure that it is effective, well targeted and contributes to economic progress.

The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates.

**ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS****Licensing Authority**

The licensing function under the Act must be carried out by the Licensing Committee (Miscellaneous) other than for certain exemptions under the Act such as the setting of policy. This committee may further delegate its functions down to a Sub-Committee or officers.

Where the decision or function is purely administrative in nature in the interests of efficiency and effectiveness such decision making will for the most part be carried out by officers.

Set out in the table below is how the Licensing Authority intends its functions to be carried out:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
1. Application for personal licence with unspent convictions		If a police objection	If no objection made
2. Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
3. Application for provisional statement		If a relevant representation made	If no relevant representation made
4. Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
5. Application to vary designated premises supervisor		If a police objection	All other cases
6. Request to be removed as designated premises supervisor			All cases
7. Application for transfer of premises licence		If a police objection	All other cases
8. Applications for interim authorities		If a police objection	All other cases
9. Application to review premises licence/ club premises certificate		All cases	
10. Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
11. Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

12. Determination of an objection to a temporary event notice		All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions.
13. Decision whether to consult other responsible authorities on minor variation applications			All cases
14. Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police objections	All other cases
15. Determination of minor variation application			All cases
16. Decision to suspend a premises licence / club premises certificate for failure to pay for the annual fee / late night levy			All cases

## RESPONSIBLE AUTHORITIES LIST

Applicants are required to submit the original licensing application to the licensing authority and send a full copy of the application (including plans) to each of the following responsible authorities.

Where an application, or any part of it, is submitted in writing it is the responsibility of the applicant to ensure that a full copy of the application (including plans) has been sent to each of the following responsible authorities numbered 1 to 9.

Where an application (for a premises licence, club premises certificate (or variations to the same) or provisional statements or Temporary Event Notice) has been submitted electronically copies of the application will be forwarded to the relevant responsible authorities by the Licensing Authority.

### Licensing Authority

**Licensing Team**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304141

E-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

### Responsible Authorities – Contacts

(Non-emergency calls only)

(1) **Safeguarding Team, Children Young People and Families, Plymouth City Council**, Midland House, Notte Street, Plymouth, PL1 2EJ

Tel: 01752 306340

Email: [childprotect@plymouth.gov.uk](mailto:childprotect@plymouth.gov.uk)

(2) **Devon and Cornwall Police**, Police Licensing Team, Launceston Police Station, Moorland Road, Launceston, Cornwall, PL15 7HY

Tel: 01566 770500

Email: [licensing.team@devonandcornwall.pnn.police.uk](mailto:licensing.team@devonandcornwall.pnn.police.uk)

(3) **Devon & Somerset Fire & Rescue Service**, West Devon Headquarters, Glen Road, Plympton, Plymouth, PL7 3XT

Tel: 01752 333600

Email: [plymouthfs@dsfire.gov.uk](mailto:plymouthfs@dsfire.gov.uk)

(4) **Environmental Health Authority**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304147

E-mail: [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)

(5) **Trading Standards**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF.

Tel: 01752 304147

E-mail: [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)

(6) **Health and Safety Executive**, North Quay House, Sutton Harbour, Plymouth, PL4 0RA,  
Fax – 01752 226024

(7) **Planning Authority**, Development Consents Manager, Plymouth City Council, Level 2 West Wing, Ballard House

Plymouth, PL1 3BJ

Tel: 01752 304471

E-mail: [letters.of.representation@plymouth.gov.uk](mailto:letters.of.representation@plymouth.gov.uk)

(8) **Health Authority**, Office of the Director of Public Health, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 398616

Email: [odphlicensingapplications@plymouth.gov.uk](mailto:odphlicensingapplications@plymouth.gov.uk)

**(9) Home Office (Immigration Enforcement)**

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

Email: [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)

In relation to vessels responsible authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities

**Maritime & Coastguard Agency**, Plymouth Marine Office, Unit 35, 235 Union Street, Stonehouse, Plymouth, PL1 3HQ.

Tel: 01752 266211

E-mail: [mcaplymouthadmin@mcga.gov.uk](mailto:mcaplymouthadmin@mcga.gov.uk)

## **APPENDIX I – SPECIAL POLICY – CUMULATIVE IMPACT ASSESSMENT**

The five areas on the attached plans (page 35 – 39) are areas that were identified by Devon and Cornwall Police or Environmental Health as being subject to high levels of alcohol related crime or nuisance. Following extensive consultation exercises, evidence was provided which satisfied the Licensing Authority that the number of existing relevant licences in respect of premises in one or more of the areas (shown on the attached plans) are such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further relevant licences in respect of premises in those areas due to crime and disorder and/or public nuisance. This information was considered by Cabinet on the 13 November 2018 and City Council on the 28 January 2019.

Within any cumulative impact assessment area, any licence application will have the ability to either improve or add to any problems experienced by an area with a high density of licensed premises.

Any licensed premises will be within the scope of this cumulative impact policy. This means that the following licences will have to comply with the requirements of the cumulative impact policy:

- Sale of alcohol either on or off the premises
- Provision of regulated entertainment
- Provision of late night refreshment (sale of hot food between 11pm and 5am)

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these areas will normally be refused where:

1. Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas
2. The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing objectives.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure. The Licensing Authority will consider the locality and local trading environment when assessing applications.

For example, while a large nightclub or high capacity public house might add to problems, a small restaurant or theatre may not.

Examples of where applications may not have a significant negative impact include:

- Direct replacement for similar licences where impact will be similar or less
- Substitution of activities where the impact will be similar or less
- Replace vertical drinking with seated consumption
- Alcohol is ancillary to other activities or services
- Time limited applications, e.g. events
- Phased closing times for the premises to cause gradual dispersal
- Small maximum occupancies

In order for this Policy to be utilized it will still be necessary for responsible authorities or other person to make relevant representations, referring to information, which was before the Licensing Authority when this special policy was developed. This must be done before the Licensing Authority can lawfully consider giving effect to this special policy.

If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

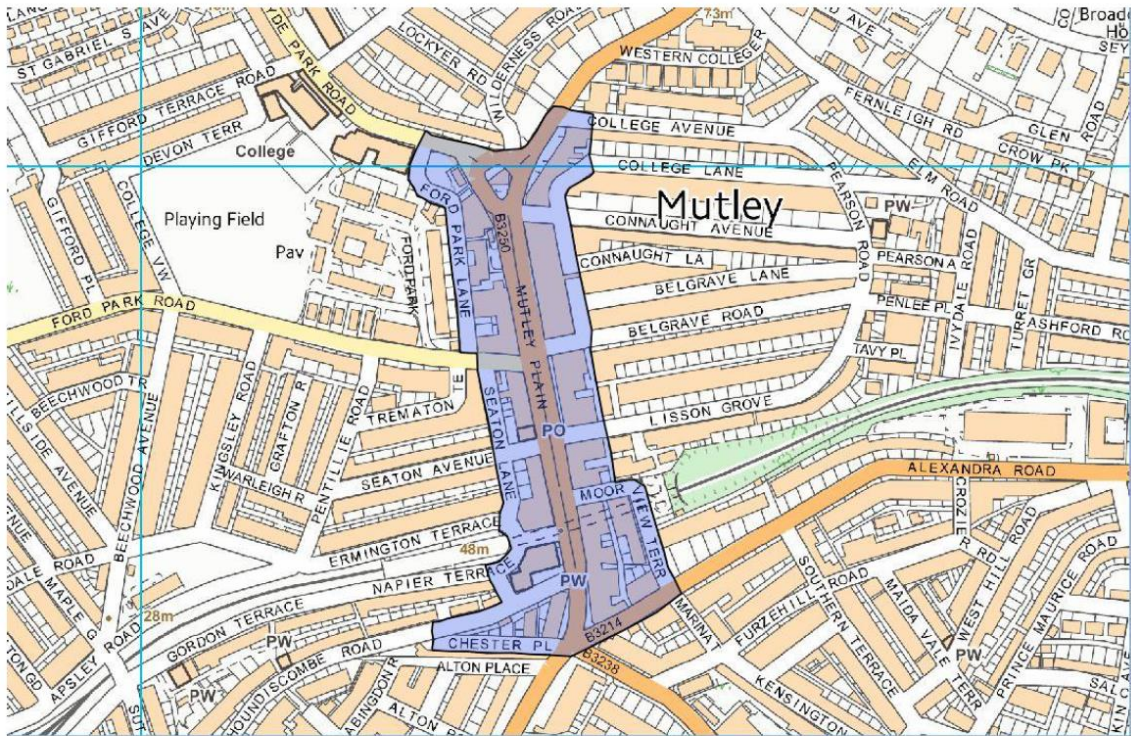
This special policy is to be read in conjunction with Plymouth City Council's Licensing Policy and will be subject to review every three years in accordance with the Licensing Act 2003. It will form part of the formal reconsideration at each review of the Statement of Licensing Policy. If during any review it is clear that the original concerns regarding crime and disorder and public nuisance are no longer present the cumulative impact policy may be amended or removed.



# MUTLEY CUMULATIVE IMPACT POLICY BOUNDARY



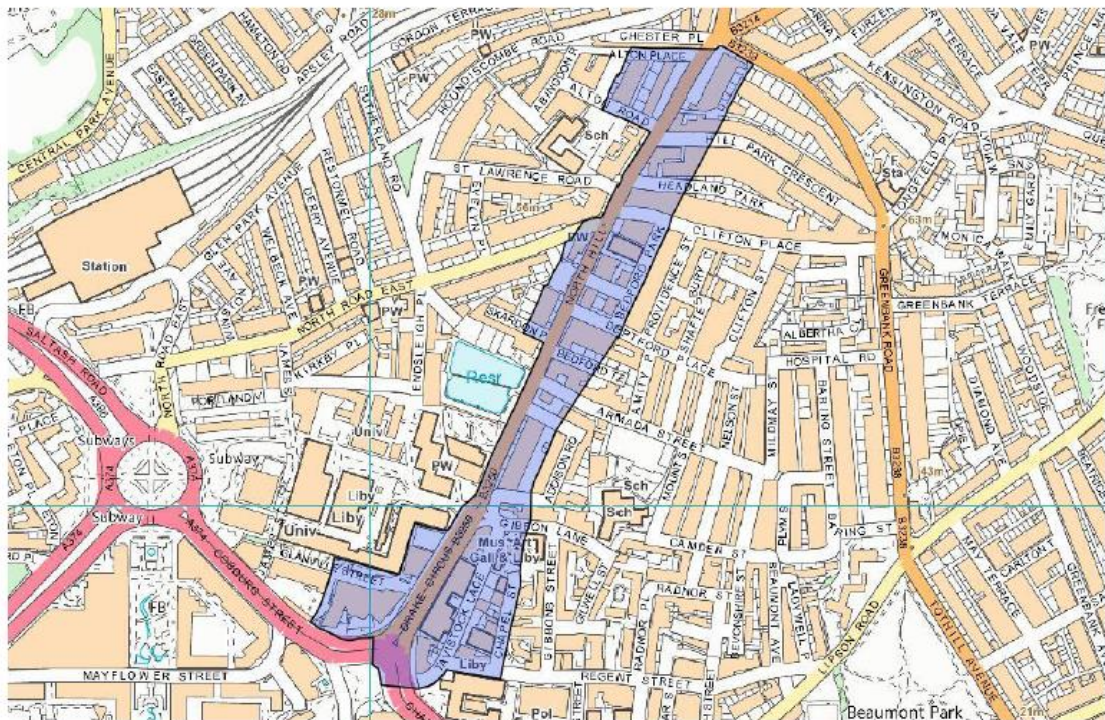
RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



