



#plymlicensing



**Oversight and Governance**

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Published 10 June 2019

## LICENSING COMMITTEE

Tuesday 18 June 2019  
10.00 am  
Council House, Plymouth

**Members:**

Councillor Rennie, Chair  
Councillor Hendy, Vice Chair  
Councillors Allen, Cook, Corvid, Deacon, Jordan, Morris, Parker-Delaz-Ajete, Mrs Pengelly, Riley, Singh, Rebecca Smith, Ms Watkin and Winter.

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

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**Tracey Lee**  
Chief Executive

# Licensing Committee

## Agenda

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

The Committee will be asked to note the appointment of the Chair and Vice Chair for the municipal year 2019/20.

### 2. Apologies

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

### 3. Declarations of Interest

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

### 4. Minutes

(Pages 1 - 14)

To confirm the minutes of the following meetings held on –

- Licensing Committee 4 December 2018
- Licensing Sub Committee 4 December 2018
- Licensing Sub Committee 22 January 2019
- Licensing Sub Committee 1 May 2019

### 5. Chair's Urgent Business

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

### 6. Delegated Decisions for Applications for the Grant/Variation of Premises Licences (Pages 15 - 18)

### 7. Licensing Activity Report 2018/19 (Pages 19 - 30)

## Licensing Committee

Tuesday 4 December 2018

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Cook, Corvid, Fletcher, K Foster, Hendy, Laing, Dr Mahony, R Smith and Winter.

Apologies for absence: Councillor Morris.

Also in attendance: Sharon Day (Lawyer), Rachael Hind (Licensing Service Manager), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.06 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.*

### 7. **Declarations of Interest**

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

### 8. **Minutes**

The Committee confirmed the following minutes:

#### Licensing Sub Committee:

- 26 June 2018
- 31 July 2018

#### Licensing Committee:

- 19 June 2018

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

There were no items of Chair's urgent business.

### 10. **Street Trading Report 2019 / 2020**

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Street Trading Report 2019/ 2020.

The following key points were highlighted to Members:

- (a) the consent fees were 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;
- (b) there was a freeze on the cost of the waterfront pitches in 2019/ 2020 to try and encourage new traders to the area;
- (c) work was being undertaken to increase the standard of food hygiene ratings in the city up to a minimum of a 3 star rating as well as ensuring ice cream traders to dispose of their waste water responsibly and reducing, where possible, single use plastic;
- (d) it was highlighted that all street trader applications were treated fairly and on an individual basis on their own merits.

Members agreed:

- 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 members;

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. the new Terms and Conditions for traders as set out in Appendix 2.

11. **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 officers worked to mediate out potential issues with grant/ variation licensing applications by way of facilitating mutual agreement between the applicant and responsible authorities or members of the public or by adding further conditions to the licence if required.

Members noted the update.

12. **Gambling Act 2005 - Statement of Licensing Policy**

Rachael Hind (Licensing Service Manager) provided Members with a presentation upon the Gambling Act 2005 – Statement of Policy.

The following key points were highlighted to Members:

- (a) it was a statutory requirement under s.349 of the Act to prepare a statement of principles every three years and to publish this statement;
- (b) the main changes to the Gambling Policy linked the following:
  - Application and Plans
  - Local Area Risk Assessments
  - Local Area Profiles (LAPs)
  - Enforcement
  - Protection of Children from harm – Challenge 25 policy
  - Safeguarding
- (c) responsible Gambling Week took place between 1-7 November 2018; a mystery shopper visited public houses, betting shops, adult gaming centres and bingo halls in Plymouth during this period. Six out of the nine public houses tested failed to challenge the mystery shopper or failed to stop them playing on a gambling machine despite challenging their age for the sale of alcohol. Eight premises (betting shops, AGC's and Bingo Halls) were also tested and four premises failed to challenge the mystery shopper or challenged them after the

playing of machines had started. Officers sent out letters to the premises involved with guidance on the Challenge 25 policy;

