



#plymlicensing



Oversight and Governance

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LICENSING COMMITTEE

Tuesday 7 December 2021
10.00 am
Council House

Members:

Councillor Jordan, Chair

Councillor Partridge, Vice Chair

Councillors Allen, Corvid, Goslin, Hendy, Hulme, McDonald, Morris, Patel, Rennie, Salmon,
R Smith, Stoneman and Wakeham.

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 - 32)

To confirm the minutes of the meeting held on –

Licensing Committee: 8 December 2020

Licensing Sub Committee: 8 June 2021
24 August 2021
31 August 2021

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. Licensing Activity Report

(Pages 33 - 46)

6. Annual Street Trading Report

(Pages 47 - 68)

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

(Pages 69 - 74)

Licensing Committee

Tuesday 8 December 2020

PRESENT:

Councillor Rennie, in the Chair.

Councillor Hendy, Vice Chair.

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

Apology for absence: Councillor Wigens.

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

The meeting started at 10.00 am and finished at 11.11 am.

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

1. **Declarations of Interest**

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

2. **Minutes**

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

(1) Licensing Committee -

- 3 December 2019;

(2) Licensing Sub Committee -

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

3. **Chair's Urgent Business**

There were no items of Chair's urgent business.

4. **Street Trading 2021/22**

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

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

The main areas of questions from the Committee included –

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

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

The Committee agreed –

- (1) the consent dates for 2021/22 of 1 April 2021 to 31 March 2022;
- (2) the consent fees set out in 'Appendix A' of this report for 2021/22;
- (3) the Service Director for Economic Development has delegated authority to approve, within Committee policy the issuing of consents to existing city centre traders seeking to continue trading;
- (4) the Service Director for Economic Development has delegated authority to approve within the Committee policy the issuing of consents to new traders or contested sites for city centre sites, in consultation with the Chair of the Licensing Committee and lead opposition member;
- (5) the Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity;
- (6) the Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications within Committee policy;
- (7) the Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of consents to existing ice cream traders seeking to continue trading;

- (8) the Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and lead opposition member;
- (9) the Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading;
- (10) for the Hoe and Madeira Road Waterfront trading sites the Licensing Committee delegate approval to the Licensing Sub Committee for all new applications;
- (11) to approve investigation of new street trading sites and possible roaming sites in the light of the upcoming public realm and British Land works to New George Street and Old Town Street and report findings back to this Committee;
- (12) to approve the proposal for an alfresco dining experience for short-term traders on the piazza during the summer months.

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

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

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

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

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

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

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

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

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

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

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

The Committee noted the report.

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

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

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

The Committee noted the report.

7. **Exempt Business**

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

8. **Confidential Minutes**

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

(1) Licensing Sub Committee -

- 24 July 2020;
- 18 August 2020.

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Licensing Sub Committee**Tuesday 8 June 2021****PRESENT:**

Councillor Jordan, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Hendy (fourth member) and Stoneman.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Senior Enforcement Officer), Helen Rickman (Democratic Advisor) and Jake Metcalfe (Democratic Advisor – observing).

The meeting started at 11.30 am and finished at 11.50 am.

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

1. Appointment of Chair and Vice-Chair

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

2. Declarations of Interest

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

3. Chair's Urgent Business

There were no items of Chair's Urgent Business.

4. Temptations T2 Ltd - Grant of Sexual Entertainment Venue Licence - 6-8 Union Street, Plymouth, PL1 2SR

The Committee having –

- (a) considered the report from the Office of Director Public Health;
- (b) heard from the General Manager as follows:
 - the premises were closed at the time of renewal due to the Government Covid restrictions;
 - had not received a renewal notification as the renewal date coincided with the retirement of the previous Senior Licensing Officer, coupled with the fact that the premises could not operate as a Sex Entertainment Venue due to the Covid restrictions;

- contacted the licensing officer to see if the licence could be rolled over as there had been a period of 6 months of the licence where they have been unable to trade, but was advised that as the licence had lapsed, would have to make a new application;
- making the application now so that the premises will be licenced in time to open when Covid restrictions are lifted;

(c) heard information in response to questions as follow:

- there were no representations from any of the Responsible Authorities;
- there were no representations from any interested parties;
- that the flyers that are distributed from 9.30pm contain details of opening time and events, and sometimes price reductions on production of the flyer, but do not contain any images of dancers or other images which would be inappropriate for viewing by someone under the age of 21;
- confirmed that all the conditions that were included in the previously granted licence were to form the conditions of licence for this application.

Having considered all of the representations and responses to questions, Members noted that there had been no representations against the application by any of the Responsible Authorities and that there had been no representations against the application by interested parties. Members also noted that the premises had operated without incident.

Members **AGREED TO GRANT** the application for the hours applied for with the conditions of licence that were set out in the previously expired licence.

5. **Exempt Business**

There were no items of exempt business.

Licensing Sub Committee

Tuesday 24 August 2021

PRESENT:

Councillor Jordan, in the Chair.
Councillor Rennie, Vice Chair.
Councillors Hendy (Fourth Member) and, Wakeham.

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Senior Enforcement Officer) and Helen Prendergast (Democratic Adviser).

The meeting started at 10.00 am and finished at 2.50 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 Jordan as Chair for this particular meeting and Councillor Rennie 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. **Grant of Premises Licence - Burgers R Us, Sherwell Arcade, North Hill, Plymouth, PL4 8LH**

The Committee -

- (a) considered the content of the report from the Director of Public Health;
- (b) considered written representations and heard from the applicant and his legal representative as follows -
 - this was an application for the licence of a kiosk situated at Sherwell Arcade; there was a current licence for a mobile unit situated at the same location for the hours of 11pm to 5am, the same hours as this application;
 - professional and clean unit: currently trading with his mobile van, the

kiosk would be more professional and provide a better experience for his customers with better facilities and better CCTV which could help the local community; he would gain more respect not from his customers but from other people when requesting people keep the noise down they would be more likely to listen to him from a kiosk rather than a van;

- none of the Responsible Authorities had objected to this application; the applicant had engaged with the police and Environmental Health; they had given conditions which he had agreed to; the conditions went further than the licence currently held;
- the applicant had an existing licence operating from 11pm and 5a; the key issue for the Committee for this application was not whether the grant of a licence would undermine the licensing objectives, rather did the change from a van to a kiosk undermine them, they did not;
- it was important to say that this application was for food and late night refreshments; the applicant would not sale alcohol or cigarettes; the Council's Licensing Policy (page 13) stated late night refreshments was an integral part of the premises and helped to reduce alcohol related crime and anti-social behaviour, and that was what this business did, it prevented it;
- the licensing objective of preventing crime and disorder: the police had not objected; the applicant worked with the police, as he had good CCTV, if the unit was not there, there would be no CCTV in this area; from his location he could see outside of the Switch and Air clubs and the car park had a very good view and picked up a lot of footage unconnected to his van; the police regularly asked to view the CCTV; he kept good logs and provided a sample of detail lists of events he had witnessed; that showed this was a business which kept good records, if approached by the police he would be able to help;
- the applicant paid to be part of the radio scheme with other businesses;
- the new licence would have two members of staff at the kiosk at all times which would help to prevent crime and anti-social behaviour;
- there would be better CCTV with a permanent kiosk which would be of benefit to the police and others; the permanent structure would likely discourage anti-social behaviour, when the applicant left

that area and no one was around; the kiosk would have CCTV and continue to discourage anti-social behaviour;

- the applicant was prepared to agree to the additional conditions set by the police and Environmental Health; these were more restrictive than the present licence, so provided the community satisfaction and reassurance that better conditions were in place;
- public nuisance noise: the unit did not play music, did not have a generator as it was electricity based; the applicant would tell people to keep the noise down and did that now and had notices for this; he would not serve customers, if they were being noisy and asked them to wait in an orderly queue; there were no immediate dwellings next to the unit, so it would not create any noise;
- fighting and arguments: those happened as people congregated and that would happen in any event, as a result of the clubs nearby; people did not just congregate outside of the applicant's premises as they were waiting for a taxi, waiting to go after a party, they would do that anyway; people did not go out at 11pm for a burger;
- in those circumstances the van providing food and soft drinks would help disperse the crowd and sober them up (as per the policy); the benefit was to help prevent public nuisance;
- litter: the applicant did not sell glass bottles, or food in wraps or, provide carrier bags; he did clean the area and not just for the waste from his van which was little but any waste around and picked up other waste from other establishments; there was only one public bin in the area which filled up quite quickly with waste from students; he had a bin and the new kiosk would have a better bin, this would help to reduce public nuisance;
- issues with drinking and disorderly behaviour were not connected with his premises;
- public safety sufficient space for the new unit: the unit was not as long or as tall as the present van and it would be better and a more helpful structure there on the road; there were no issue of safety around the unit;
- issues raised by the objectors regarding healthy food: applicant provided healthy options and salads, not alcohol or cigarettes, so no material change to the products sold;
- protection of children from harm: no cigarettes or alcohol were being sold and no children buy from his unit; the applicant did have CCTV and would help anyone in distress; the applicant gave out

water, free of charge if people were in trouble;