# NORTH HILL CUMULATIVE IMPACT POLICY BOUNDARY



RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008





# STOKE CUMULATIVE IMPACT POLICY BOUNDARY



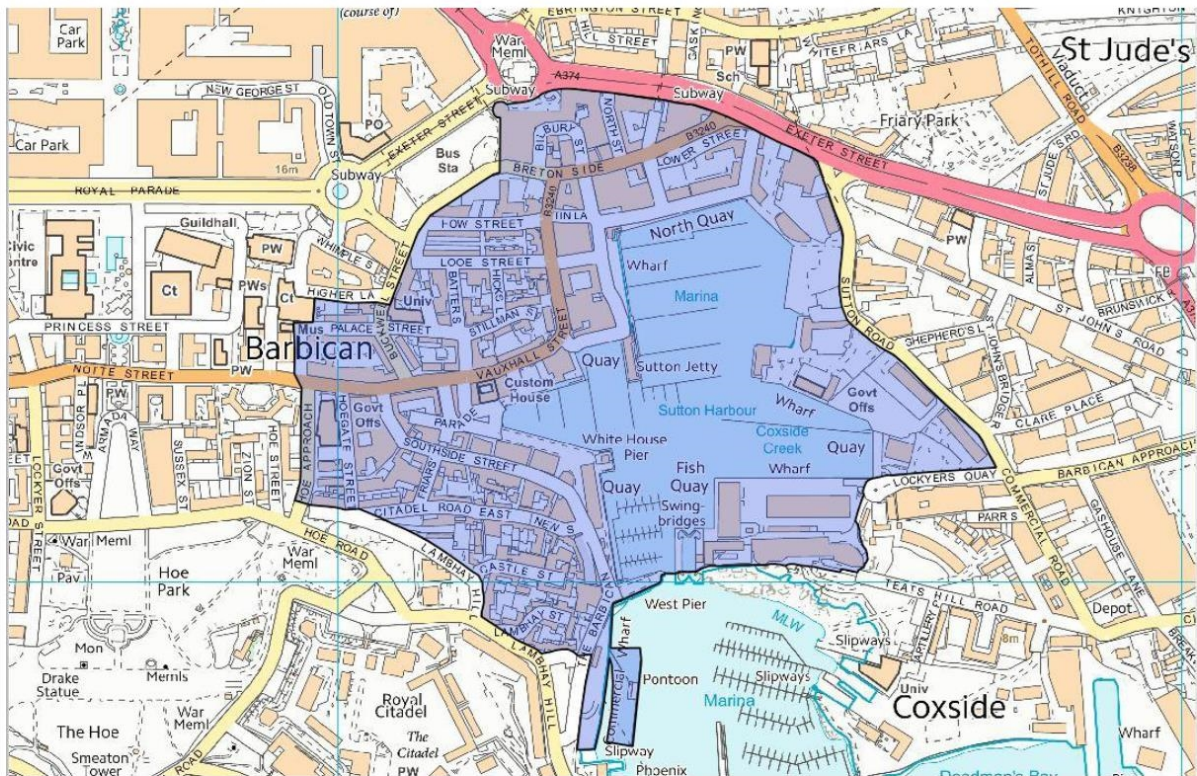
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# BARBICAN CUMULATIVE IMPACT POLICY BOUNDARY



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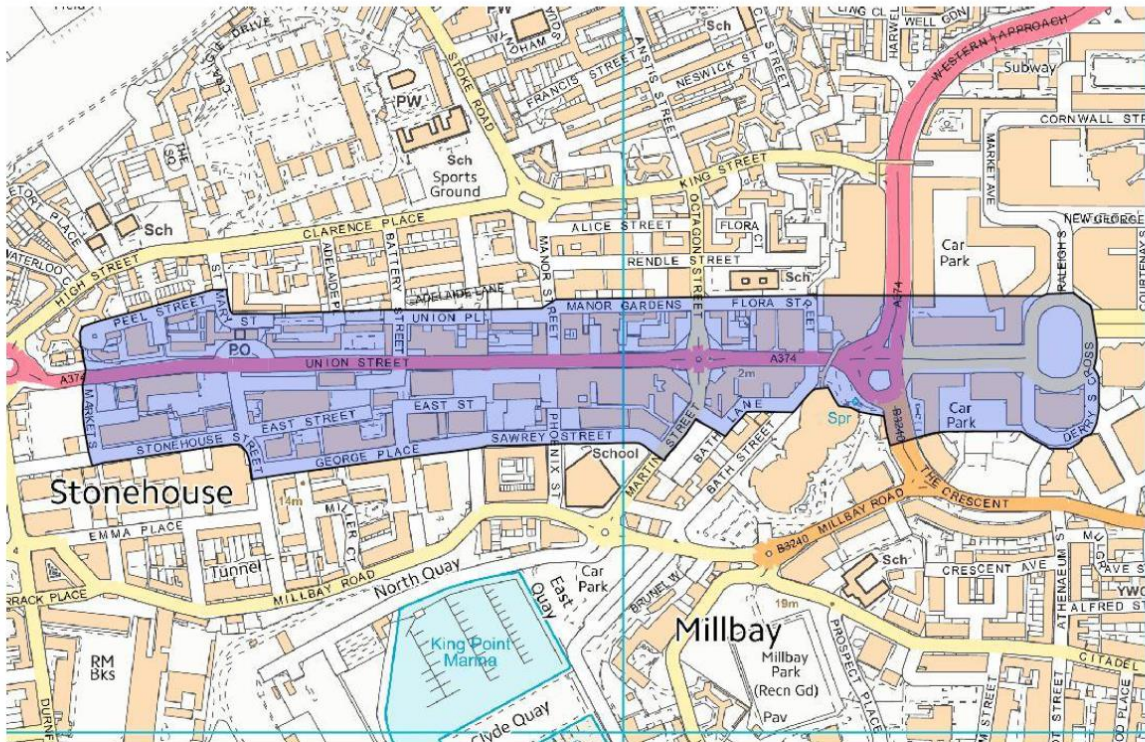




# UNION STREET CUMULATIVE IMPACT POLICY BOUNDARY



**RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008**



**APPENDIX 2****OTHER POLICIES, LEGISLATION, CASE-LAW AND GUIDANCE SOURCES**

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

**Relevant Plymouth City Council Strategies and Policies**

The Plymouth Plan: [www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan](http://www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan)

Local Transport Plan: [www.plymouth.gov.uk/parkingandtravel/transportplansandprojects](http://www.plymouth.gov.uk/parkingandtravel/transportplansandprojects)

Local Development Framework Strategy:

[www.plymouth.gov.uk/planningandbuildingcontrol/localdevelopmentscheme](http://www.plymouth.gov.uk/planningandbuildingcontrol/localdevelopmentscheme)

Local Economic Strategy: [www.plymouth.gov.uk/investmentandgrowth/strategicgrowth](http://www.plymouth.gov.uk/investmentandgrowth/strategicgrowth)

Strategic Alcohol Plan for Plymouth: [www.plymouth.gov.uk/publichealth/alcohol](http://www.plymouth.gov.uk/publichealth/alcohol)

**Related Strategies and Policies**

British Beer and Pub Association Partnerships Initiative

Community Safety Strategy

Crime & Disorder Reduction Strategy

Cultural and Tourism Strategies including promotion of live music and community events

Drugs and Alcohol Strategy

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

National and local Pubwatch schemes

[Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.](#)

Purple Flag (ATCM)

**Useful References (organisations)**

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

UK Hospitality (*Formerly Association of Licensed Multiple Retailers (ALMR) and British Hospitality Association (BHA)*)

<https://www.ukhospitality.org.uk/page/About>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Best Bar None: <http://bbnuk.com/>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

[www.bbfc.co.uk](http://www.bbfc.co.uk)

BII (Formerly British Institute of Inn Keeping (BII))\_

<http://www.bii.org/>

British Retail Consortium (BRC)

<http://www.brc.org.uk/default.asp>

Circus Development Network

[www.circusarts.org.uk](http://www.circusarts.org.uk)

UK Cinema Association Limited(UKCA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

[www.culture.gov.uk](http://www.culture.gov.uk)

Equity

<http://www.equity.org.uk/>

Outdoor Arts UK (Formerly Independent Street Arts Network)

<http://outdoorartsuk.org/>

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Justices Clerks' Society Good Practice Guide, Licensing

[www.jc-society.co.uk](http://www.jc-society.co.uk)

Federation of Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Local Government Arts Officers

<http://www.culturehive.co.uk/authors/national-association-of-local-government-arts-officers/>

National Pub Watch

<http://www.nationalpubwatch.org.uk/index.php>

The Portman Group

<http://www.portmangroup.org.uk/>

## **APPENDIX 3: SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS**

### **Introduction**

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

### **General Information**

Plymouth City Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working together with key partners, particularly Devon and Cornwall Police, Children and Adult Services within the Council, the Safeguarding Children Board and the Adults Safeguarding Board. The Boards also work with the police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's'/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

### **How licence holders can help tackle child exploitation, abuse and modern slavery**

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

### **Child Exploitation**

Exploitation of children and young people involves exploitation situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:



- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police (Tel:101 or if immediate risk 999) and Plymouth Children's Gateway Service (Tel: 01752 668000 or email for enquiries and referrals : [gateway@plymouth.gov.uk](mailto:gateway@plymouth.gov.uk))

Alternatively please complete the online form:

Children – <https://www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect>

Adults - <https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Safeguarding Children Board can be found at [www.plymouthscb.gov.uk](http://www.plymouthscb.gov.uk)

Further information about Plymouth's Adult Safeguarding board can be found at <http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

### **Adults with care and support needs**

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). If you or the person concerned need to raise a concern with Plymouth City Council to help, please contact 01752 668000 or out of hours 01752 346984.

Alternatively, please complete the online form -

<https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Adult Safeguarding board can be found at

<http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

### **Modern Slavery and human trafficking**

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.

For England and Wales, please call the Modern Slavery 24 hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at <https://www.modernslaveryhelpline.org>



## Devon & Cornwall Police

Building safer communities together

Devon & Cornwall Police  
Local Policing & Partnerships  
Headquarters  
Middlemoor  
Exeter  
Devon  
EX2 7HQ

10<sup>th</sup> October 2018

### Plymouth City Council Licensing Cumulative Impact Policy Review 2018.

Plymouth has the largest Evening and Night-time Economy (ENTE) within Devon and Cornwall.

Devon and Cornwall Police support the continued development of Plymouth's ENTE and recognises the social and economic benefits it provides the community through employment, leisure activities and entertainment.

The police also recognise that the impact which alcohol, and hence, the ENTE has on crime, disorder and anti-social behaviour, especially where operators within the ENTE do not work to the highest possible standards.

Devon and Cornwall Police fully supports the Plymouth City Council's licensing policy and feels that through ongoing consultation it is effective in aspiring to the highest possible standards for those within the ENTE.