- (d) the Police's Licensing team, the Local Authority's Licensing team and Trading Standards were to continue to undertake test purchase operations in the future;
- (e) licences for the following activities are required when carried out as a business:
  - Selling animals as Pets
  - Breeding of Dogs
  - Cat Boarding
  - Kennel Boarding for Dogs
  - Home Boarding for Dogs
  - Day care boarding for dogs
  - Hiring out horse for riding/instruction in riding

Members discussed the following key areas –

- (f) the importance of testing large gambling chains as well as smaller premises; it was considered that larger chains could get complacent;
- (g) details surrounding supermarket alcohol purchasing; Members were advised that this information depended on the establishment's licence – details were published on the Council's website;
- (h) issues regarding animals being brought to Plymouth from abroad, how this was enforced and concerns with dog breeding and how this was monitored.

It was agreed that Rachel Hind (Licensing Service Manager) would advise Members when the Gambling Local Area Profiles would go live on the Council's website.

Members thanked Rachael for her attendance and noted the information contained within the presentation.

### 13. **Licensing Act 2003 - Statement of Licensing Policy**

Rachael Hind (Licensing Service Manager) provided Members with a presentation on the Licensing Act 2003 – Statement of Licensing Policy.

The following key points were highlighted to Members:

- (a) both the Licensing Policy and Gambling Policy were approved at Full Council in November 2018; the Licensing Policy comes into effect on the 31 March 2019 and the Gambling Policy comes into effect on the 31 January 2019.
- (b) the Licensing Act 2003 focused upon the promotion of the four licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm;

- (c) the Statement of Licensing Policy detailed how the Authority makes decisions and gives guidance to applicants. All responsible authorities are consulted and contribute to the licensing policy and this is updated every 5 years;
- (d) since April 2018, the new section 5A Licensing Act 2003 formalises Cumulative Impact Assessments. CIA's must be reviewed every 3 years;
- (e) main changes to the licensing policy include safeguarding, flyposting, plastics, alcohol harm mapping tool, cumulative impact assessment, healthier food provision and public nuisance;
- (f) The Alcohol Harm Mapping Tool was produced by Plymouth Public Health Team and could 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 full set of neighbourhood profiles was available on the PCC website.

In response to questions raised it was reported that –

- (g) Rachael would speak to the Police's Licensing department to highlight Members concerns that bar staff were continuing to serve alcohol to patrons who were already intoxicated;
- (h) it was noted that noise from patrons entering and leaving licensed premises continued to be an issue, particularly for elderly and vulnerable residents that lived in close proximity to clubs/ pubs etc.;
- (i) the student union was not included in the cumulative impact assessment on North Hill as the whole of the University Campus was already licensed;
- (j) references to flyposting in the licensing policy referred to flyposting linked to licensed premises; other reports of flyposting should be directed to environmental health.

Members thanked Rachael Hind (Licensing Service Manager) for her attendance and noted the update.

Under this item Rachel also informed Members that the Gambling Commission Area Manager had offered to do some specific Gambling Training in the new year for all Members – Members would be informed of the date and time accordingly.

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**Licensing Sub Committee**

**Tuesday 4 December 2018**

**PRESENT:**

Councillor Rennie, in the Chair.  
Councillor Dr Mahony, Vice Chair.  
Councillors Cook (fourth member) and Hendy.

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

The meeting started at 11.15 am and finished at 11.35 am.

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

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

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

2. **Declarations of Interest**

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

3. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

4. **Grant of Premises Licence - City Grill, 130 Cornwall Street, Plymouth**

Members were advised that the applicant had not arrived at the Council House and that several attempts had been made to contact him and his agent.

Members, having adjourned until 11.35am to allow for the applicant to arrive, agreed to adjourn the application until 22 January 2019 Licensing Sub Committee.

5. **Exempt Business**

There were no items of exempt business.

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## Licensing Sub Committee

Tuesday 22 January 2019

### PRESENT:

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

Also in attendance: Catherine Fox (Legal Officer), Helen Prendergast (Democratic Advisor) and Fred Prout (Licensing Officer).

The meeting started at 10.00 am and finished at 10.55 am.

