

Licensing Committee



Date of meeting:	08 December 2020
Title of Report:	Licensing Activity Report 2019/20
Lead Member:	Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Rachael Hind
Contact Email:	Rachael.hind@plymouth.gov.uk
Your Reference:	RH/Licensing Update 2020
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

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

Recommendations and Reasons

That members consider this report and note its contents.

Alternative options considered and rejected

None

Relevance to the Corporate Plan and/or the Plymouth Plan

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

1. Growing Plymouth

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

2. Caring Plymouth

The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections

of society, those from the most disadvantaged communities experience the highest burden of harm.

Implications for the Medium Term Financial Plan and Resource Implications:

Not applicable

Carbon Footprint (Environmental) Implications:

Not applicable

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

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

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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
Licensing Act 2003							
Revised Guidance issued under Section 182 Licensing Act 2003 - April 2018							

<u>Tackling Gambling Related Harm: A Whole Council Approach</u>										
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Sign off:

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Originating Senior Leadership Team member: Robert Nelder

Please confirm the Strategic Director(s) has agreed the report? Yes Ruth Harrell
Date agreed: 27/11/2020

Cabinet Member approval: Councillor Haydon (approved verbally)
Date approved: 30/11/2020

Enforcement Activity Report

1.0 Introduction

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

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

2.0 Licensing Act 2003

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

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

2.2 Responsible authorities continue to submit formal representations in respect of licensing applications. In the majority of cases the applicant will agree with the advice given, thereby allowing them to be mediated out. Members receive regular updates of all the mediated applications by way of a report.

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

2.4 The Licensing Sub-Committee undertook the following activities:

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

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

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

3.0 Licensing Act Policy

3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Policy was last approved on 31 March 2019.

3.2 Fly posting and promotional material

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

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

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

4.0 Public Safety and Public Nuisance

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

4.2 Environmental Health Officers continue to use an escalation process when investigating noise complaints, discussing the circumstances of the complaint with the responsible person at the earliest opportunity in order to allow them to resolve the matter quickly without the need for further formal action. In most cases the complaint can be resolved by way of an action plan or minor variation with the agreement of the licensee.

No premises licences were reviewed for public nuisance in this financial year.

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

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

	2016/2017	2017/18	2018/19	2019/20
Total Calls to Service (Domestic & Licensing)	305	199	116	125
Calls Relating to Licensed Premises	86	47	29	24

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

5.0 Protection of Children from harm

- 5.1 The Police and Trading standards continue to try and reduce the access to alcohol, from on and off-licences to young people by means of neighbourhood interventions and advice to retailers.
- 5.2 The Licensing Team also carried out a joint Test Purchase Operation with Trading Standards in February 2020. Six retailers were visited and no one sold alcohol to the volunteer.
- 5.3 Businesses are supported to minimize the potential for under age sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to the regional under age sales web based toolkit 'No Proof of Age No Sale (NPOANS)' for their staff and were all written to following the recent test purchase reminding them of this training tool.

6.0 Gambling Policy

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

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

- 6.2 The Councils Gambling Licensing Policy was republished in January 2019.
- 6.3 Plymouth's Gambling Local Area Profiles

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

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

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

Both documents can be found on our website at

www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy

6.4 New Gambling Premises

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

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

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

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

7.0 Sex Establishments

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

8.0 Scrap Metal Dealers

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

Intelligence gained from these operations has shown there is a link to one person who has been fly tipping in addition to collecting scrap metal without a licence and two people have been found collecting scrap without a licence. These were prosecuted after April 2020.

9.0 Partnership Working

9.1 The responsible authorities meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.

9.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are

encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.

- 9.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 9.4 The Licensing Team and Police continue to support Pubwatch schemes and are a member of the Best bar None Steering Group. We continue to carry out multiagency working on safeguarding, modern slavery/exploitation and hate crime projects. Pilot training on safeguarding for licensed premises with Best Bar None establishments was completed in September 2019. This was to be extended to Pubwatch members and other licensed premises, however this was delayed due to Covid-19.
- 9.5 The Licensing Team are members of Safer Plymouth and the Evening and Night Time Economy Group (ENTE) and Alcohol Harm Reduction Subgroup. The group have continued their partnership work this year and their application for the renewal of the Purple Flag Award was successful.

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

www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/purpleflagaward Work will continue with promoting the scheme after Covid-19.