As Plymouth heads toward 2020, it is striving to become one of Europe's most vibrant and cultured waterfront cities and the development of the ENTE and licensed venues is instrumental in this.

The following report outlines the five Cumulative Impact Areas (CIA) within the city of Plymouth and will outline, through the use of quantitative analysis (crime statistics) and qualitative analysis (anecdotal evidence) the effect of Cumulative Impact Policy on these areas in particular.

This report is submitted for your consideration.

Yours sincerely,

David Moore  
Alcohol Licensing Sergeant  
Devon and Cornwall Police

## **1.0 Cumulative Impact Areas**

Plymouth Currently has 5 CIAs within the city boundaries. They are –

Union Street – From Stonehouse Bridge up to and including Derry's Cross  
Barbican – including the Barbican Leisure Park in Coxside  
North Hill  
Mutley Plain  
Stoke Village

The statistics around crime data have been obtained covering these five areas from the period 1<sup>st</sup> October 2013 to 30<sup>th</sup> September 2018. Each year's data is covered on a calendar year (from January 1<sup>st</sup> – January 1<sup>st</sup>) and so the statistics from 2013 only cover 3 months and 2018 statistics cover a 9 month period. This is factored into the analysis offered below.

It will also need to be noted that the crime recording standards for Devon and Cornwall Police changed in April 2016, whereby more incidents were being recorded as 'crimes' and this has seen a general upsurge in crime figures across the force area of between 17%-20%. This means that those figures from April 2016 – September 2018 would need to be lowered slightly to be comparable to the earlier years from October 2013 – March 2016. All variables are noted in APPENDIX 1a.

The categorisation of crimes analysed in this report relate to the types of offence which are more regularly associated within the ENTE community. It is felt that this gives a better indication of the effect of the ENTE on crime in general. A list of the categories and types of offence are noted in APPENDIX 1.

### **1.1 UNION STREET –**

#### **Total Crime analysis –**

APPENDIX 2 shows that there is a regular level of violent crime taking place within the Union Street area. This total is fairly constant around the 300 offences (not including the variables noted above in APPENDIX 1a). It is clear that there is a dramatic difference between violent crime recorded in the daytime and that within the ENTE, with violent crime within the ENTE accounting for between 81% and 93% of the violent crime for the area. There was an increase in violent crime numbers in the daytime in 2016 and 2017, which accounts for a lowering of the percentage over those years, likely linked to the change in recording standards at that time.

There has been a dramatic reduction in the number of drunkenness-related crimes recorded since 2015 with only 30% of drunkenness-related offences being recorded in these 3 years. This is very likely due to the change in force policy of not arresting those suspected of being 'drunk and incapable' and instead dealing with them as a medical issue. However, the vast majority of drunkenness-related offences (between 72% and 100%) occur during the ENTE hours.

There has been a drop in the level of Public Order Act offences since 2015, with more of a balance of offences occurring between the day and ENTE hours (55%-63% over the last 3 years). This drop is likely linked to the reduction in police officers, particularly within the ENTE, as well as more responsibility being accredited to doorstaff and ENTE workers in dealing with more low-level incidents effectively at an early stage.

The reporting of sexual offences and robbery have remained low over the years, with sexual offences dropping by 73% this year, although all have been attributed to the ENTE.

### **Days of the week –**

There is a clear link between the number of recorded offences and the days of the week. 22% of total offences recorded take place on a Friday, with 36% of offences taking place on a Saturday. Within the ENTE timings on those days, 87% of the offences recorded on a Friday took place within the ENTE hours and 94% on a Saturday took place within the ENTE hours. The levels of crime recorded over the years appears to remain constant, with the projected figures for 2018 remaining similar to 2017 on Saturdays and a slight increase on Fridays. This indicates that the majority of these offences occur on the main two nights of the week where the ENTE is heavily attended by users.

### **Time related analysis –**

The vast majority of crimes within the Union Street area take place from the hours of 2300-0500. 66% of all recorded crime took place between those hours, with 0100-0300 having the highest levels as crime numbers rise to this peak and then fall off gradually afterwards. However, there has been a small decline in crime numbers between those hours since 2015, although 2018 is showing a slight rise again which will need to be monitored.

### **Number of licenses within CIA –**

Public houses – 5  
Clubs – 10  
Café/restaurants – 7  
Take-aways – 12  
Off-licences – 6  
Others - 6

### **Summary –**

It is clear from the data that the majority of these offences are linked to the ENTE and occur between the hours of 2300-0500, particularly on a Friday and Saturday night. There has been a drop in levels of drunkenness-related crime due to a change in police working practices around 'drunk and incapable' offences. Overall, crime levels have remained steady (and actually show a reduction if crime recording changes are taken into account). Lower level Public Order Act offences have also reduced, but this is likely to be as a result of less police officers within the city (as a result of police cutbacks) and more positive relationships with licensees and doorstaff, who are likely preventing incidents from developing into situations where the police need to be called.

Overall, it looks as though there may be a slight increase in crime (when projected to year's end of 2018) of approximately 3.3%, and this may be attributed to a brand new venue (Fever & Boutique) opening, which has increased the number of users of the Derry's Cross area quite considerably. However, some changes in DPS at some of the busier late-night venues and the introduction of the Safe Bus and taxi marshalls over the summer has helped to keep this in check.

The area for the original CIA covered the bottom end of Union Street from Stonehouse Bridge up to Derry's Cross. Although a number of the licensed venues from Stonehouse Bridge to Western Approach have now gone, the requirement for this area to remain in consideration for the renewal of the CIA is very important. A number of the buildings in that part of Union Street are unoccupied and could be leased or purchased very cheaply, but this could lead to a spreading out of the

ENTE, with a subsequent drain on resources across all of the statutory authorities and therefore a diminishing coverage for those using the current more highly populated areas. There have been applications for off-licensed premises and some of these, which already exist in this area are believed to have an impact on alcohol-related crime in the area, due to the sale of high-strength products.

It is strongly recommended therefore by Devon and Cornwall Police that the Union Street CIA remains in place in its entirety.

## **1.2 BARBICAN –**

### **Total Crime analysis –**

APPENDIX 2 shows that the majority of offences in this area are violent crime offences, accounting for 76% of the analysed crime types for this report. There has been a steady level of between 71% and 81% of these offences taking place during the ENTE hours. This is lower than the Union Street percentage during these hours due to the difference in use of the Barbican, as an earlier evening and daytime location for visitors, especially on Saturday and Sunday. From 2013-2016 there was a pattern of more Public Order Act offences occurring during the daytime hours, but from 2017-2018, this trend has changed with more offences occurring during the ENTE hours. Although the numbers are low, this is a pattern which will need monitoring, but may be linked to the development of the Barbican area and a number of changes of DPS over the last 2 years. Drunkenness, sexual offences and robbery all remain low and have no specific pattern which can be determined due to the low sample base. The total recorded crime levels appear to have stayed fairly steady over the sampled time (when taking into account projections for 2018) and this is a positive sign, especially with a number of venues changing DPS and new venues opening, which add to the vibrancy of the area.

### **Days of the week –**

The Barbican has its crime reports a little more spread out over the week, with the 3 main days for offending being Saturday (34%), Friday (20%) and Sunday (13%). This would tend to show that these offences are linked to the licensed venues and the licensing community. The Barbican is well attended on Sundays, when a different demographic of the population attend the area and is more family oriented. Bank Holiday Sundays and Mondays are very busy with a lot of users attending the area throughout the day and into the evening for the sole use of licensed premises, which explains the increase on Sundays in particular.

### **Time related analysis –**

APPENDIX 4 shows that the Barbican has an increased level of offences committed between the hours of 2100-0300, with a peak between 2300-0100. The statistics for 2017 and projected statistics for 2018 show that there has been an increase in these late hour offences in comparison to previous years. This would indicate that there is a greater footfall during these hours, especially as there are more venues now operating later into the night. The area also contains Plymouth's largest ENTE venue, Pryzm, which is a popular venue for students. There has also been an increase between 1300 and 1400. This is likely to be linked to lunchtime drinking on a Saturday, Sunday and Bank Holiday Monday, which is a very busy time for the area.

### **Number of licenses within CIA –**

Public houses – 26  
Clubs – 4  
Café/restaurants – 46  
Take-aways – 14  
Off-licences – 3  
Others - 16

### **Summary –**

The Barbican has shown more of a shift towards some later night venues over recent years. It has once again become a popular location for users of the ENTE, who used to start their evenings there and then move to other areas of the city to complete their evenings. With some venues having later opening hours in the Barbican, it appears that there may be less transition occurring, which, linked to a previous fall in users (possibly due to pre-loading) has begun to have an effect on the area. There have been a number of changes of DPS and over the last year, there has been a renewed appetite for partnership working looking at developing better working practices in the future. The funding of taxi marshalls in the Barbican has helped to deter lower-level crime and disorder. Pryzm is a popular venue for students and a new DPS there 15 months ago has helped turn things around in that area of the Barbican CIA, with more preventative measures and partnership working having a positive effect.

It is important that the Barbican retains its identity as a vibrant area with many options for a good night out for the users. It is in close proximity to a number of residential premises and the continuation of a CIA in the area is imperative to keeping this vibrancy and cultural experience as well as supporting the local residents.

Devon and Cornwall Police therefore recommend that this CIA is retained in its full format and with its current boundaries.

## **1.3 NORTH HILL –**

### **Total Crime analysis –**

APPENDIX 2 shows that the majority of offences in the North Hill area fall within the violent crime category (77%). 95% of all crime take places in the ENTE time frame, with between 96% and 99% of all violent crime taking place then. This shows a direct link to the ENTE. Public Order Act offences cover 10% of all crime in this analysis. North Hill is very much a transitional area as well as having 2 main venues attended by students. This transition can have an effect as the main clubs in the area Q-Bar and Switch have their entrances onto the pavement of this transitional area. Rape and sexual offences cover 5% of the crimes in this area, which is a concern as it is the highest percentage for this type of offence across all 5 CIAs and twice the level recorded in the Union Street CIZ. This will need to be monitored, although factors (along with the poor street lighting) could be attributed to a lack of CCTV and proximity to nearby student accommodation.

### **Days of the week –**

APPENDIX 3 shows that there is a more balanced spread of offending across more days of the week. There are higher levels of crime from Wednesday (15%), Thursday (17%), Friday (21%) and Saturday (20%). This spread of days is directly

linked to the demographic of user, mainly being a student-oriented area, student nights occur on Wednesdays and Thursdays, where many students go out to all areas of the city, but tend to return to the main area of Q-Bar and Switch due to their proximity to student residences and also the later opening hours.

### **Time related analysis –**

The highest level of crime takes place between 0000 and 0600 (82%), with a peak between 0200 and 0500 (54%). Although there are a number of venues in the North Hill CIA, the two main venues, Q-Bar and Switch, have a late licence and are open until 0600. The level of offending, especially between 0300 and 0500 has generally shown an increase since 2015 and is likely linked to the decline of other late licenced venues in the city, meaning more users are attending this area. This will need to be monitored, although the DPSs at these venues are very co-operative and professional.

