

Licensing Committee

Licensing Activity Report 2023



Date of meeting:	11 December 2023
Title of Report:	Licensing Activity Report 2023
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Graham Hooper
Contact Email:	Graham.hooper@plymouth.gov.uk
Your Reference:	GHO/LAR/2023
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report sets out an overview of the Licensing Service during the last financial year compared to the year before. The report sets out the type of regimes and applications covered by the Licensing Service, team performance, significant trends and high-profile applications, together with an outline of the various aspects of the work undertaken by agencies involved in regulating the licensing regime within the remit of the Committee.

Recommendations and Reasons

1. To note the report.

Alternative options considered and rejected.

1. None identified.

Relevance to the Corporate Plan and/or the Plymouth Plan

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

1. Working with the Police to tackle crime and anti-social behaviour:

The work of the Licensing Team feeds into the framework by which the Licensing Authority and the Police can promote and ensure that the licensing objectives are met and alcohol related crime is reduced. The licensing objectives are:

- Prevention of Crime and disorder
- Promotion of public safety
- Prevention of nuisance
- Protection of children from harm

2. Keeping children, adults, and communities safe:

The work of the Licensing Team feeds into the framework that regulates the sale of alcohol, provision of certain entertainment and late-night refreshment thereby ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.

Sign off:

Fin HLS2 7112 3		Leg 2710/ AZG/ 28.11. 23		Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Ruth Harrell											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 27/11/2023											
Cabinet Member approval: Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria) approved by email. Date approved: 27/11/2023											

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 2022 to the 31 March 2023.

1.2 The team received 2250 licensing applications in this period which is an increase of 101 (4.7%) on the previous year 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 2022/2023, Officers processed the

following number of applications:

Licence Type	1/4/19 – 31/3/20	1/4/20 – 31/3/21	1/4/21 – 31/3/22	1/4/22 – 31/3/23
Licensing applications, transfers, variations and suspensions of licence for nonpayment of annual fee etc.	578 (plus 214 suspensions)	339 (plus 301 suspensions)	613 (plus 204 suspensions)	894 (plus 230 suspensions)
New Personal licences	159 + 139 Change of address applications	103 + 80 Change of address applications	145 + 111 Change of address applications	121 + 90 Change of address applications
TEN's	462	91	217	398

- 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 42 full premises licensing inspections were completed between 1 April 2022 and 31 March 2023.
- 2.4 Three premise licence applications and one premise licence review went to Licensing Sub-Committee to be heard. Details of these are shown in the following table.

Application Type	Premises Name	EHO	Police Reps	Home Office Reps	Residents Reps	Date of Hearing	Decision	Licensing Objectives
Grant (Late Night Refreshment)	Stoke Grill				Three	19/04/2022	Refused	All
Grant	Brunel View	Agreed Conditions	Agreed Conditions		Two	02/08/2022	Granted with additional conditions applied	C & D, Public Nuisance, Protection Children
Review	Nibanna			Made App		25/10/2022	Additional conditions applied	Crime Prevention - Immigration
Grant	One Stop		Agreed Conditions		Six	03/01/2023	Granted with additional conditions applied	C & D, Public Nuisance, Protection Children

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 and is due for review and publication in April 2024.

- 3.2 The draft statement of the licensing policy is currently out to consultation and can be viewed along with the Executive decision report at:

[Decision - CSLCC05 23/24 - Authorisation to Consult on the Draft Statement of Licensing Policy 2024 to 2029 following the Statutory 5-year Review. - Modern Council \(plymouth.gov.uk\)](#)

- 3.3 The Cumulative Impact Policy is required to be reviewed every 3 years and this was last reviewed and consulted on between 11 March 2022 and 3 June 2022 being adopted by the Council in January 2023.