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

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

Agreed that Councillor Rennie is appointed as Chair and Councillor Dr Mahony as Vice Chair for this particular meeting.

### 7. **Declarations of Interest**

There were no declarations of interest made by Councillors, in accordance with the code of conduct.

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

There were no items of Chair's urgent business.

### 9. **Grant of Premises Licence - City Grill, 130 Cornwall Street, Plymouth**

At 10am Members were advised that the applicant had not arrived at the Council House.

The Licensing Officer confirmed that following the adjournment of the hearing on 4 December 2018, he had visited the City Grill and had spoken to the applicant. He had stated that his agent had not notified him of that hearing. He was using an agent, as whilst his spoken English was good, he could not read it well. The Licensing Officer confirmed that he verbally advised the applicant of the adjournment and the time and date of today's hearing. The Licensing Officer had also notified in writing both the applicant and the agent of the date and time of today's hearing.

The Committee allowed a further five minutes for the applicant to attend.

Following a check of the building and confirming that the applicant had still not attended, the Committee determined that today's hearing, having been adjourned once to allow for the applicant's attendance, should proceed in the applicant's absence.

The Committee –

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

the applicant had submitted an application for a premises licence and had applied to be permitted to carry out the following licensable activities -

- late night refreshment by delivery only Sunday to Thursday 11pm to 3am and Friday to Saturday 11pm to 5am;
  - the time the premises would be open to the public midday to 11pm;
- (c) representations from responsible authorities: there were no representations from the responsible authorities;
  - (d) considered the following written and oral representations of the interested parties under the following licensing objectives -

the prevention of public nuisance -

- noise disturbance – the local residents were a mixed community, many of whom were elderly and some young families with babies. They were concerned that, should the application be granted, they would have their sleep time disturbed throughout the night by noise nuisance in the form of
  - 
  - (1) engines for the delivery vehicles starting and stopping and doors opening and closing at the rear of the premises which was close to their flats and windows;
  - (2) noise from staff taking their breaks in the rear of the courtyard which backed on to the flats. There was a heavy safety door which made a lot of noise when it opened and shut. This back door was the one point of access for delivery and staff breaks. Noise within this rear yard echoed with the proximity of the tower block behind;

- (3) at night time, without the background noise of daytime activities, the noise of cooking and washing up would be very prominent;
- (4) it was not felt that a condition to prevent use of the rear yard would be a workable option, as the business would need to use the front door and this could lead to members of the public being drawn to the premises in the belief that it was open;
- (5) all of the above points concerned additional noise that was not currently there.

These points were all considered to be relevant under this licensing objective.

(e) nuisance from smells -

- (1) the residents all appreciated that they live in the city centre and there were restaurants and cafes around them which trade until approximately 10.30am to 11pm each day from which cooking smells emitted from;
- (2) the age and design of the buildings resulted in these smells permeating into their individual homes. The interested party confirmed he had visited residents when the kitchens were operating and he could smell frying meat;
- (3) the extractor fans sent the smells out at a low level into the rear yard which then impacted the homes overlooking that yard;
- (4) currently, after 11pm there were no smells. Should this application be granted then the residents would have cooking smells including smells from fat and meat throughout most of the night as well. This would impact negatively on their ability to sleep and to have their windows open at night.

These points were considered to be relevant under this licensing objective.

The Committee had taken into account all the relevant representations.

It had considered the statutory guidance and its own licensing policy.

The Committee considered that the action detailed below was appropriate and proportionate to promote the licensing objectives, in light of the relevant representations and the failure of the applicant to attend on either the original hearing date of 4 December 2018 and the adjourned hearing today.

Members could not be satisfied that the management structures of the business would be able to take appropriate action to abate any possible nuisance from either noise or smells, as the application was silent on this point. The applicant had not taken the opportunity to attend at this hearing to explain his working practices and procedures and how any potential for nuisance from noise and/or smell could be abated. The Members considered that there was a high likelihood of nuisance from noise and/or smell occurring at antisocial hours disturbing the sleep of residents many of whom were vulnerable adults given their age.

