

Licensing Committee



Date of meeting:	13 September 2022
Title of Report:	Licensing Activity Report 2022
Lead Member:	Councillor Bingley (Leader)
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 2022
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.

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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
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 Date agreed: 29/08/2022											
Cabinet Member approval: Councillor Richard Bingley Date approved: 7 September 2022											

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 2021 to the 31 March 2022. The team received 2149 licensing applications in 2021/2022 covering the following areas:

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

There has been an increase in licensing applications of 61% compared to 2020/21, due to Covid-19 restrictions being lifted.

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 2021/22, 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	1/4/21 – 31/3/22
Licensing applications, transfers, variations and suspensions of licence for nonpayment of annual fee etc.	463 (plus 167 suspensions)	578 (plus 214 suspensions)	339 (plus 301 suspensions)	613 (plus 204 suspensions)
New Personal licences	129 + 145 Change of address applications	159 + 139 Change of address applications	103 + 80 Change of address applications	145 + 111 Change of address applications
TEN's	411	462	91	217

- 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.
- 2.3 145 Licensing Inspections were completed between 1 April 2021 and 31 March 2022, and 83 applications required representations from Environmental Health and Trading Standards.
- 2.4 The Licensing Sub-Committee undertook the following activities:

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Applications or Variations	8	7	8	5	2	8
Review of premises licences	1	4	0	2	3	0
Expedited review applications	1	1	0	0	1	0

Eight applications went to committee to consider representations. Four were granted with additional conditions added at the hearing. One of those also had their licensable hours reduced. This was however appealed and they were successful so the hours reverted back to as applied. Four were granted as applied.

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 was consulted on between 11 March 2022 and 3 June 2022 and a report is being prepared to take this to Full Council in the near future.

4.0 Public Safety and Public Nuisance

- 4.1 During 2021/22, the number of noise complaints remained high and 172 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.
- No premises licences were reviewed for public nuisance in this financial year as detailed above.
- 4.3 Officers arrange out of hours 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 continue to 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 The Licensing Team and Police Licensing meet regularly with Devon Trading Standards and arrange 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.

Full inspections of our Gambling Premises were undertaken between January 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 2022 and is required to be reviewed every three years.

7.0 Sex Establishments

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

8.0 Partnership Working

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 The Licensing Team are members of Safer Plymouth and the Evening and Night Time Economy Group (ENTE) and Alcohol Harm Reduction Subgroup. The group were successful in renewing the Purple Flag Award in 2022.
- 8.5 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.

9.0 Work Initiatives for 2022/23

- 9.1 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.

9.2 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.

9.3 We intend to:

- Publish the revised Cumulative Impact Policy once approved by Full Council.
- 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
- 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

10.0 Conclusion

10.1 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 2021/22. 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.

11.0 Police Licensing Activity Report

11.1 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 2021 – April 2022**

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 –

- 47 applications to grant Premises Licence and negotiated appropriate conditions with each. 1 of these was withdrawn and 2 were refused
- 6 applications to transfer premises licences
- 12 variations of Premises Licences – 2 of these were withdrawn after negotiations
- 32 minor variations 1 was objected to and re-submitted
- 0 new club premises certificates
- 156 variations of DPS
- 140 Temporary Event Notices – 4 were withdrawn after intervention and 1 was rejected
- 79 Late Temporary Event Notices, of which 2 were rejected and 16 were objected to and did not take place
- 0 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 included the end of the lockdown period in July 2021 due to the Covid-19 Pandemic and saw the re-opening of many licensed venues, especially those within the Evening and night-time Economy (ENTE). The time period from 1 April 2021 until 19th July 2021 included the lockdown of much of the ENTE's late-night venues. There was a further 'restriction' in December 2021 when the Government's guidance advised the public that contact should be avoided otherwise anybody contracting Covid-19 would have to self-isolate over Christmas. This created a very stagnant hospitality industry in December 2021, where many venues saw up to 75% of bookings being cancelled.

