



#plymlicensing



**Oversight and Governance**

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## Licensing Committee

Tuesday 8 December 2020  
10.00 am  
Virtual Meeting

**Members:**

Councillor Rennie, Chair  
Councillor Hendy, Vice Chair  
Councillors Allen, Mrs Bridgeman, Corvid, Goslin, Jordan, Kelly, Morris, Parker-Delaz-Ajete,  
Mrs Pengelly, Riley, Rebecca Smith, Wiggins 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 - 60)**

To confirm the minutes of the meetings held on –

(a) Licensing Committee: 3 December 2019

(b) 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

### **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 2021/22**

**(Pages 61 - 82)**

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

**(Pages 83 - 96)**

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

**(Pages 97 - 102)**

## **8. Exempt Business**

To consider passing a resolution 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.

## **Part II (Private Meeting)**

### **Agenda**

#### **Members of the Public to Note**

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

## **9. Confidential Minutes**

**(Pages 103 - 116)**

Licensing Sub Committee: 24 July 2020 and 18 August 2020.

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## Licensing Committee

**Tuesday 3 December 2019**

### **PRESENT:**

Councillor Rennie, in the Chair.

Councillor Hendy, Vice Chair.

Councillors Allen, Cook, Goslin, Jordan, Parker Delaz-Ajete, Ms Watkin and Winter.

Apologies for absence: Councillors Morris, Mrs Pengelly and R Smith.

Also in attendance: Emily Bullimore (Street Operations and Street Trading Manager), Ann Gillbanks (Senior Lawyer), Helen Prendergast (Democratic Advisor) and Fred Prout (Senior Licensing Officer).

The meeting started at 10.00 am and finished at 10.36 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.*

20. **Declarations of Interest**

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

21. **Minutes**

The Committee agreed the following minutes –

(1) Licensing Committee -

- 18 June 2019;

(2) Licensing Sub Committee -

- 16 July 2019;
- 24 September 2019.

22. **Chair's Urgent Business**

There were no items of Chair's urgent business.

**23. Street Trading Report 2020/2021**

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Street Trading Report 2020/21. The following key points were highlighted -

- (a) it was proposed that the consent fees were increased for the city centre street trader pitches and ice cream consent sites by 1.5%, in order to cover the increased costs of Non-Domestic Rates, repairs, maintenance and increased salary and support costs;
- (b) although inflation rose to 1.8%, consideration had been given to the lessened footfall in the city centre and the closed shops in the vicinity of the street trading consent sites; it was important to keep the street traders in order to maintain the vibrancy and life of the high street; the street traders had also incurred their own increase in charges for items such as stock and fuel;
- (c) it was proposed to freeze the cost of the waterfront pitches to try and encourage new traders to the area in 2020/21;
- (d) it was also proposed that the duration of the consents for 2020/21 for the city centre, Hoe, Hoe Road and Madeira Road commenced on 1 April 2020 and ended on 31 March 2021;
- (e) existing consent holders for -
  - the city centre were granted a degree of preference in the re-allocation of their consents unless applications were received for alternative trades that were sufficiently attractive to possibly warrant displacing an existing consent holder;
  - ice cream consent holders were granted a degree of preference in the re-allocation of their consent; any contested consents or new applications would be considered in consultation with the Chair of the Licensing Committee and the lead opposition member.
- (f) 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 had been let it was proposed that all new applications would continue to be considered by the Licensing Sub-Committee, and that any renewals were given delegated authority to the Service Director for Economic Development;
- (g) during 2020/21 trading year the work on New George Street and Old Town Street would be started by both Plymouth City Council on the public realm and by British Land on the buildings; this would probably result in the temporary displacement of two of the current street traders and possible impact on others; it was proposed to hold an investigation into temporary sites for displaced traders and also for new static and roaming pitches within the city centre;

the proposed pitches would be put to the Committee in the early part of 2020 when the plans for the public realm work were confirmed and therefore the impact of the sites would be known.

The key areas of questioning from Members related to –

- (h) the rationale behind the price freeze for the waterfront pitches;
- (i) the work involved and the timescale for the investigation into the cost implications and the validity of electric connection points for all ice cream street sites;
- (j) whether the electricity costs would be borne by the street trader and not the City Council;
- (k) the progress with the two new sites within the city centre;
- (l) whether the use of the electric connection points would be mandatory;
- (m) whether any decisions arising from the possibility of having to move pitches due to the provision of electricity connection points, could be delegated to officers rather than coming back to this Committee for approval.

The Committee agreed the following recommendations –

- (1) the consent dates for 2020/21 (1 April 2020 to 31 March 2021);
- (2) the consent fees (as set out in Appendix A for 2020/21);
- (3) the Service Director for Economic Development has delegated authority, within Committee policy, for 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 Committee policy, the issuing of consents to new traders or contested sites for the city centre, 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 Hoe and Madeira Road waterfront trading sites, the Licensing Committee delegate approval to the Licensing Sub-Committee for all new applications;
- (11) investigate the cost implications and validity of electricity connection points for all ice cream street trading sites and report findings back to the Committee;
- (12) investigate 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 the Committee.

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

Fred Prout (Senior Licensing Officer) presented the delegated decisions for applications for the grant/variation of premises licence report.

Members were advised that between 1 May 2019 and 31 October 2019 there had been 19 applications that had been mediated out by officers which had negated the need for these applications to be submitted to the Committee for consideration.

The following areas of questioning were raised by Members relating to –

- (a) what measures were being undertaken to enforce the Council's fly posting policy, given the increase in this activity across the City;
- (b) whether the cost of removing fly posting was borne by the licence premises, rather than the Council.

The Committee noted the report and thanked Fred Prout for attending the meeting.



25. **Exempt Business**

Agreed that under Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt business 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.

26. **Confidential Minutes**

The Committee agreed the minutes of the Licensing Sub Committee held on 24 September 2019.

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**Licensing Sub Committee****Tuesday 19 November 2019****PRESENT:**

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Mrs Pengelly (Fourth Member) and Ms Watkin.

Also in attendance: Ann Gillbanks (Senior Lawyer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.00 pm.

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

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

Agreed that Councillor Rennie is appointed as Chair and Councillor Parker-Delaz-Ajete is appointed Vice Chair.

**29. Declarations of Interest**

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

**30. Chair's Urgent Business**

There were no items of Chair's Urgent Business.

**31. Grant of Premises Licence - Cornwall Gates Sports Bar, 74 Normandy, St Budeaux, Plymouth PL5 1SR**

The Committee

(a) considered the report from the Director of Public Health;

(b) heard from the applicant and DPS as follows:

(b1) written representations from the applicant:

- it was in the best interest of the local community that the licenced premises remained available in the locality. The Bridge End Club as currently constituted did not have the financial resources to continue to operate as a club. Whilst it was not proposed that the premises remain a members-only club, it was nonetheless noteworthy that the premises had been a social gathering point for a very long time for residents of the area;

- the proposed licensee did not propose to alter to any significant extent the demographic of patrons who chose to gather socially at the premises, but simply offer a more convivial atmosphere for those attending along with a wider range of social activity than had been previously offered;
  - the proposed licensee was happy to alter the requested licensing hours to those currently held by Bridge End Social Club – this was to reduce the sale of alcohol to a terminal hour of 12 midnight;
  - the proposed licensee had carried out certain due diligence research and respectively contended that the two objections filed did not adequately represent the views of the majority of residents of the area. Evidence was provided detailing the level of support that the proposed licensee had in the proposed assumption of occupation of this premises application and the proposed service to be provided to the community;
  - it was intended that the proposed licenced premises would be used (in addition to a licenced gathering place at which persons may watch sport if they so wish) for the following events which would occur regularly in any community:
    - Wakes;
    - Birthday parties
    - Children's parties
    - Christmas parties and
    - Other events such as bingo
- (b2) representations made by the applicant at committee and in response to questions from Members –
- the applicant was a joint licence holder and DPS at the Parkway Sports and Social Club and had 20 years' experience in operating licenced premises. Together with his 3 fellow directors the management of the premises will be covered for all aspects and times of the day;
  - all staff at the premises would be fully trained in Challenge 25 and "ask Angela" procedures and sign to confirm training. This was repeated every 6 months and at staff meetings to discuss issues. The aim was to get all staff trained up and holding personal licences;
  - it was intended that the opening hours applied for would allow for dispersal of patrons to take place in an orderly fashion and not force people out onto the street at the same time. The applicant was willing to close the bar at midnight on Friday and Saturday to allow for this dispersal;

- it was intended to operate the premises along the model of the premises that the applicant currently operated providing the local community with a range facilities for sports/ card games/snooker tables/bingo facilities for the local community. There was a lack of accessibility to snooker tables in this part of the city;
  - the petition that was provided to support the application was left on the bar at the Parkway Sports and Social Club and signed by patrons of that club. They were supporting the principle of a local amenity;
  - it was not intended to turn the premises into a sports bar attracting people from out of the area, merely to offer the facility to watch sports on sky as this is an area where some of the residents may not be able to afford to have sky at home;
  - the applicant would work with the gentleman making the representation to address the issues caused by people smoking outside the premises, and would place signs up to ask patrons to leave in an orderly fashion;
  - there was no intention of putting on live music events, just music from the juke box;
  - the committee considered these representations to be relevant to the licensing objectives but had some concerns about the management of dispersal of patrons at the end of the evening and the impact on the licensing objective of public nuisance. They considered that this would be addressed by additional conditions as set out below;
- (c) representations from the responsible authorities as follows:
- the Devon and Cornwall Police made a representation relating to crime and disorder and public nuisance; this was withdrawn prior to the hearing as the applicant agreed additional conditions (shown in appendix 3 of the report);
  - Environmental Health made a representation relating to public nuisance which was withdrawn prior to the hearing as the applicant has agreed to additional conditions (shown in appendix 4 of the report);
- (d) representations from other parties:
- heard from other parties as follows:
  - written representation by local ward councillor under the licensing objectives of prevention of crime and disorder, public nuisance and protection from children from harm as follows –
    - the site was within a residential area surrounded by houses and families. It would be inappropriate for a Sports Bar in a

residential area. The previous club was members only and had a smaller clientele. Despite this, there were still complaints to the Ward Councillor about noise, disruption to parking, and public order such as anti-social behaviour from drinkers late at night after closing;

- many children lived around the current site and the Councillor had received complaints about inappropriate behaviour witnessed by them. Families had complained their vehicles had been damaged either by drinkers damaging their cars by hand, or by collision when using vehicles under the influence of alcohol;
- written representation by other party – under the licensing objective of public nuisance and protection of children from harm. Detailing how this person already suffered with late night revellers leaving and having loud chats outside for 10 minutes whilst they get in cars or wait for taxis or stagger home, and noise from taxis, and door slamming and tooting of horns;
- patrons smoke outside and the smoke comes in our window and this, together with the loud conversations, makes it difficult for the young children to sleep – he had moved the children to the back room to alleviate this but there were still problems with people smoking outside.  
Parking was very difficult, with no consideration for the locals. At the committee meeting confirm that he would welcome being able to contact the applicant if there were any problems with patrons of the premises;

Members considered these representations to be relevant to the licensing objective of public nuisance and protection of children from harm and considered that these concerns would be addressed by additional conditions;

In considering all of the above, the Committee Members had concerns about the application for a closing hour of 1am on a Friday and Saturday in so far as the need to require a full hour for dispersal of patrons could lead to the potential for patrons to hoard drinks prior to the close of the sale of alcohol;

Members were concerned about the potential impact on the noise made by patrons and that this would just be moved to a later hour, which would have an adverse impact on the local community and the interested party;

The Committee were also concerned about the impact of patrons smoking had upon the neighbouring property and whilst not a condition, strongly recommend that the applicant should work with the local residents to agree the siting of a smoking shelter as soon as the premises are opened;

The Committee considered that given the applicant's explanation of his application for the opening hours to extend a further hour after the close of sale of alcohol

on a Friday and Saturday that this should be reflected in the hours for the rest of the week, to ensure a consistent approach to dispersal;

The Committee considered that taking into consideration all that was said, the written representations of the applicant, interested party and the conditions agreed to be placed upon the premises licence by the two Responsible Authorities that it was appropriate for the promotion of the licensing objectives TO GRANT the application subject to the following:

- 1. The hours for supply of Alcohol for consumption ON the premises should be:
  - a. Sunday to Thursday 10am to 11pm;
  - b. Friday and Saturday 10am to 12pm;
- 2. The following conditions should be added to the licence in addition to the conditions agreed with the Police and Environmental Health:
  - a. The Mandatory Conditions under the Licensing Act 2003;
  - b. Door supervisors – The Premises Licence Holder/DPS or nominated person will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and immediate vicinity of the premises at times when door supervisors are not present;
  - c. The premises licence holder/DPS or nominated person shall ensure that customers do not hoard alcohol drinks at any time;
  - d. The Premises Licence Holder/DPS or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly;
  - e. The Premises Licence Holder/DPS or nominated person shall ensure a telephone number is made available in the premises for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.

32. **Exempt Business**

There were no items of exempt business.