The Committee –

- (1) did not consider that the proposed additional conditions included at appendix 3 to the application would be sufficient to abate any nuisance from noise or smell;
- (2) considered whether there were any additional conditions or variations to those conditions contained at appendix 3 that would offer sufficient abatement of nuisance from noise or smell. It did not believe there were any such conditions or variations to abate the nuisance.
- (3) considered whether there were any variations to the proposed operating hours as applied for that would abate nuisance from noise and smell to an acceptable level. It did not believe any variations would abate the potential for nuisance.

The Committee agreed to refuse the application for the grant of a Premises Licence for the City Grill.

10. **Exempt Business**

There were no items of exempt business.

## Licensing Sub Committee

Wednesday 1 May 2019

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Parker-Delaz-Ajete, Vice Chair.  
Councillors Corvid (Fourth Member) and Fletcher.

Also in attendance: Catherine Fox (Lawyer), Frederick Prout (Senior Licensing Officer), Will Tomkins (Environmental Health Officer), Cheryl Couling (Building Control Officer), Chris Maslen (Building Control Officer) and Amelia Boulter (Democratic Advisor).

The meeting started at 10.00 am and finished at 10.24 am.

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

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

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

12. **Declarations of Interest**

There were no declarations of interest.

13. **Chair's Urgent Business**

There were no items of Chair's urgent business.

14. **Temporary Event Notice - Plymouth Albion Rugby Football Club - 25 Damerel Close, Plymouth, PL1 4NE**

Mr Nicholls on behalf of Ms Eleanor Venables, Plymouth Albion Rugby Club informed the Committee that the Temporary Events Notice for the Outdoor Cinema and Boxing event had been withdrawn.

15. **Exempt Business**

There were no items of exempt business.

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**DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT /  
VARIATION OF PREMISES LICENCES**

Licensing Committee



Date: 18 June 2019

Title of Report: **Delegated Decisions for Applications for the Grant/Variation of Premises Licences**

Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)

Lead Strategic Director: Ruth Harrell, Director of Public Health

Author: Fred Prout (Senior Licensing Officer)

Contact Email: frederick.prout@plymouth.gov.uk

Your Reference: ERS/LIC/PREM

Key Decision: No

Confidentiality: Part I - Official

**Purpose of 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.

**Recommendations and Reasons**

That Members consider this report and note its contents

**Alternative options considered and rejected**

Not applicable

**Relevance to the Corporate Plan and/or the Plymouth 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](#)

**Implications for the Medium Term Financial Plan and Resource Implications:**

Not applicable.

**Carbon Footprint (Environmental) Implications:**

Not applicable.

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

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.

**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							
B	Equalities Impact Assessment (if applicable)							

**Background papers:**

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

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Originating Senior Leadership Team member: Rob Nelder (Consultant Public Health Intelligence)											
Please confirm the Strategic Director has agreed the report? Yes											
Date agreed: 08/06/2019											

Cabinet Member signature of approval: Councillor Haydon (by email 10 June 2019)[electronic signature

Date: 10/06/2019

## I. 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 Parkway Football Club	Manadon
Royal William Yard	Stonehouse
Morley Arms	Plymstock
Manadon Masonic Hall	Crownhill

### 2.2 *Devon & Cornwall Police*

Twist	City Centre
Morley Arms	Plymstock
Climbing Hangar	Burrington
Bon Appetit	Union Street
Twist	

### 2.3 *Licensing Authority*

The Range	Derriford
Plymouth Parkway Football Club	Manadon
The Range	Plymstock
Kukala (Now R & R)	Union Street
Manadon Masonic Hall	Crownhill

## 3.0 CONSIDERATIONS

- 3.1 Paragraph 9.31 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.

- 3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 01 November 2018 until 30 April 2019 and this report is submitted for the information of the committee.

