

## Licensing Committee

Tuesday 8 December 2020

### PRESENT:

Councillor Rennie, in the Chair.

Councillor Hendy, Vice Chair.

Councillors Allen, Mrs Bridgeman, Corvid, Goslin, Jordan, Kelly, Morris, Parker-Delaz-Ajete, Mrs Pengelly, Rebecca Smith and Winter.

Apology for absence: Councillor Wigens.

Also in attendance: Ann Gillbanks (Senior Lawyer), Rachael Hind (Senior Manager), David Moore (Licensing Sergeant), Marie Price (Enforcement Officer) and Helen Prendergast (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.11 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. **Declarations of Interest**

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

#### 2. **Minutes**

The Committee agreed that the following minutes were a correct record –

(1) Licensing Committee -

- 3 December 2019;

(2) Licensing Sub Committee -

- 19 November 2019;
- 17 December 2019;
- 7 January 2020;
- 4 February 2020;
- 17 March 2020;
- 12 May 2020;
- 24 July 2020;
- 18 August 2020;
- 29 September 2020.

3. **Chair's Urgent Business**

There were no items of Chair's urgent business.

4. **Street Trading 2021/22**

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Street Trading report 2021/22 which sought to set the process for the issuing and terms and conditions of consents for the 2021/22 trading year. The following key points were highlighted -

- (a) the consent fees were adjusted in 2020/21 by 1.5% and for the year 2021/22 it was proposed that the consent fees were not increased for any Street Trading sites; this was due to the Covid-19 pandemic and the financial pressures being placed on existing street traders during the 2020/21 trading year, together with the decrease in footfall in the city centre;
- (b) as the current situation with the pandemic was constantly changing it was considered that the 2021/22 trading year would be less about income and more about supporting the high street and traders in the recovery process; in addition to this, three street traders had recently been lost and by maintaining static fees, it was hoped that this would encourage new street traders to apply for trade in the city centre;
- (c) during the 2021/22 trading year, work on New George Street and Old Town Street would be started by both Plymouth City Council and British Land; this would result in the probable temporary displacement of two of the current street traders and possible impact on others; during this period it was proposed to investigate temporary sites for displaced traders and also for new static and roaming pitches within the city centre to add vibrancy and new traders to the high street; the proposed pitches would be submitted to the Committee early in 2021 when the plans for the work had been confirmed;
- (d) during the summer of 2020 'the pub on the piazza' event had taken place on the main piazza with paying concessions and the opportunity for pop-up traders; it was proposed to hold a similar event in 2021.

The main areas of questions from the Committee included –

- (e) whether –
  - consideration had been given to freezing the fees for 2021/22 due to the impact of the pandemic on the street traders;
  - the Council's policy for new pitches was too prescriptive and whether this should include street food and not just ice cream traders;
  - consideration had been given to reducing the fees in order to encourage a greater take up of pitches and therefore generate higher revenue;

- consideration had been given to providing street traders with incentives;
  - progress had been made on investigating the cost of installing electrical hook up points;
- (f) sought clarification -
- as to how the vacant sites were advertised (eg in trade magazines) and the need during quieter times for promotional work to take place on the piazza;
  - on the difference between ad hoc street trading and roaming sites;
  - on how many pitches were available and how many were currently vacant;
  - on whether the application form for street trading sites included whether the vehicle was compatible with an electric hook up;
  - on whether other forms of energy had been considered such as purpose built vans using solar panels to generate electricity.

The Committee agreed –

- (1) the consent dates for 2021/22 of 1 April 2021 to 31 March 2022;
- (2) the consent fees set out in 'Appendix A' of this report for 2021/22;
- (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;
- (4) the Service Director for Economic Development has delegated authority to approve within the 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;

- (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;
- (10) for the Hoe and Madeira Road Waterfront trading sites the Licensing Committee delegate approval to the Licensing Sub Committee for all new applications;
- (11) to approve investigation of new street trading sites and possible roaming sites in the light of the upcoming public realm and British Land works to New George Street and Old Town Street and report findings back to this Committee;
- (12) to approve the proposal for an alfresco dining experience for short-term traders on the piazza during the summer months.

#### 5. **Licensing Activity Report 2019/20**

David Moore (Licensing Sergeant) and Rachael Hind (Service Manager) presented the licensing activity report 2019/20. The report had been compiled to provide the Licensing Committee with an overview of the various aspects of the work undertaken by agencies involved in regulating the licensing regimes within the remit of this Committee.