**Licensing Sub Committee****Tuesday 17 December 2019****PRESENT:**

Councillor Rennie, in the Chair.  
Councillor Parker-Delaz-Ajete, Vice Chair.  
Councillor Jordan.

Apologies for absence: Councillor Rebecca Smith.

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

The meeting started at 10.00 am and finished at 10.35 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.*

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

Agreed that Councillor Rennie is appointed as Chair and Councillor Parker-Delaz-Ajete is appointed Vice Chair.

**34. Declarations of Interest**

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

**35. Chair's Urgent Business**

There were no items of Chair's Urgent Business.

**36. Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY**

Agreed that under Regulation 13 of the Licensing Act 2003 (Hearing Regulations) 2005 the press and public would be excluded from the hearing as the public interest in hearing the matter in private outweighed the benefit of

hearing the case in public so as not to prejudice any potential criminal proceedings.

It was agreed that the review of the premises licence for the International Supermarket would be adjourned to 7 January 2020 to allow the licence holder additional time to obtain legal representation.

37. **Exempt Business**

There were no items of exempt business.

38. **Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY**

Please refer to minute 36.

**Licensing Sub Committee****Tuesday 7 January 2020****PRESENT:**

Councillor Rennie, in the Chair.  
Councillor Parker-Delaz-Ajete, Vice Chair.  
Councillor Jordan.  
Councillor Riley (Fourth Member)

Also in attendance: Sharon Day (Lawyer), Fred Prout (Senior Licensing Officer), Marie Price (Enforcement Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 9.30am and finished at 13.45pm.

*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.*

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

It was agreed that Councillor Rennie is appointed as Chair, and Councillor Parker-Delaz-Ajete is appointed as Vice Chair.

**40. Declarations of Interest**

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

**41. Chair's Urgent Business**

There were no items of Chair's Urgent Business.

**42. Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY**

The Committee:

- (a) agreed that under Regulation 13 of the Licensing Act 2003 (Hearing Regulations) 2005 the press and public would be excluded from the hearing as the public interest in hearing the matter in private outweighed the benefit of hearing the case in public so as not to prejudice any potential criminal proceedings;
- (b) considered the report from the Director of Public Health;
- (c) heard the written and verbal representations from the Police;
- (d) heard the written and verbal representation of Trading Standards;

- (e) heard the written and verbal representations from the Licensing Authority;
- (f) heard the written and verbal representations from the Premises Licence Holder and his legal advisor.

The Committee agreed that, having considered all of the above and the relevant statutory guidance, the premises licence would be revoked.

*(There is a confidential part to this minute)*

43. **Exempt Business**

There were no items of exempt business.

44. **Review of Premises Licence - International Supermarket, 44 Union Street, Plymouth, PL1 3EY.**

Please refer to minute 42.

*(Councillor Riley was present at the start of the meeting however was not required to attend)*

**Licensing Sub Committee****Tuesday 4 February 2020****PRESENT:**

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Ms Watkin (substitute for Councillor Cook).

Apologies for absence: Councillor Cook.

Also in attendance: Catherine Fox (Lawyer), Fred Prout (Senior Licensing Officer), Devon and Cornwall Police Licensing representatives, Councillor Mrs Johnson (Ward Councillor) and Helen Rickman (Democratic Advisor).

The meeting started at 10am and finished at 1.30pm.

*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.*

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

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

**46. Declarations of Interest**

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

**47. Chair's Urgent Business**

Under this item the Senior Licensing Officer advised Members that a serious glassing incident occurred in a licensed premises in Plymouth over the weekend. Someone received a considerable injury, requiring 40 stitches. The CCTV system was being viewed as part of the ongoing investigation – officers would keep Councillor Tudor Evans OBE (Ward Councillor) updated.

**48. Variation of Premises Licence - Dog and Duck, 15 Mutley Plain, Plymouth**

The Committee:

- (a) considered the report from the Director of Public Health;
- (b) considered the written and verbal representations from and on behalf of the Applicant as follows:-

- i. he considers the premises to be a well-run establishment;
- ii. he has engaged well with the current police licensing officer and has done since the officer was allocated in early 2018. He believes they have a good working relationship;
- iii. he is a member of Pub Watch and attends regular meetings with the police and licensing officers with a view to fulfilling the licensing objectives;
- iv. the requirement for 2 door staff was initially imposed as a condition of licence after a series of incidents which he believes were exaggerated by the police. This has been the subject of a formal complaint, as a result of which, the police had apologised;
- v. he accepts that there was an issue with door staff at that time which had been resolved by changing door staff. He now employs, 4 nights a week, a door supervisor who is SIA trained and has 19 years' experience;
- vi. the Premises are a safe environment for people to visit. The staff are fully trained and have CCTV radios that monitor other establishments to warn of disruptive people in the area;
- vii. he does not consider that a reduction to one door supervisor will cause a return to the previous issues as the premises are now much quieter than at the time the condition for 2 door staff on Friday and Saturday nights was originally imposed. Mutley Plain as a whole is much quieter with 5 premises that have ceased to trade over the last 4 months;
- viii. as a business the premises are not immune to the harsh realities of life; the premises needs to pay its bills; the need for a second doorman puts an extra burden on the business which is unnecessary and causing financial problems; to keep the doorman he will have to cut other staff hours;
- ix. he does not consider that the reduction sought will cause any problems;
- x. he accepted that there were two licensed premises on Mutley Plain that were busy but believed that to be because they are food based premises. He understood that one of them was 18% down in trade;
- xi. whilst the capacity for the premises is 120, the number of customers no longer reaches anywhere near that figure. He stated the average number of customers after 2200hrs is between 6 and 8. They do not tend to have an influx when other premises close;
- xii. he had produced 4 photographs which he states were taken on

different times and days and which demonstrate how few customers they have late at night;

- xiii. it is accepted that there is a need for one door supervisor due to the proximity of the premises to the city centre; if the number was reduced to one and there were incidents the condition could be reinstated; it is in their interests to avoid incidents as the customers they do have would not want to drink there; they feel the safety of customers and the management of any incidents can be achieved with one door supervisor;
- xiv. that to continue with 2 door staff as required is not sustainable for their business as the trade is no longer there. If the premises were to close 11 staff would lose their jobs;
- xv. bringing closing time forward as an alternative option to reduce costs of the supervisor had not been considered. They stated that as long as the doors are open there is an opportunity to make money;
- xvi. he also owns the Junction almost opposite the premises and at times they are employing 3 door staff for 2 premises;
- xvii. it is a working man's pub and they have no issues arising from heavy drinkers who sit there for hours continuously drinking;
- xviii. he does not consider that a reduction to 1 door supervisor on Friday and Saturday nights between 10pm and closing at 2am will be an issue and cause any negative impact on the area;
- xix. if the supervisor needs to take a break he does so on the premises. If it was a comfort break it would only be for approximately 2 minutes. If there was an issue, the bar staff are also trained in how to manage difficult customers;
- xx. to reduce the risk of trouble, no discounts on their drinks are offered- such as happy hour or late hour reductions. A representative on behalf of the students union had approached them and invited them to offer a discount in return for filling the pub but they had declined as they are responsible and do not wish to invite trouble;
- xxi. door staff are more expensive than bar staff. To be permitted to reduce the number of door staff to just one on Fridays and Saturdays will provide the premises with flexibility and save them costs with no impact on public safety;

(c) heard the written and verbal representations from the Police as follows:

- i. historically these premises were of substantial concern to the police and were frequently the location of incidents of alcohol related crime and anti-social behaviour which had led to the police requesting a

review of the premises;

- ii. at the review in September 2017 the decision was made to attach conditions to the premises licence that there should be
  - On Fridays and Saturdays one door supervisor between the hours of 1800 to 2200 hrs and then two door supervisors between 2200 hrs and closing.
  - For the rest of the week there should be one door supervisor between 2000hrs and closing;
- iii. immediately following the review hearing, incidents continued to occur at the premises;
- iv. the Applicant was made aware of these further problems and to his credit engaged with the Police Licensing Department and did everything that was asked of him;
- v. however, efforts to curtail the number of incidents over a 7-8 month period, even with the Applicant working well in partnership with them, failed to effectively end the problems;
- vi. following further meetings and discussions with the Police the Applicant submitted an application for a minor variation on 23.08.18 to reduce his operating hours by bringing forward the closing time to 0100 hours Sunday to Thursday and 0200 hours each Friday and Saturday. This variation was agreed;
- vii. the Applicant also agreed to conditions being included relating to the training of staff and no re-entry to the premises after 12.45 each Sunday to Thursday and after 0100hours each Friday and Saturday;
- viii. as a result of these initiatives, there was a noticeable reduction in both alcohol related violent crime and antisocial behaviour in and around the premises and a significant reduction in the requirement for police attendance;
- ix. in April 2019, following further discussion with the police licensing department a further minor variation to the operating schedule was agreed. As the number of incidents had decreased the requirement that one door supervisor be on duty from 1800hrs to closing on each Friday and Saturday was varied the starting time being 2000hrs. The condition that a second door supervisor be on duty from 2200 until closing each Friday and Saturday remained;
- x. since April 2019, there has only been one incident linked to the premises that saw police attending the premises to deal with a customer in possession of drugs. This was in July 2019;
- xi. the police attached a list of all crimes recorded at the premises from April 2017 to October 2019 which evidenced a clear reduction in



incidents connected to the premises;

- xii. the Applicant has been very successful in dealing with the problems associated with the premises. The reduction in alcohol related crime and associated anti-social behaviour achieved since April 2019 is commendable and the Applicant deserves credit for this;
  - xiii. that the current regime is working efficiently and is clearly contributing to a safer Evening and Night Time economy in the area;
  - xiv. the premises are still opening until after midnight every day of the week and Plymouth City Council's policy sets out a recommended ratio of door supervisors of and the current condition attached to the premises licence falls within this policy;
  - xv. that a reduction to the number of door supervisors will put the safety of the public and door supervisors at risk;
  - xvi. at this moment in time, the management of the premises has achieved the correct balance to effectively engage with the four licensing objectives, as demonstrated by the improvement in the number of crimes linked with the premises recorded;
  - xvii. that they agreed with the Applicant that the premises were now well run and they have been for the past 18 months. They are now run to the standard of anywhere else due to improved management technique and levels of engagement;
  - xviii. that the premises sits within a cumulative impact area and asked the Committee to recall the evidence presented that had led to the inclusion of Mutley Plain within such an area;
  - xix. to change the balance by removing one supervisor would, in their opinion, be a retrograde step and cause the objectives of Prevention of Crime and Disorder and Public Safety to be undermined and lead to an inevitable increase of alcohol related violent crime and the associated anti-social behaviour;
- (d) considered the written and verbal representation of the Interested Party:
- i. she is councillor for the ward and represents the residents of the Mutley Plain area;
  - ii. she is also a resident of the area;
  - iii. the focus of her work is to help turn the area into a thriving retail area with mixed bars;
  - iv. Mutley Plain has a lively night time economy with late-night drinking and off-licences. It has a fusion between locals, students, street

drinkers and drug addicts with many people milling around;

- v. she did not accept that the area of Mutley Plain was quiet and was aware that there are 6 operational drinking establishments and that this number was likely to rise to 9, with 2 premises re-opening and the establishment of a brewery. These further premises are very likely to bring an increase in footfall to Mutley Plain and to these premises;
- vi. the reduction of door supervisors will not send a positive message about managing public or community safety on Mutley Plain and she is fearful of increased crime and disorder;
- vii. part of a door supervisor's role is to ensure no glasses or glass bottles are taken out to the street, as well as to escort people from the premises. She posed questions as to how a single door supervisor would manage at the peak drinking days and hours as he cannot be in 2 places at once- i.e. whilst he is busy with one issue, another could arise or when he needs to take a break;
- viii. she felt there was a real risk of glass making its way onto the street or into takeaways and issues arising there , thus causing an increase in anti-social behaviour for the police and street pastors to manage;
- ix. she believes there is a real risk that the reduction in number of supervisors would result in a return to the former problems with crime and antisocial behaviour. She asked that the status quo, which is clearly having a positive effect, is maintained;
- x. whilst today the Applicant relies on a reduced numbers of customers as the basis for their application, they could tomorrow mount a marketing campaign which results in a great influx of customers.

In reaching its decision, the committee:

- d. noted all comments made by and on behalf of the Applicant and in particular the number of times it was stated that the primary motivation for the application was as a cost cutting exercise;
- e. took into account all parts of the representations made by the Police, and in particular:
  - i. noted that they commended the Applicant for his good levels of engagement with the Police Licensing Officer since January 2018;
  - ii. that when the first attempts to address the high level of incidents did not have the desired effect he did not give up. He continued working with the police until, through 2 agreed minor variations to the conditions of licence, the present much improved position was achieved;

- iii. the Schedule of crimes connected to the Premises, was helpfully set out in sections identifying the “before” and “after review” and “after each variation”. It supports the Applicant and Police statements that the incidents of alcohol related violent crime and anti-social behaviour have not reoccurred since April 2019;
- iv. that they considered that the management of the premises had achieved the correct balance with the current conditions. To change that balance, by reducing the hours SIA trained door supervisors were required, would undermine the licensing objectives and lead to a return to the incidents of alcohol related violent crime, anti-social behaviour and police attendances;
- f. disregarded the statement made by the Interested Party that she knew 3 more premises would be opening. This was by no means certain and was not evidence that could be taken into account;
- g. took into account all remaining representations made by the Interested Party that had not been disregarded;
- h. took account of the fact that the premises falls within a Cumulative Impact Area;
- i. noted the email from Councillor Corvid but was not able to take this into account as it was not relevant to the Application

The Committee considered that all representations made by the Police were relevant under the Crime and Prevention and Public Safety Licensing objectives. The concerns all related to the need to prevent a recurrence of the levels of alcohol related violent crime and anti-social behaviour, as well as the physical safety of those on the premises and in the vicinity of the premises.