- presented a video showing cleaning of the area at the end of the night; videos showed how clean the area was left at the end of business;

(c) representations from Responsible Authorities, were as follows -

- Devon and Cornwall Police: no representations made, as agreed conditions with the applicant (refer to appendix 6 of the report);
- Environmental Health: no representations made, as agreed conditions with the applicant (refer to appendix 7 of the report);

(d) representations from Other Parties; considered written representations and heard from other parties, as follows -

- heard from resident -
 - the noise outside in the streets that would go on all night;
 - the increase in the amount of litter that would be left scattered around;
 - an increase in the activity and infestation of rats, pigeons and seagulls;
 - an increase in the hazards from carelessly discarded broken bottles/glass, tin cans, etc;
 - the problem of more anti-social behaviour, including urinating in the street, etc;
 - this would have a detrimental effect on the health and wellbeing of residents in the building (Winifred Baker Court);
- Winifred Baker Court comprised of 30 retirement apartments; many of the resident were very elderly and some very frail; they needed some peace and quiet; the building was there before the students, bars and burger vans, it was once a quiet location;
- the burger van business encouraged grouping of noisy customers, who did not disperse quickly; the Burgers R Us kiosk was just yards from the property and was applying to open all night long;

- there was a lot of shouting, swearing and screaming in the road and other anti-social behaviour; it was not right that the residents should have to put up with this; sometimes it was impossible to sleep;
- that the granting of this application would be detrimental to the health and well-being of the people who lived in the Court, as well as other private residents in the broader area;
- the noise levels the residents sometimes had to endure, along with the mess frequently found in the local area was already unbearable;
- Councillor Singh and the Deputy Lord Mayor recently toured the streets of Drake Ward; during the walk it was evident that the level of rubbish, as well as the three P's (pee, poo and puke) was unacceptable and that was without the granting of this application;
- playing football with take-away food cartons, tin cans and bottles at 3 o'clock in the morning (and on one occasion an empty beer keg), frequently kept some of the residents awake into the small hours; this had been made more uncomfortable during the hot spell when the residents had to close the windows to minimise the noise and suffer suffocating conditions of the very warm nights;
- health and safety issues: as previously stated, the presumed increase in the amount of litter even with bins being provided, including discarded take-away cartons, beer cans, bottles, both broken and discarded, the three P's, etc was of much concern; seagulls, pigeons and the likelihood of an increase in rat infestation and activity could be a hygiene risk to all local residents;
- the dangers that all these things can and did cause to the elderly residents on a daily basis, whilst going out into the city centre for their shopping and to young children of families visiting this area to visit The Box;
- crime was another of the residents' concerns; on more than one occasion they have had drunken youths climbing into the private grounds which caused stress and worry to the residents at night, especially friends who found it hard to sleep because of the noise levels;

- drugs were another concern; hypodermic needles had been found carelessly disposed of in the area; the possibility of the undesirable people who supplied drugs infiltrating the area where these late-night/early morning burger vans were applying to operate;
- the danger of fighting breaking out in these unsupervised locations; the police were very much appreciated by the residents but even they may find it difficult to police these areas as much as they would like to; they were often at full stretch at night and at weekends; the residents knew that Friday and Saturday nights were the busiest and that was when a lot of the unwanted behaviour occurred and the police force was in most demand;
- visitors to Plymouth: The Box seemed to be a big success, as a visitor attraction; each time him and his wife walked down to the city centre, there was a great many excited people queuing to enter this amazing new feature of the city but if the area was blighted by litter in the form of cartons, cans and bottles, what sort of impression would this give to visitors from outside of Plymouth;
- suggested that if this application was granted then a revised time of 1.00 am be strongly considered and not the inconsiderate early morning time of 5am;
- Sunday morning, 22 August stepped out in to Addison Court and found discarded cartons and soft drinks cans;
- in a perfect world would like to see a return to old Sunday trading laws;
- heard from Ward Councillors -
 - litter and public nuisance: the nature of takeaway food was that it was bought and then two and three streets away when finished consuming food threw the waste product in the street; as a trustee of a litter picking volunteer group had seen cartons in Mount Street school, the reservoir and the park and sweeping the area was commendable but a licensing authority had an obligation to prevent litter;
 - noise: clubs and nightclubs in the vicinity had their own noise issues but noise from an outdoor van or kiosk was different with loud conversations, expletives, fights clearly disturbing for

those wishing to sleep, quite upsetting to residents; it was different to music where noise remained constant, this was intermittent noise caused by congregations of people at the van/kiosk;

- safety: CCTV was good to stop crime and would encourage all businesses to do that; looking through the logs showed people ejected from premises at Sherwell Arcade spilled out into the main area adjacent to the van, so risky for two members of staff who may not be SIA trained; if young people were working the risk was monumental, if they were not trained to deal with conflict; they could call the police but there may be a delay in the response; there was a 24 hour Spar with a Subway inside; less likely people dealing drugs in the shop than surreptitiously in a queue at the van;
- place: Winifred Baker Court was a quiet area with fantastic amenities; the area had changed over the years; new facility which was The Box opened normal business hours, with evening events and people working in the facility; Council had an amazing street services team but they could only be in one place at a time; orange polystyrene boxes, excrement, cans, etc, not a good impression on tourists;
- if the request to refuse the application was refused, it would be recommended that the applicant reconsider a fresh application addressing these problems, eg broader area of litter picking conditions, recognisable packaging, closing time 1.00 am, three members of staff on business nights including someone who was SIA trained;
- having a unit that would be there permanently would be problematic over a period of time;
- the application did not state where exactly the unit would go, as there were parking bays nearby and the pavement was used very heavily by nearby residents who lived in a sheltered accommodation supported by the Royal British Legion; the majority of these residents had access to mobility scooters which they relied on; the less obstructions the better to have to mount and dismount off the dropped kerbs; some residents did have sight issues and a permanent unit would cause issues; they also had visitors and carers during the day and night; it was also worth noting that even when they reported these issues it was very hard for them to keep a diary due to their age and some would be able to and some would not; there was never any consideration for this and Plymouth was a Dementia Friendly city;

- even during the Covid restrictions dating from January 2021, the area and the vicinity had seen an increase in all categories of anti-social behaviour, burglary, criminal damage and arson, other thefts, public order, robbery, vehicle crime and most importantly violence and sexual offences and other crimes;
- having a permanent structure in place would allow people to congregate and stand around whilst they eat their food purchases;
- protection of children from harm: there was a school, Mount Street Primary, nearby and he had had many incidents which included broken glass bottles, not necessarily from burger vans but due to the thoroughfare of traffic from The Box museum to Sherwell Arcade; there were incidents of needles and syringes that had been found in the vicinity; this was mentioned due to the number of incidents that had risen as shown in the crime statistics; the area had seen an increase in these issues;
- there was also the North Hill Cumulative Impact Policy boundary which had been ratified by Full Council on 23 June 2008 (information confirmed again by Full Council in November 2018 effective from March 2019);
- as a food operator and being licensed by the Council, who would be operating all those hours; his concerns were where the staff would be using when they needed to use the toilet; wait it right that caterers used a separate washroom facility on the unit, as well as taking up more vital space?;
- with the increase in serving soft drinks, nature would still take its course which meant people would be urinating in the street and there had been many incidents of this including vomiting as well;
- this site was near The Box museum and granting this application would lead to other applications for units to be placed by other land marks within the city;
- this premises was close to the number one attraction, known as The Box museum; if the licence was granted then expect a burger van on every other site; gateway to the Boulevard, Royal Parade, corner by the Theatre Royal and the resultant effect upon visitors' impression of the city;
- the policy of the joint local plan, referred to the Council's own policy, Plymouth as a healthy city to enjoy an outstanding way

of life; what did a healthy city look like across all of the city and neighbourhoods, each neighbourhood quiet and connected not dominated by traffic, air quality; improve local environment; all people living independently longer so should be a focus on self-care, Plymouth known for being a Dementia Friendly city;

- (e) heard the following responses to questions -
- the applicant had been trading since 2019 (although the pandemic had affected the time actually trading); a different operator had the licence before, who had a different way of dealing with things;
 - safety of staff was by way of locked door on the van/kiosk; if anything happened would call the police and use the radio contact; the counter was too high for anyone to jump over;
 - the proposed unit was not attached to the ground but remained in place;
 - there was access to a nearby club for the use of toilet facilities for staff and have a hand basin in the van;
 - residents living on the Addison Road side of Winifred Baker Court had experience of people buying burgers, who were shouting and screaming, sitting on a ledge near the building eating burgers and then discarding food cartons;
 - the applicant expressed willingness to work with local residents and offered to pick litter from their premises, or further along Addison Road;
 - many other establishments also used orange food cartons which had been referred to.