The statistical summary above indicates a different landscape to the usual business undertaken in a normal year by the Police Alcohol Licensing Department. The re-opening of the venues after the lockdown saw a tentative return to the ENTE from customers, still unsure about the safety of mixing together, with a change in demographic to a generally younger customer base with the older members of the public more concerned with going out.

Significant developments during this period included the national concern over drink spiking incidents throughout the country. Fortunately, after the successful trial in Plymouth in 2019 around a response to drink spiking, Devon and Cornwall Police, led by the Alcohol Licensing Department introduced this same working practice and operation throughout the whole force area. This meant that Plymouth was well-

equipped to deal with incidents and record those reports effectively, supporting vulnerable people through co-operative working with the venue staff and doorstaff.

In 2019, with the co-operation of a large number of venues in the city, a 3-month anti-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 during this trial.

The full scheme was rolled out across the whole Devon and Cornwall Police force area on 1st August 2021. This is the first scheme of this type in the country and has been nationally recognised as a very good practice, with a view to rolling this out on a wider scale. Over 25 other police forces have made contact and are interested in starting or have already commenced using this scheme themselves.

In the first 3 months of the trial in Plymouth alone, there were 64 reports of spiking, 5 of which came back as a 'full positive' for a drug in a person's system which they had no knowledge of (7.8%) This has led to one arrest where a person is still under investigation and 4 others were searched.

The scheme allows for an early result, thereby reassuring the reporting person when it is negative and also benefitting an immediate investigation with a greater chance of identifying perpetrators. There has been an excellent co-operation with the trade and many doorstaff and venue staff have now become the first reporting points and will report an incident to the police through CCTV, thereby enabling a better response.

The immediacy of the results has led to a reduction in social media posts within the city, helping to reduce the fear of crime around this type of offence in the city.

Another event in this time period included the football Euros competition which ended just before the end of the final lockdown period in July. This included a large screening of matches at Home Park and usual sport screening venues showing the matches. Through effective planning with licensees and venues along with on-site support, there were very few incidents which were football-related linked to the licensing community.

Upon re-opening, it was apparent that a number of venues had adapted to a more food-led business model. During the lockdown and limited re-opening the previous year, many businesses had developed a food-led model during eat out to help out and the general feeling was that this model was profitable. This led to a number of venues closing earlier than in the pre-covid years.

There was a lot of continued support offered to venues through the transition back into 'normal' licensing hours. 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 better understanding for venues around lockdown and re-opening. This enabled a much smoother transition into returning to the fully re-opened status.

The same philosophy of engagement and education prevailed as had been used the previous year in dealing with venues. 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 the one specific problem date the previous year when a large gathering took place. The 'Covid marshals' were used as 'ENTE marshals' upon full re-opening until the end of September, helping to keep the public areas of the Barbican and Hoe clear of issues.

Plymouth's Alcohol Harm Reduction Group was re-established. It had been suspended during the lockdowns when the Covid-19 group was set up to deal with licensing and Covid-related matters. This group has some of the major partners included centred around the licensing industry. This group reports into the Safer Plymouth group for a wider inclusion of city-wide partners.

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 Designated Premises Supervisor (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 such venue was dealt with after a very serious assault on a customer. Although the DPS was not present at the time of the incident, a relative was managing the venue. The premises licence holder was spoken to by police licensing officers and the DPS was immediately removed, along with the staff from the venue. There have been no recurrences of any incidents at the venue since.

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 has been a slight decrease in the granting of new licences during this period in the city, as well as a more significant decrease in transferring licenses. In the previous year, a number of businesses had closed and others saw a new opportunity to enter the hospitality industry due to changes in their own lives through Covid. There was a significant increase in the number of DPS changes to the previous year. This is a good indicator of many new people coming into the hospitality industry or moving to a different venue. There was also a four-fold increase in the numbers of Temporary Event Notices (TENs) which indicated that people were taking advantage of the re-opening. There was also a large increase in the number of Late TENs, of which 23% were objected to and did not take place.