### **Number of licenses within CIA –**

Public houses and clubs – 14

Off-licenses/late night refreshment – 16

### **Summary –**

There is a definite link between the North Hill CIA and the ENTE with 95% of crimes happening in this CIA occurring during the ENTE hours. There are a number of licensed premises in the existing CIA, who manage their businesses well, with 2 late-night venues, Q-Bar and Switch, attracting a number of very late-night users to the area. The area is also a transitional area between the Mutley Plain CIA and the city centre, as well as being located within a number of student residences, so there is a lot of transient students in the area. There are concerns about the poor lighting and CCTV coverage going up North Hill, towards Mutley and these may be contributing factors towards the relatively high level of sexual offences when compared to other areas of the ENTE. Doorstaff and licensees work well with other agencies and the police and have prevented potential sexual offences through early intervention and action.

There is a venue on the edge of the CIA, in Gibbon Street and a Co-op on Regent Street with an off-licence. There is information and intelligence which suggests that a number of users are coming from nearby venues (outside the CIA) between 0200 and 0300 and trying to get into Q-Bar and Switch, but being refused entry as they are too drunk. Efforts are being made to confirm that these users are indeed coming from this venue, but this is creating possible conflict within the existing CIA and may well be leading to the levels of violence and vulnerability which we are seeing within the CIA.

Devon and Cornwall Police strongly recommend that this CIA remains, with a recommendation that a period of consultation that it is extended to cover the area of Gibbon Street and Regent Street up to the far end of Hampton Street. Further police work around the intelligence which has been submitted can be carried out in order to identify if there is indeed a link between the intelligence and crime figures and vulnerability. It is suggested that this work takes place over the next 3 months until the end of January 2019.



## **1.4 MUTLEY PLAIN –**

### **Total Crime analysis –**

APPENDIX 2 shows that there are 2 main categories of crime, violent crime comprising of 63% of the total and Public Order Act offences (24%). Of the violent crime offences, 73% take place within the ENTE timescale showing a direct link. There is a concern around the changes in Public Order Act offences, where, from 2013-2016 32% of these offences took place during the ENTE hours. In the period 2017-2018, this had increased to 55% taking place during the ENTE. The number of Public Order Act offences over the last 2 years has increased, mainly through additional ENTE offences, with the number of daytime offences staying constant. This may be linked to more positive action being taken by police with regards to street drinking and begging, which can lead to such offences being committed, but will require further analysis and monitoring. Other crime types were negligible in number with no specific developments of patterns. Overall crime in the area has increased very slightly over the last 2 years, with 65% occurring in the ENTE times.

### **Days of the week –**

APPENDIX 3 shows that the main 2 days of crime occurring are on Friday (23%) and Saturday (21%). There are slightly raised numbers for Wednesday and Thursday, which are traditional student nights and may be attributed to students, living locally, beginning their evenings in Mutley Plain before heading into the city centre. This tends to show that the majority of the offences take place on the traditional ENTE nights of the week.

### **Time related analysis –**

APPENDIX 4 shows that the offending times are more spread out over the day than other CIAs within the city. There are a limited number of late-night venues, and one of which has recently reduced their hours after it was recognised that a pattern of late-night incidents were occurring, which appeared to be linked to the venue. There is a noticeable increase in crime from 2100 until 0300, reaching a very specific peak between 2300 and 0000 when 14% of all offences take place. This period has also shown a significant increase over the last 2 years and is likely linked to the transition from regular pub closing hours into the later night-time environment. The increase in crime between 0300 and 0400 has now been dealt with after the adjustment of hours for one venue. The total crime taking place between 2200 and 0400 accounts for 40% of crime throughout the day. It is clear that attention needs to be paid to the area at the start of this transition time (2300-0000) and that many of the offences are linked to the ENTE.

### **Number of licenses within CIA –**

Public houses and clubs – 12

Off-licenses/late night refreshment – 16

### **Summary –**

Mutley Plain, although believed to be having less footfall, still has significant levels of crime attributed to the ENTE hours. It has the 3<sup>rd</sup> highest crime total of all of the CIAs, although a lower percentage is attributed to the ENTE hours, it has an earlier evening and afternoon demographic of user. The benefit of having a CIA has allowed the authorities to have more impact on later opening venues, such as the one

previously mentioned and also on off-licenses with regards to selling high-strength alcohol.

Devon and Cornwall Police recommend that the Mutley Plain CIA remains in place with its current boundaries.

## **1.5 STOKE VILLAGE –**

### **Total Crime analysis –**

APPENDIX 2 shows that the vast majority of crime within the Stoke Village CIA consisted of violent crime (83%). 80% of this violent crime occurred within the ENTE hours. The only other category of note was Public Order Act offences at 12%. Other categories of offence were negligible in number and showed no specific pattern due to the low sample base. Overall, 76% of all crime took place within the ENTE hours. The total number of crimes within the CIA was relatively low over the 5 year period, with a year-on-year increase and projected to remain constant this year for the first time.

### **Days of the week –**

APPENDIX 3 shows that Friday (30%) and Saturday (25%) are the days when most crime occurs. With 55% of crime taking place over these two days, this would tend to point to a link to the traditional ENTE days.

### **Time related analysis –**

APPENDIX 4 shows that there is a definite period where more crime takes place within the Stoke Village CIA. This period between 2100 and 0100 accounts for 57% of crime recorded in the area in this analysis. There are 2 peaks, 2100-2200 where 17% of crime is committed and 2300-0000 where 18% of crime is committed. These times would tend to point towards the earlier transition period where users are likely to begin their journey towards the more distant city centre and also the regular closing time of many of Stoke Village's licensed venues. The first of these peaks has shown a significant increase (more than doubling last year's figure) and will need to be monitored.

### **Number of licenses within CIA –**

Public houses and clubs – 8

Off-licenses/late night refreshment – 3

### **Summary –**

Stoke Village is, geographically, the smallest of the CIAs and has the fewest venues. The majority of the venues are local public houses, with one later-night venue and a number of takeaways. It is in the middle of a residential area and has limited CCTV coverage of the street outside. With regards to other CIAs, its level of crime may seem comparatively low, but the type of crime taking place (mainly violent crime) gives cause for concern that regulation of the area is still required. There has also been a recent demographic change over the last year. Although many of the users are locals, a larger number of Plymouth Argyle Football Club fans are meeting in the area on match days, before and after the match. This could account for the

significant rise of offences around the 2100-2200 time period and will need to be monitored in more detail as this season progresses. There is a concern that the area may begin to be used for this purpose on match days.

Devon and Cornwall Police recommend that the Stoke Village CIA remains in place in its current format and with its current boundaries, with a suggestion that this CIA is reviewed closely on an annual basis to determine whether there has been any significant impact through the potential changes in users in the area. This recommendation is based upon the prevalent type of crime (violent crime) and also the recent change in demographics, which may lead to further applications for new premises and applications for extended hours to cover this new demographic of football supporter. This could potentially cause an increase in crime and disorder and up to this point, there has been a very short timescale to have observed any specifically linked changes which can be used to support this change quantitatively.

## **2.0 OVERALL SUMMARY –**

Devon and Cornwall Police have been impressed by the level of multi-agency working which has been taking place within the city of Plymouth, especially over the last 18 months. There has been an undertaking from all of the interested parties in improving the ENTE of Plymouth and adding to the vibrancy and safety of the city. These agencies include the Local Authority, Licensees, Pubwatch, Security companies, Best Bar None, SIA, Plymouth Argyle, Plymouth University, PARC and the different departments within the police.

The support that each of these organisations has shown to each other has been epitomised in the excellent working relationships and achievements over the last year. These include the introduction of a 'Safe Bus' to the ENTE on Saturday nights, the trial of taxi marshalls at Derry's Cross throughout July, August and September, the re-establishment of a Barbican Pubwatch and affiliation of Torpoint Pubwatch to the Plymouth Pubwatch scheme and the Ask for Angela campaign. Many of the organisations are part of the ENTE alcohol harm reduction group, who have also begun to co-ordinate their resources in order to achieve the coveted Purple Flag status for the city. A visit by the national Purple Flag co-ordinator resulted in a positive recognition of this partnership working and the strong bonds involved.

The statistics and report included here all identify areas which have undergone some form of transition over the last 5 years. There have been many improvements in relationships and there is no doubt that, overall, there is a better quality of licensee in the trade, with a view to co-operating and promoting the four licensing objectives. However, there are constantly changing social structures and behaviours which mean that the partners involved in the licensing community cannot become complacent with their recent achievements and must continue to strive to make Plymouth a safer and better place.

Ultimately, co-operation with licensees is perhaps at its best point for many years, but there are occasions where legislation is still required to achieve the best possible results. Co-operation and negotiation will always remain the first options whenever licensing conditions and applications are reviewed, but sometimes the authorities will need the presence of legislation to assist them in their quest for developing the best and safest ENTE. The CIP is an important piece of legislation which Devon and Cornwall Police regard as a necessary tool in order to support those businesses who are working hard to do a good job in promoting the licensing objectives and also to prevent those who the police regard as potentially having a negative impact on those licensing objectives and ultimately the city and its people.

I respectfully submit this report for your consideration.

Yours sincerely,

David Moore  
Alcohol Licensing Sergeant

## **APPENDIX 1**

### **Parameters for the analysis**

#### **Day/ENTE –**

Day - 0700-1859

ENTE (Evening and Night Time Economy) - 1900-0659

Weekday –

Runs from 0700 to 0659 (shift day)

Note: All data is only for offences where Day, ENTE & weekday, Venue Main Category and an Easting and Northing can be identified and where the crime started and ended in the same DAY / ENTE

#### **Offence types –**

**All Violent Crime** – Offence groups: homicide, violence with injury, violence without injury (except Harassment,) possession of weapons,

**Sexual Offences** – offence groups: rape and other sexual offences

**Robbery** - offence groups: robbery

**Public order** - offence groups: Public Order offences, harassment offences.

**Drunkenness** - drunk in a highway/public place/licensed premises, drunk premises, drunk and disorderly

## **APPENDIX 1a**

### **Statistical considerations**

The date period are from 1<sup>st</sup> October 2013 until the 30<sup>th</sup> September 2018. Each year is calculated on an annual calendar from January 1<sup>st</sup> to December 31<sup>st</sup>. This means that the 2013 data incorporates 3 months (October, November and December) and the 2018 data incorporates 9 months (January-September, inclusive).

Devon and Cornwall Police changed their crime recording standards from April 2016 on recommendations from HMIC. This meant that the number of recorded crimes increased across the force by between 17% and 20%. This means that 8 months of

2016 and all of 2017 and 2018 are recorded under these new crime recording standards and will need to have this difference considered.