**LICENSING ACTIVITY REPORT 2018/19**

Licensing Committee



Date: 18 June 2019

Title of Report: **Licensing Activity Report 2018/19**

Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)

Lead Strategic Director: Ruth Harrell, Director of Public Health

Author: Rachael Hind (Service Manager)

Contact Email: Rachael.hind@plymouth.gov.uk

Your Reference: RH/LIC/1819

Key Decision: No

Confidentiality: Part I - Official

**Purpose of Report**

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

**Recommendations and Reasons**

That members consider this report and note its contents

**Alternative options considered and rejected**

Not applicable

**Relevance to the Corporate Plan and/or the Plymouth Plan**

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

**1. Growing Plymouth**

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

**2. Caring Plymouth**

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

**Implications for the Medium Term Financial Plan and Resource Implications:**

Not applicable.

**Carbon Footprint (Environmental) Implications:**

Not applicable.

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

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

**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							
B	Equalities Impact Assessment							

**Background papers:**

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

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Originating Senior Leadership Team member: Rob Nelder (Consultant Public Health Intelligence)

Please confirm the Strategic Director has agreed the report? Yes

Date agreed: 07/06/2019

Cabinet Member signature of approval: Councillor Haydon (Email 9 June 2019)

Date: 09/06/2019

## Enforcement Activity Report

### I. Introduction

I.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2018 to the 31 March 2019. The team received approximately 2316 licensing applications in 2018/2019 covering the following areas:

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

### 2. Licensing Act 2003

2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During 2018/19, Officers processed the following number of applications:

Licence Type	2016/2017	2017/18	01/04/18 – 31/03/19
Licensing applications, transfers and variations etc.	503	464 (plus 216 suspensions)	463 (plus 167 suspensions)
New Personal licences	224	139	129 + 145 Change of address applications
TEN's	400	436	411

- 2.2 Responsible authorities continue to submit formal representations in respect of licensing applications. In the majority of cases the applicant will agree with the advice given, thereby allowing them to be mediated out. Members receive regular updates of all the mediated applications by way of a report.
- 2.3 300 Licensing Inspections were completed between 1 April 18 and 31 March 2019 and 52 Licensing Act applications required representations from Environmental Health and Trading Standards.
- 2.4 The Licensing Sub-Committee undertook the following activities:

	2014/15	2015/16	2016/17	2017/18	2018/19
Applications or Variations	11	6	8	7	8
Review of premises licences	3	2	1	4	0
Expedited review applications	0	0	1	1	0

**3. Licensing Act Policy**

- 3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Policy was last approved on 31 March 2019. The Cumulative Impact Assessments were also updated and these will be required to be reviewed every three years. Following Full Council in November 2018, the Licensing Police have reviewed the Cumulative Impact Assessment for the North Hill Area as there was a possibility that a small extension was required to cover an area, were information and intelligence received over the previous two years identified that venues within a proposed expanded area were having a negative impact on the licensing objectives of preventing crime and disorder, public nuisance and public safety.

The Police spent three months between December 18 and February 19 inclusive looking at incidents, both in this expanded area and the existing area to monitor the effects on these licensing objectives.

The Police concluded that there appears to have been a significant change to one of the venues within the proposed extended area. They are not open as often and are not operating into the early hours as they had previously been. As a result, there has been a significant drop in the perceived linked anti-social behaviour, crime and disorder which was impacting on the existing CIA. It appears that intervention from the licensing officers into this venue (coupled with economic issues) and intervention with another venue have had a significant effect on the previously perceived impact.

As a result of these findings, the Police have advised that the proposed extension to the North Hill CIA is withdrawn on the grounds that there is no statistical data or anecdotal evidence to support it.

**3.2 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 and the prevention of crime and disorder objective.



Since the introduction of the new licensing policy which has included the Council’s expectation of licence holders to be responsible and ensure that any advertising of licensable activities does not cause nuisance or give rise to crime and disorder. All evening and night time economy premises who hold music events in the City have been written to and have been advised of the updated licensing policy and the Council’s expectations regarding their duties for advertising their events. We will continue to liaise with Environmental Protection to ensure fly posting in the City is addressed and take any necessary action against licensed premises.