The Committee considered that the representations made by the Interested Party that were not disregarded were relevant under the Crime Prevention and the Public Safety Licensing Objectives

### **Decision**

The Committee has considered this application on its own merits and in accordance with the statutory guidance and Plymouth City Council's own licensing policy in reaching its decision

The Committee's primary function is to have regard to meeting the four licensing objectives when making a decision. Its decision making today has been focussed on its duty to promote the licensing objectives and, in particular, the objectives of the prevention of crime and disorder as well as public safety.

The committee considered the motivation for the application to be one focussed on saving costs. This was stated by and on behalf of the Applicant several times. Whilst the Committee has to be sure that any condition imposed is not overly burdensome and is

capable of being met, the condition over which the variation is sought has been in place for over 2 years and has contributed to the reduction in alcohol related incidents at the premises

The Committee accepted the view of the police that the right balance has been found to resolve the issues and that to grant the variation sought would increase the cumulative impact of the area.

The Committee was not satisfied that the Applicant had demonstrated either within his proposed operating schedule or within his evidence presented today, that such a variation to the conditions of licence sought would not have a negative cumulative impact on one or more licensing objectives if granted.

The Committee has considered whether there was any appropriate modification to the variation sought that would satisfy it that there would be no negative cumulative impact on the licensing objectives. The Committee did not consider that any modification of the conditions sought would be appropriate having accepted the view from the Police that the current operating schedule had achieved the right balance and any change could upset the same.

Therefore, the committee refused the application.

This was considered to be the appropriate and proportionate action to take in this matter to ensure that the Prevention of Crime and Disorder and Public Safety licensing objective was promoted.

49. **Exempt Business**

There were no items of exempt business.

## Licensing Sub Committee

Tuesday 17 March 2020

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Hendy, Vice Chair.  
Councillor Jordan.

Fourth Member: Councillor R Smith.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Licensing Officer), Helen Prendergast (Democratic Adviser) and Dwayne Seymour (Devon and Cornwall Police).

The meeting started at 10.00 am and finished at 12.00 pm.

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

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

The Committee agreed that Councillor Rennie is appointed as the Chair and Councillor Hendy as the Vice-Chair for this particular meeting.

#### 51. **Declarations of Interest**

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

*(Councillor R Smith left the room and took no further part in the meeting as the fourth member was not required).*

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

There were no items of Chair's urgent business.

#### 53. **Variation of Premises Licence - Premier Express Punchbowl, 3-5 Wolseley Road, Milehouse, Plymouth, PL2 3AA**

The Committee -

- (a) considered the report from the Director of Public Health;
- (b) considered the information that the Devon and Cornwall Police had reached an agreement with the applicant regarding licensing hours and subsequently withdrew their representation;

(c) heard from the applicants and considered the applicants' written representations that -

- they took on the business four to five months ago, to help local customers, introduced a cash machine and other important services to the shop;
- they had working class customers who requested to buy alcohol later than the current opening hours and also people shopped on their way home from night shifts, who had requested to buy alcohol in the morning which was why they wished to sell alcohol from 6am;
- they had invested in the shop to provide a local business and wanted to provide flexibility for the community;
- that they also owned three garages that sold alcohol and the garages would cater for people driving to the area to buy alcohol, rather than customers driving to this shop;
- there was a different set of customers for the shop than the garages; the shop's customers were mainly working class or older residents some of whom did not even drive and had been in the area for 30 to 40 years;
- this was their first venture into retail;
- they were willing to work with the Police over any concerns around selling alcohol during football matches;
- they had negotiated with the Police to change their application from applying for opening and alcohol licence from 24 hours to 6am to 1am, Monday to Sunday; this reduction in the hours of their application was to combat the problems that were experienced between 1am and 3am when all pubs and clubs were closing and people were making their way back home; the change in hours limited access to alcohol to combat public nuisance;

(d) they had the following in place to deal with the licensing objectives -

- Prevention of Crime and Disorder -
  - the premises was covered by CCTV and panic attack button equipment directly linked to the Police; the premises was covered by CCTV inside and outside;
  - high value products were located behind the till;

- staff were regularly guided/trained in how to prevent crime and disorder in the store;
  - there was no evidence, in the last six months in relation to any crime, disorder or anti-social behaviour at the premises, or related to the management of the premises which had to be registered with the local authority;
  - Public Safety -
    - provided details of safety of the public on the premises, in terms of fire safety and electrical certificate, fire extinguishers on the premises and up keep/maintenance of the CCTV system;
  - Prevention of Public Nuisance -
    - staff were fully trained regarding sale of alcohol and followed Challenge 25 selling policy;
    - had a bin just outside the premises to minimise litter, this was regularly emptied; also undertook regular litter picking to keep frontage clean;
    - maintained an incident book of details of occurrences of disorder, refusal of alcohol and other safety certificates, all were available for inspection by the relevant authorised bodies;
    - monitored customer misbehaviour in store and had a zero tolerance for any abuse related to staff;
  - Protection of Children from Harm -
    - had recently had a test purchase carried out in the premises by Plymouth City Council where the member of staff successfully refused the sale of age restricted produce to under age customers;
- (e) considered representations from the interested party as follows:
- Prevention of Public Nuisance and Prevention of Crime and Disorder -

- noise and litter late at night – Milehouse Road could be very noisy on weekend evenings, with drunks making their way home and deliberately causing noise by shouting and kicking the bus stop signs; on occasions, this extended to kicking car wing mirrors off; the area of the junction, bus shelters and entrance to Central Park became littered with food debris and packaging and broken glass was common; it was intimidating for the residents, many of who were elderly;
- people leaving the pub late, after the evening's drinking should not be encouraged to buy alcohol;
- vulnerable residents – providing 24 hour access to alcohol was likely to be detrimental to some occupants of nearby sheltered or hostel accommodation;
- street drinkers – 24 hours of off sales were likely to encourage street drinkers who currently congregated on the steps of the snooker club building in warmer weather; this was situated on the edge of two areas covered by PSPO relating to alcohol;
- youths/Central Park stake park – the skate park was floodlit all night and a congregating point for teenagers; often observed broken glass, cans or bottles on the path to this area; whilst there was no problem with the use of the stake park, there was a belief that they should not benefit from easier access to alcohol;
- although had concerns about the area, acknowledged that the premises had been well run since this applicant had taken over.

The Members of the Committee considered that the representations made by the interested party were relevant under the licensing objectives but also noted that the applicant had demonstrated that they were keen to work with the local community and that they had a good relationship with the Police.

The Committee noted that the representations from the interested party related to the issues regarding the consumption of alcohol in the area and not with the running of the business and that the measures outlined by the applicant to deal with the licensing objectives should control the sale of alcohol. The Committee noted that there was no evidence produced that the incidents described were related directly to the shop.



The Committee was concerned that people using the pub may then wish to purchase additional alcohol from the shop which could impact further on the problems in the area and as a result considered it reasonable and appropriate for the promotion of the licensing objectives to –

Agreed to grant the proposed extension on the following terms –

- (1) the sale of alcohol could take place between 6am to 12 midnight, Monday to Sunday for a trial period of six months;
- (2) if, during the six month period any objection or representation is received from any resident or Responsible Authority about the premises, the application would be referred back to the Licensing Committee;
- (3) if no representations are received during this time, then these hours will become permanent.

54. **Grant of a Gambling Premises Licence - Merkur Slots, 235 Albert Road, Plymouth PL2 1AH**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) noted that there had been no representations made by Devon and Cornwall Police, or any other Responsible Authorities;
- (c) considered the in-depth written representations and policy document provided by the applicant and heard summary representations from the applicant and their Solicitor as follows -
  - Ladbroke's previously operated the premises and the intention was to replace the betting shop business with a bingo premises licence; the company operated 90 similar businesses across the country and one in Plymouth;
  - there had been a betting shop operation at the location for 20 years;
  - bingo was a softer form of gambling and the customer profile was different to that of a betting shop;
  - customers congregation outside of this type of business was lower and it was policy to ensure that this was actively managed; the company had 163 licensed premises across the country with no problems in other venues;

- bingo had to be provided on the site as a condition of the licence, so would not become a slot machine only business;
- there was no net increase in the number of gambling premises in the area;
- consultation with the Police team took place as part of the application and the Police were not aware of any problems with the premises; no objections had been received by Police, Environmental Health or Child Protection;
- the Gambling Act was a permissive regime and the applicant was aware that all promotions must be reasonably consistent with the licensing objectives; the policy documents provided showed that the company's controls go beyond what was required to satisfy the licensing objectives;
- the premises would be operating as an adult only venue no under 18's allowed; operate Challenge 25 policy with procedures, training, records that accompany that policy;
- the company had a social responsibility policy dealing with customer behaviour, social responsibility; large volume of resources provided towards compliance in the form of an audit team which reviewed all venues to maintain standards; this regular assessment would identify any potential incidents which would be reported to senior management for action;
- the representation from the resident was one of nuisance, this was not a licensing objective under the Gambling Act, however the applicant would manage the impact upon the local community and promote all reasonable steps to keep impact to a minimum, although it was rare for problems outside the premises in the applicant's experience;
- the applicant confirmed that marketing and advertising agreed with the Gambling Commission codes of policy with regard to venues; window displays reduced the line of sight from the street to the gambling and barriers within the premises comply with the Council's own policy;
- there was a safe play app that customers could use to monitor their own behaviour and self-regulate; the applicant's staff undertook comprehensive training with a key focus on customer interactions and player harm; where customers had requested exclusion, this was monitored so that the customer can be informed of any breach; this information was shared with the team of auditors and if venues were not complying, suitable training would be undertaken;

the company also offered gamble awareness and details of gamble support agencies; records were kept where customers had been given this advice and if customers returned, they were interviewed to ask if they had taken advice;

- (d) considered the written representations from interested parties as follows -

INTERESTED PARTY	LICENSING AUTHORITY'S RESPONSE
<p>Lives directly above the premises. Shop front was previously a Ladbrokes betting shop constant hub of people outside the premises smoking which prevented interested party from having any windows open due to smell.</p> <p>Cars parked outside on pavement and noise from people leaving and entering until the late evening was disturbing. As a premises that has slot machines, fear is that the same pattern will occur.</p> <p>There is already a slot machine shop within a mile of this proposed business. ~We live in what is supposed to be a regeneration area, cleaning up this area should be a priority. It will not as far as the interested party can see benefit the local area/economy in any way.</p>	<p>Point 1 and 2</p> <p>These were representations about nuisance, which were not a licensing objective under the Gambling Act. However, the Committee was satisfied with the response given by the applicant that in their experience of their other premises customer congregation outside of this type of business was lower than the previous establishment and it was the applicant's policy to ensure that this was something that was actively managed to adapt to local conditions.</p> <p>Point 3</p> <p>The number of gambling premises (or demand for such) in an area was not something that the Committee can consider under the Gambling Act. However, as outlined above the Committee was satisfied that the premises would be able to adapt to local conditions and operate closely with the Police to be able to address any issues that may arise.</p>
INTERESTED PARTY	
<p>Concerned that this application is not really for a Bingo club but rather a Slot Machine Arcade. The applicant's website clearly shows this is the main focus of their business. Many of their arcades operate 24 hours a day 7 days a week. Evidence of this can found on their website.</p>	<p>This was not a relevant representation. The applicant had applied for a Bingo premises licence.</p> <p>The Committee was satisfied that the premises would be operated to the required compliance requirements for a Bingo Premises.</p>

<p>Bingo premises have by their nature to be large properties to accommodate seating for bingo and facilities for eating and drinking together with a limited area for slot machines. The application premises are small with an internal area of around 88 square metres.</p> <p>This is an Amusement Arcade being disguised as a bingo premises to make it appear more acceptable.</p>	<p>The Committee was also satisfied with the applicant's explanation as to how the bingo gaming would be operated in this size of premises</p>
<p>The premises do not have planning permission for the proposed use.</p>	<p>This was not a relevant consideration for the Committee.</p>
<p>The UTC colleague is situated extremely close to the application site. Whilst the proposed slot machines are not permitted to be used by children it would be a temptation for youngsters walking past daily going to and from school.</p>	<p>The applicant had satisfied the Committee that they would operate these premises as adult only with no under 18's allowed and that they had Challenge 25 procedures/ and reporting policies in place to control.</p>
<p>Established policies indicate Amusement Centres should not be permitted close to premises frequently used by young people. Protecting young people are grounds for refusing the application. This is an area of great concern to the Gambling Commission.</p>	<p>This was not a relevant representation as this was not an application for an Amusement Centre.</p>
<p>We operate an Adult Gaming Centre some 500 metres to the East of the application site. This has been in our ownership for 35 years and is an established part of the local community. There is another locally owned Adult Gaming Centre some 500 metres to the West of the application site Slot machine gaming is therefore already well catered for in this area.</p>	<p>This was not a relevant representation under the Gambling Act. The Committee cannot consider demand or location of other premises in the area.</p>
<p>The surrounding area is largely consisted of social housing with low income and a high unemployment level. As a local operator we are used to working in this environment and voluntarily restrict hours and the numbers of high roller £500 jackpot</p>	<p>The Committee cannot consider demand or location of other gambling premises when considering this application.</p>

machines.	However, the Committee was satisfied that the applicant had complied with the Gambling Act Code of Conduct and Guidance in the production of their operating procedures and the controls they outlined to promote responsible gambling.
This National operator would merely seek to extract maximum income from the local community and run.	This was not a relevant representation.
The proposed premises are adjacent to the main entrance to Latitude 52. This comprises of a high-rise block of 101 apartments. In addition surrounding housing in Albert Road is of medium to high rise apartment blocks Any evening/night use of this property will give rise to noise and disturbance for residents above in Latitude 52 and other residents in nearby blocks.	These were representations about nuisance, which were not a licensing objective under the Gambling Act. However, the Committee was satisfied with the response given by the applicant that in their experience of their other premises customer congregation outside of this type of business was lower than the previous establishment and it was the applicant's policy to ensure that this was something that was actively managed to adapt to local conditions.
There is at present no night time economy in the immediate area, simply high density housing provision	This was not a relevant representation under the Gambling Act. The Committee cannot consider demand or location of other premises in the area.