4.0 Public Safety and Public Nuisance

- 4.1 Although 2022/2023 saw a drop in the number of noise complaints received against licensed premises from the previous year (177) they remained high at 150.
- 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 continues to be very important 2 years on from 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, Trading Standards and the Licensing Team continue to work to 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 underage sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to the regional underage sales web-based toolkit 'No Proof of Age No Sale (NPOANS)' for their staff and all are reminded regularly 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 Licensing Team are actively involved in a number of multiagency groups to support the promotion of the licensing objectives by working in partnership with others to achieve this aim. These are:

8.2 Responsible Authorities Meetings

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 nighttime 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.

Interventions include both unannounced and planned visits to assess the licensed premises against licensing conditions and other workplace regulations. 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.

8.3 Multi-Agency Groups

The Licensing Team are members of Safer Plymouth and the Evening and Nighttime Economy Group (ENTE) and Alcohol Harm Reduction Subgroup.

8.4 Plymouth Pubwatch

The Licensing Team and Police continue to support the Plymouth Pubwatch scheme. Pubwatch schemes are local, independent groups formed of people working in licensed premises with the objectives of tackling and preventing anti-social behaviour and criminal activity, promoting a safe drinking environment for customers and secure working environments for staff, and improving communication and sharing information between licensees. Plymouth has a very active Pubwatch which organises a number of safety/awareness campaigns and supports other initiatives to improve safety in licensed premises. Pubwatch meet monthly and in turn are supported by the Licensing Team who provide updates and advice.

8.5 Purple Flag

The Licensing Team actively supports the Purple Flag award, which celebrates safety, partnership and diversity in the night-time economy. This award has considerable benefits to many services

in the Council and wider community. 2023 saw Plymouth successfully submit an interim renewal application to retain the award for the 8th consecutive year.

Plymouth was assessed on the many elements to make it a safe city to visit and to live, such as the emergency help points, the safe bus, the continued work and focus on VAWG (Violence Against Women and Girls) and the night bus that ran last year.

Areas awarded the purple flag are recognised as providing a vibrant and diverse mixture of entertainment and culture, whilst promoting the safety and wellbeing of visitors and residents.

A large number of organisations work together to make Plymouth a welcoming and successful destination including the Council, Devon and Cornwall Police, pubs, restaurants, sports and entertainment venues, retail and transport operators, dedicated street pastors and taxi marshals.

8.6 Devon Licensing Officers Group (DLOG).

Plymouth Licensing Officers attend and actively participate Licensing Forum Groups. This group seeks to develop consistency and best practice in licensing across Devon.

8.7 Safety Advisory Groups

The Council work with event organisers to uphold reasonable standards of public safety at events and to encourage the wellbeing of the public, officials, event organisers and performers. The Plymouth SAG (sports stadiums) and ESAG (Events) acts as a conduit for organisers to share their event plans and to receive agency feedback. The Licensing Team currently Chair the Event SAG.

8.8 Institute of Licensing

The professional body for licensing matters has been instrumental in access to case law and legislation updates, training, and information sharing. The Licensing Team are members of the IOL and attend regular training and legislation updates, providing a local authority view in several key legislative changes.

8.9 Community Alcohol Partnership

The Licensing Authority supports the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink.

A Community Alcohol Partnership (CAP) is a Community Interest Company (CiC) which brings together and supports local partnerships of councils, police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

The Licensing Authority in its membership of the Plymouth CAP, actively supports the important work in preventing underage drinking and alcohol harm to young people.

Further information on C.A.P initiatives can be found at: [Community Alcohol Partnerships](#)

8.10 Miscellaneous

The Licensing Team continue to carry out multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.

9.0 **Work Initiatives for 2023/24**

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 Statement of Licensing 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, Pubwatch and the Community Alcohol Partnership
- Working with partner agencies and engaging with licensed businesses throughout the implementation of the Protect Duty (Martins Law, see 9.4 below).