**4.0 Public Safety and Public Nuisance**

- 4.1 During 2018/19, 111 formal noise complaints were registered against licensed premises, which is slightly higher than last year.
- 4.2 Environmental Health Officers continue to use an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly without the need for further formal action. In most cases the complaint can be resolved by way of an action plan or minor variation with the agreement of the licensee.

No premises licences were reviewed in this financial year.

- 4.3 The out of hours noise service, staffed on a voluntary basis, continues to operate between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving domestic and licensed premises. Proactive licensing visits and inspections of licensed premises are also conducted at these times and specific visits outside of these hours can be made by arrangement where necessary.

The calls regarding licensed premises have dropped substantially in the last two years.

	2016/2017	2017/18	2018/19
Total Calls to Service (Domestic & Licensing)	305	199	116
Calls Relating to Licensed Premises	86	47	29

Officers ensure any public nuisance issues are addressed as quickly as possible and work with the licensed premises to ensure action plans are put in place to reduce the impact to local residents. The Evening and night time economy is changing yearly and there has been an increase in food led businesses which has reduced the late night complaints. Bars are also opening later offering food and non-alcoholic drinks so this may have assisted with the public nuisance complaints in the early hours.

**5. Protection of Children from harm**

- 5.1 The Police and Trading standards continue to try and reduce the access to alcohol, from on and off-licences to young people by means of neighbourhood interventions and advice to retailers.

5.2 Licensing Officers and Trading Standards Officers carried out a joint mystery shopper exercise of the public houses, betting shops, adult gaming centres and bingo halls in November 2018. 67% of public houses failed to challenge the mystery shopper or failed to stop them playing a gaming machine after challenging their age for the sale of alcohol.

50% of gambling premises failed to challenge the mystery shopper or only challenged after the playing of the machines had started. Letters with guidance were sent to the premises that were tested and an advice letter was sent to all businesses highlighting the findings of the mystery shopping exercise. A formal test purchase has been arranged.

Trading Standards also carried out a test purchase of five off licences and one business failed and was given a formal warning.

5.3 Businesses are supported to minimize the potential for under age sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to the regional under age sales web based toolkit 'No Proof of Age No Sale (NPOANS) for their staff and were all written to following the recent test purchase reminding them of this training tool.

## 6. Gambling Policy

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

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

6.2 The Councils Gambling Licensing Policy was republished in January 2019.

6.3 The Fixed Odds Betting Terminal maximum stake was reduced from £100 to £2 on 1 April 2019.

The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 were approved on 18 December 2018 and came into force on 1 April 2019 to change the current stake and prize limits.

## 7. Sex Establishments

7.1 There are currently one lap dancing club and one sex shop licensed with Plymouth City Council.

## 8. Scrap Metal Dealers

8.1 We have also taken part in two joint Operations during the year with other agencies including the Police and Environment Agency to check scrap metal collectors are compliant. From these operations one premises have applied and been issued with a Scrap Metal Dealers site licence and two individuals have been applied and issued Scrap metal dealers collectors licences.

Intelligence gained of persons operating has shown there is a link to persons Fly Tipping and there is ongoing work with the EP team to address both areas of Fly Tipping and non-compliance.

## **9. Partnership Working**

- 9.1 The responsible authorities meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.
- 9.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.
- 9.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 9.4 The Licensing Team and Police continue to support Pubwatch schemes and are a member of the Best bar None Steering Group. Additional time is now being devoted to multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.
- 9.5 The Licensing Team are members of Safer Plymouth and the Evening and Night Time Economy Group (ENTE) and Alcohol Harm Reduction Subgroup. The group have been successful in their application for the Purple Flag Award, which will be officially presented to Plymouth in London on Wednesday 26 June 2019. The Purple Flag is similar to the Blue Flag for beaches and is given to cities and towns or surpass the standards of excellence in managing its evening and night time economy. It aims to raise the standard of safety and broaden the appeal of city centres between the hours of 5pm and 5am. It will help raise the profile of Plymouth and businesses will be able to use the logo to encourage visitors to the City.

Areas awarded the purple flag are recognised as providing a vibrant and diverse mixture of entertainment and culture, whilst promoting the safety and wellbeing of visitors and residents.