In considering all of the above, the Committee considered that the applicant had demonstrated that the premises would be operated –

- in accordance with the Gambling Commission Guidance under s.24 of the Gambling Act;
- in accordance with the Gambling Commission Guidance under s.25 of the Gambling Act;
- would be reasonably consistent with the licensing objectives;
- in accordance with the Council's own statement of licensing policy.

The Committee therefore agreed to grant the application.

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## Licensing Sub Committee

**Tuesday 12 May 2020**

### **PRESENT:**

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Jordan and Ms Watkin (fourth member – substitute for Councillor Rebecca Smith).

Apologies for absence: Councillor Rebecca Smith.

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

The meeting started at 10.00 am and finished at 2.30 pm.

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

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

The Committee agreed that Councillor Rennie is appointed as the Chair and Councillor Parker-Delaz-Ajete is appointed as the Vice-Chair for this meeting.

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

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

#### **57. Review of Premises Licence (under section 167 of the Licensing Act) - Bar 9 - First Floor, 32 Western Approach, Plymouth, PL1 1TQ**

The Committee:

1. considered the report from the Director for Public Health;
2. considered the closure order made by South and West Devon Magistrates Court on the 23 March 2020 on the grounds that the court were satisfied that a person had engaged with anti-social behaviour on the premises and that the use of the premises was associated with significant and persistent disorder or persistent serious nuisance to members of the public;
3. considered both the written and verbal representations from the police which were in summary as follows:
  - breach of licence conditions in particular with regards to the time that anyone under 16 had to be off the premises, the operation of CCTV, and

staff being fully trained to fulfil their role;

- failure of the Premises Licence Holder (PLH) and staff to engage with police;
- not reporting incidents to police (an example of this was an assault where a 16 year old girl had her jaw broken and this had been reported by ambulance control and not the PLH);
- failing to take any actions to remedy the conduct of youths on and in the immediate vicinity of the premises;
- Police likened the premises to a youth club with beer and such were the police concerns that it was recommended no single crew visits;
- staff had not been suitably trained and were unaware of the conditions of licence;
- there were occasions where large numbers of youths were present on the premises but there was only one member of staff working and so it was difficult to see how they could respond to any incidents that may occur or effectively monitor the use of the premises;
- a member of staff working had confirmed she had found alcohol concealed around the premises after closing;
- Police had smelt cannabis in the premises and on one occasion found a bag of the same on the table. On another occasion a 17 year old male who confirmed they had been on the premises was found with two bags of cannabis concealed within his sock;
- Police found intoxicated youths on and in the immediate vicinity of the premises;
- staff had not been cooperative with Police in the investigation of crimes and weren't able to provide CCTV when asked because only the owner could access the CCTV. Failure to provide the CCTV had hindered the investigation of crime;
- there was a lack of age verification procedures by staff of people using the premises;
- multiple reports of underage sales taking place – one mother reported her 15 year old daughter had attended the premises already intoxicated and had allegedly gained entry, been served alcohol and then had to have help to transport her daughter to hospital;
- PLH had left the premises open and completely unstaffed on one occasion – this was the first time the licensing officer had ever come across this happening;



- difficulty contacting the PLH;
  - large fights/disorder taking place at the premises culminating in a closure order being obtained on the 23 March 2020. One incident had involved a person with a machete – that person had been seen on CCTV leaving the premises and pulling a machete from his trousers;
  - during interview the PLH/DPS had freely admitted breaches of licence;
  - 5 crimes tied and linked to the premises; 4 of which involved violence;
  - 9 complaints from local residents/business owners and others about the premises – most complainants don't want to be named due to concerns about reprisals from the patrons of the premises;
  - 18 licensing reports from police officers attending the premises;
  - all of these issues have arisen in a short 2 month timescale. There is another premises nearby, there have been no complaints about that premises but a major increase in incidents around Bar 9;
  - the police did not believe that having doormen on the premises would prevent any incidents as the doormen would rely on Mr Wright for their instructions and with his lack of cooperation and knowledge of the licensing requirements he could not be relied upon to give the effective instructions;
  - Mr Wright became the Designated Premises Supervisor (DPS) in May 2019. The company Bar 9 Limited had taken over the premises licence in January 2019 and then in May one of the directors resigned and Mr Wright was left as the sole director and DPS;
  - there weren't two incidents on the 11.1.2020 and 12.1.2020 they were one in the same incident;
  - the three reports of underage drinking on and around the 1 and 2 February 2020 could all be the same incident reported in three different ways. It was not possible to be sure;
  - if the DPS or staff members had reported any incidents from the premises this would be listed on the information provided to committee;
  - due to the lack of engagement, inability to comply with conditions of licence, not working in partnership with the police, they asked the committee to revoke the licence. They felt that changing the DPS would not have any effect as Mr Wright would still be the PLH;
4. considered the verbal representations from Mr Wright (the DPS and PLH) as follows:

- Mr Wright read a statement from Victoria Stephenson as follows (summary):
  - she has worked for Bar 9 since the latter part of December 2019;
  - she received training on the implementation of the company's policy and code of conduct;
  - she was not permitted access to the CCTV and if anyone wanted to review it she would have to notify the DPS;
  - the premises operate a membership scheme and when it is applied for the person must show ID. Anyone who is not a member pays a fee of £2 and must sign in and provide ID. If they don't then this is documented;
  - until recently, there had never been any cause of concern or need for police presence or attendance. Customers both members and non-members respected the premises. However, there have been slight issues that have been managed according to Bar 9's policy and code of conduct. There were two occasions in the early part of January, where two female youths were found to have alcohol on their possession and were asked to leave the premises immediately. They have not been granted re-entry since;
  - in relation to an allegation made by a grandmother of underage sales this followed an incident where a girl was pushing a young man in the premises. The girl was being encouraged by her grandparents. Ms Stevenson intervened and explained that the behaviour was completely unacceptable and asked the family to leave the premises. She was then verbally abused by the grandmother who continued to explain that this young man had "done her granddaughter wrong". This was clearly a domestic issue, but she considered the conduct unacceptable and so asked them to leave and if they refused she would call the police. The verbal abuse from the grandmother continued, which was personal and threatened to have her sacked. The grandmother allegedly said, "I'll get you, I'm going to call the police and say you're serving underage". Within 5 minutes the police entered the premises and said there had been reports of underage drinking. The police looked around and did voice their concerns for several individuals' ages. She explained her understanding of the bars policy and licence and the police left with no issues – so she understood;
  - part of the club policy and code of conduct is to actively seek to refuse entry to anyone deemed to be intoxicated or those who could be underage and intoxicated. They cannot be held responsible of a person's conduct after being evicted from the business;
  - the bar has a policy of closing if there is a risk to anyone. Until the 11th

January this had never had to be implemented. On this day she shut down the bar and everyone was asked to leave. This proceeded to happen extremely smoothly. Nothing further was reported by the police;

- she confirmed there was an incident where a 16 year old female had attacked another girl on leaving the premises. She closed early and escorted everyone out. The fight had taken place and she had called the police, given them a statement and contact details. She informed them only Mr Wright could access the CCTV and was out of the country. She did not refuse to give a statement to the police, she never gave a statement due to family commitments and working. She attended the police station however there was confusion over the agreed time and she was never contacted to make a statement again;
- she completely rejects any accusations of any 'lack of engagement' of staff from her or anyone else employed at Bar 9. She says staff have worked effortlessly with any requests from police and PCSO's;
- she voiced concerns over the conduct of the police on visiting the premises where they challenged customers over their presence alleging grooming and paedophilia. The customers were offended and mortified and have not returned. This affected business;
- 24th January, there was a pool match, and no non- members were granted entry. There were only over 18's permitted;
- whilst all concerns have always been taken seriously, on each visit or attendance by the police, there has not been a single occasion where anyone has been served underage;
- 24th January, the 16 year old youth referred to entered the premises whilst the police were there and they dealt with the situation;
- she made attempts to speak with neighbouring businesses about their customers smoking what smelt like cannabis by the doorway. She did not have a welcome interaction with them so made no further communications;
- she acted in accordance with the wishes of a distressed mother whose daughter had gone missing and contacted her when she tried to gain entry to the bar;
- any customers asked by officers to confirm their age have been able to comply and prove their age. She has found that the police have quite subjective assumptions and have been very wrong about people's ages. One police officer argued that a customer was "clearly underage!" yet the 'young lad' was able to provide ID detailing his age of 19 years;
- she accepted she was wrong about the time 15 year olds had to leave

the premises. She said the police were also mistaken but once they had checked the licence she reported back to all staff and they have actively enforced it since;

Mr Wright told the committee:

- reiterated the procedure for membership stating that anyone under 16 gets one colour card and over 18's get another. Anyone not able to produce ID gets treated as being under 16 and so has to leave the premises at the stated time;
- he went on holiday in January for his health. There had been no problems with the premises up until that point;
- Mr Wright admitted that he did not realise that he, as DPS, had to be on the premises at all times. The first he realised this was at his meeting with Mr Seymour on 24 February 2020. He pointed out that other DPS do not need to be on the premises all the time. Whilst he was away on holiday he had friends who were licensees who could have been there if needed. He stated that Victoria Stevenson and a lady called Harriet were left to manage the premises in his absence. He confirmed that neither held a personal licence as is required by the licence;
- whilst he had been on holiday he had reduced the opening times of the bar;
- he hadn't been able to attend the Closure Order hearing at the Magistrates Court as he was isolating due to having Covid 19 symptoms. He had attended the police station but they wouldn't let him in because he had symptoms. He had spoken to his solicitor who had told him, and written to confirm, that there was no point in paying to have representation as the Magistrates 99% of the time grant a 3 month closure order. He had tried to call the Magistrates Court on the 23 March but had been unable to get through. He thought the hearing would be adjourned because he knew of other people whose hearings were adjourned. The notification about the closure order was sent to Bar 9 which because of the order he is unable to access. He stated that it is well known that he lives at the Mount Pleasant;
- the CCTV problems arose because his new high tech CCTV had been seized as part of a criminal investigation and so he had had to install another system which only worked on his phone. This is why the staff could not access it. He got the other CCTV back at the end of March and ensured that everyone could access it;
- he wasn't on the premises when a lot of the incidents happened and they didn't happen when other staff were working there;
- when asked if he was able to back up the claims of the grandmother being abusive leading to her making allegations of underage sales – Mr Wright said that the CCTV was only kept for 14 days;
- the premises constantly have over 18 nights;

- he would be happy not to have under 18s on the premises as this would address the concerns. He said he could not implement this himself as they have all bought 12 month membership;
- never known an incident like the machete one before – he has worked in the pub trade or been around it since a child and has never seen anything like it before - he didn't understand where all the violence was coming from;
- with regards to training the staff had been trained in company policy and procedures;
- with regards to underage sales he said that was as simple as 'don't sell to under 18s – what more can you say about it'. He wanted to book all staff onto personal licence courses. He hadn't been able to do that before as staff had other commitments and couldn't make the dates or places. There were places in March but then all of this happened. He said that Victoria Stevenson had downloaded and read through the personal licence holder booklet;
- he denied that anyone would be smoking cannabis on this premises as they are not allowed to smoke. He said that there was a hashish place next door which created all sorts of smells;
- they have a written drugs policy mainly about what to do with cleaning. They have a drugs safe on premises. They often find empty bags in the doorway but that can be from anyone there because of the area they are in. There is a lot of drug use around there;
- he has a refusals log and denied that they were just written on a piece of paper;
- if a person brings their own alcohol onto the premises it is confiscated and they are asked to leave and not allowed back in;
- they had moved the furniture around the alcove to prevent anyone hiding alcohol;
- he felt the problems could be alleviated by having all staff trained, 2 staff on at all times and on a Friday and Saturday night having doormen;
- he had not failed to cooperate with the Police. When he had phoned about the CCTV and other things they could have requested and set up a meeting with him then;
- he had been provided with a copy of the premises licence when he took over as DPS and had read the licence conditions and put it up in the premises. He said he thought the conditions had been changed but it was confirmed by the Licensing Officer that whilst there had been a minor

variation to remove doorman and another minor condition, nothing had changed with regards to the CCTV, staff training and times and conditions for under 16s to be on the premises;