9.4 Protect Duty

In December 2022, the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

Martyn's Law will keep people safe, enhancing our national security and reducing the risk to the public from terrorism by the protection of public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

The Licensing Team will be working with partner agencies and engaging with licensed businesses throughout this process.

10.0 **Conclusion**

10.1 This report enables Members to be informed and to aid decision making in the future by seeking to provide an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and nighttime economy throughout 2022/23.

10.2 In addition, the report provides information on 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 I

POLICE LICENSING REPORT APRIL 2022 – April 2023

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 –

- 38 applications to grant Premises Licence and negotiated appropriate conditions with 28. 1 of these was withdrawn.
- 43 applications to transfer premises licences.
- 14 variations of Premises Licences – 1 of these were withdrawn after negotiations.
- 14 minor variations 1 was objected to and re-submitted.
- 0 new club premises certificates
- 169 variations of DPS
- 140 Temporary Event Notices
- 79 Late Temporary Event Notices, 12 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’)

The City’s Cumulative Impact Policy was amended to include a new Cumulative Impact Area (CIA) in the city centre. This CIA links the existing CIAs of the Barbican, Union Street and North Hill. With a great amount of regeneration going on in Plymouth city centre, it was clear that there needed to be some controls over the types of businesses entering the area of the city centre as it diversified into more of a vibrant culture where empty shops were being taken over by cafes, bars and restaurants as well as some other licensed entertainment venues. The re-gentrification of the city centre along with its change of use required a more considered approach to the use of vacant units.

Also, there needed to be a control on the number of licensed venues retailing high-strength alcohol which directly contributes to the number of street drinking issues. The use of the CIA allows the authorities to insist on new applications to include a ‘Reduce the Strength’ campaign thereby minimising the impact of street drinking.

Police, in conjunction with BBN and Plymouth Pubwatch have created a system of regular drug collections from venues when drugs have been seized by venue staff.

This has also enabled trends to be observed, such as an increase in ketamine seizures during university term time and identifying new strains of drugs, such as some oddly coloured drugs coming into circulation in the city which was of potentially dangerous strength.

Police licensing have worked to improve the frequency and training around drug confiscation and recording along with sharing of information. In the last 12 months, 709 drug collections have been made with an estimated street value of £35,000 worth of drugs confiscated by ENTE staff.

Ongoing Vulnerability training including drink spiking awareness to venues and door staff (delivered online via BBN) is very well received and the last training input pre student arrival in early October had over 80 attendees.

D & C Police in conjunction with BBN attended all the student fresher's fayres and handed out information regarding staying safe on a night out. This was delivered as a joint approach this year using D&C police website and joint messaging.

Police licensing are supporting this year's "Lift Legend" campaign and Venues have been encouraged via BBN and the Pubwatch scheme to sign up for the Christmas Lift Legend campaign which is run by D & C police and aims to encourage venues to promote free soft drinks to a designated driver.

Significant developments during this report period included the national concern over needle stick spiking incidents throughout the country. Fortunately, after the successful trial in Plymouth in 2019 in response to drink spiking, Devon and Cornwall Police, led by the Alcohol Licensing Department adopted the same working practice and operation throughout the whole force area.

Having this scheme in place put us in a strong position when we suddenly had a high volume of reported needle stick spikings which appeared largely fueled by national social media reporting. As Devon and Cornwall Police had the scheme in place the Force Licensing teams ran training and supplied written guidance along with testing kits to the larger city venues to test drinks and to advise businesses on our policy to ensure potential needle stick victims got the support and care they required.

The training of venues enabled businesses to show their clientele that they were working hard to support the reduction in spiking and that they wanted to support and keep customers safe. The fact Devon and Cornwall could test reported victims' urine immediately and reassure people they had not been spiked or targeted was a great success and has been subject to other Forces looking into how we manage our scheme and the kits we use.

All venues still use the Spike Aware processes (Op Opossum) and testing kits with a recent successful intervention made by a member of Door staff to prevent a spiking and apprehend the perpetrator.