The assessors have commented that our application was one of the best they have received and we have also been nominated for three awards which is unusual for a new applicant. Plymouth are the first new area to be put forward by the panel as a finalist in the new Jim Ratchford award in outstanding contribution to safety and diversity within the Night time Economy.

The nominations are for a Wellbeing; Movement and the Jim Ratchford Award for Outstanding Contribution to Safety & Diversity in the Night Time Economy. The winner will be announced at the awards evening for all the new awards

The panel were very impressed that all taxis operating in the city had undergone safeguarding training and this will be fed back to the trade.

## **10. Plymouth Event Safety Advisory Group (PESG)**

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

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

Five large scale events were requested to attend the group last year so that their event safety management plans could be reviewed and discussed with all agencies.

## **11. Work Initiatives for 2019/20**

- 11.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE.
- 11.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.
- 11.3 Significant areas of work will be:
  - Continue our joint working to detect, deter and disrupt modern slavery and exploitation
  - Continue the joint working with the Police to reduce hate crime
  - Continue to promote the voluntary reducing the strength campaign
  - Undertake a programme of alcohol and gambling test purchasing operations
  - Pilot training on safeguarding for licensed premises with the Best Bar None establishments
  - Publish the local area gambling profiles
  - Audit all gambling risk assessments against the new gambling profiles
  - Safeguarding training for gambling establishments to be arranged
  - Meet with the Gambling Establishments to discuss setting up a Betwatch Scheme in Plymouth
  - Ongoing training of the additional Taxi Marshalls that have been appointed to assist with the ENTE.
  - Chair the Event Safety Advisory Group and attend the ENTE and Alcohol Harm Reduction Sub Group and assist the group with maintaining the Purple Flag Award for the City.
  - Support Best Bar None and Pubwatch.

## **12. Conclusion**

- 12.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and night time economy throughout 2018/19. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.

**13. Police Licensing Activity Report**

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

## **POLICE LICENSING REPORT APRIL 2018 - April 2019**

In response to your request, the Devon and Cornwall Police alcohol licensing department can provide you with the following details regarding our activities over the last twelve months.

We have dealt with –

- 25 applications to grant Premises Licence and negotiated appropriate conditions with each. 1 of these was withdrawn
- 41 applications to transfer premises licences
- 14 variations of Premises Licences
- 31 minor variation, of which 2 were withdrawn following negotiations
- 1 variation of Club Premises certificate
- 24 variations of DPS
- 289 Temporary Event Notices, of which 6 were withdrawn following negotiations
- 109 Late Temporary Event Notices, of which 7 were rejected
- 1 prosecution of a DPS (Cautioned) when their CCTV was identified as not working for some considerable time after it impacted the investigation of a criminal case.

This summary indicates a decrease in applications for new Premises Licences and a slight increase in Temporary Event Notices. There has been a decrease in the number of Late Temporary Event Notices applied for which indicates that the combined message from Plymouth City Council and the Police Alcohol Licensing department may be having an effect.

There have been no instances where we have appeared before the Plymouth City Licensing Committee for the purpose of reviewing any premises licenses or applications as all concerns have been dealt with through negotiation.

We have dealt with a number of premises where concerns have been raised and through intervention at an early stage and the insistence of a formulated action plan from the DPS, changes have been made to the venues, which have removed those concerns.

We are actively engaged in effectively working in partnership with Plymouth Pubwatch and Best Bar None. This year, we have worked to help develop a Barbican Pubwatch, which helped to develop the team working between venues leading to successful bank holiday events in the area. Through this partnership working, we have a very good method of communicating with many venues and regularly pass useful information to the venues through this conduit.

The Police Alcohol Licensing department worked in partnership with Best Bar None and this positive working relationship was highlighted when Plymouth's Best Bar None scheme received the Best National Scheme award at the House of Lords in February, for an unprecedented second year in a row.