The Committee had taken into account all the relevant representations concerning the four licensing objectives, their policy and the statutory guidance;

Members had disregarded representations regarding the siting of the unit on the highway as this was not a matter related to the licensing objectives. They had also disregarded the representations about the effects the premises would have on the amenity of The Box and representations about the precedent being set for more such applications at other such attractions throughout Plymouth, as these all related to planning issues rather than to the licensing objectives.

The Committee had noted that the police did not make representations regarding crime and disorder statistics and heard no other direct evidence on this point. They noted that the conditions agreed by the police were stronger than those on the present licence.

The Committee noted that the Environmental Health officers did not present any evidence of noise nuisance which could be attributed to this application and that they also agreed conditions with the applicant that were stronger than those on the present licence.

The Committee noted that residents were disturbed at night by noise but no evidence was produced to link this directly with these premises but noted the applicant's offer to work with the local residents to help alleviate their concerns.

The Committee also noted the applicant's offer to extend the litter picking that was undertaken to further along Addison Road to help alleviate the residents' concerns with litter outside of their premises and whilst this was not a condition that could be imposed by the Committee, it would expect the applicant to honour this offer in the future.

In taking all of the above into consideration, the Committee agreed to grant the licence subject to the conditions agreed with the police and Environmental Health responsible authorities and to also impose the following condition –

- (1) the Premises Licence Holder or nominated person shall ensure a telephone number is made available to residents of Winifred Baker Court, for them to contact in the case of noise nuisance associated with the premises; the telephone number will be a direct number to the management who are in control during licensable 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 the Licensing Officer or any relevant responsible authority throughout the trading hours of the premises.

10. **Grant of Premises Licence - Uniburgerman, Outside the Roundabout Public House, Tavistock Place, PL4 8AT**

The Committee –

- (a) considered the content of the report from the Director of Public Health;
- (b) considered written representations and heard from the applicant and his legal representative as follows -
 - there were many similarities in respect of having a kiosk outside the Roundabout pub as with having a kiosk in Tavistock Place (considered in the other application); there was already a licence in place for a van for the same hours; it was a question of looking at the change from van and kiosk -
 - there was a practical difference from the other application as the applicant had not been trading since taking over the licence in 2019, as he had wanted to concentrate on the other site; the applicant now wanted to provide a professional kiosk, with CCTV providing a good facility and good experience for customers and helping to achieve the licensing objectives;

- objections had concerned litter and noise, these could not be attributed to the applicant, as he had not been trading; if the application was not successful, the applicant could continue trading under the existing licence; this application provided an opportunity to impose stricter conditions;
- the applicant was engaged with the police and Environmental Health and was happy to agree to their conditions, therefore stricter conditions would be in place; that meant whereas currently where there was no CCTV there would be CCTV on the unit and where no physical presence there would be two members of staff running the unit; at the moment there was no cleaning of the litter in the area and therefore the licensing objectives would be better served by him being there; he had the ability to trade now, what was different with mobile van was the kiosk which was safer, cleaner, better presence and better facilities including CCTV;
- regarding objections for the need for this establishment as already others in the area; it was not a licensing issue, as the applicant could trade under his existing licence;
- the fact that there were other late night venues in the area; that litter and other issues that had been reported were attributable to other places and not to the applicant, as he had not traded there yet;
- complaints of litter demonstrated litter was attributable to other places, ie reference to plastic bags, bottles and other rubbish; this could not be attributable to these premises, as the applicant was not trading at the moment; some of the objections referred to polystyrene burger cases, a number of other establishments in the area used similar containers ie Switch, Jacks and possibly Mr Wok;
- Plymouth College of Art provided an objection which raised a number of issues, the Committee was asked to disregard these, as not related to the licensing objectives; similarly the representation regarding the use of the word Uni in Uniburgerman and how this could be somehow linked with the College or University; Uni was a generic name and a Google search had revealed a Uni burger in Berlin; this was not a licensing issue;
- there was a suggestion that the kiosk would restrict access to the college; this was not the case; looking at the plan there was enough space for access and the fire service had not provided any objections for the siting of the kiosk;

- references to vandalism, anti-social behaviour and defecating around the area; not linked, as the applicant was not trading; the kiosk would provide a presence which was not there at the moment, as he was not trading;
 - rodents again that would be helped by the kiosk, as there would be bins and litter picking;
 - representations by the Roundabout pub and Caffeine Club being competition to their business was not a relevant consideration; the Caffeine Club and Roundabout pub both sold alcohol and it was likely that people would leave both premises, often drunk and causing an issue; there was no link that the sale of burgers would add to this;
 - an opportunity for the Committee to apply stricter conditions to the licence and if not granted there was still a licence in place; the applicant was very willing to agree to the stricter conditions and engage with the local community and the opportunity for the application to improve the situation in the area;
 - the applicant had agreed with the police, Environmental Health and the fire authorities; he was agreeing to trade under much stricter conditions to his detriment, as he wanted to provide a better business to his customers; he was a responsible business owner and cared about anti-social behaviour; suggestions about signs looking tacky were a planning issue and not a licensing one;
- (c) representations from Responsible Authorities, as follows -
- Devon and Cornwall Police: no representations were made, as agreed conditions with the applicant (refer to appendix 6 of the report);
 - Environmental Health: no representations were made, as agreed with the applicant (refer to appendix 7 of the report);
- (d) representations from Other Interested Parties: considered written representations and heard from other interested parties, as follows -
- from representative of Plymouth College of Art -
 - the drawing showed the unit would be placed outside the main entrance to the college; the stand where the van intended to be was by the college entrance to the refectory decking area and to the right, close in proximity with a brick wall which was used as a marketing wall to display promotional literature from time to time;

- also past the main entrance and past the wall to the left, was a paved area with sitting and further around to the right a grass area with slabbed concrete seating; this area had attracted attention where people had bought food and consumed it there; this objection was not just for this business but was also historical;
- the college held a lot of events and people visiting it would have to pass by the burger van; this would have an effect on its marketing; there was a connection to the Uni with the same name of the van;
- the issue was the pure location of the burger van directly outside the main entrance of college; student recruitment was competitive, campus tours pass the van; whether operating or not it could deter potential students;
- permanent, fixed and front and centre stage impact the college and would affect it from enjoying the outside area those were significant issues;
- the college, cleaned its litter and it continued to do so; no justification that the unit's presence would help to clear up the litter; the college had its own CCTV clearly for its purposes and there would be an impact on access for dropping people off to get by the kiosk, or dropping off students with accessibility issues;
- from Ward Councillor -
 - discussed the previous application at some length and understood the van had not been trading; were aware of the issues that one van brought and to put another permanent unit at this site only highlighted the issues once again;
 - the siting of the kiosk outside food venues, Roundabout pub and Caffeine Club; he used the Caffeine Club and had eaten there, he did not go there to get drunk; it was a harsh accusation to make against their customers;
 - North Hill was covered by a cumulative policy;
 - even though there was an existing licence for 11pm to 5am, he raised all the same issues regarding a permanent structure, as he did for the other application made by this applicant; this site would cause further issues; no seating was provided so people would congregate and eat in the College of Art's grounds, discard litter and then walk away;

- saying the kiosk would provide better CCTV was lame; if the applicant had done his homework, outside of the College of Art was a big mast with a camera on it; he could not see how CCTV on the kiosk would be better;
- if the licence was already in place there was no need for a permanent structure; there was the potential to take food to the wall by The Box, eat it there and discard litter; this would turn that area into a disaster zone, if granted;
- the joint local plan, referred to the Council's own policy, Plymouth as a healthy city to enjoy an outstanding way of life, a healthier life; this was a health option;
- a permanent structure would increase the number of people and footfall that were not there now when starting trading; at that point the police would have concerns;
- which toilets would they use as a long walk to Air;
- there would be the same potential problems with crime and disorder, public safety and litter that had already been raised in connection with the other application today; this was a financial decision to have two burger sites in this area; there was no care about the residents in the area;
- there was anti-social behaviour in the area and the North Hill Cumulative Policy needed to be looked at; the Committee should look at the impact of the structure for this area that had been changed due to The Box and the College of Art and the people they bring into the city;
- the College of Art's marketing team would be affected by a permanent structure; when displaying signage 'Uniburgerman' as it would look totally tacky when there was a multi award winning attraction and the church nearby; granting this would be a setback for the city and nothing to enhance the area of a forward thinking city;

(e) heard the following responses to questions -

- with regard to the use of toilet facilities, the applicant did not have anything in place yet and could not set up a toilet on site; possibly made arrangement with the Roundabout pub or Caffeine Club, or other places around;
- the kiosk would not be placed on land owned by the College of Art;
- the applicant said he would be willing to pick up litter in the College seating area;

- the siting of the permanent structure and whether it prevented access to the College would be a planning matter and not one in connection with the licensing objectives;
- the licence being applied for only related to the hours of 11pm and 5am and the operation of the unit during the day was not a legal issue for the licensing objectives;
- the point made that granting the licence sets a precedent was not a licensing issue but a planning and amenity issue;
- the applicant would be willing to meet with the College of Art to look at how impact could be minimised.