- in relation to dispersal of customers and crowds outside, he said that he tries to disperse them but that no incidents happened before he went away. He escorts customers off the premises, they then go and get their buses or go and wait around the corner like they have always done;
- they didn't have any busy nights before he went away so there was no need for more than one person to be working;
- he said he had put restrictions in place once he returned;
- when U.16s have to leave the premises they go around and ask them to leave. The age verification procedure after that is the same, they have to show their membership card. You can see everyone coming in from the bar;
- with regards to the allegation of the girl with fake ID, she had lost her ID and was actually over 18 but because she had lost her ID she used a fake one instead. After the incident Victoria Stevenson had looked through their records and checked and confirmed her age;
- on the 19 February when he left the premises it was not unattended. He had left a friend who is a doorman in the premises to keep an eye on things. He was not serving. Mr Wright confirmed he thought this was acceptable;
- he has a written record of staff training. It is signed by staff doing training;
- whilst he has been a personal licence holder for 7 years and considered he was an experienced publican, he stated that he could probably do with a refresher on the licensing laws;
- Mr Wright stated that he wanted to keep his licence but that his intention was to sell the lease as he does not want to be in the pub trade any longer and so if the licence remains he will not have anything to do with the premises. He did make the point though that to his knowledge no one had been prosecuted for any of the incidents and therefore it they weren't bad enough to prosecute why should he and the bar be prosecuted. All the incidents happened whilst he was away on a holiday that he very much needed and he has worked with the police on his return;

The committee took into account everything mentioned by the Police and the Mr Wright in reaching their decision.

#### Licence Conditions:

They were satisfied that licence conditions had been breached as was admitted by

Mr Wright. They noted that Mr Wright had said that he had read the licence conditions when he became the DPS, however it was difficult to accept this as he had admitted that the first he knew about the requirement to leave a person with a personal licence in charge of alcohol sales when he was not present, was when he met with police in February;

The licence clearly requires there to be a person on the premises when it is open capable of operating and downloading the CCTV footage. This condition has not been complied with on numerous occasions. This is a condition that supports the crime prevention licensing objective;

Where the DPS is not on the premises the person managing the sale of alcohol in the absence of the DPS must hold a personal licence. This licence condition has been breached on numerous occasions. This condition supports all of the licensing objectives;

The evidence presented by the police clearly shows massive confusion over the licence condition with the requirement in respect of anyone under 16 being on the premises. This condition is there to ensure the protection of children from harm and all staff should have been aware of the licence requirements. It was the PLH duty to ensure they were appropriately trained but he was apparently unaware of the condition himself. There has been no direct evidence that anyone under 16 was on the premises after the stated time although there were reports of a group of drunk 15 year olds going to the premises after a party although there was no evidence of what time this was and also reports of youths aged between 14 – 18 years leaving the premises at around 2230 hours. Whilst there may not be direct evidence of this condition being breached it is reasonable to assume it has been based on the lack of knowledge of the condition by Mr Wright and his staff;

Also his staff had clearly not received sufficient training in the licence conditions as is required by the licence. Mr Wright could not have trained his staff in these licence conditions as he was unaware of them himself. All of the above undermines the crime prevention and protection of children from harm licensing objectives. The committee felt that Mr Wright demonstrated a very lackadaisical approach to his licence and he didn't appear to understand or have regard to the licensing laws and conditions of licence;

#### Alcohol sales:

There were several reports from unnamed people reporting underage drinking and also several reports in the police logs showing that when they had visited the premises whilst youths had not necessarily been caught buying alcohol on the premises there were reports of them being clearly under the influence. There was one incident of a 16 year old girl having possession of a bottle of Sol on the premises and using Fake ID (the committee did not accept the PLH's explanation of this incident), another of a 16 year old male being heavily intoxicated so that he could barely speak or stand and the officer taking a pint of Fosters off him in the car park outside the premises, and reports of youths hiding alcohol when they see the Police arrive. All of these matters were taken into account in reaching the decision as, taken together, they build a picture of alcohol being available to those

under 18 whether by direct sales, proxy sales or alcohol being brought onto the premises. This is despite the reports in some of the police evidence that on some visits there was no evidence of youths drinking and records being kept of ID checks however these measures would seem to have been ineffective in protecting children from the harm of alcohol;

Poor management of the premises:

There were a number of reports of youths being drunk on the premises and in the immediate vicinity of the same. As stated above, alcohol would appear to be being consumed on the premises by those under 18. Whilst this could be because of actual underage sales or proxy sales there is also the possibility, as put forward by one member of staff, that youths are bringing in the alcohol themselves as she has found empty alcohol bottles around the premises at closing. The police reports show that youths have been able to use the 'dark area' of the premises and other areas out of sight of the bar. Staffing levels are very low (often being just one person) and it is difficult to see how during busy periods one member of staff can both serve and monitor and check on the activities of patrons whilst on the premises to prevent things like the secret drinking of alcohol, proxy sales or use of drugs like cannabis, as was mentioned in at least two police reports;

In addition to the above there was also a report that Mr Wright had left the bar completely unattended on the 19 February 2020. Despite Mr Wright considering that this is acceptable, the committee do not agree with him. There should have been someone in control of the premises at all times especially in light of the fact that young people frequent the premises;

Fights have often occurred when the DPS or staff have ejected people from the premises – one such fight and subsequent assault happened involving two 16 year old girls, one of which had been ejected from the premises. Fights have also occurred and then those involved been allowed back in to the premises only for further disorder to occur again later in the evening. Mr Wright did not give any information to the committee to satisfy them that he had taken any steps to ensure that incidents of violence and disorder did not occur. The PLH/DPS had failed to report any incidents to the police and had no effective dispersal policy to prevent these problems from occurring. Whilst it is acknowledged that the PLH/DPS cannot be responsible for conduct of patrons away from his premises, all these incidents occurred in the immediate vicinity of his premises. This is within his control and calls to the police and working with the police may have resolved the issues. The committee were satisfied that the conduct from and in the immediate vicinity of the premises was having a detrimental effect of the crime prevention licencing objective and, due to the age of the customers of the bar, the protection of children from harm and that this was all down to poor management of the premises;

Taking the above into account the committee were satisfied that action was needed to ensure the promotion of the four licensing objectives. It considered whether it was appropriate to add conditions to the licence however, in light of the fact that Mr Wright was unaware of and had failed to comply with his existing conditions of licence, they had no confidence that he would comply with any new



conditions that were added. They considered whether the issues could be addressed by removing any licensable activity. The only applicable licensable activity is the sale of alcohol but a majority of the issues affecting the premises are due to poor management and removal of a licensable activity would not address this;

The committee agreed that the removal of the DPS would be ineffective as the DPS is also in effect the PLH. Therefore the poor management issues would be likely to continue;

The committee decided that suspending the licence for 3 months would be ineffective as the issues would be likely to return once the premises opened given the recent history;

Therefore the committee were satisfied that the only appropriate action was to revoke the licence to ensure the promotion of the licensing objectives of prevention of public nuisance, prevention of crime and disorder and protection of children from harm.

58. **Review of Premises Licence (under section 51 of the Licensing Act) - Bar 9 - First Floor, 32 Western Approach, Plymouth, PL1 1TQ**

The Committee having considered the report from the Director for Public Health, heard from the Police and Mr Wright, agreed that as all the matters raised in the Section 51 review had all been dealt with by the decision made under the S.167 review, no further action was required.

59. **Exempt Business**

There were no items of exempt business.

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**Licensing Sub Committee****Friday 24 July 2020****PRESENT:**

Councillor Rennie, in the Chair.  
Councillor Parker-Delaz-Ajete, Vice Chair.  
Councillor Riley.

Also in attendance: Ann Gillbanks (Senior Lawyer), Jamie Sheldon (Senior Governance Advisor) and Fred Prout (Senior Licensing Officer).

The meeting started at 10.00 am and finished at 12.53 pm.

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

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

The Committee agreed that Councillor Rennie was appointed as the Chair and Councillor Parker-Delaz-Ajete was appointed as the Vice-Chair for this meeting.

**2. Declarations of Interest**

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

**3. Chair's Urgent Business**

There were no items of Chair's urgent business.

**4. Exempt Business**

Agreed that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 it was in the public interest to exclude the press and public as to hear the matter in public risked prejudicing any ongoing investigations and any court proceedings.

**5. Expedited Premises Licence Review - OMG Plymouth, 11 The Parade, Plymouth, PL1 2JL**

The Committee considered the application made by the Police under section 53A of the Licensing Act 2003 and heard from the Premises Licence Holder and the Premises Licence Holder's legal representative.

The Committee considered that to suspend the licence at this stage would be extreme, but it was considered proportionate to impose the following interim condition:

Condition:

- Between the hours of 11pm until close of the venue, a SIA registered door staff must staff each floor within the premises;
- Although not a condition, the committee would further recommend that all staff be updated on the Ask Angela policy with evidence of this produced at the final review hearing.

*(Note: there is a confidential part to this minute)*

**Licensing Sub Committee****Tuesday 18 August 2020****PRESENT:**

Councillor Rennie, in the Chair.

Councillor Riley, Vice Chair.

Councillors Parker Delaz-Ajete and Mrs Pengelly (fourth member).

Also in attendance: Ann Gillbanks (Senior Lawyer) and Helen Prendergast (Democratic Adviser).

The meeting started at 10.00 am and finished at 3.30 pm.

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

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

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Riley as Vice Chair for this particular meeting.

**7. Declarations of Interest**

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

**8. Chair's Urgent Business**

There were no items of Chair's urgent business.

**9. Review of Premises Licence: OMG, 11 The Parade, Barbican, Plymouth**

Prior to the commencement of this review, the committee considered representations as to whether the review should be heard in private session, excluding members of the public and press.

The committee having considered the representations agreed that in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 hearing the matter in private outweighed the public interest in the matter being heard in public agreed to exclude the press and public and to conduct the meeting in private, so as not to prejudice the criminal investigation.

The committee having taken into consideration all of the representations agreed that it was proportionate and appropriate to impose an additional condition to the licence at this time, as follows –

Condition

All staff to be trained in procedures and safety relevant to their role and to receive refresher training in relation to licensing conditions and all policies once every six months; such training to be evidenced in the training records.

After making this decision, the committee considered the need for the interim decision imposed and agreed that the ongoing costs of maintaining this requirement would not be proportionate in the long term, and were satisfied that the condition imposed about training above would satisfy any further requirement on this point, so considered it appropriate to agree that this condition could be extinguished upon the end of any appeal period.

*(Note: there is a confidential part to this minute)*

## **Licensing Sub Committee**

**Tuesday 29 September 2020**

### **PRESENT:**

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

Also in attendance: Sharon Day (Lawyer), Bev Gregory (Enforcement Officer) and Helen Prendergast (Democratic Adviser).

The meeting started at 10.00 am and finished at 1.41 pm.

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

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

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Hendy as Vice Chair for this particular meeting.

#### **11. Declarations of Interest**

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

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

There were no items of Chair's urgent business.