## **APPENDIX 2**

### **Crime distribution by crime type and day/ENTE**

NORTH HILL CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
CRIME TYPE	2013		2014		2015		2016		2017		2018		Total						
	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE							
All Violent Crime	2	8	10	2	64	66	1	70	71	2	77	79	3	70	73	3	65	68	367
Drunkness	0	0	5	2	6	8	0	8	8	0	4	4	0	6	6	0	0	0	31
Public order	0	2	2	1	11	12	3	6	9	0	5	5	1	12	13	3	5	8	49
Rape and Other Sexual Offences	0	0	0	0	4	4	0	3	3	0	3	3	0	4	4	0	2	6	22
Robbery	0	0	0	0	0	0	0	3	3	0	0	0	0	1	2	3	0	4	10
Total	2	15	17	5	85	90	4	90	94	2	89	91	5	94	99	8	80	88	479

BARBICAN CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
CRIME TYPE	2013		2014		2015		2016		2017		2018		Total						
	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE							
All Violent Crime	5	12	17	20	63	83	26	74	100	15	64	79	21	74	95	21	57	78	452
Drunkness	0	0	0	6	6	12	2	2	4	0	6	6	0	8	8	0	2	2	32
Public order	3	1	4	10	8	18	9	7	16	9	6	15	6	12	18	10	8	18	89
Rape and Other Sexual Offences	0	0	0	0	0	0	0	2	2	0	3	3	1	3	4	0	3	3	12
Robbery	0	0	0	0	1	1	1	0	1	0	1	1	0	5	5	1	0	1	9
Total	8	13	21	36	78	114	38	85	123	24	80	104	28	102	130	32	70	102	594

MUTLEY PLAIN CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
CRIME TYPE	2013		2014		2015		2016		2017		2018		Total						
	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE							
All Violent Crime	4	6	10	19	34	53	16	38	54	15	39	54	17	58	75	15	48	63	309
Drunkness	0	2	2	1	7	8	3	10	13	0	8	8	3	1	4	2	4	6	41
Public order	2	3	5	20	8	28	11	3	14	12	7	19	13	17	30	12	13	25	121
Rape and Other Sexual Offences	0	0	0	0	3	4	0	1	1	0	3	3	0	1	1	1	1	2	11
Robbery	0	0	0	2	1	3	2	1	3	0	1	1	0	1	1	0	4	4	12
Total	6	11	17	45	51	96	32	53	85	27	58	85	33	78	111	30	70	100	494

STOKE VILLAGE CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
CRIME TYPE	2013		2014		2015		2016		2017		2018		Total						
	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE							
All Violent Crime	0	0	0	1	7	8	1	15	16	11	16	27	4	22	26	3	19	22	99
Drunkness	0	0	0	0	0	0	0	2	2	0	1	1	1	0	1	0	0	0	4
Public order	0	0	0	3	0	3	1	1	2	0	1	1	2	3	5	0	3	3	14
Rape and Other Sexual Offences	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1
Robbery	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	0	0	4	8	12	2	18	20	11	18	29	8	25	33	3	22	25	119

UNION STREET CRIME DISTRIBUTION BY CRIME TYPE AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
CRIME TYPE	2013		2014		2015		2016		2017		2018		Total						
	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE	DAY	ENTE							
All Violent Crime	6	78	84	40	284	324	24	276	300	49	253	302	57	249	306	26	228	264	1580
Drunkness	1	10	11	8	63	71	11	64	75	8	21	29	3	22	25	0	13	13	224
Public order	9	18	27	27	90	117	33	70	103	34	42	76	21	36	57	14	19	33	413
Rape and Other Sexual Offences	0	0	0	1	7	8	1	14	15	1	10	11	1	15	16	0	4	4	54
Robbery	0	1	1	2	3	5	1	4	5	4	4	8	3	4	7	0	5	5	31
Total	16	107	123	78	447	525	70	428	498	96	330	426	85	326	411	40	279	319	2302

## Crime distribution by weekday and day/ENTE

NORTH HILL CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
Day of Week	2013			2014			2015			2016			2017			2018			Total
	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	
Monday	0	1	1	0	8	8	1	11	12	1	11	12	2	9	11	0	4	4	48
Tuesday	0	4	4	0	7	7	1	6	7	0	2	2	0	16	16	3	5	8	44
Wednesday	0	1	1	3	15	18	1	13	14	0	13	13	0	9	9	1	15	16	71
Thursday	1	0	1	0	16	16	0	18	18	1	14	15	2	15	17	1	13	14	81
Friday	1	1	2	1	22	23	1	16	17	0	21	21	0	22	21	1	15	16	101
Saturday	0	5	5	1	14	15	0	17	17	0	20	20	0	19	19	1	21	22	98
Sunday	0	3	3	0	3	3	0	9	9	0	8	8	1	4	5	1	7	8	36
Total	2	15	17	5	85	90	4	90	94	2	89	91	5	94	99	8	80	88	479

BARBICAN CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
Day of Week	2013			2014			2015			2016			2017			2018			Total
	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	
Monday	4	0	4	8	0	8	4	5	9	1	4	5	4	5	9	1	1	2	37
Tuesday	2	0	2	4	0	4	11	4	15	7	2	9	1	6	7	7	4	11	48
Wednesday	0	0	0	9	2	11	7	11	18	4	4	8	6	5	11	3	9	12	60
Thursday	1	1	2	6	1	7	2	7	9	4	4	8	5	11	16	7	4	11	49
Friday	1	1	2	3	21	24	2	14	21	6	24	30	2	16	18	7	15	22	117
Saturday	0	10	10	1	40	41	3	34	37	6	33	39	4	41	45	5	27	32	204
Sunday	0	1	1	5	14	19	4	10	14	0	9	9	6	18	24	2	10	12	79
Total	8	13	21	36	78	114	38	85	123	24	80	104	28	102	130	32	70	102	594

MUTLEY PLAIN CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
Day of Week	2013			2014			2015			2016			2017			2018			Total
	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	
Monday	1	0	1	1	2	3	4	3	7	4	5	9	3	4	7	6	8	14	41
Tuesday	0	0	0	4	4	8	2	5	7	3	5	8	5	7	12	2	10	12	47
Wednesday	2	3	5	10	9	19	4	9	13	4	5	9	4	4	13	4	10	14	73
Thursday	1	2	3	8	9	17	4	4	8	1	7	8	6	9	15	5	8	13	64
Friday	1	2	3	7	18	25	8	17	17	4	17	21	3	27	30	5	15	20	116
Saturday	1	4	5	9	6	15	2	17	25	3	13	16	8	16	24	5	15	20	105
Sunday	0	0	0	6	3	9	2	6	8	6	6	14	4	6	10	3	4	7	48
Total	6	11	17	45	51	96	32	53	85	27	58	85	33	78	111	30	70	100	494

STOKE VILLAGE CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
Day of Week	2013			2014			2015			2016			2017			2018			Total
	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	
Monday	0	0	0	1	2	3	0	0	0	2	1	3	1	1	2	0	1	1	9
Tuesday	0	0	0	0	1	1	1	0	1	0	1	1	1	0	1	0	2	2	6
Wednesday	0	0	0	0	1	1	0	0	0	1	1	2	2	1	4	1	1	2	10
Thursday	0	0	0	1	0	1	0	1	1	3	1	4	3	0	3	2	5	7	16
Friday	0	0	0	2	2	4	0	8	8	2	8	10	2	9	11	0	3	3	36
Saturday	0	0	0	2	2	4	0	6	6	2	5	7	0	8	8	0	7	7	30
Sunday	0	0	0	0	0	0	1	3	4	1	1	2	1	2	3	0	3	3	12
Grand Total	0	0	0	4	8	12	2	18	20	11	18	29	8	25	33	3	22	25	119

UNION STREET CRIME DISTRIBUTION BY WEEKDAY AND DAY/ENTE BETWEEN 1ST OCTOBER 2013 - 30TH SEPTEMBER 2018																			
Day of Week	2013			2014			2015			2016			2017			2018			Total
	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	DAY	ENTE	TOTAL	
Monday	3	4	7	17	18	35	12	24	36	10	10	20	15	17	32	6	8	14	144
Tuesday	1	8	9	5	34	39	9	24	33	15	7	22	9	11	20	3	21	24	147
Wednesday	0	13	13	10	52	62	11	39	50	14	37	51	10	35	45	4	20	24	245
Thursday	1	11	12	11	39	50	11	40	51	16	40	56	14	17	31	6	12	18	218
Friday	2	19	21	12	110	122	9	97	106	18	77	95	17	73	90	7	76	83	517
Saturday	2	46	48	8	156	164	6	172	178	12	133	145	13	154	167	8	119	127	829
Sunday	7	6	13	15	38	53	12	32	44	11	26	37	7	19	26	6	23	29	202
Total	16	107	123	78	447	525	70	428	498	96	330	426	85	326	411	40	279	319	2302

NORTH HILL ALL HOURS							
HR From	2013	2014	2015	2016	2017	2018	Total
07:00 - 07:59	0	0	0	0	1	0	1
08:00 - 08:59	1	1	0	0	0	1	3
09:00 - 09:59	0	1	0	0	0	2	3
10:00 - 10:59	0	0	0	0	0	0	0
11:00 - 11:59	0	0	0	0	0	2	2
12:00 - 12:59	1	0	0	1	0	0	2
13:00- 13:59	0	0	0	0	0	0	0
14:00 - 14:59	0	0	1	0	0	0	1
15:00 - 15:59	0	0	0	0	1	3	4
16:00 - 16:59	0	0	3	0	1	0	4
17:00 - 17:59	0	1	0	0	1	0	2
18:00 - 18:59	0	2	0	1	1	0	4
19:00 - 19:59	0	0	1	0	0	0	1
20:00 - 20:59	0	0	1	0	0	1	2
21:00 - 21:59	2	2	3	1	4	1	13
22:00 - 22:59	1	3	5	2	4	2	17
23:00 - 23:59	1	1	5	6	3	2	18
00:00 - 00:59	0	11	10	1	8	8	38
01:00 - 01:59	1	9	13	10	8	8	49
02:00 - 02:59	2	16	16	19	18	8	79
03:00 - 03:59	6	19	12	17	17	17	88
04:00 - 04:59	2	21	15	19	14	22	93
05:00 - 05:59	0	2	9	11	17	8	47
06:00 - 06:59	0	1	0	3	1	3	8
Total	17	90	94	91	99	88	479

BARBICAN ALL HOURS							
HR From	2013	2014	2015	2016	2017	2018	Total
07:00 - 07:59	0	0	0	0	0	0	0
08:00 - 08:59	0	2	2	0	1	2	7
09:00 - 09:59	1	1	3	2	1	0	8
10:00 - 10:59	2	2	4	4	0	2	14
11:00 - 11:59	0	2	0	4	5	2	13
12:00 - 12:59	1	2	2	1	3	2	11
13:00- 13:59	1	6	5	0	9	11	32
14:00 - 14:59	2	7	6	3	2	3	23
15:00 - 15:59	0	2	2	1	2	2	9
16:00 - 16:59	0	3	5	1	0	1	10
17:00 - 17:59	0	3	4	4	3	3	17
18:00 - 18:59	1	6	5	4	2	4	22
19:00 - 19:59	0	3	3	7	10	6	29
20:00 - 20:59	0	4	3	7	5	3	22
21:00 - 21:59	0	9	12	7	10	4	42
22:00 - 22:59	2	12	7	15	18	10	64
23:00 - 23:59	3	10	24	10	13	9	69
00:00 - 00:59	3	14	17	11	17	15	77
01:00 - 01:59	2	10	12	8	10	10	52



02:00 - 02:59	0	6	6	9	10	10	41
03:00 - 03:59	3	7	1	1	6	1	19
04:00 - 04:59	0	1	0	4	3	1	9
05:00 - 05:59	0	0	0	0	0	1	1
06:00 - 06:59	0	2	0	1	0	0	3
Total	21	114	123	104	130	102	594