The Committee had taken into account all the relevant representations concerning the four licensing objectives, its policy and statutory guidance.

The Committee disregarded representations regarding the siting of the unit, as this was a planning matter. It had also disregarded the representations about the effects the premises would have on the amenity of the area of the church and The Box and representations about the precedent being set for more such applications at other such attractions throughout Plymouth as these all related to amenity which were planning issues rather than to the licensing objectives.

The Committee had noted that the police did not make representations regarding crime and disorder statistics and heard no other direct evidence on this point; it noted that the conditions agreed by the police were stronger than those on the present licence.

The Committee noted that the Environmental Health officers did not present any evidence of noise nuisance which could be attributed to this application and that they also agreed conditions with the applicant that were stronger than those on the present licence.

The Committee had noted the concerns raised by the College of Art representative about the current extent of litter from discarded food and cartons but understood that these could not be attributable to this applicant, as at the present time, he was not trading in this area. Likewise, the representation regarding anti-social behaviour in the area could not be directly attributed to this application.

The Committee noted the applicant's offer to extend his litter picking activities to the seating area in the College grounds to help alleviate their problems with this in the future, whilst the Committee could not impose a condition relating to this, it would expect the applicant to honour this offer in the future.

The Committee had concerns about the lack of arrangements for toilet facilities for the applicant's staff when on duty but noted that the applicant would make arrangements for this when trading commenced.

In taking all of the above into consideration, the Committee agreed to grant the licence subject to the conditions agreed with the police and Environmental Health Responsible Authorities and to also impose the following conditions –

- (1) suitable permanent provision of toilet facilities for staff to be arranged;
- (2) this licence would not come into force until such time as these provisions were in place and agreed with the Council's Licensing Officer as being adequate;
- (3) any future changes to the arranged toilet facilities also being agreed with the Council's licensing officer.

Licensing Sub Committee

Tuesday 31 August 2021

PRESENT:

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

Apology for absence: Councillor Partridge.

Also in attendance: Sharon Day (Lawyer), Helen Prendergast (Democratic Adviser) and Marie Price (Senior Enforcement Officer)

The meeting started at 10.00 am and finished at 12.18 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. **Grant of Premises Licence - St Anne's House, Jennycliff Lane, Plymouth PL9 9SN**

The Committee having –

- (a) considered the content of the report from the Director of Public Health and heard from one of the applicants, Mr Stoneman and the General Manager, Mrs Holgate;
- (b) taken the following verbal and written submissions from the applicants into account -
 - that the application would allow them to operate as a licensed wedding venue, holiday venue and coffee shop without having to apply for a TENS each time; it would also allow them to control the sale of alcohol on their premises as at present, guests brought their own alcohol with them;
 - their operation as an AirBnB was mainly for families;
 - the business model is to operate mainly as a wedding and holiday venue; under their planning conditions, they were allowed up to 28 weddings a year; they do not intend to operate as a public house, however they would like to open to the general public/walk in trade but that would only be at a time when there were no other guests on the premises and there were no weddings taking place; Mr Stoneman confirmed that they were 'pretty much' booked up as a holiday venue; he said that currently they get many people walking in from Jennycliff to come in for a cup of tea and a scone;
 - they had had 11 TENS over the last 12 months and had received very few noise complaints and there had been no issues with crime and disorder;
 - they have a procedure in place to deal with complaints but they have not had any noise complaints for St Anne's House from the Council's Public Protection Service and there have been no noise complaints from any neighbours; when asked about the reference to the noise from an event in support of St Luke's Hospice which was mentioned in one representation,

Mr Stoneman confirmed that he recalled that this was in April 2019; he said that the noise was from a stereo being used by workmen who were erecting equipment at the time and once they were aware of the problem, the music was immediately turned off; Mr Stoneman said that he lives on site and that all complaints come to him; the General Manager, Mrs Holgate had only been appointed in the last month; Mr Stoneman said the general noise referred to in the representations was from Jennycliff car park which was unsupervised and also from the football pitch;

- with regards to representations about potential problems from off sales, Mr Stoneman said there was an off licence about 200 yards away down the road from his premises and he suspected that this would be the place from which people would tend to purchase take away alcohol; in addition, the premises was a gated property and most of the alcohol is to be sold to guests staying at the house; the written response to the notice of hearing submitted by the applicants stated that they disagreed that patrons would purchase alcohol to consume at Jennycliff because their prices would be too high; the provision of take away alcohol is intended for visitors who may wish to take home a bottle of wine at the end of their visit;

all on sales will be required to be consumed within their licensable area and open vessels are not to be removed from the premises;

- regarding the hours of operation applied for, these were considered to be normal hours for a wedding venue; generally, when they have a wedding most people stay on the premises and they strictly enforce the requirement for any guests staying to be inside by 11pm; the extra hour until midnight they will be open to the public, will be as a winding down/drinking up period; Mr Stoneman explained that the premises had had to close for 18 months during lockdown however, had he had an alcohol licence he would have been able to trade during this period;
- in relation to music, they have a decibel restriction on their planning consent and the equipment they have has a noise limiter on it; they are also in the process of installing CCTV cameras which turned towards noise; they have been working with Environmental Health on their planning application regarding sound levels; Mr Stoneman has been in contact with the police about the CCTV and has acted on their requests for extra cameras to be installed;
- the maximum capacity for the premises is around 150 people;
- notices will be in situ asking patrons to keep noise levels down when leaving and also the noise levels of patrons will be monitored on a regular basis by a senior member of staff; during questioning Mr Stoneman confirmed that these checks will be carried out every couple of hours or so and more often in the evening; the checks will be conducted by walking around the premises;
- toilet facilities are based in the main house for guests and visitors;
- the only lights that are left on overnight are security lights that go along with the security cameras;
- in relation to the pool area, it was confirmed that 9pm is the latest time that children would be allowed in that area and they must be accompanied by an adult; as regards supervising the pool area when alcohol was being served, there will always be bar staff working there and the bar overlooks the pool; they would only allow plastic cups and cutlery in the pool area; the pool would only be open when they had families using their AirBnB facility; when they have weddings, it is covered over and becomes a solid dance floor;

- with regard to the concern about the area having narrow lanes and no pavements, Mrs Holgate stated that most guests will not be leaving the property as they will be staying on site; however, whenever anyone books a wedding and has guests who will not be staying it will be suggested that they book a mini bus or pre book a local taxi;
 - the premises has adequate on-site parking with provision for around 30 – 40 cars;
- (c) taken the following representations from other parties into account as detailed below -

- concerns that the off sale facility will lead to people purchasing alcohol and then having a 'private party' on Jennycliff (an area that is popular with families); this could lead to littering and anti-social behaviour in the area; whilst this was considered to be relevant to the licensing objectives of prevention of public nuisance and prevention of crime and disorder, the Committee did not consider that granting the licence would undermine these licensing objectives having taken into account the applicants' business model with regards to the pricing of alcohol to deter casual take away of alcohol, that the intention of the off sale provision was for guests to be able to take a bottle home after a visit and that there was another off licence within walking distance of the property;
- the on and off sales of alcohol will create additional noise and anti-social behaviour in the property grounds and that the noise from the premises would continue well after midnight as customers purchase refreshments and alcohol to take away; this was considered to be relevant under the licensing objective of prevention of public nuisance; in light of the fact that the applicants had confirmed that the maximum capacity was 150 people and given that the premises were situated in a quiet residential area and that noise travelled much more easily at night, the Committee considered that it was appropriate to impose the conditions below to ensure that noise from patrons did not create any problems for local residents, thus ensuring the promotion of the licensing objective; the conditions would also give the applicant the control over his patrons that he said he wanted during his submissions;