10.0 Plymouth Event Safety Advisory Group (PESAG)

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

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

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

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

11.0 Work Initiatives for 2020/21

- 11.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE.
- 11.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.
- 11.3 This list may vary due to Covid-19 restrictions. However we intend to:
- Continue our joint working to detect, deter and disrupt modern slavery and exploitation

- Continue the joint working with the Police to reduce hate crime
- Continue to promote the voluntary reducing the strength campaign
- Undertake a programme of alcohol and gambling test purchasing operations
- Audit all gambling risk assessments against the new gambling profiles
- Safeguarding training for gambling establishments to be arranged (delayed from March/April 2020 due to Covid19)
- Meet with the Gambling Establishments to discuss setting up a Betwatch Scheme in Plymouth (this was not completed in 2019/20 due to other commitments)
- Ongoing training of Taxi Marshalls that have been appointed to assist with the ENTE.
- Chair the Event Safety Advisory Group and attend the ENTE and Alcohol Harm Reduction Sub Group and assist the group with maintaining the Purple Flag Award for the City.
- Support Best Bar None and Pubwatch

12.0 Conclusion

- 12.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and night time economy throughout 2019/20. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.

13.0 Police Licensing Activity Report

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

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

Sir/Madam,

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

We have dealt with –

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

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

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

We have dealt with a number of premises where concerns have been raised and through intervention at an early stage and the insistence of a formulated action plan from the DPS, changes have been made to the venues, which have removed those concerns. This has on occasion required specific visits to premises by the team and also requiring the DPS and/or area managers to attend Charles Cross Police station to deal with those issues.

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

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

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

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

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

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

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

The Police Alcohol Licensing department worked in partnership with Best Bar None and this positive working relationship was highlighted when Plymouth's Best Bar None was runner-up for the Best Innovative Scheme at the House of Lords in February, having won the Best Overall Scheme for an unprecedented 2 years in a row previously. They were not allowed to enter in that category this year and were asked to judge on the panel for the other awards.

Our excellent partnership working was identified through the prestigious Purple Flag award for the city. This identified Plymouth as having a safe, vibrant and diverse ENTE and is a great benefit to the city for marketing purposes and clearly identifies the excellent partnership working. This was highlighted nationally when Plymouth's Purple Flag application was awarded a national award for the Best Wellbeing, whilst being runner-up for the Best Movement and the Best Diversity & Safety awards. To be shortlisted for so many awards as a new scheme was unprecedented.

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

We continue to engage in working with door supervision companies and have continued to deliver a number of communication and conflict management training sessions free of charge, which have been well received by the companies.

We regularly review CCTV evidence of interactions with door staff and the vast majority of cases show very good conflict management and resolution. There have been very few incidents involving door staff where inappropriate force has been used and good liaising with the Security Industry Authority (SIA) has been effective in dealing with these minor incidents, helping to maintain the safety of the public in Plymouth.

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

Further training has been delivered by ourselves around the Ask for Angela campaign in conjunction with Best Bar None. Once again, there have been a number of examples of this scheme in operation, as well as the general increase in awareness for door staff and bar staff around vulnerability, which is evident in the ENTE. We have made effective communication with the two main universities in Plymouth around the scheme.

The successful trial of the taxi marshals at Derrys Cross and Union Street last year was made more permanent thanks to funding from a number of partners. They ran again over the 3 summer months, covering Fresher's Week and in December. Although the number of customers helped had decreased on the previous year, the taxi marshals had, once again, clearly prevented a number of disorderly incidents and possible serious sexual offences. There has been positive responses from customers, the licensing community and taxi drivers, who feel more inclined to stop there and this has helped dispersal.

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

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

There have been continuing, but less issues with street drinkers in the city and we are working with neighbourhood policing to target the individuals and also the venues who are supplying them. This is an ongoing operation and due to the seasonal migration of the individuals, the collation of data around single venues is more difficult to maintain.

There is very good partnership working between ourselves and the City Council's events planning and licensing departments. Many concerns around these events are addressed at early stages thanks to this working relationship and these events have run without incident.

Our continued involvement with the University of Plymouth and Marjon has benefitted their events and also helped to promote Plymouth as a safer city and destination for potential students. We have been working with the Student Union who are going to trial a student street welfare patrol from September. We have delivered awareness and licensing training to City College students as well, making them aware of the schemes in Plymouth aimed at helping and protecting customers and users of the ENTE.

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

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

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

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police