Our partnership working involved using the various agencies to work together allowed us along with Best Bar None to put in an application and undertake a successful assessment in order to be awarded the prestigious Purple Flag award for the city. This identifies Plymouth as having a safe, vibrant and diverse ENTE and is a great benefit to the city for marketing purposes and clearly identifies the excellent partnership working. The main architects behind this were ourselves, Cat McDonald from Best Bar None and Rachael Hind from the Local Authority Licensing department. Not only has Plymouth been awarded the Purple Flag award, but has also been shortlisted as a national finalist in three categories, namely Wellbeing, Movement and Diversity & Safety.

We have actively engaged in working with door supervision companies and have developed and delivered a number of communication and conflict management training sessions free of charge, which have been well received by the companies.

We regularly review CCTV evidence of interactions with door staff and the vast majority of cases show very good conflict management and resolution. There have been a small number of incidents involving door staff where inappropriate force has been used and has led to suspensions and revocations of SIA licenses through our good working relationship with the SIA.

With the increase in knife crime around the country, we have worked with Door Supervisor companies, Best Bar None and Pubwatch to identify an effective metal detector at a reasonable price. These have been used successfully to deter the carrying of knives, with some examples being evident and is now being rolled out across many of the late night venues in the city.

Further training has been delivered by ourselves around the Ask for Angela campaign in conjunction with Best Bar None. There is an interest from large employers within the city, such as Plymouth City Bus in taking up the scheme, which we would be happy to deliver. There are a number of examples of this scheme in operation, as well as the general increase in awareness for door staff and bar staff around vulnerability, which is evident in the ENTE.

There was a trial throughout the summer and December in using taxi marshalls in Derrys Cross and Union Street on weekends. In the 3 summer months, marshalls dealt with over 30,000 customers and quite clearly prevented a number of disorderly incidents and possible serious sexual offences. There has been positive responses from customers, the licensing community and taxi drivers, who feel more inclined to stop there and this has helped dispersal. The trial is due to be repeated again this year from July-September and in December.

The successful implementation of the Safe Bus has also sent a message out to the ENTE users and has been well-received. A multi-agency supported resource, it offers a safe haven for users and the support of the Fire Service and St John's Ambulance as well as the police has kept running costs to a minimum at the moment. The safe Bus is used on weekends from July-October and December.

We continue, where possible, to develop the Reducing the Alcohol Campaign in the city. All off-licence new applications or variations will be offered guidance on the scheme and strongly encouraged to take it up.

There have been issues with street drinkers in the city and we are working with neighbourhood policing to target the individuals and also the venues who are supplying them.

This is an ongoing operation and due to the seasonal migration of the individuals, the collation of data around single venues is more difficult to maintain.

Major events, such as Ocean City Sounds, have been run successfully and there is very good partnership working between ourselves and the City Council's events planning and licensing departments. Many concerns around these events are addressed at early stages thanks to this working relationship and these events have run without incident.

The World Cup operation undertaken within Plymouth was extremely successful. After one minor incident after the first England game, robust but low key dispersal plans were put in place around the major venues showing the matches and these worked extremely well, with minimal visible police involvement, but we were present as a department. Overall, throughout the World Cup itself, there was only one arrest in the ENTE area linked to an England game, which was exceptional in comparison to other cities around the country and region. The engagement and communication between ourselves and the licensing community no doubt had a significant impact on this.

We were also able to assist in the successful last-minute event at Home Park in the screening of the England World Cup Semi-Final thanks to a concerted effort between PAFC, Plymouth City Council Licensing department and ourselves.

Our continued involvement with the University of Plymouth has benefitted their events and also helped to promote Plymouth as a safer city and destination for potential students. We have been working with the Student Union who are going to trial a student street welfare patrol from September. Marjon University is also now liaising with us to develop their capabilities around licensing issues and vulnerability.

We are currently in the process of running a drink spiking trial, which is being monitored, both on a force level and a national level. This is a 3 month trial which utilises drink testing kits in venues and urine testing kits in police cars. There is a working practice which venues and officers follow in order to protect any potential victims and evidence if there are indications of such offences. A report will be circulated after the trial with its conclusions.

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police