Condition -

- any outside bar must stop serving at 10.30pm;
- at 10.30pm the management must start encouraging the patrons to move inside, so as to ensure that the grounds are clear of patrons by 11pm;
- the issue of an alcohol licence may encourage people to shortcut through the estate and engage in undesirable inebriated behaviour; the lack of immediate public transport or access to the bus routes would exacerbate this; whilst the Committee considered that this was potentially relevant under the licensing objective of prevention of public nuisance, the Committee did not consider that granting the licence would undermine this licensing objective given the business model and layout of the premises;
- there is no street lighting and no pavements on the roads in the area, cars regularly drive up the narrow one way piece of road fast and others have also been seen trying to drive the wrong way down the one way street on exiting the premises; this would pose a risk to life for inebriated pedestrians and the drivers; this was considered to be relevant under the licensing objective of public safety; it was therefore considered appropriate to impose

the following condition to promote this licensing objective -

Condition -

- the premises licence holders must ensure that signs are placed at the exit to their property reminding -
 - ◇ drivers to turn right on exit;
 - ◇ pedestrians to take care on exit and be aware of traffic on the road;
- there were no toilets indicated on the plan of the venue and as alcohol is being supplied toilets should be too because the public toilets at Jennycliff car park are closed in the evening; this was considered to be relevant to the licensing objective of prevention of public nuisance however, the Committee was satisfied that there was sufficient toilet provision on the premises;
- limited parking is available at the property and it is possible that the venture will attract many cars; the car park at Jennycliff is often completely full on a summer's day, so there is a risk of people resorting to on street parking in the area; parking on verges would endanger public safety and hinder emergency vehicles trying to pass; this was considered to be relevant to the licensing objectives of prevention of public nuisance and public safety; however, the Committee was satisfied that the applicants have sufficient parking provision on site; additionally, any problems with parking in that area would be dealt with under other legislation;
- closing at midnight has the potential for noise to increase dramatically; the residents of Stamford Close are subject to motorbikes and cars racing around the area; a late night venue for food and drink will attract more people and cause additional sleepless nights for local residents; the potential increase in traffic from the venue and leaving after midnight could exacerbate the current disorder caused by cars; whilst this was considered to be relevant under the licensing objectives of prevention of public nuisance and public safety, the Committee did not consider that granting the licence would undermine the licensing objectives given the conditions contained within the operating schedule that there would be signage asking patrons to leave quietly and the additional conditions within this decision;
- the premises are located next to Stamford Close housing estate (82 properties, seven properties were within a few metres of the house and garden), the nearest house is 50m away; noise from its operation as an AirBnB is sometimes intrusive even though the numbers of guests is relatively small; the measures in the operating schedule will not be sufficient to protect the current peaceful environment even if they are adhered to; St Luke's hospice is nearby and is deserving of respect for the patients need for a calm environment; there will be noise caused by the erection of the bar in the pool area; there have been existing problems of noise from people's voices with the use of the area by AirBnB guests; the second external bar will mean that noise from patrons will also cause noise problems, as it will bring patrons round to the front of the building; residents mentioned praying for rain so as to keep the noisy neighbours indoors; there had been problems in the past with loud music, raucous screams, loud partygoers and fireworks going off at all hours disturbing sleep; this was considered to be relevant to the licensing objective of prevention of public nuisance however, the Committee considered that the conditions detailed above to address potential issues with noise would ensure the promotion of the licensing objectives;

- late night refreshment being provided on and off the premises between 11pm and midnight would cause excessive noise levels; there had already been issues with guests of the property playing music and partying outside at 12.30am; this was considered to be relevant to the licensing objective of prevention of public nuisance however the Committee considered that the conditions above would address potential issues with noise and would ensure the promotion of the licensing objectives;
- the opening hours will cause excessive vehicle and foot traffic noise issues; whilst the Committee considered that this was potentially relevant under the licensing objective of the prevention of public nuisance, the Committee did not consider that granting the licence would undermine this licensing objective given the applicants' intended business model;
- children are at a higher risk of harm when alcohol is consumed; they are at risk in close proximity to the swimming pool which is enclosed and therefore not visible to anyone who is not poolside; this was considered to be relevant to the licensing objectives of protection of children from harm and public safety; the Committee considered that in order to ensure the promotion of these licensing objectives it was appropriate for the following condition to be imposed -

Condition: When the pool bar is in use and the pool is not covered by solid flooring (temporary for otherwise) -

- a member of staff must be present and able to monitor the pool, and
- life-saving equipment must be easily available in the pool area and the member of staff must be trained in the use of that equipment;
- granting the licence could lead to public disorder and increased crime and disorder within the locality, as a result of over saturation of establishments in the area; there are currently six establishments within walking distance of St Anne's House; whilst this was relevant to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder, the Committee noted that there were no representations from the Responsible Authorities on this point and there was no evidence of any current problems of this type in the area;

(d) disregarded the following as not being relevant to any of the licensing objectives -

- how the house would cope with the variety of demands put on it as a wedding venue and an AirBnB;
- alcohol consumption in the grounds was reasonable provided there was not the addition of music; midday would be a more appropriate time for alcohol sales to start;
- the erection of the marquee would be against the Council's decision to refuse a similar application;
- animal welfare issues;
- the use of the bistro not being for the sole use of bistro guests;
- no application had been made for it to be changed to a hotel;
- it was a Grade Two Listed Building and the use was not complimentary to the building;

- the alcohol licence would bring in the provisions of the Live Music Act which would cause noise problems for neighbouring residents; on this point the Committee noted that the Live Music Act did not allow licensed premises to cause a noise nuisance and so any music played was still subject to other controls such as statutory nuisance and public nuisance; additionally, if problems did occur the premises licence could be reviewed.

The Committee agreed that the licence would be granted subject to all the conditions detailed above, conditions consistent with the applicants' operating schedule and the mandatory conditions contained with the Licensing Act 2003.

Licensing Committee



Date of meeting:	07 December 2021
Title of Report:	Licensing Activity Report
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & 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 Activity Report 2021
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. **Unlocking the City's Potential**

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 for People and Communities**

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

Financial Risks

None.

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
Statement of Licensing Policy Licensing Act 2003							
Revised Guidance issued under Section 182 Licensing Act 2003 - April 2018							
Policy and Local Area Profiles for Plymouth							
Tackling Gambling Related Harm: A Whole Council Approach							

Sign off:

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Originating Senior Leadership Team member: Rob Nelder

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

Date agreed: 24/11/2021

Cabinet Member approval: Councillor Riley (via email)

Date approved: 23/11/2021

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 2020 to the 31 March 2021. The team received 1332 licensing applications in 2020/2021 covering the following areas:

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

This was a significant reduction of 45% less than compared to 2019/20 due to Covid-19. However we had 48 new premises applications compared to 36 the previous year which are very time consuming and 45 transfer applications compared to 34 the year before. We also had four premises reviews that were heard by committee compared to two last year.

Due to Covid-19, businesses were closed, therefore TENs and small lotteries were not applied for e.g. for school fetes.

However, our team provided regular updates and visits to the businesses, especially the ENTE trade to assist them with understanding the Covid-19 requirements.

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 2020/21, Officers processed the following number of applications:

Licence Type	01/04/18 – 31/03/19	1/4/19 – 31/3/20	1/4/20 – 31/3/21
Licensing applications, transfers and variations etc.	463 (plus 167 suspensions)	578 (plus 214 suspensions)	339 (plus 301 suspensions)
New Personal licences	129 + 145 Change of address applications	159 + 139 Change of address applications	103 + 80 Change of address applications
TEN's	411	462	91

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 32 Licensing Inspections (compared to 180 in 2019/20) were completed between 1 April 2020 and 31 March 2021, however the number of applications that required representations from Environmental Health and Trading Standards remained the same at 63. This was due to a number of businesses changing their business to adapt to Covid-19 for example by making deliveries.

2.4 The Licensing Sub-Committee undertook the following activities:

	2016/17	2017/18	2018/19	2019/20	2020/21
Applications or Variations	8	7	8	5	2
Review of premises licences	1	4	0	2	3
Expedited review applications	1	1	0	0	1

One premises was also taken for a summary licence review by Police Licensing regarding its association with serious crime.

Two applications went to committee to consider representations. One was granted with reduced hours and one withdrew their application.

One premises licence was reviewed, following an application from the Licensing Police under grounds of the prevention of crime and disorder, public nuisance and the protection of children from harm. The premises was poorly managed with reports of children present that were under the influence, breaches of the premises licence were witnessed and there was poor supervision and control of patrons attending the premises. There were also problems encountered to obtain CCTV footage following reports of incidents and crimes of assault. As a result of the hearing, the Premises licence was revoked.

Two premises were reviewed following application from the Environmental Health department under grounds of the prevention of public nuisance from live and recorded music outside of both premises. As a result of the hearings, both premises were prevented from having regulated entertainment outside of the premises.

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. The Cumulative Impact Policy is required to be reviewed every 3 years and this is currently being reviewed by the Licensing Police and will be consulted on shortly.

