

MEDIATION REPORT

Licensing Sub Committee



Date:	13 September 2022
Title of Report:	Information regarding delegated decisions for applications for the grant / variation of premises licences
Lead Member:	Councillor Richard Bingley (The Leader)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Marie Price - Senior Licensing Officer
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Mediation Report
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

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

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.

Unlocking the City's Potential: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

Caring for People and Communities: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Financial Risks

Not Applicable

Carbon Footprint (Environmental) Implications:

None

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

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

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

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

Background papers:

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

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

Sign off:

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Originating Senior Leadership Team member: Click here to enter text.
Please confirm the Strategic Director(s) has agreed the report? Choose
Date agreed: Date.
Cabinet Member signature of approval: Councillor Richard Bingley
Date: 7 September 2022

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*

The Half Moon (Dinky Diner)	59 Pemroke Street	Devonport
Masonic Inn	65 Devonport Road	Stoke
Arribas	58 Notte Street	St Peter and the Waterfront
Block Plymouth	Royal William Yard	St Peter and the Waterfront
The Kickin' Caribou	13 Mutley Plain	Compton
Moxy Hotel	Junction of Bath St and Millbay Rd	St Peter and the Waterfront
Pho	Unit G12 & G13a Melville, RWY	St Peter and the Waterfront

2.2 *Devon & Cornwall Police*

<i>The Half Moon (Dinky Diner)</i>	<i>59 Pemroke Street</i>	<i>Devonport</i>
<i>Masonic Inn</i>	<i>65 Devonport Road</i>	<i>Stoke</i>
<i>Arribas</i>	<i>58 Notte Street</i>	<i>St Peter and the Waterfront</i>
<i>Kings Arms</i>	<i>Tamerton Foliot Road</i>	<i>Southway</i>
<i>Kyowa</i>	<i>58 Ebrington Street</i>	<i>St Peter and the Waterfront</i>
<i>Terra Nova</i>	<i>41 Chapel Street</i>	<i>Devonport</i>
<i>Stoke Kebab House</i>	<i>58 Devonport Road</i>	<i>Stoke</i>
<i>Twist</i>	<i>43 Mayflower Street</i>	<i>St Peter and the Waterfront</i>

2.3 *Licensing Authority*

Block Plymouth	Royal William Yard	St Peter and the Waterfront
Pho	Unit G12 & G13a Melville, RWY	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 November 2021 until 30 April 2022 and this report is submitted for the information of the committee.