MUTLEY PLAIN ALL HOURS							
HR From	2013	2014	2015	2016	2017	2018	Total
07:00 - 07:59	0	2	1	2	0	2	7
08:00 - 08:59	0	2	0	1	2	2	7
09:00 - 09:59	0	7	0	1	2	2	12
10:00 - 10:59	1	1	1	2	4	1	10
11:00 - 11:59	0	2	3	1	5	1	12
12:00 - 12:59	0	3	3	3	1	2	12
13:00 - 13:59	1	4	3	4	0	5	17
14:00 - 14:59	1	2	1	4	6	1	15
15:00 - 15:59	0	4	7	4	4	1	20
16:00 - 16:59	3	8	6	4	3	5	29
17:00 - 17:59	0	6	2	1	4	2	15
18:00 - 18:59	0	4	5	0	2	6	17
19:00 - 19:59	0	2	4	2	5	7	20
20:00 - 20:59	1	4	3	5	4	4	21
21:00 - 21:59	1	4	9	6	6	7	33
22:00 - 22:59	5	7	9	5	12	6	44
23:00 - 23:59	0	15	13	7	15	19	69
00:00 - 00:59	0	6	6	13	12	3	40
01:00 - 01:59	0	5	4	5	7	9	30
02:00 - 02:59	2	4	3	8	8	6	31
03:00 - 03:59	0	2	2	4	2	7	17
04:00 - 04:59	1	2	0	1	4	1	9
05:00 - 05:59	1	0	0	0	2	1	4
06:00 - 06:59	0	0	0	2	1	0	3
Total	17	96	85	85	111	100	494

STOKE VILLAGE ALL HOURS							
HR From	2013	2014	2015	2016	2017	2018	Total
07:00 - 07:59	0	0	0	0	0	0	0
08:00 - 08:59	0	0	1	1	1	2	5
09:00 - 09:59	0	0	0	1	0	1	2
10:00 - 10:59	0	0	0	1	0	0	1
11:00 - 11:59	0	0	0	0	0	0	0
12:00 - 12:59	0	1	0	3	0	0	4
13:00 - 13:59	0	1	0	0	1	0	2
14:00 - 14:59	0	1	0	1	0	0	2
15:00 - 15:59	0	0	1	1	1	0	3
16:00 - 16:59	0	1	0	0	2	0	3
17:00 - 17:59	0	0	0	1	3	0	4
18:00 - 18:59	0	0	0	2	0	0	2
19:00 - 19:59	0	1	1	1	2	2	7

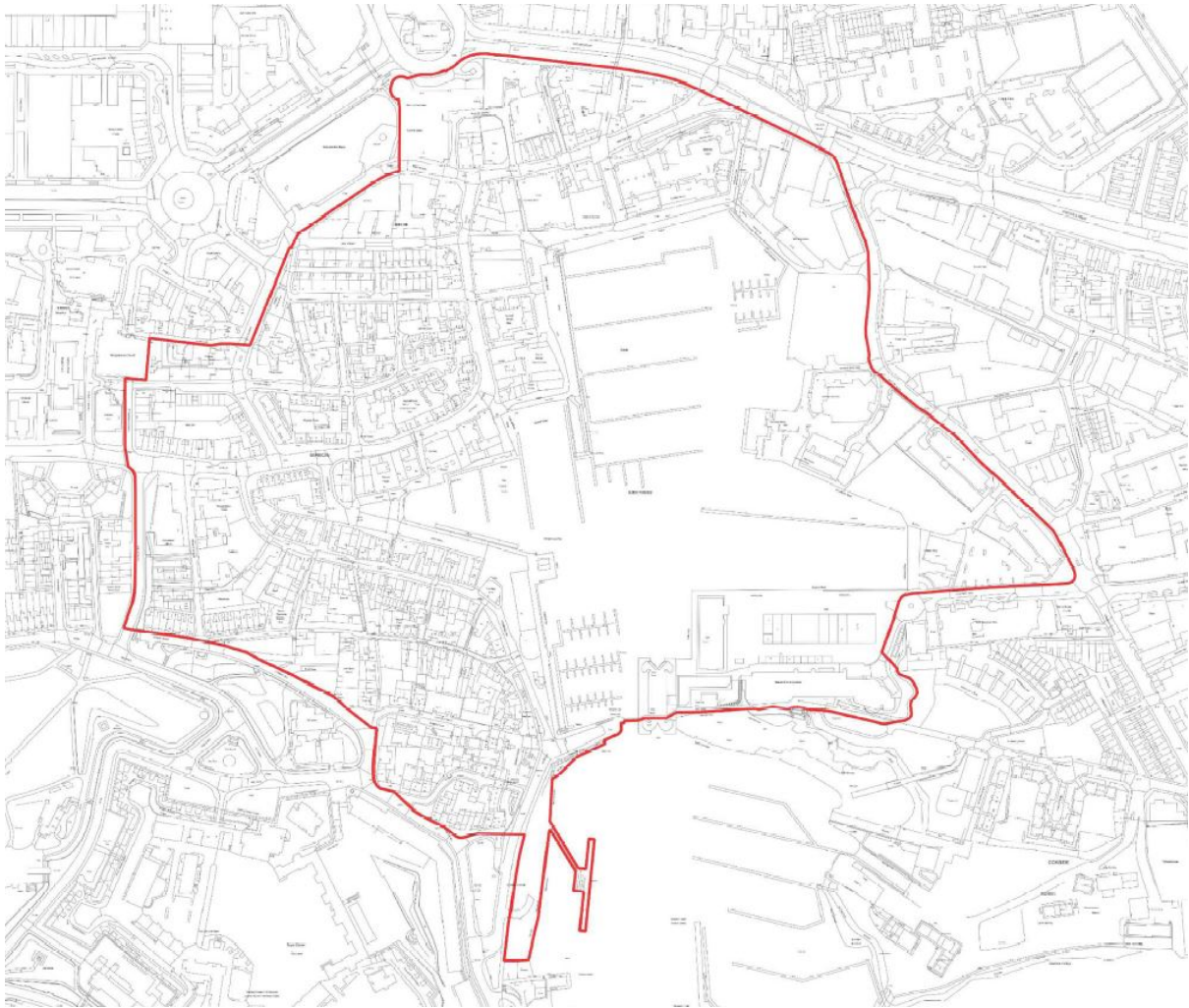
20:00 - 20:59	0	0	1	2	1	0	4
21:00 - 21:59	0	4	4	2	3	7	20
22:00 - 22:59	0	0	4	5	2	3	14
23:00 - 23:59	0	1	3	4	9	5	22
00:00 - 00:59	0	2	1	2	4	3	12
01:00 - 01:59	0	0	2	2	2	1	7
02:00 - 02:59	0	0	1	0	2	0	3
03:00 - 03:59	0	0	1	0	0	0	1
04:00 - 04:59	0	0	0	0	0	1	1
05:00 - 05:59	0	0	0	0	0	0	0
06:00 - 06:59	0	0	0	0	0	0	0
Total	0	12	20	29	33	25	119

UNION STREET ALL HOURS							
HR From	2013	2014	2015	2016	2017	2018	Total
07:00 - 07:59	7	10	5	0	0	1	23
08:00 - 08:59	0	4	5	1	4	1	15
09:00 - 09:59	0	4	4	2	2	4	16
10:00 - 10:59	1	4	2	2	4	3	16
11:00 - 11:59	2	4	2	5	5	3	21
12:00 - 12:59	1	12	3	4	14	2	36
13:00 - 13:59	0	4	7	8	14	2	35
14:00 - 14:59	3	2	8	26	9	3	51
15:00 - 15:59	1	7	17	22	10	4	61
16:00 - 16:59	0	6	4	8	11	6	35
17:00 - 17:59	0	12	10	13	7	9	51
18:00 - 18:59	1	9	3	5	5	2	25
19:00 - 19:59	2	7	14	13	8	8	52
20:00 - 20:59	2	12	16	14	8	11	63
21:00 - 21:59	7	12	11	7	10	5	52
22:00 - 22:59	0	13	22	24	17	15	91
23:00 - 23:59	10	35	26	31	29	26	157
00:00 - 00:59	21	67	49	55	41	40	273
01:00 - 01:59	21	72	73	39	66	49	320
02:00 - 02:59	17	78	81	63	48	52	339
03:00 - 03:59	14	63	60	38	50	47	272
04:00 - 04:59	7	49	40	21	26	11	154
05:00 - 05:59	5	29	27	18	14	12	105
06:00 - 06:59	1	10	9	7	9	3	39
Total	123	525	498	426	411	319	2302

## APPENDIX 5

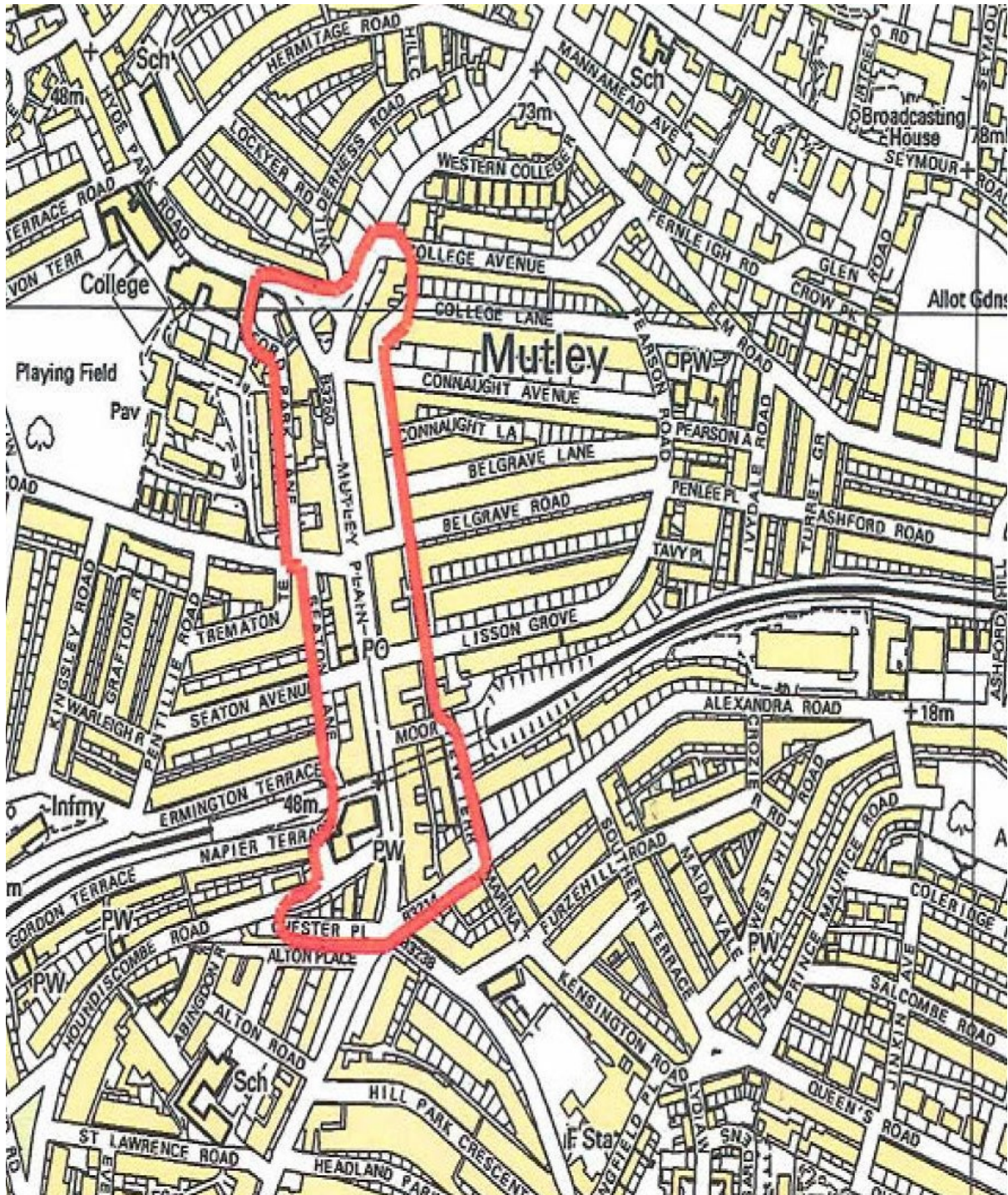
### Maps of Cumulative Impact Areas in Plymouth