4.0 Public Safety and Public Nuisance

4.1 During 2020/21, the number of noise complaints remained high and 153 formal noise complaints were registered against licensed premises.

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.

Two premises licences were reviewed for public nuisance in this financial year as detailed above.

4.3 The out of hours noise service has not been running since March 2020 due to Covid-19, however officers arrange visits as required to ensure any noise or public nuisance from licensed premises are dealt with as promptly as possible.

Officers work with the licensed premises to ensure action plans are put in place to reduce the impact to local residents. This has been very important following the reopening after Covid-19, particularly as the use of outside areas has been encouraged and many businesses have taken the opportunity to expand these areas and apply for pavement licences.

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 Unfortunately, the Licensing Team and Police Licensing have not been about to arrange Test Purchasing Operations with Trading Standards since February 2020 due to Covid-19. However we have recently met with our Trading Standards colleagues and will be arranging future test purchases based on the intelligence and complaints received.

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 were carried out this year to assist gambling businesses and ensure compliance with the Covid-19 requirements. Full inspections of our Gambling Premises will be undertaken between December 2021 and March 2022, to ensure our establishments are fully compliant.

- 6.2 The Councils Gambling Licensing Policy (Statement of Principles) came into effect on 31 January 2019 and is required to be reviewed every three years. The draft new policy to commence on 31 January 2022 to 30 January 2025, was consulted on for 6 weeks between 1 July 2021 and 16 August 2021. It was approved by Full Council on Tuesday 22 November 2021 and a notice of the intention to publish the new policy will be advertised in the Plymouth Herald in December 2021.

The Gambling Policy was updated in detail in 2019 and therefore only minor changes were required at this review. Minor updates have been made to:

- update any out of date website links/contact details for example to the Gambling Commission guidance notes and responsible authority contacts.
- include references to the specific parts of the Gambling Commission guidance and code of practices.
- include more detail with regards to how the Licensing Authority will deal with applications in buildings which are divided into more than one premises and what is expected of applicants (see page 15 – 18).

Local Risk Assessments and Local Area Gambling Profile

Since the last Statement of Principles came into effect on 31 January 2019, the Council have published the following guidance on their websites and these have been referred to within the updated Policy:

- **Guide to undertaking local gambling risk assessments (April 2020)** – this guide has been produced to assist gambling operators when undertaking and preparing their local premises risk assessments.

- **Local Area Gambling Profiles (April 2020)**

The local area profile has been produced with our Public Health colleagues and 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 profiles can be used by gambling operators to assess 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. The profiles will also assist gambling operators in undertaking and preparing their local premises risk assessment.

6.3 Gambling Training - Safeguarding and Local Area Profile Risk Assessments

We arranged online training which was delivered to Managers and staff of our Gambling Premises on 30 June 2021. The session covered:

- Understanding vulnerability and risk factors
- Understanding what we mean by adult and children's safeguarding
- Being able to recognise and report concerns about abuse and neglect
- Who to contact should you have concerns about Abuse or Neglect
- The current Gambling Commission Strategy and the likely changes as well as typical scenarios that operators may encounter
- Consideration of updated local area profiles and updating Risk Assessments.

The training was well received and future dates will be arranged for those that were unable to attend.

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 Following two joint operations with Environmental Protection, the Police and the Environment Agency last year, we prosecuted three unlicensed scrap metal dealers.

The Scrap Metal Dealers Act 2013 was introduced to curtail criminal activity and requires dealers to be licensed and keep records of what they collect and who they deal with. The Act also makes it an offence for any scrap metal dealer, including collectors, to buy scrap metal for cash.

On 11 August 2020, one man that was ordered to pay £5000 after collecting scrap metal without a licence. The Magistrates fined him £2640 for operating without a scrap metal Licence, £1043 for operating without a waste Carriers Licence and ordered to pay £1136 costs and a victim surcharge of £181.00. The Court heard that despite the Licensing Department advising him that he needed to be licenced, he continued to operate the business illegally and that over a period of 6 months, without a Waste Carriers Licence or Scrap Metal Dealers Licence in place, he deposited scrap metal to the value of £10,397.99.

In 9 September 2020, another man, was ordered to pay over £1600 for collecting scrap metal without a licence over a six month period from June 2019. He was fined £461 for operating without a scrap metal licence, ordered to pay £1,200 costs and a victim surcharge of £46. This man was also advised by the Licensing Team that he needed to be licenced but continued to operate his business illegally, for over six months. During this time, he deposited scrap metal to the value of £10,000.

On 16 January 2021, another man was fined £3601 after being taken to court for not having the correct licence. He pleaded guilty at Plymouth magistrates to a charge of collecting scrap metal without a licence over a three month period from January 2020. He was fined £120 for operating without a scrap metal licence also ordered to pay £2637 costs and a victim surcharge of £95. The court heard that despite being advised by the Licensing Team that he needed to be licenced, he continued to operate his business illegally for three months. During this time, he deposited scrap metal to the value of £2,021.95.

These prosecutions have helped ensure that other people get appropriately licensed and as a result we have received an increase in applications. Three additional site licences and eight additional mobile collectors licences has been issued this year. There are now 18 licensed scrap metal sites in Plymouth and 18 mobile licensed collectors.

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 are members of Safer Plymouth and the Evening and Night Time Economy Group (ENTE) and Alcohol Harm Reduction Subgroup. The group has been recently reinstated following Covid-19 and the Purple Flag Award renewal application will be submitted in January 2022.
- 9.5 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. During Covid-19, we worked very closely to ensure regular additional guidance was produced for our venues to assist them in understanding and implementing the ever changing Covid -19 controls. We attended online BBN/Pubwatch sessions, multi-agency meetings and jointly coordinated the Covid-19 Marshals working across the City to prevent anti-social behaviour and to help the public and businesses comply with the Covid-19 requirements.

10.0 Work Initiatives for 2021/22

- 10.1 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.
- 10.2 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.
- 10.3 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
 - Arrange additional online safeguarding training for licensed premises and gambling establishments
 - 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

11.0 Conclusion

- 11.1 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 2020/21. 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.

12.0 Police Licensing Activity Report

- 12.1 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 2020 – April 2021

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 –

- 50 applications to grant Premises Licence and negotiated appropriate conditions with each. 1 of these was withdrawn
- 24 applications to transfer premises licences
- 11 variations of Premises Licences – 1 of these was objected to
- 18 minor variations
- 1 new club premises certificate
- 105 variations of DPS
- 35 Temporary Event Notices
- 29 Late Temporary Event Notices, of which 8 were rejected.
- 2 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 12-month period has been very different from previous years due to the Covid-19 Pandemic and subsequent lockdowns throughout the retail sector and the Evening and Night-time Economy (ENTE) sector.

The statistical summary above indicates a very different landscape to the usual business undertaken in a normal year by the Police Alcohol Licensing Department. It was a turbulent time for the licensing trade with an initial lockdown period, followed by a limited re-opening and then a further lockdown before a staged re-opening in 2021.

During this period, in July 2020, pubs and restaurants were allowed to re-open, following specific guidelines around numbers and social distancing, as well as having special measures in place to support 'track and trace'. Hospitality businesses were supported by the Business and Planning Act, enabling the use of outdoor adjacent spaces through table licences and also off-sales. There was the introduction of the 'Eat out to help out' scheme where meals had a 50% discount in hospitality venues, which did increase footfall considerably in the hospitality industry in the summer months. Due to a further increase in Covid cases, there was a further lockdown which commenced on 5th November 2020, which lasted for the rest of the time period of this report.

There were many challenges during this time including the support of the businesses as well as making sure that businesses were operating within the parameters of the legislation allowing them to operate. There was some excellent multi-agency work between Police Licensing and the Local Authority Licensing

departments, along with Pubwatch and Best Bar None, culminating in a number of guidance documents being produced in order to interpret the legislation around re-opening and putting it in terms which members of the licensing community could understand. This enabled a much smoother transition into the different stages of re-opening. These guidance documents were well received by the hospitality trade and were also used in other areas of Devon and Cornwall.

Venues and businesses were monitored for compliance and any breaches of the legislation was dealt with through initial engagement and education before possible escalation to enforcement methods. In order to assist with the monitoring and support of the hospitality industry, 'Covid marshals' were employed to engage with businesses and also to show a visible presence. These worked extremely effectively and were used to good effect to enforce the PSPO areas of Plymouth, especially the Barbican after one large gathering just before the July re-opening where a large gathering of people with take-away alcohol caused some disorder. After this incident, the PSPO areas were effectively managed with early intervention to prevent gatherings in these areas and continued for the rest of the year.

In total, 7 businesses were given fixed penalty notices for contravention of the Covid regulations, despite efforts to engage and explain. The evidence was supplied by police licensing officers working in conjunction with Local Authority licensing officers who issued the tickets.