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 was clearly demonstrated 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 accepted in January 2021, with the assessment taking place in April 2022 (just outside the scope of this report), however it is included as the preparatory work took place throughout 2021/22.

The application was of such quality again, 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 regularly visit and check SIA doorstaff. This has become even more important due to the turnover in staff after Covid. Many experienced doorstaff had worked at other sites, (usually working day shifts) during Covid, and upon re-opening, had decided not to return to the late nights involved in door work.

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 an increased number of 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 incidents, helping to maintain the safety of the public in Plymouth. There have been a small number of suspensions of SIA licenses as a result of their actions, sending a message that high standards are expected at all times. There has been very good support from the doorstaff companies in reviewing these actions. Further training in conflict management and communication has been rolled out (outside the timescale of this report).

Police Licensing, alongside Local Authority and Best Bar None have undertaken training in the areas of vulnerability, Ask for Angela and anti-drink spiking. This is even more important than ever due to the lack of experience in the ENTE venues. This training was well received and is beneficial to making the ENTE staff more effective in protecting the public during the course of their work. This will be a continuing training package throughout the year with the next session planned before Freshers' Week.

Working with Best Bar None, a student and licensing forum is being developed, where representatives from the student body can have a voice within the licensing community around their needs and concerns. This is beneficial in getting a point of view from many more participants of the ENTE and is a useful 'sounding board' for checking that the various strategies work.

The successful trial of the taxi marshals at Derry's Cross and Union Street was made permanent thanks to a partnership with the NHS. This partnership secured £150,000 worth of funding to continue the taxi marshals at Derry's Cross, along with the provision of medical staff for the Safe Bus at Derry's Cross. The taxi marshals had, once again, clearly prevented a number of disorderly incidents and possible serious sexual offences. There have 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 and ENTE marshals in that area.

The 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 of the ENTE. The funding from the NHS allowed the Safe Bus to be implemented for every Saturday night from January 2021 until April 2023 as well as an extra 15 'red' nights, such as New Year's Eve, Halloween and Freshers' Week. The excellent help from Plymouth City Bus in driving the bus to and from the location and undertaking maintenance free of charge has kept the general running costs to a minimum. The Safe Bus provision has prevented over 80% of people treated there for minor injuries and welfare issues from being passed on for further help, reducing the demand on the ambulance service, police and emergency departments.

In December 2021, Police Licensing, Local Authority Licensing and Best Bar None trialled a night bus service using a private hire coach company which was staffed with SIA trained marshals. This offered three bus routes covering most of the city running at 0000hrs, 0200hrs and 0400hrs. This offered an alternative to long waits at taxi queues. Unfortunately, it did not carry as many passengers as expected due to the huge decline in numbers going out in the ENTE in December due to Covid restrictions. This was funded by Best Bar None with a view to making some money to become potentially self-funding. A bid was put forward for Safer Streets 4 funding (outside the timescale of this report) and was successful in obtaining funding to run this service again over a possible 30 nights in 2022/23. It is hoped that this will make enough money to demonstrate that it is economically viable to be self-sufficient for the future.

Police licensing have also been working with the Police's Prevent and Detect Team (PDT), who are a team of plain clothed officers who are specifically trained to observe human behaviour and interactions. There have been a number of nights when the PDT has worked in the ENTE, both within and outside venues with a view to observe possible predatory behaviour and intercept potential suspects. This programme will continue into the future.

Police licensing and Best Bar None have worked effectively with the Plymouth Night Patrol, a society set up within Plymouth university which provides medical and welfare patrols on Wednesday and Friday nights during term time.. Again, over 80% of people dealt with need no ongoing support. With the excellent continued work of the street pastors, Plymouth has an extra medical and welfare provision for three nights of the week.

We continue, where possible, to develop the 'Reducing the Strength' 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. A complete re-write of the Marjon licence has given them a lot more flexibility in what they can offer in a safe environment for their students.

I submit this report for your information and consideration.

Dave Moore

PS 4571

Alcohol Licensing Sergeant

Devon and Cornwall Police