**Barbican -**



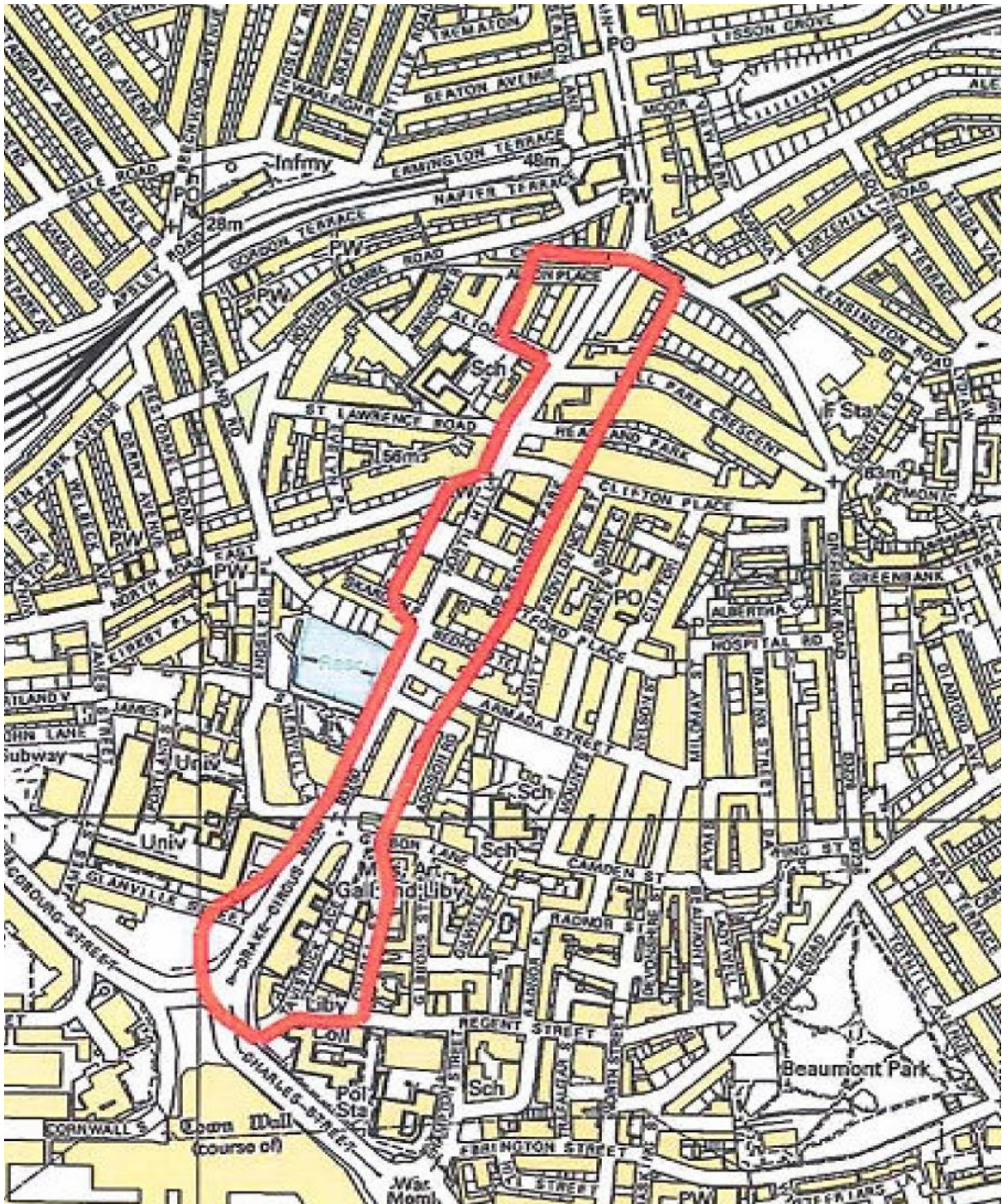
**Mutley Plain -**





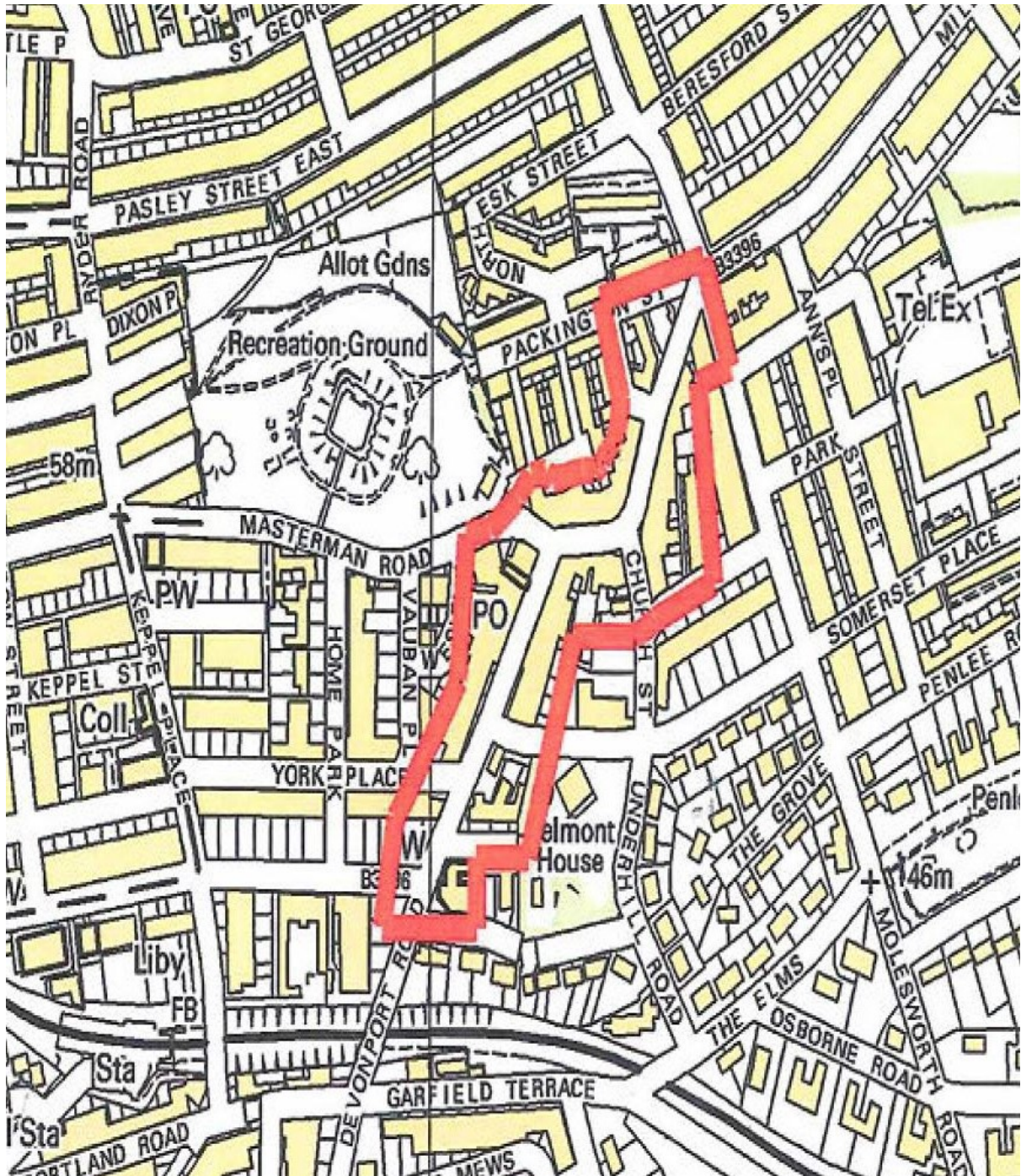
North Hill -





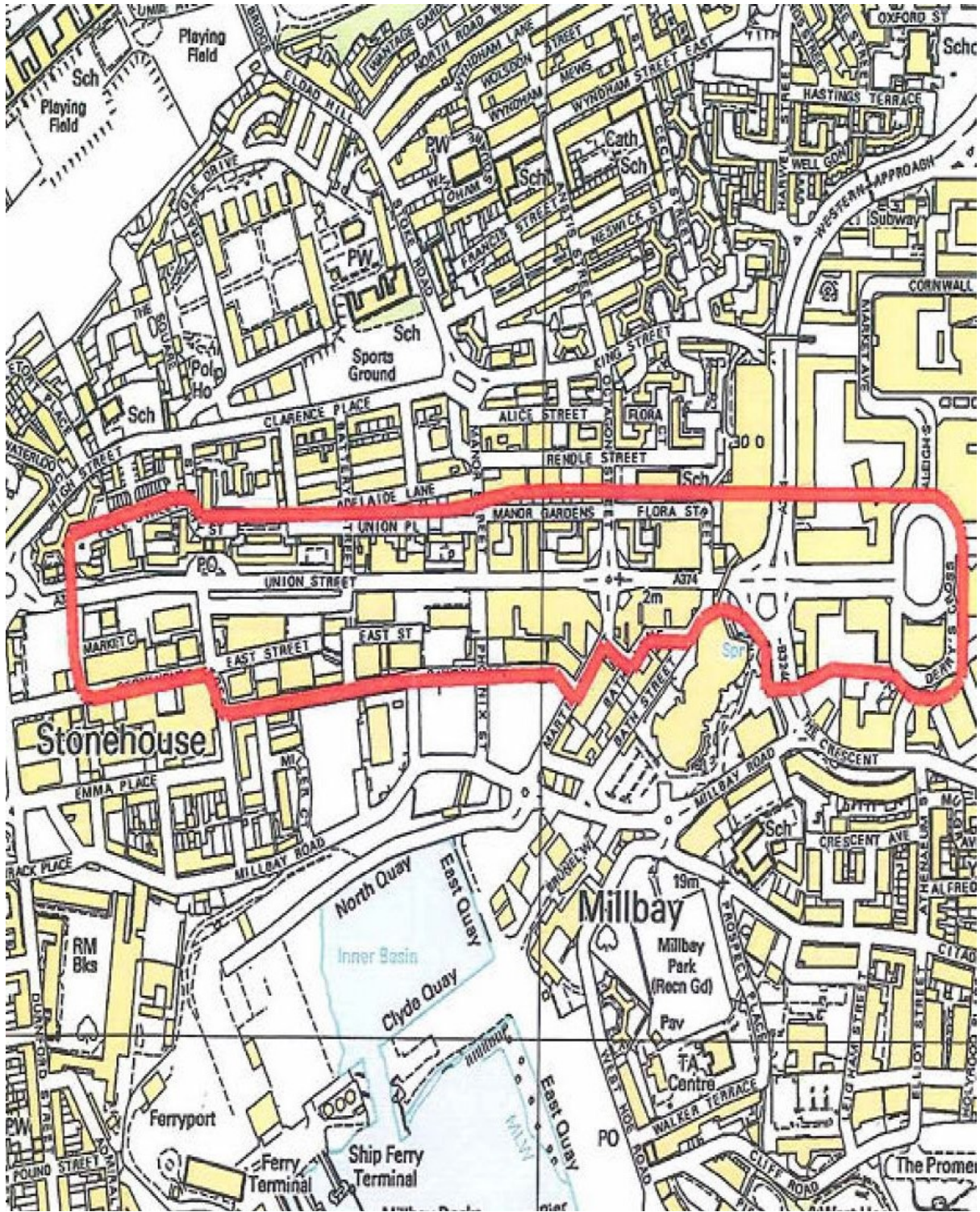
Stoke Village -





Union Street -





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## Appendix C: Response form a Large Pub Company