#### **13. Review of Premises Licence: Royal Oak, Lake Road, Plymouth**

The committee –

- (a) considered the report from the Director for Public Health;
- (b) heard and considered the written and verbal representation from Environmental Health;
  - the representation set out that complaints of noise from live and recorded music had been received from local residents, in respect of the premises; the representation also detailed the warnings that had been given to the premises before any action had been taken;

these warnings related Covid-19 guidance for pubs and also regarding levels of noise coming from the property in August 2020, once the lock down restrictions had been lifted;

- the statement of Rachael Hind, the Council's Licensing Manager detailed her visit to the premises on 8 August 2020; her view was that, whilst any music was to be played at a premises, the Covid-19 rules meant that it had to be outside, a balance needed to be struck and the music was being played too loudly; whilst she did not witness the noise levels inside any residential property, from what she did hear she formed an opinion that if an individual was in a nearby residential property the level of music would still have been able to be heard over a loud TV and residents would have been unlikely to be able to read a book without being disturbed by the music; this statement was taken into account by the committee when reaching its decision along with the statement of Marie Price;
- ten complaints had been made to Environmental Health by local residents detailing that the music noise could be heard over the level of conversation taking place inside the residential property and that residents who had contacted the pub stated that they had been mocked publicly when asking for the music to be turned down and had been left feeling intimidated; these anonymised complaints were presented to committee and, whilst they were hearsay, they were taken into account by the committee in reaching its decision, as these were official complaints made to the Council and submitted with a view to being considered to address the problems experienced; the committee noted the attitude of the PLH in dealing with the complaints, in that it appeared from the views expressed by some complainants that the landlord had not acknowledged his obligation under the Licensing Act;
- one video was played which had been taken on 8 August 2020 by the Licensing Manager; the committee took this recording into account in reaching its decision, in that it gave a good indication of the level of music and the distance from the premises at which it could be heard;
- that Mr Chambers had put forward conditions but the Environmental Health officer was of the opinion that they were not specific enough and would not address the issues complained of; those conditions were not put before the committee and so did not form part of its considerations;



(c) heard and considered both written and verbal representations from local residents and ward councillor; as summarised below -

- complaints of noise from live and recorded music being played in the beer garden of the premises; the complaints had appeared in the local media; residents reported that both live and recorded music could be heard inside their properties above the level of their TV; the music was audible in residential properties even with the windows closed and some residents reported that they could feel the vibration from the music in their properties; the music had occurred between 5.30pm and 9pm on the weekends of 1 August and 8 August 2020; noise from music was so loud that it was described as being akin to a major music festival; the music was very loud and intrusive and echoed all around the lake; residents had also felt that the landlord had not dealt with the issues properly and some residents had been met with abuse when they challenged the pub about it; since 8 August 2020 music issues seemed to have stopped;
- residents also reported ongoing issues of noise from patrons leaving the pub shouting, swearing and arguing;
- other residents however, made representations that they were happy that the pub had made a healthy comeback and did not find that the music played at weekends was a nuisance; some reported that there had not been any problems with the premises under its new owners; the music was reported as being only once a week and only when the weather permitted; the music could have been played up to 11pm but the landlord had opted for a more socially acceptable time and ensured the music finished earlier; live music had always been a feature at the Royal Oak with no complaints in the past; the music was just for two hours on a Saturday; the people who complained were said to be in the minority and it was said that some people enjoyed sitting in their gardens listening to the music coming from the premises;

(d) heard from the Premises Licence Holder (PLH) as follows -

- he had initially found the situation unreasonable, as in the past the Council had deemed it reasonable for the premises to have an outdoor music licence; however, he accepted that the music had offended some people and that had not been his intention;

he had just wanted to provide live entertainment for their customers and regulars;

- he accepted that the conditions put forward by Environmental Health were reasonable, if having music outside offended those properties close by and there was no point in having music outside if it could not be heard by people in the premises; he therefore confirmed that the premises no longer wanted to play music in the garden and as they did not want to cause any further upset and only wanted to play music inside at an audible level inside;
- (e) considered that the representations submitted by Environmental Health, other parties and PLH all detailed above, were relevant under the Prevention of Public Nuisance licensing objective;
- (f) noted the following points as having been mentioned in the representations, however were not taken into account in reaching a decision as they were not relevant under any of the licensing objectives -
- alleged breaching of and compliance with Covid-19 restrictions, this was enforced through other legislation;
  - parking issues;
  - that the premises was a well-run professional establishment which was a lovely family pub and complied with what the regulations required; that it had provided a valuable service to those in isolation and the elderly during lockdown by doing takeaways;
- (g) in determining this matter noted that whilst not everyone was adversely affected by the music noise, a lot of people were and it was therefore satisfied that the Prevention of Public Nuisance licensing objective was being undermined.

The Committee agreed -

- (1) that it was appropriate and proportionate to impose the following conditions to ensure the promotion of the aforementioned licensing objective and the licence would therefore be modified as follows -
- S.177A of the Licensing Act, 200 does not apply to the licence;

(2) in accordance with S.177A(4) of the Licensing Act, 2003, the following conditions are added to the licence -

- no regulated entertainment is permitted outside the premises; this includes any outdoor seating, beer garden, car park or temporary structure;
- regulated entertainment is permitted inside the premises only.

The committee did not consider it appropriate to impose the condition relating to regulated entertainment taking place inside the premises, as no evidence had been received that this was an issue.

14. **Review of Premises Licence: Lockdown Inn, Southway Drive, Plymouth**

The committee -

- (a) considered the report from the Director for Public Health;
- (b) considered the verbal and written representations submitted by the Environmental Health officer -
  - that the Designated Premises Supervisor (DPS) of the premises had made contact, upon the easing of Covid-19 restrictions, requesting guidance of the performance of live music; the DPS was given the advice that music could be played outside, with patrons being socially distanced and music at a volume where patrons were not required to raise their voices; the DPS was also advised to comply with the premises licence so that music should not disturb nearby residential properties; the DPS was referred him to the Government guidance for pubs and performing arts;
  - live music had taken place in the outside area of the premises on a number of occasions, since that advice was given Environmental Health had received an unprecedented number of complaints (47 complaints had been received);
  - anonymised copies of the complaints received were provided to the committee, in summary they stated that -
    - music could be heard in residents' garden and inside their properties; music could be heard above the level of their televisions and radios;

- music could be heard inside even with the windows shut;
  - the noise was described as invasive;
  - some residents could hear what was being said/sung word for word;
  - at times the music could be heard when trying to sleep and there was a report of a child struggling to get to sleep;
  - residents felt unable to sit in their gardens whilst the noise was ongoing;
  - residents struggled to have conversations in their own homes due to loud music from premises;
  - there were reports of the noise lasting four to five hours;
  - swearing and profanities could also be heard coming from the entertainment provided at the premises;
- whilst these anonymised reports were hearsay, they were taken into account by the committee in reaching its decision, as these were official complaints submitted with a view to being considered to address the problems experienced;
  - an Environmental Health officer had visited the premises and conducted noise monitoring on 8 August 2020 between 4pm and 5pm; live and recorded music had been being played from a stage setup in the beer garden; videos of the volume of the music witnessed were provided and one was played to the committee; a map produced showed the locations of where the recordings were taken; this showed that music was clearly audible 85 and 185 metres away from the premises; during this visit the officer had spoken to the DPS but this had had to be conducted away from the premises, so they could be heard above the level of noise; the DPS had agreed to turn down the volume of music; when the officer had tried to speak to a security guard at the premises, the guard had had to come very close to the officer, to be able to hear what was being said, this breached social distancing guidelines; music should have been being played at a level where normal conversations could be heard, in order to comply with Covid-19 guidance issued by Government;

- a police officer had visited the premises on 8 August 2020 at 7pm; he reported that loud music was being played and expletives could be heard over the microphone from the person providing the entertainment; the officer's statement confirmed that this would have been able to be heard by passers-by and in the homes of neighbouring properties; the officer did report that social distancing was being followed by patrons; this written statement was taken into account by the committee;
  - discussions had taken place with the Premises Licence Holder (PLH) and the following had been agreed, as a way of addressing the problems that had been experienced -
    - removal of the application of S.177A Licensing Act, 2003;
    - no regulated entertainment be permitted outside of the premises; this included any outdoor seating, beer garden, car park or temporary structures;
    - regulated entertainment be permitted inside the premises only;
- (c) considered the representations submitted by local residents summarised as follows -
- residents had been able to hear every word of announcements from the premises PA system (one from a distance of 0.25 miles away); the DJ could be heard laughing, screaming and shouting into the microphone; the volume was reported to be ridiculously loud and showed little consideration for surrounding residents; the noise had been so loud that residents had struggled to talk to each other, whilst in their gardens and had not been able to escape the noise when going inside, even with the double glazed windows closed; the uncertainty of when and if the problem occurred again caused high levels of stress; one representation exhibited snapshots of Facebook comments about the noise; these Facebook snapshots were not taken into account by the committee in reaching their decision because they were not official complaints to the Council and neither were they representations in their own right; the people who had written these comments had not done so in the knowledge that they would be considered in anyway;

- a representation was received from a performer in support of the premises stating that the venue was a promising premises for music and that nationally known artists were playing at the venue; they stated that the premises was a family venue and that some people had attended because they had heard the music; they said that no complaints had been received from people at the venue at that time, even those sitting close to the PA system; they said there had been no need for anyone to raise their voice above the level of the music; they further stated that there would be no need for any more outdoor gigs, as staff had coherent plans for all seated, socially distanced gigs and therefore the conditions seemed to be appropriate; the premises was Covid secure;

(d) considered the representations submitted by PLH and DPS, as follows -

- the venue had held three outdoor entertainment events on 11 July, 19 July and 8 August 2020;
- once the licence holders became aware of the issues on 10 August 2020, they gave strict instructions to the DPS that no further outdoor events were to take place; these instructions had been followed by the DPS;
- since the Covid-19 restrictions on indoor regulated entertainment were lifted, there had been no reported complaints regarding excessive noise or nuisance;
- the premises licence holders had engaged with Environmental Health and offered to accept the conditions mentioned by Environmental Health;
- the licence holders had prepared and submitted a noise management plan for the venue, to Environmental Health;
- the licence holders accepted that the conditions put forward would prevent a recurrence of events that gave rise to the complaints and accepted that the addition of these conditions to the licence was a reasonable course of action for the committee to adopt;
- they apologised that the events had led to the complaints;

- the DPS was concerned that a local Councillor had allegedly been encouraging complaints about the noise be made to the Council; this concern was noted by the committee but not taken into account when reaching its decision, as the committee had not been presented with any evidence to support this allegation;
- (e) considered the representations submitted by Environmental Health, other parties and the PLH detailed above (save where otherwise specified above) to be relevant under the Prevention of Public Nuisance Licensing Objective;
- (f) noted that the PLH had responded to the complaints in a responsible manner and had worked with Environmental Health to reach an acceptable conclusion;
- (g) was satisfied that, in light of the relevant representations received, the Prevention of Public Nuisance licensing objective was being undermined.

The Committee agreed that it was appropriate and proportionate to impose the following conditions to ensure the promotion of the aforementioned licensing objective and the licence would therefore be modified as follows –

- (1) S.177A of the Licensing Act, 2003 does not apply to the licence;
- (2) in accordance with S.177A(4) of the Licensing Act, 2003 the following conditions are added to the licence -
- no regulated entertainment is permitted outside the premises; this included any outdoor seating, beer garden, car park or temporary structure;
  - regulated entertainment is permitted inside the premises only.

(Councillor Morris, as the fourth member, was present for all of the meeting but did not take part in the deliberations for each review).

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## Licensing Committee



Date of meeting: 08 December 2020  
Title of Report: **Street Trading Report 2021/2022**  
Lead Member: Councillor Tudor Evans OBE (Leader)  
Lead Strategic Director: Anthony Payne (Strategic Director for Place)  
Author: Emily Bullimore  
Contact Email: [Emily.bullimore@plymouth.gov.uk](mailto:Emily.bullimore@plymouth.gov.uk)  
Your Reference: Street Trading 2021  
Key Decision: No  
Confidentiality: Part I - Official

### Purpose of Report

This report seeks to set the process for the issuing and terms and conditions of consents for the 2021/2022 trading year.

### Recommendations and Reasons

1. The Consent dates for 2021 / 2022 are approved of 1 April 2021 – 31 March 2022.
2. The Consent fees set out in Appendix A, for 2021 / 2022 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.
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.
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 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 the Committee.
12. To approve the proposal for an alfresco dining experience for short term traders on the Piazza during the summer months.

### **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.

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

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular: A Growing City contributes by supporting local businesses and benefiting as many people as possible within the Waterfront and City Centre areas. Street Trading is also fair and treats everyone with respect to champion fairness and create opportunities.

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

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, business rates 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 2021 / 2022 financial year.

Consent fees for both City Centre and Ice Cream sites were increased by 1.5% for the period 2020 / 2021.

For 2021/2022 I propose a 0% increase in street trading consent fees across all street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix D

### **Carbon Footprint (Environmental) Implications:**

None.

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

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

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. In 2020 this has also extended to include ensuring COVID 19 safe operating measures across all Street Trading sites. It also finances the management of Street Trading enforcement

### **Appendices**

*\*Add rows as required to box below*

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	Proposed Consent fees 2021 – 2022							
B	Street Trading Application Form 2021 - 2022							
C	Alfresco Dining on the Piazza Proposal Summer 2021							
D	Finance Model							

**Background papers:**

\*Add rows as required to box below

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 any 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:**

Fin	pl.20. 21.1 41	Leg	3561 7/ag/1 1.11.2 020	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes Anthony Payne (via email). Date agreed: 23/11/2020											
Cabinet Member approval: Approved verbally with Tudor Evans on Team Video Meeting with Amanda Ratsey present Date approved: 25/11/2020											

## **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 2021/ 2022.

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

c) 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 the Committee.

d) To approve the proposal for an alfresco dining experience for short term traders on the Piazza during the summer months.

## **2.0 Duration of Consents for 2021 / 2022**

2.1 It is proposed that all City Centre Consents commence on 1 April 2021 and end on 31 March 2022.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2021 and end on 31 March 2022.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2021 – 31 March 2022.