David Moore (Licensing Sergeant) highlighted the following key areas –

- (a) the excellent partnership working had been identified through the prestigious Purple Flag award for the city; this identified Plymouth as having a safe, vibrant and diverse evening and night time economy and was a great benefit to the city for marketing purposes; this was highlighted nationally when Plymouth Purple Flag application was awarded a national award for Best Wellbeing, whilst being runner-up for the Best Movement and the Best Diversity and Safety awards; to be shortlisted for so many awards as a new scheme was unprecedented;
- (b) one venue had been subject to a Licensing Sub Committee review at which it had its licence suspended for three months, after numerous incidents of disorder had been linked to the area due to an increase in street drinking; this venue had taken the decision not to sell alcohol in the future;
- (c) a venue which had been part of a multi-agency operation had a large amount of suspect tobacco and alcohol products which had been seized; this venue had also been subject to a Licensing Sub Committee review at which it had its licence revoked;

- (d) a venue which had failed to adapt its management accordingly following a number of interventions, continued to have incidents occurring at the venue; the premises had been issued with a s.76 Policing, Crime and Anti-Social Behaviour Act 2014 notice which closed the premises for 24 hours (this was further extended to 48 hours); following the presentation of evidence to the Magistrates Court a s.80 Closure Order had been granted to close the premises for three months;
- (e) a number of evening and night time economy initiatives had been undertaken including working with Door Supervisor companies to tackle knife crime and further training had been delivered for the Ask for Angela campaign in conjunction with Best Bar None;
- (f) with the co-operation of a large number of venues in the city, a three month drink spiking trial was undertaken, whereby an estimated 300,000 people attended venues which had been equipped with drink testing kits; also police vehicles had been equipped with urine testing kits; any person who suspected that their drink had been spiked could alert a venue member of staff and have their drink tested (an urine test could be undertaken by the police); the results showed that over 96% of cases which could have been reported in a drink spiking crime report were negative; this significantly reduced the number of recorded crimes; the scheme would be rolled out across the whole force area and was being looked into by a number of other forces in the country; Plymouth had received positive media attention both locally and nationally and the scheme had featured on Crimewatch which had shown the Plymouth to be an innovative and progressive city within the licensing community.

Rachael Hind (Service Manager) highlighted the following key points –

- (g) from 1 April 2019 to the 31 March 2020 the licensing team had received 2400 licensing applications; during the same period 180 licensing inspections had been completed and 61 Licensing Act applications which required representations from Environmental Health and Trading Standards;
- (h) during 2019/20, 179 formal noise complaints were registered against licensed premises which was 61% higher than last year; the increase was partly due to a large number of complaints being received from one temporary event;
- (i) the out of hours noise service which was staffed on a voluntary basis, continued to operate between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving domestic and licensed premises; calls regarding licensed premises had dropped substantially in the last two years;
- (j) the licensing team had also carried out a joint test purchase operation with Trading Standards in February 2020; six retailers were visited and resulted in no one under age being sold alcohol;

- (k) with the assistance of Public Health Analysis, a Gambling Local Area Profile had been published which was an assessment of the key characteristics of Plymouth in the context of gambling related harm; the information obtained for the assessment helped to provide a better understanding of the types of people that were at risk of being vulnerable to gambling related harm, where they were located and any current or emerging problems that may increase the risk; this information would enable gambling operators 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 in place to mitigate risks;
- (l) two joint operations had taken place this year with the police and Environment Agency to check scrap metal collectors were compliant; from these operations one premises had applied and had been issued with a scrap metal dealers site licence and two individuals had been applied and had been issued with scrap metal dealers collectors licences;
- (m) an application for the grant of a premises licence had received representations against the application and was heard by the Licensing Sub Committee; this was the first occasion a hearing under the Gambling Act 2005 was required since its introduction in 2006; the application was a Bingo Licence situated at premises that had previously been occupied as a betting shop; this application had been granted;
- (n) work initiatives for 2020/21 included -
  - continued joint working to detect, deter and disrupt modern slavery and exploitation;
  - continued joint working with the police to reduce hate crime;
  - a programme of alcohol and gambling test purchasing operations (Covid-19 permitted);
  - meeting with gambling establishments to discuss setting up a Betwatch Scheme in Plymouth.

David Moore (Licensing Sergeant) took this opportunity to thank Plymouth City Council's licensing team for its multi-agency working and the sterling service that Fred Prout had given to the city and Plymouth City Council.

Rachael Hind (Senior Manager) advised that Fred Prout had been the senior officer leading on licensing work and that he had left the authority at the end of November 2020. Marie Price would now be undertaking this role.

The Chair took this opportunity, on behalf of the Committee, to thank Fred Prout for his work and wished him well for his retirement.

The Committee noted the report.

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

Marie Price (Enforcement Officer) presented the delegated decisions for applications for the grant/variation of premises licence report.

Members were advised that between 1 November 2019 and 31 October 2020 there had been 25 applications that had been mediated out by officers which had negated the need for these application to be submitted to the Licensing Sub Committee for consideration.

The Committee noted the report.

7. **Exempt Business**

Agreed that under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

8. **Confidential Minutes**

The Committee agreed that the following minutes were a correct record of the meetings –

(1) Licensing Sub Committee -

- 24 July 2020;
- 18 August 2020.