In order to address Covid issues throughout the city, a weekly meeting of the newly established Plymouth Covid Enforcement Group was set up. This looked at the Covid figures for the city and the compliance and engagement from businesses within the city. This was chaired by the Police Licensing department and consisted of many members from other authorities and partners.

Also established during this time was the Visitor, Leisure, Hospitality and Retail Group which looked at many aspects of these business areas throughout the lockdown and for re-opening. The Police and Local Authority Licensing departments had important inputs in these meetings which were chaired by a Senior Council member.

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.

In May 2020, a venue which had been subjected to a Closure Order under s.80 of the Police, Crime and Anti-Social Behaviour Act 2014 (from the previous report) was taken before the Licensing Committee and had its premises licence revoked. The effect of the closure of this venue has been significant in reducing the instances of crime, disorder and anti-social behaviour in the direct vicinity.

In August 2020, a review of a venue took place where it was alleged that a serious sexual offence took place. A condition was added to the licence of the venue.

The lack of bringing many cases to the licensing committee demonstrates the pro-active work which the Police and Local Authority Licensing departments undertake in order to work with venues and licensees in creating a safer and more professional licensing and hospitality community. Guidance and advice was offered through many meetings and visits to venues and, as can be seen by the statistics, compliance and development of good working practices and standards was achieved.

There was an approximate 20% increase in the granting of new licences during this period in the city, as some businesses closed and others saw a new opportunity to enter the hospitality industry due to changes in their own lives through Covid which was further supported by applications to transfer premises licences, which almost doubled from the previous year. There were a similar number of DPS changes to the previous year. The most significant change was the vast reduction in Temporary Event Notices reducing by over 80% and late TENs reducing by 77%. This was accounted for by the amount of time for which venues were closed during this period and also the restriction in hours when they were allowed to re-open with 2200 terminal hours.

We continue to be actively engaged in effectively working in partnership with Plymouth Pubwatch and Best Bar None. Through the different groups meeting on a regular basis, our partnership working with other authorities and agencies has strengthened and widened, making the partnership work even more effective.

Our excellent partnership working is clearly identified through the retaining of 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.

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.

After the city's Best Bar None scheme 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 instead asked to judge on the panel for the other awards. The city's scheme in conjunction with the work undertaken by the police Licensing Department around anti-drink spiking was runner-up for the most innovative work award in a ceremony at the House of Lords.

We continue to engage in working with door supervision companies and regularly visit and check SIA doorstaff.

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. Further training in this area will be rolled out next year.

Police Licensing, alongside Local Authority and Best Bar None will look to undertake training in the areas of vulnerability, Ask for Angela and anti-drink spiking once the lockdown is over and the hospitality industry re-opens fully. This training has always been well received in the past and is beneficial to making the ENTE staff more effective in protecting the public during the course of their work.

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.

Taxi marshals continue to be effective in the Barbican, and also supported the work of the Covid Marshals throughout the Covid pandemic.

The previously successful implementation of the Safe Bus has also sent a positive message of support out to the ENTE community 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 Alliance Pioneer Group (Health) as well as the police has kept running costs to a minimum at the moment. The Safe Bus has been serviced and ready to go again in the summer months and throughout busy weekends and December through some excellent financial support from the NHS which allows the provision of medial cover.

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.

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 successfully trialled a student street welfare patrol. This will continue to develop through training and equipping student volunteers.

In 2019, 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 was given the green light to be rolled out across the whole force area but was delayed due to the Pandemic. It is due to go 'live' on 1st August 2021 and is being monitored by many forces across the country and the Home Office, once again putting Plymouth at the forefront of a positive preventative strategy to protect the public.

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police

Licensing Committee



Date of meeting:	07 December 2021
Title of Report:	Annual Street Trading Report
Lead Member:	Councillor Nick Kelly (Leader)
Lead Strategic Director:	Anthony Payne (Strategic Director for Place)
Author:	Emily Bullimore
Contact Email:	Emily.bullimore@plymouth.gov.uk
Your Reference:	Street Trading 2022
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 Street Trading consents for the 2022/2023 trading year.

Recommendations and Reasons

1. The Consent dates for 2022 / 2023 are approved as 1 April 2022 – 31 March 2023.
2. The Consent fees for 2022 / 2023, set out in Appendix A, 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 the proposal for ice cream consent holders to also serve hot drinks / snacks from mobile ice cream vehicles. The decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of Licensing and lead opposition member.

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 2022 / 2023 financial year.

Consent fees for both City Centre and Ice Cream sites were not increased for the period 2021/2022 due to the impact of COVID 19 on the high street / footfall and street traders.

For 2022/2023 a 0% increase in street trading consent fees is recommended for city centre street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C.

For 2022 / 2023 a restructure of the street trading consent fees for ice cream trading pitches is recommended for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C.


Financial Risks

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.

Carbon Footprint (Environmental) Implications:

None.

Sign off:

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Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 22/11/2021											
Cabinet Member approval: <i>[electronic signature (or typed name and statement of 'approved by email/verbally')]</i>  Date approved: 23/11/2021											

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 2022/ 2023.

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

d) To approve the proposal for hot drinks and snacks to be sold from mobile ice cream vehicles that hold a consent.

2.0 Duration of Consents for 2022 / 2023

2.1 It is proposed that all City Centre Consents commence on 1 April 2022 and end on 31 March 2023.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2022 and end on 31 March 2023.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2022 – 31 March 2023.

3.0 Consent fees for 2022/ 2023 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.

Due to the COVID 19 pandemic and the financial pressures places on existing street traders during the 2021/2022 trading year teamed with the decrease in footfall in the city centre there was no increase in and consent fees.

2021 / 2022 has been another challenging year for all street traders and the issues that hit the high street at the start of the pandemic in March 2020 have continued through this financial year with most traders experiencing the strain of price rises and less income with no grants to assist them this year.

It is proposed that there is no increase in consent fees for city centre street traders for the 2022 / 2023 trading year in order to support street traders continue to trade. Appendix C shows a finance model with the potential consequences of % increases.

It is proposed that there is a restructure of consent fees for the ice cream trading pitches for the 2022 / 23 year. During 2021 and 2022 several establishments along the waterfront have started to sell ice cream from their premises, some operating onto the Highway. This has caused upset and some anger between traders. The ice cream traders have highlighted the difference in site fees along the ice cream sites on the waterfront and there has been historically a large difference in consent fees. However, the footfall has changed as have the locations and parking arrangements for the ice cream vehicles, so it is proposed that there is a levelling out of fees across the waterfront. This means that the highest consent payers will not have an increase in fees, but others will. The proposed average fees are set out in Appendix C. The sites will be an equal opportunity for all traders with the new price proposal with street trading suffering no loss on income.

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. Ice Cream traders are not to move off the allocated consent site unless instructed to by a PCC Officer or representative.

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 – Ice Cream Consent Holders to be able to serve hot drinks and hot snacks from their vehicles.

7.1 - During 2021 and 2022 many establishments along the waterfront that have started to sell ice cream from their premises, some operating onto the Highway. This has caused upset and some anger between traders. The land that these premises trade from is within their lease and so nothing can be done to stop this happening. The ice cream consent holders have asked for it to be considered that they can extend their offering to include hot drinks and hot snacks from mobile ice cream vans. This would give them a fair opportunity for trade over the colder months and it is recommended that PCC encourage this change. Obviously all Consent Holders will need to meet all health and safety and hygiene requirements.

7.2 – If this proposal is agreed by the Committee the paragraph in the application form headed up “Permitted Trades for Ice Cream Pitches” would have to be changed from:

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

“All the trading locations will be allocated for the sale of ice cream, frozen confectionery, hot and cold soft drinks. Hot drinks and Snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of the Licensing Committee and Lead Opposition member”

7.3 If the proposal to add hot drinks / snacks is agreed the application form would be amended to reflect this. The amendments to the application are shown in italics in Appendix B.