## **3.0 Consent fees for 2021/ 2022 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 2020 / 2021 by 1.5% and for the year 2021 / 2022 it is proposed that the Consent fees are not increased for any Street Trading sites. This is due to the COVID 19 pandemic and the financial pressures places on existing street traders during the 2020/2021 trading year teamed with the decrease in footfall in the city centre. At present, the situation is changing constantly in regards to the pandemic and as the Street Trading manager I feel that the 2021/2022 trading year will be less about income and more about navigating the waters and supporting the high street and traders in the recovery process. In addition to this, we have lost three street traders recently and I believe that by keeping the prices static will encourage new street traders to apply to trade in the city centre.

The proposed consent fees are set out in Appendix A 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 New Street Trading Sites and Roaming Sites**

7.1 During the 2021/2022 trading year the work on New George Street and Old Town Street will be started by both Plymouth City Council on the public realm and by British Land on the buildings. This will mean probable temporary displacement for two of the current street traders and possible impact

on others. During this trading year the Street Trading Manager is proposing an investigation into 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 through this difficult time. These proposed pitches would be put to the Committee in the early part of 2021 when the plans for the public realm work are confirmed and therefore the impact of the site will be known.

### **8.0 – Alfresco Dining Experience on the Piazza**

8.1 During the summer of 2020 the commercial bookings were all cancelled as were the summer events due to COVID 19. To put some vibrancy and life on the High Street we put the 'Pub on the Piazza' onto the main Piazza for the summer with paying concessions and the opportunity for pop up traders that are long or short term. Please see the proposal for a similar but reviewed proposal for the Piazza in Summer 2021.

**Appendix A- Proposed 2021/2022 Consent fees**

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2020 / 2021	PROPOSED ANNUAL FEE 2021 / 2022
<b>CITY CENTRE SITES</b>			
<b>2A</b>	<b>New George Street (nr. Former Woolworths building)</b>	<b>£6618</b>	<b>£6618</b>
<b>2B</b>	<b>New George Street (WHSmiths)</b>	<b>£6618</b>	<b>£6618</b>
<b>2D</b>	<b>New George Street (nr. Sundial)</b>	<b>£6618</b>	<b>£6618</b>
<b>9</b>	<b>New George Street (Waterstones)</b>	<b>£6618</b>	<b>£6618</b>
<b>3A</b>	<b>Bedford Way (Royal Parade end)</b>	<b>£3986</b>	<b>£3986</b>
<b>3B</b>	<b>Bedford Way (New George Street)</b>	<b>£6554</b>	<b>£6554</b>
<b>7</b>	<b>New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way</b>	<b>£3029</b>	<b>£3029</b>
<b>8</b>	<b>New George Street Winter (Sundial area) seasonal</b>	<b>£2546</b>	<b>£2546</b>
<b>8</b>	<b>New George Street Summer (Sundial area) seasonal</b>	<b>£1333</b>	<b>£1333</b>
<b>10</b>	<b>Sundial East</b>	<b>£7814</b>	<b>£7814</b>
<b>11</b>	<b>Sundial West</b>	<b>£7814</b>	<b>£7814</b>
<b>12</b>	<b>Cornwall St o/side Superdrug</b>	<b>£4440</b>	<b>£4440</b>
<b>13</b>	<b>Place De Brest East</b>	<b>£4440</b>	<b>£4440</b>
<b>14</b>	<b>Place de Brest, o/s Specsavers</b>	<b>£4440</b>	<b>£4440</b>
<b>ICE CREAM SITES</b>			
<b>B</b>	<b>Madeira Road</b>	<b>£4634</b>	<b>£4634</b>
<b>C</b>	<b>Madeira Road</b>	<b>£4634</b>	<b>£4634</b>
<b>E</b>	<b>Hoe Road</b>	<b>£11434</b>	<b>£11434</b>
<b>F</b>	<b>Hoe Road</b>	<b>£11434</b>	<b>£11434</b>
<b>G</b>	<b>Hoe Road / Grand Parade</b>	<b>£5760</b>	<b>£5760</b>
<b>H</b>	<b>Pier Street</b>	<b>£1377</b>	<b>£1377</b>
<b>I</b>	<b>Cliff Road</b>	<b>£1121</b>	<b>£1121</b>
<b>HOE AND MADEIRA ROAD SITES</b>			
<b>1</b>	<b>Hoe Road colonnade west</b>	<b>£3000</b>	<b>£3000</b>
<b>2</b>	<b>Hoe Road mid-west colonnade</b>	<b>£3000</b>	<b>£3000</b>
<b>3</b>	<b>Hoe Road mid – east colonnade</b>	<b>£3000</b>	<b>£3000</b>
<b>4</b>	<b>Hoe Road colonnade east</b>	<b>£3000</b>	<b>£3000</b>
<b>5</b>	<b>Hoe Road lido west</b>	<b>£3000</b>	<b>£3000</b>
<b>6</b>	<b>Madeira Road triangle west</b>	<b>£3000</b>	<b>£3000</b>
<b>7</b>	<b>Madeira Road triangle east</b>	<b>£3000</b>	<b>£3000</b>
<b>8</b>	<b>Madeira Road adjacent to cannons</b>	<b>£3000</b>	<b>£3000</b>
<b>TOTAL*</b>		<b>£137,262</b>	<b>£137,262</b>

\*Assumes 100% occupancy



**Appendix B – 2021/2022 Application form with terms and conditions (also available to online applications)**

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 2019/2020). 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.



H: Pier Street	£1377	
I: Cliff Road	£1121	

**PRICE LIST**

Please give details of your prices for 2021/2022 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)	£6618	
2B: New George Street (outside W H Smiths)	£6618	
2D: New George Street	£6618	
3A: Bedford Way	£3986	
3B: Bedford Way	£6554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3029	
8: New George Street (winter)	£1333	

8: New George Street (summer)	£1333	
9: New George Street (outside Waterstones)	£6618	
10: Sundial East (Please attach an ice cream price list if interested in this site)	£7814	
11: Sundial West	£7814	
12: Cornwall Street (outside Superdrug)	£4440	
13: Place de Brest East	£4440	
14: Cornwall Street (outside Specsavers)	£4440	

## 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 2022 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 gulley 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).

**Appendix C: Alfresco Dining Experience Proposal**

Following the success of the Pub on the Piazza experience in summer 2020, C & G Catering have approached Street Trading to look at building on the foundations that they made this year and bringing a slightly different experience to the Piazza in Summer 2021.

Would like to have the bar on site but in a different location on the Piazza. It felt that it was in the middle of the site and did not allow visibility through the site. With the constantly changing COVID 19 guidelines, final layout of the area would not be decided until closer to the time so that all social distancing measures can be factored in on the site layout.,

Shared seating area and the site fenced off at night for the security following ASBO behaviour – removes infrastructure that encourages gatherings / drinking / evening possible ASBO which in turn will make the site safer overnight and increase the visibility for CCTV coverage.

In summer 2020 there was a total of 10 sites available for the use of trading and / or exhibiting. There were 4 concessions and the bar that stayed for the duration of the booking.

For summer 2021 the proposal is to increase the offer to include the bar and 6 concessions for the duration in semi-permanent structures. 4 additional concession sites will be available for any sort of booking – this could be food / non- food offerings – each application will be processed on its own merits and individually. Any traders looking to sell alcohol other than C&G will need to apply for a separate TENs licence as per the usual channels.

There will be a dedicated exhibition area that will be available for promotional / commercial bookings. The bookings for this space will follow the same process as usual commercial bookings through the Street Trading Office.

For entertainment we will liaise closer to the time between Street Trading, C & G Catering and City Centre Company. Any entertainment will be in regulation with COVID 19 regulations.

All items could be powered from the existing power supplies in the city centre and therefore there would be no need for generators etc to be bought into the city.

Costs will be determined by the Street Trading Officer to take into account the bookings, officer time, items such as waste collection and cost of power but also taking into account that C&G would be offering a meet and greet service to new traders / commercial bookings / entertainment and would be able to connect and offerings to the power supply therefore reducing PCC officer time on site.

C & G would supply the 6 semi permanent structures that are available for the duration of the site and also possible arrangements for shorter term bookings for traders without a suitable trade unit.

The remaining 4 additional concession sites will not have structures meaning that people booking the sites can use their own infrastructure if they would like to.

PCC will be responsible for all checking of paperwork to include licences, insurance and risk assessments.

The layout of the Alfresco experience would mean that bookings and events in the city centre can go ahead.

## Financial modelling

At the start of 2020 – 2021 trading year we had 8 street traders in the city centre with a predicted income for the year of £ £40,470

Throughout the year I have lost 4 of those traders due to them not being financially viable at a total loss of £15,434.

The recommendation is to not increase the consent fee for the 2021 / 2022 trading year to try and keep the traders that I have currently in place and to potentially attract more traders to the vacant street trading sites.

I have put a table below to show the overall increase that a 1%, 2%, 3% and 4% increase and what this would mean in the current situation with traders.

Current fee 2020 / 2021	1% increase	2% increase	3% increase	4% increase
£6618	£6684.14	£6750.36	£6816.54	£6882.72
£6618	£6684.14	£6750.36	£6816.54	£6882.72
£7814	£7892.14	£7970.28	£8048.42	£8126.56
£7814	£7892.14	£7970.28	£8048.42	£8126.56
£ 3986	£4025.86	£4065.72	£4105.58	£4145.44
<b>TOTAL</b> £32850	£33178.42	£33507	£33835.50	£34164
<b>Total</b> <b>increase £0</b>	£328.42	£657	£985.50	£1314

Even with an increase of 4% to current traders site fees would bring in an extra £1314 income. If one of the existing traders left which is likely if the site fees are increased then it would mean a minimum loss of £3986 which would be sorely missed.

It is also important to remember that profit cannot be made on street trading sites – this is a legal condition.

The proposal is to keep site fees at a 0% increase and work hard to encourage new traders onto vacant sites and increase income this way.

I feel that increasing the site fees when the footfall is so low and the businesses have struggled so much this year would force the hand of at least one, if not two existing traders to hand in their consents.

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# Licensing Committee



Date of meeting:	08 December 2020
Title of Report:	<b>Licensing Activity Report 2019/20</b>
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
Contact Email:	Rachael.hind@plymouth.gov.uk
Your Reference:	RH/Licensing Update 2020
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

None

## 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:

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

[Click here to enter text.](#)

### Appendices

\*Add rows as required to box below

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 title							
B	Equalities Impact Assessment (if applicable)							

### Background papers:

\*Add rows as required to box below

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 any 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
<a href="#">Licensing Act 2003</a>							
<a href="#">Revised Guidance issued under Section 182 Licensing Act 2003 - April 2018</a>							



**Tackling Gambling Related Harm: A  
Whole  
Council  
Approach**

**Sign off:**

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Originating Senior Leadership Team member: Robert Nelder

Please confirm the Strategic Director(s) has agreed the report? Yes Ruth Harrell

Date agreed: 27/11/2020

Cabinet Member approval: Councillor Haydon (approved verbally)

Date approved: 30/11/2020

## Enforcement Activity Report

### 1.0 Introduction

1.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2019 to the 31 March 2020. The team received 2400 licensing applications in 2019/2020 covering the following areas:

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

### 2.0 Licensing Act 2003

2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During 2019/20, Officers processed the following number of applications:

Licence Type	2017/18	01/04/18 – 31/03/19	1/4/19 – 31.3.20
Licensing applications, transfers and variations etc.	464 (plus 216 suspensions)	463 (plus 167 suspensions)	578 (plus 214 suspensions)
New Personal licences	139	129 + 145 Change of address applications	159 + 139 Change of address applications
TEN's	436	411	462

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.

2.3 180 Licensing Inspections were completed between 1 April 2019 and 31 March 2020 and 61 Licensing Act applications required representations from Environmental Health and Trading Standards.

2.4 The Licensing Sub-Committee undertook the following activities:

	2015/16	2016/17	2017/18	2018/19	2019/20
Applications or Variations	6	8	7	8	5
Review of premises licences	2	1	4	0	2
Expedited review applications	0	1	1	0	0

One Premises Licences was reviewed following a search warrant that was executed by Devon & Cornwall Police along with Officers from Trading Standards, HM Customs and the Licensing Authority. A significant amount of alleged illicit tobacco, and other items were seized from the licensed premises. As a result of the hearing the Premises Licence was revoked.

The other Premises Licence was reviewed by Devon & Cornwall Police regarding the sale of high strength alcohol to vulnerable people, street drinkers and those involved in anti-social behaviour. Further to the hearing this resulted in the removal of the Designated Premises Supervisor, further training and conditions imposed regarding high strength alcohol.

### **3.0 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.

#### **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.

The number of fly posting signs placed on lamp posts along arterial routes of the City has reduced greatly and work continues to deal with any so placed. Some fly post material have appeared on street furniture which are not under the control of the City Council such as telephone boxes, mobile telephone masts and BT, Virgin connection boxes.

### **4.0 Public Safety and Public Nuisance**

4.1 During 2019/20, 179 formal noise complaints were registered against licensed premises, which is 61% higher than last year. The increase was partly due to a large number of complaints being received from one temporary event.

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 for public nuisance 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	2019/20
Total Calls to Service (Domestic & Licensing)	305	199	116	125
Calls Relating to Licensed Premises	86	47	29	24

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.