Comments from a pub company	Response
<p>XXXXXX is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.</p> <p>We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations. Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.</p> <p>Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.</p> <p>The XXXXXXXX Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used pub managers and team members.</p> <p>As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).</p> <p>We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.</p> <p>We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.</p> <p><b>This response is produced in relation to both the statement of licensing policy and cumulative impact assessment consultations. We would ask that it is read in relation to both documents as necessary.</b></p>	<p>Thank you for your response.</p>
<p><b>GENERAL MATTERS</b></p>	<p>Please see the list contained in Appendix 2</p>

**Integrating other guidance, policies, objectives and strategies**

We feel that this policy would benefit from a section in the General Matters referencing Integrating other guidance, policies, objectives and strategies into licensing decisions. Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area. Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike. Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city. We note a reference to 'Plymouth plan for plastics, later in the policy. We feel that this should be referenced in the general section too under the above heading.

page 40.

An additional paragraph has been included in the General Matters with regards to the Plymouth Plan for Plastics which states: Plymouth City Council expect businesses to review their plastic use and stop using where possible items such as plastic straws, stirrers, disposable cups, takeaway packaging, cutlery and cling film. Businesses should work with suppliers to find alternative packaging that is biodegradable and speak to their waste contractors to ensure they maximise their recycling.

**Planning**

We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by planning committee and vice versa. However, Licensing Officers regularly liaise with Planning Officers regarding operating hours and scheme designs. The Licensing Authority cannot prevent applicants requesting different times to their planning hours, however we always advise applicants that they must

	<p>ensure they do not breach their planning requirements. Applicants need to ensure they apply for the same hours as their planning permitted hours so as not to cause any unnecessary expense for themselves.</p>
<p><b>Safeguarding</b>  We are pleased to see reference to safeguarding (and the relevant appendix), given its relevance in relation to protection of children from harm in particular. We would, however, have concerns about licensing policy setting this out as a general matter. This can be viewed as setting a higher bar for premises seeking to vary a premises licence or apply for a new licence than for other premises (certainly if the authority were to seek imposition of conditions on licences specifically relating to safeguarding) without clarification on the point.  We would suggest that general safeguarding issues need to be addressed more broadly to ensure that the same essential advice is given to all leisure, retail and hospitality service providers across the board. Safeguarding is not a licensing objective per-se and any conditions or other requirements must address licensing objectives, not 'safeguarding' in general terms. It would assist if the above is made clear in the policy and at the beginning of the annex to avoid confusion.</p>	<p>The council expect all businesses to take measures regarding safeguarding and all licensed premises have an obligation to promote the licensing objectives.</p> <p>This has been included in our Gambling Policy and Taxi Licensing Policy and we continue to promote this message to all sectors through joint working with other agencies.</p>
<p><b>THE LICENSING OBJECTIVES</b>  <b>Prevention of Crime and Disorder</b>  The prevention of crime and disorder is one of the 4 licensing objectives and clearly a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.  Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.</p>	<p>Each case is considered separately and any evidence will be reviewed by Members of the Committee and their legal advisor to ensure it is appropriate.</p>

<p>For a city like Plymouth this is especially important given the close proximity of premises and the need to fairly differentiate between incidents that are directly related to the management of particular premises and those that are not.</p>	
<p><b>Prevention of Public Nuisance</b>  The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.</p>	<p>All claims of public nuisance are investigated by the department and appropriate action taken. If there is a private nuisance which is not associated with the premises, then no action would be taken against the premises. The policy explains what is meant by public nuisance and it is felt that explaining in detail may cause more confusion.</p>
<p><b>Protection of children from harm</b>  We note that you prefer challenge 25 policies and that this has changed from the previous policy where 'Challenge 21' was the preferred standard. Many premises operate Challenge 21 policies and have training and signage for this. To change it can be expensive and/ or time consuming. As such, we would suggest that the licensing authority would not expect responsible authorities to suggest a change to Challenge 25 where a premises is already trading with a different challenge policy, unless there have been identified risks to children at the specific premises.</p>	<p>This is only a preference and businesses can choose whatever scheme they wish. However, our Trading Standards Colleagues have found that the higher the challenge age, the less likely that underage sales occur. However, the wording has been amended slightly to 'a proof of age scheme such as Challenge 25'.</p>
<p><b>LICENSING CONDITIONS</b>  Whilst XXXXXX recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can</p>	<p>An additional paragraph has been included on page 9 stating 'The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any</p>

happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area. XXXXXXXX has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be sent the matter to a hearing. We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the

person who is drunk or is underage. (April 2018 Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences'.

Our Licensing Team and Council Members of the Licensing Committee ensure that conditions are only agreed that are necessary and proportionate.

objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

**LICENCE APPLICATIONS**

**Minor Variations**

We are pleased to see details about the minor variation procedure in your policy. However, we would suggest that a little more detail in terms of the bullets might assist in clarifying for both officers and applicants what might be considered a minor variation. We would propose that the following bullets are added to the list of what minor variations **can** be used for:

- Make changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

Bullet point one on page 24 covers minor changes to the structure or layout of a premises. Please refer to s.182 guidance points 8.62 to 8.65 which provides further information about minor variations.

The removal of conditions that are no longer relevant is already listed in bullet point three.

**CUMULATIVE IMPACT POLICY**

We note that your cumulative impact policy section makes no reference to cumulative impact assessments ('CIA's'). Appendix 1 does mention that policies need to be reviewed every 3 years, rather than the 5 for the policy itself, but has no reference to the change in legislation or the creation of CIA's now required by law.

We understand that there are occasions where CIP's provide a valuable tool to local authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving night time economy. XXXXXXXXXX as a promoter of entrepreneurship within our estate of leased pubs understands very well the challenges that small business operator's face when looking to enter a new market or adapt their offer.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight- especially in large city centres, such as Plymouth.

As such, we suggest that any CIP makes it clear that it will consider small, independent and/ or otherwise innovative applications both for new licences and variations to existing licences as being outside of the

On page 28, I have added the following paragraph:  
 Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018.  
 After publishing a CIA the licensing authority must consider, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

Since 1 April 2014, there have been a total of 32 applications for new premises or major

CIP. Such applications will still need to demonstrate that they do not undermine the objectives, but we would hope that adding something to this effect into the policy will stimulate and incentivise smaller operators to make applications. Whilst it may sound counter-productive for a pub company with licenses already granted in the area to support the growth of competition, we recognise that innovation and new operators stimulate the economy for established premises and can often lead to raising standards across the board. This can only be good in the long-term for everyone.

Existing cumulative impact policies need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. We are pleased to see that specific types of licence are identified as being particularly problematic in certain areas, rather than just applying the CIP policy to all licensed premises. This allows for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

variations in CIP areas, with only one being refused.

The policy (on page 27) states that “for new applications or applications to vary an existing premises licence or club premises certificate located within an existing cumulative impact area the Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours but will consider it on its own merits with regard to the individual characteristics of that premises and its impact on cumulative impact with that area”. This statement within the policy and the figures of applications granted within the CIP areas demonstrate that the Council has already been operating in the way you suggest.

**ENFORCEMENT**

We note that you have included reference to the council having adopted an 'Enforcement Policy'. We are pleased to see that this adopts the Regulator's Code. This is useful for all parties to licensing matters and recognises the important role that businesses play in local communities.

**OTHER MATTERS WE WOULD ASK YOU TO CONSIDER REFLECTING IN YOUR POLICY**

**On and Off-Sales**

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside a premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the

The definition of on and off sales is stated in the Licensing Act 2003 and the guidance gives examples of when off sales would apply (see para 8.35 of the guidance).

premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it".

**GDPR**

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV condition's to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.

Each business must ensure it complies with GDPR. The Policy does not require us to go into detail about another piece of legislation and may lead to confusion.



<p>Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.</p> <p>We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.</p>	
<p><b>Agent of Change</b></p> <p>Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.</p> <p>We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.</p>	<p>All complaints must be investigated and where a public nuisance has been witnessed then action must be taken to address this.</p> <p>The Licensing Officers work with businesses to ensure they fully understand their licensing conditions and are taking suitable measures to control any noise or other nuisance. This often involves no cost such as reducing the volume. All businesses should be able to operate with total sound containment. Once planning permission has been granted to a residential development then the surrounding area has changed not only for the residents but the commercial premises.</p>
<p><b>Tables and Chairs licences</b></p> <p>External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities. We would ask that your policy refers to any tables and chairs policy in place, with links to where application forms can be found on the council website etc. Whilst not strictly related to the Licensing Act 2003, the council policy document is a useful guide to licence holders and the more information that can be provided about ancillary matters, the more likely it is that licence holders and applicants will use this resource.</p>	<p>A link to the webpage for the application for a tables and chairs licence has been included on page 23.</p>

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## **Cabinet Minute No. 67**

### **Licensing Act 2003 – Statement of Licensing Policy**



**13 November 2018**

**Minute No. 67**

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety) introduced the Statement of Licensing Policy. Following a short debate Cabinet agreed to -

1. Recommend to the City Council that the draft Licensing Statement of Policy contained in Appendix A is adopted with effect from 31 March 2019.
2. Consider the evidence set out in Appendix B of this report and based on the concerns about crime and disorder:

Recommend to the City Council to retain the Special Policy on Cumulative Impact following Cumulative Impact Assessments for each of the following areas:

- Union Street (including Derry's Cross)
  - Barbican
  - North Hill
  - Mutley Plain
  - Stoke
3. Authorise officers to undertake a further Cumulative Impact Assessment consultation regarding the extension to the North Hill cumulative impact areas as recommended by Devon and Cornwall Police.

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