Appendix A- Proposed 2022/2023 Consent fees

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2021 / 2022	PROPOSED ANNUAL FEE 2022 / 2023
CITY CENTRE SITES			
2A	New George Street (nr. Former Woolworths building)	£6618	£6618
2B	New George Street (WHSmiths)	£6618	£6618
2D	New George Street (nr. Sundial)	£6618	£6618
9	New George Street (Waterstones)	£6618	£6618
3A	Bedford Way (Royal Parade end)	£3986	£3986
3B	Bedford Way (New George Street)	£6554	£6554
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£3029	£3029
8	New George Street Winter (Sundial area) seasonal	£2546	£2546
8	New George Street Summer (Sundial area) seasonal	£1333	£1333
10	Sundial East	£7814	£7814
11	Sundial West	£7814	£7814
12	Cornwall St o/side Superdrug	£4440	£4440
13	Place De Brest East	£4440	£4440
14	Place de Brest, o/s Specsavers	£4440	£4440
ICE CREAM SITES			
B	Madeira Road	£4634	£7579
C	Madeira Road	£4634	£7579
E	Hoe Road	£11434	£7579
F	Hoe Road	£11434	£7579
G	Hoe Road / Grand Parade	£5760	£7579
H	Pier Street	£1377	£1391
I	Cliff Road	£1121	£1132
HOE AND MADEIRA ROAD SITES			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid-east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
TOTAL*		£137,262	£137,287

*Assumes 100% occupancy

Appendix B – 2022/2023 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 City Centre and 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 an 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 2021/2022). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

Referees

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2021/2022).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

Street trading consents: All sites

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

PERMITTED TRADES FOR ICE CREAM PITCHES

All the trading locations will be allocated solely for the sale of ice cream, frozen confectionery and cold soft drinks. *Hot drinks and Snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of the Licensing Committee and Lead Opposition member.*

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

Site	Consent fee per year	Preference
B: Madeira Road	£7,579	
C: Madeira Road	£7,579	
E: Hoe Road	£7,579	
F: Hoe Road	£7,579	
G: Hoe Road/Grand parade	£7,579	

H: Pier Street	£1,391	
I: Cliff Road	£1,132	

PRICE LIST

Please give details of your prices for 2022/2023 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	
<i>Other goods..... to include hot drinks / snacks</i>	

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)	£6,618	
2B: New George Street (outside W H Smiths)	£6,618	
2D: New George Street	£6,618	
3A: Bedford Way	£3,986	
3B: Bedford Way	£6,554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3,029	
8: New George Street (winter)	£1,333	

8: New George Street (summer)	£1,333	
9: New George Street (outside Waterstones)	£6,618	
10: Sundial East (Please attach an ice cream price list if interested in this site)	£7,814	
11: Sundial West	£7,814	
12: Cornwall Street (outside Superdrug)	£4,440	
13: Place de Brest East	£4,440	
14: Cornwall Street (outside Specsavers)	£4,440	

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 online or 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 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 2023 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 9.00am 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. Under no circumstances will trading be permitted outside of an allocated consent bay without prior agreement.

ELECTRICITY

A 16 / 32 amp electricity supply is available from a socket located adjacent to each site within the City Centre and for the Pier Street Ice cream pitch. Traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using cables until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

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

CONSENT FEE

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

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

WASTE / LITTER

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

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

WASTE WATER

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

WASTE MINIMISATION

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

STATUTORY REQUIREMENTS

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

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

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

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

NUISANCE

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

ADVERTISEMENTS

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

UNAUTHORISED STREET TRADING

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

PUBLIC LIABILITY INSURANCE

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

WITHDRAWAL OF A CONSENT

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

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

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

PROVISION OF FOOD AND DRINKS

Consent Holders will be required to produce:

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

Appendix C

Financial modelling

City Centre Street Traders

Throughout 2021 / 2022 trading year the city centre saw two new street traders. Unfortunately one of these left after just a few months. Therefore street trading city centre income is still less than pre-COVID. With this in mind, the recommendation is to not increase the consent fee for the 2022 / 2023 trading year for the city centre sites to try and keep the traders that we have currently in place and to potentially attract more traders to the vacant street trading sites.

The following table below shows the overall increase of a 1%, 2%, 3% and 4% increase and what this would mean in the current situation with traders:

Current fee 2021 / 2022	1% increase	2% increase	3% increase	4% increase
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£3,986	£4,025.86	£4,065.72	£4,105.58	£4,145.44
£4,440	£4,484.40	£4,528.80	£4,573.20	£4,617.60
TOTAL £37,290	£37,662.82	£38,035.8	£38,408.70	£38,781.60
Total increase £0	£372.82	£745.80	£1,118.7	£1,491.60

It should be noted that even with an increase of 4% to current traders' site fees this would only generate an extra £1,491.60/year income. However, if one of the existing traders left (which is likely if the site fees are increased) then it would mean a minimum loss of £3,986.00/year; which would be sorely missed.

It is also critically important to note that profit/surplus cannot be made on street trading sites – this is a legal condition under the Miscellaneous Provisions Act.

Consequently, the proposal is to keep site fees at a 0% increase and work hard to encourage new traders onto vacant sites and increase overall income this manner.

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

Ice Cream Traders

For the ice cream traders the situation is very different and they have seen as many people out as in a usual year. However, from looking at the current site fees it can be seen that the sites along Hoe Road and Madeira Road range wildly in fees. Several of the traders have complained about this and it is

considered that the footfall is at roughly equivalent levels across all sites. When the prices were first set, tourist attractions such as The Dome put some prices higher than others and before all waterfront sites had dedicated parking consent bays. With this in mind, although we have not increased the site fees overall, we have increased the site fees on Cliff Road and Pier Street by 1% and for all waterfront sites I have averaged out the combined fee and made them all the same price.

This places the sites on a level playing field, yet creates no overall loss to street trading. Assuming agreement to the addition of hot drinks and snacks, this should make all sites equally desirable.

Current Fees 2021 / 2022	Site	Proposed Fee 2022 / 2023
£4,634	Madeira Road	£7,579
£4,634	Madeira Road	£7,579
£11,434	Hoe Road	£7,579
£11,434	Hoe Road	£7,579
£5,760	Hoe Road / Grand Parade	£7,579
£1,377	Pier Street	£1,391
£1,121	Cliff Road	£1,132
TOTAL		TOTAL
£40,394		£40,418

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Licensing Committee



Date of meeting:	07 December 2021
Title of Report:	Information regarding Delegated Decisions for Applications for the Grant/Variation of Premises Licences
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Marie Price (Senior Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Mediation Report
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

Applications have been received from various premises within Plymouth for the grant / variation of a premises licence under Sections 17 and 34 of the Licensing Act 2003.

Recommendations and Reasons

That Members consider this report.

Alternative options considered and rejected

None.

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.

1. Unlocking the City's Potential

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 for People and Communities

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

Sign off:

Fin	djn.2 1.22. 181	Leg	3769 8/ag/ 23.11 .2021	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.
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Originating Senior Leadership Team member: Rob Nelder

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

Date agreed: 23/11/2021

Cabinet Member approval: Councillor Riley via email

Date approved: 23/11/2021

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*

Hunger Fix & The Vault	72 Mutley Plain	Compton
Subham Takeaway	4-5 Ham Drive	Ham
The Egg Drop	43-45 The Broadway	Plymstock Radford
Steel Brew Company	3 & 4 Mills Bakery	St Peter and the Waterfront
Ocean City Coffee Shop	6 Hoe Road	St Peter and the Waterfront
Minerva Café	55a Bretonside	St Peter and the Waterfront
Leadworks	170 Rendle Street	St Peter and the Waterfront
Tilt	68 Ebrington Street	St Peter and the Waterfront
Mad Merchants	37 New Street	St Peter and the Waterfront
Stoke Traders and Res Assoc	Devonportt Road	Stoke

2.2 *Devon & Cornwall Police*

Budshead Stores	669 Budhead Road	Budshead
Hunger Fix & The Vault	72 Mutley Plain	Compton
Morice Town Stores	34 Charlotte Street	Devonport
Market Hall	86 Duke street	Devonport
Spar Park Avenue	Unit 3 Park Avenue	Devonport
Erne's	18 Hornchurch Road	Honicknowle
UK Storage Company Ltd	181 Plymbridge Road	Moor View
Treat Trendz	Safe Store, 12 St Modwen Road	Moor View
Okoberfest	Central Park	Peverell
Lace & Lattice	1 Mayhew Gardens	Plympton St Mary
Devon Cheese Bar	Shop 1-5 The Market	St Peter and the Waterfront
Hubbox	Royal William Yard	St Peter and the Waterfront
Ocean City Coffee Shop	6 Hoe Road	St Peter and the Waterfront
Minerva Café	55a Bretonside	St Peter and the Waterfront
Leadworks	170 Rendle Street	St Peter and the Waterfront
Tilt	68 Ebrington Street	St Peter and the Waterfront
B & M	31 Cornwall Street	St Peter and the Waterfront
Delta	28-30 Western Approach	St Peter and the Waterfront

Soulfood Vendor	18 - 20 Market Avenue	St Peter and the Waterfront
Farleys Food Co-op CIC	41 Bretonside	St Peter and the Waterfront
Cook Industries Ltd	Faraday Mill	Sutton and Mount Gould

2.3 *Licensing Authority*

Steel Brew Company	3 & 4 Mills Bakery	St Peter and the Waterfront
Ocean City Coffee Shop	6 Hoe 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 2020 until 31 October 2021 and this report is submitted for the information of the committee.

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