## 5.0 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 The Licensing Team also carried out a joint Test Purchase Operation with Trading Standards in February 2020. Six retailers were visited and no one sold alcohol to the volunteer.
- 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.

## 6.0 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 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 Plymouth's Gambling Local Area Profiles

With the help of our Public Health Analysts, we have published our Gambling Local Area Profile, which is an assessment of the key characteristics of Plymouth in the context of gambling related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling related

harm, where they are located and any current or emerging problems that may increase that risk. The document has brought together a range of indicators of gambling harm and presented these at neighbourhood level. The information within the gambling local area profile will 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 to have policies, procedures and control measures in place to mitigate the risks.

We have also produced a guide to undertaking local gambling risk assessments to assist gambling operators to complete or review their assessments.

Both documents can be found on our website at

[www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy](http://www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy)

#### **6.4 New Gambling Premises**

An application for the grant of a premises licence received representations against the application and was heard before committee. This was the first occasion a Hearing under the Gambling Act 2005 was required since its introduction in 2006.

The application was for a Bingo Licence situated at premises that had previously been occupied as a betting shop.

Representations were received from a local business and a resident living above the premises.

The committee considered the application and the representations received, and granted the licence as the applicant had demonstrated that the premises would be operated in accordance with the Gambling Commission Guidance under section 24 and 25, and was consistent with the licensing objectives and the Councils own statement of licensing policy.

#### **7.0 Sex Establishments**

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

#### **8.0 Scrap Metal Dealers**

8.1 We have taken part in two joint Operations during the year with 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 from these operations has shown there is a link to one person who has been fly tipping in addition to collecting scrap metal without a licence and two people have been found collecting scrap without a licence. These were prosecuted after April 2020.

#### **9.0 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. We continue to carry out multiagency working on safeguarding, modern slavery/exploitation and hate crime projects. Pilot training on safeguarding for licensed premises with Best Bar None establishments was completed in September 2019. This was to be extended to Pubwatch members and other licensed premises, however this was delayed due to Covid-19.
- 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 continued their partnership work this year and their application for the renewal of the Purple Flag Award was successful.

Purple flag window stickers have been sent to all businesses within the city centre ENTE areas to display and posters have been placed in the city centre car parks and other poster boards throughout the city to raise awareness. Our website has also been updated to promote the Purple Flag award

[www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/purpleflagaward](http://www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/purpleflagaward) Work will continue with promoting the scheme after Covid-19.

## **10.0 Plymouth Event Safety Advisory Group (PESAG)**

The Plymouth Event Safety Advisory Group (PESAG) 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.

8 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.

A practical and easy to use Event Safety Management Pack has been produced this year. The pack is aimed at event organisers who are delivering small events (for less than 500 people), possibly for the first time.

## **11.0 Work Initiatives for 2020/21**

- 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 This list may vary due to Covid-19 restrictions. However we intend to:
- 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
- Audit all gambling risk assessments against the new gambling profiles
- Safeguarding training for gambling establishments to be arranged (delayed from March/April 2020 due to Covid19)
- Meet with the Gambling Establishments to discuss setting up a Betwatch Scheme in Plymouth (this was not completed in 2019/20 due to other commitments)
- Ongoing training of 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

## **12.0 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 2019/20. 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.

## **13.0 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.

**APPENDIX ONE****POLICE LICENSING REPORT APRIL 2019 – April 2020**

Sir/Madam,

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 –

- 41 applications to grant Premises Licence and negotiated appropriate conditions with each. 1 of these was withdrawn
- 14 applications to transfer premises licences
- 20 variations of Premises Licences – 1 of these was objected to
- 33 minor variations
- 2 variation of Club Premises certificate
- 96 variations of DPS
- 182 Temporary Event Notices, of which 10 were withdrawn following negotiations
- 128 Late Temporary Event Notices, of which 30 were rejected
- 3 Licensing Committee Reviews

*(Please note that these figures are those where the Licensing Officer has needed to become involved. 'Low-risk' applications are screened out centrally after they pass a 'logic')*

This summary indicates a decrease in applications for new Premises Licences and a decrease in Temporary Event Notices. There was a slight increase in the number of Late Temporary Event Notices applied for, although the percentage of late TENs which were rejected has increased, reinforcing the message from Police Alcohol Licensing and Local Authority Licensing that sufficient planning is required to make an event as safe and successful as possible. It is hoped that the number of late TENs will reduce in the future once this message is reinforced.

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. This has on occasion required specific visits to premises by the team and also requiring the DPS and/or area managers to attend Charles Cross Police station to deal with those issues.

One DPS was formally interviewed under caution for breaches of the Licensing Act and the evidence was later proven against them.

One venue was taken to a Licensing Committee review and had their alcohol licence suspended for 3 months after numerous incidents of disorder linked to the area due to an increase in street drinking. They have since decided not to sell alcohol again.



Another venue was attended as part of a multi-agency operation where a large amount of suspect tobacco and alcohol products were located and seized. Further items were again located at the premises and the premises were taken to review and had their licence revoked.

One venue, which failed to adapt their management accordingly after a number of interventions, continued to have incidents occurring at their venue. On Friday 21<sup>st</sup> March, they were issued with a s.76 Policing, Crime and Anti-Social Behaviour Act 2014 notice, which closed them down for 24 hours. This was extended to a 48-hour notice. The Licensing Team presented the evidence to Plymouth Magistrates Court on the Monday morning and the case was adjourned for a week with the venue remaining closed under the notice. The following week, a s.80 Closure Order was applied for by the Licensing Team and granted by Plymouth Magistrates Court closing the venue for 3 months.

Outside of the timescale of this report, the venue was taken before the Local Authority Licensing Committee and the evidence was presented. The Licensing Committee revoked the premises licence and the business has remained closed ever since, with a substantial reduction in incidents in that area of the city.

There was one serious incident where a male was assaulted outside a licensed venue and died as a result of his injuries. An investigation by the police and the Licensing Team into the actions of the DPS and staff at the venue showed an excellent level of professionalism in promoting the licensing objectives and efforts to undertake first aid until an ambulance arrived, despite the traumatic circumstances. This level of professionalism was communicated through to the higher management levels of the company and to the DPS.

We are actively engaged in effectively working in partnership with Plymouth Pubwatch and Best Bar None. This year, the Barbican Pubwatch has continued to develop, which helped to cement the teamworking between venues, especially around the Bank Holiday events. Through this partnership working, the method of communication between ourselves and the venues continues to improve.

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 was runner-up for the Best Innovative Scheme at the House of Lords in February, having won the Best Overall Scheme for an unprecedented 2 years in a row previously. They were not allowed to enter in that category this year and were asked to judge on the panel for the other awards.

Our excellent partnership working was identified through the prestigious Purple Flag award for the city. This identified 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. This was highlighted nationally when Plymouth's Purple Flag application was awarded a national award for the Best Wellbeing, whilst being runner-up for the Best Movement and the Best Diversity & Safety awards. To be shortlisted for so many awards as a new scheme was unprecedented.

Early in 2019 put in a detailed application in order to retain the Purple Flag for the city of Plymouth. The application was of such quality that it was held up by the assessors to be an excellent example of how a city should present itself and would be used as a template for other schemes nationally to aim for. The main architects behind this were PS Dave Moore, Cat McDonald from Best Bar None and Rachael Hind from the Local Authority Licensing department.

We continue to engage in working with door supervision companies and have continued to deliver 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 very few incidents involving door staff where inappropriate force has been used and good liaising with the Security Industry Authority (SIA) has been effective in dealing with these minor incidents, helping to maintain the safety of the public in Plymouth.

With the increase in knife crime around the country, we have continued to work with Door Supervisor companies, Best Bar None and Pubwatch in having identified an effective hand-held metal detector for use at late night venues. This has been instrumental in deterring the use of weapons in the ENTE and effective intervention by doorstaff has helped reinforce this. Plymouth has a very low level of knife-related crime in the ENTE in comparison to many other cities.

Further training has been delivered by ourselves around the Ask for Angela campaign in conjunction with Best Bar None. Once again, there have been 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. We have made effective communication with the two main universities in Plymouth around the scheme.

The successful trial of the taxi marshals at Derrys Cross and Union Street last year was made more permanent thanks to funding from a number of partners. They ran again over the 3 summer months, covering Fresher's Week and in December. Although the number of customers helped had decreased on the previous year, the taxi marshals had, once again, 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 previously 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 continuing, but less 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.

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.

Our continued involvement with the University of Plymouth and Marjon 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. We have delivered awareness and licensing training to City College students as well, making them aware of the schemes in Plymouth aimed at helping and protecting customers and users of the ENTE.

With the co-operation of a large number of venues in the city, a 3 month drink-spiking trial was undertaken in Plymouth, whereby an estimated 300,000 people attended venues which had been equipped with drink testing kits. 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 their drink would be tested. Any person who believed that they had been spiked could have a very quick urine test to indicate whether they had been spiked. A simple working practice made this method of determining whether a person had been spiked was efficient and effective. The results showed that over 96% of cases which could have reported in a drink spiking crime report being raised were negative, thereby significantly reducing the number of recorded crimes and also the fear of crime in the city. One person was positively identified and arrested for the offence thanks to the use of the kits.

This scheme has now been given the green light to be rolled out across the whole force area and is being looked into by a number of other forces around the country. Plymouth has received local and national media attention, with the scheme being featured on Crimewatch, showing the city to be an innovative and progressive city within the licensing community.

There is a full report of the trial should any member wish to see this.

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police

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**MEDIATION REPORT**

Licensing Committee



Date: 08 December 2020

Title of Report: Information regarding 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: Dr Ruth Harrell (Office of the Director of Public Health)

Author: Marie Price (Senior Licensing Officer)

Contact Email: Licensing@plymouth.gov.uk

Your Reference: ERS/LIC/PREM

Key Decision: No

Confidentiality: Part I - Official

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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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**Recommendations and Reasons:**

That Members consider this report.

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**Alternative options considered and rejected:**

None.

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**Relevance to the Corporate Plan and/or the Plymouth Plan:****Our Plan – A City to be proud of**

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.

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

There are no implications for the Council's finances as a result of this report

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**Carbon Footprint (Environmental) Implications:**

None

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

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

### 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](#)

### 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 (Mandatory)							

### 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:

Fin	djn.20 .21.17 3	Leg	3569 9 /ag/25 .11.20 20	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Rob Nelder											
Please confirm the Strategic Director(s) has agreed the report? Ruth Harrell Date agreed: 30 November 2020.											
Cabinet Member signature of approval: Councillor Haydon (verbally) Date: 30 November 2020											

## 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*

Henry J's	113-117 Mayflower Street	St Peter and the Waterfront
The Social Bar & Eatery	51 Mayflower Street	St Peter and the Waterfront
Bar Rakuda	10 Quay Road	St Peter and the Waterfront
Karauz	21 The Parade	St Peter and the Waterfront
Plymouth Argyle	Home Park	Peverell
Club 27	27 Bretonside	St Peter and the Waterfront
Tigermilk	17/19 Derrys Cross	St Peter and the Waterfront
Pier Masters House	12-13 Madeira Road	St Peter and the Waterfront
Everyman	Melville Building	St Peter and the Waterfront
Brewdog	Unit 10, 11 Bretonside	St Peter and the Waterfront
Dunya Restaurant	10 Derrys Cross	St Peter and the Waterfront
Campana	19 New George Street	St Peter and the Waterfront

### 2.2 *Devon & Cornwall Police*

Bar Rakuda	10 Quay Road	St Peter and the Waterfront
Karauz	21 The Parade	St Peter and the Waterfront
Soulfood	Unit 8 Plymouth Market	St Peter and the Waterfront
Café Kiss	7 North Street	St Peter and the Waterfront
Plymouth Argyle	Home Park	Peverell
Club 27	27 Bretonside	St Peter and the Waterfront
Premier Inn	Millbay Road	St Peter and the Waterfront
Giga's Everyday Essentials	12-14 Devonport Road	Devonport
Coronet Engravers	Unit 6 Plymouth Market	St Peter and the Waterfront
Devonns Stores	43 Ryder Road	Stoke
Ivory Fusion	32 Western Approach	St Peter and the Waterfront
Albert Express	242 Albert Road	Devonport
Tigermilk	17/19 Derrys Cross	St Peter and the Waterfront
Deliver the Liquor	95 Abbotsbury Way	Ham
Pier Masters House	12-13 Madeira Road	St Peter and the Waterfront
Guard Room @ Turnchapel	Barton Road	Plymstock Radford

### 2.4 *Licensing Authority*

Plymouth Argyle	Home Park	Peverell
Pier Masters House	12-13 Madeira Road	St Peter and the Waterfront
Campana	19 New George Street	St Peter and the Waterfront
Steel Brew Co	Melville, Royal William Yard	St Peter and the Waterfront
Soapbox Theatre	Devonport Park	Devonport
Terrace	Madeira Road	St Peter and the Waterfront



### **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 Nov 2019 until 31 October 2020 and this report is submitted for the information of the committee.

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The following relates to exempt or confidential matters (Para(s) 1, 2, 3 of Part 1, Schedule 12A of the Local Govt Act 1972). A breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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