Plymouth's Alcohol Harm Reduction Group continues to meet regularly. This group has some of the major partners included and is centered around the licensing industry. This group reports into the Safer Plymouth group for a wider inclusion of city-wide partners.

Police licensing 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 required the DPS and/or area managers to attend Charles Cross Police station to deal with those issues.

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 successfully assessed in April 2022.

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 the Police Licensing department, Cat McDonald from Best Bar None and the Local Authority Licensing department.

We are currently working on this year's application for renewal of our Purple Flag status.

We regularly engage with door supervisor companies and have a well-established routine where we visit and check Security Industry Authority (SIA) door staff. Through this report timeline the SIA have attended Plymouth twice to check registered door staff. On one visit an unlicensed door supervisor was discovered which has been dealt with by the SIA. This highlights the importance of regularly checking this industry.

We continue to regularly review CCTV evidence of interactions with door staff where there has been a complaint made. The vast majority of these incidents show good conflict management and resolution, often in difficult circumstances. We are though, continuing to see a rise in the number of incidents involving door staff where inappropriate force has been used. Having a good partnership with the SIA has led to an effective working arrangement whereby an early intervention can be used where the involved door supervisor can be spoken to and go on an additional training course. There are times when this method is not appropriate and we have seen 6 SIA licences revoked during this report timeline, which sends a message that the high standards set by the SIA are always expected. There has been good support and engagement from the door supervisor companies in reviewing these actions.

Throughout the year we had dealt with a rise in "glassing" incidents. 5 premises were issued letters, 2 of those venues had a second letter issued and are now glass free at the premises. Adopting a stepped approach is the accepted way of dealing with these incidents and we can report that none of these 5 venues has had further incidents.

As part of our tools for dealing with premises we can utilise a Section 19 Notice of the Criminal Justice and Police Act 2001. These are used when it is found that a premises may not be operating in accordance with the premises licence and once issued gives that premises time to rectify what they were not doing. During this report time 5 notices were issued, and all 5 premises engaged with the process and rectified the issues within the time frame given.

The low number of cases brought before 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 were offered through many meetings and visits to venues which resulted in compliance and development of good working practices and standards being achieved.

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 most recent session taking place 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 success of taxi marshals at Derry's Cross and Union Street was made permanent thanks to a partnership with the NHS and continues to be a great success.

Plymouth's Safe Bus has had over £150,000 worth of investment from the NHS in order for it to be a permanent fixture in Plymouth's ENTE. This includes 6 medical staff and an ambulance in attendance, as well as the provision for SIA security and taxi marshals for the nearby taxi rank.

There has been extremely positive feedback from all partners and there has been an increased awareness of the service with customers using Plymouth's ENTE.

The bus is in place every Saturday night as well as an extra 15 'red' nights throughout the year including Hallowe'en, Fridays in December, Freshers' Week, and events such as the World Cup.

A New Safe Bus is being refurbished and will replace the old one (thanks to funding by Victim Support, Plymouth City Council - Feeling Safe in the Community Project, Plymouth University and Safer Streets 4) with a much more reliable and user-friendly bus. This is being supported by a variety of organisations including Victim support, BBN, Street Pastors, Plymouth Night Patrol team. City Bus were generously sorting the external makeover and branding. This bus is due in-service in December 2023.

A multi-agency supported resource; it offers a safe haven for users of the ENTE.

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.

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 behaviors and interactions. There have been several nights when the PDT has worked in the ENTE, both within and outside venues with a view to observe possible predatory behaviors and intercept potential suspects. This partnership working is planned to 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 first responder and welfare patrols on Wednesday, Friday and Saturday 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.

The night Patrol has continued to grow and has gone from a team of 14 at conception to a current team of 74 members.

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 helped to promote Plymouth as a safer city and destination for potential students. A recent 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 Curtis PS 6415

Alcohol Licensing Sergeant Devon and Cornwall Police