

CITY OF PLYMOUTH

Subject: 3 Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy

Committee: Cabinet

Date: 16 November 2010

Cabinet Member: Councillor Mike Leaves

CMT Member: Director for Community Services

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Ref:

Key Decision: No – voluntary addition to the Forward Plan

Part: I

Executive Summary:

Section 5(1) of the Licensing Act 2003 places a duty on the Licensing Authority every three years to determine and publish a statement of licensing policy.

The current statement of licensing policy was published and became operative from the 7th January 2008. A revised policy must be approved and published by the Council to take effect from the 7th January 2011.

Before determining its policy for a three year period the Licensing Authority must consult in accordance with s182 guidance issued under the Licensing Act 2003. Extensive consultation, compliant with s182, has taken place and ended on 1st September 2010. The consultation also included a review of the need for a Cumulative Impact Policy which was introduced in 2008.

As part of the consultation process the draft policy was placed onto the work plan for the Customers and Communities Overview and Scrutiny Panel.

This report contains details of the consultation responses, recommendations from the Customers and Communities Overview and Scrutiny Panel, recommendations from officers and a draft of the policy proposed to be adopted.

Corporate Plan 2010-2013 as amended by the four new priorities for the City and Council:

This report links to the delivery of the corporate improvement priorities, in particular:

- Reducing inequalities between communities – through the control of alcohol and its impact on health and wellbeing

- Delivering sustainable growth – through the balance of regulation against the need to protect residents and creating a consistent regulatory environment in which businesses can operate
 - Keeping children safe – through the prevention of under age usage of alcohol
 - Providing more and better culture and leisure activities – Promoting a wide range of cultural and leisure opportunities in Plymouth and through the maintenance of operating standards by businesses
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**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Government has set fees at a level that they believe will achieve full recovery of the administrative, inspection and enforcement costs falling on the Licensing Authority associated with their licensing functions under the Licensing Act 2003. There are no implications.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

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.

The Licensing Policy has a key role in reducing alcohol related crime and disorder, the fear of crime and the prevention of nuisance or anti-social behaviour.

Recommendations & Reasons for recommended action:

It is recommended that Members consider this report and make the following recommendations to City Council:

1. Note the results of the public consultation and officers conclusions (Appendix 1)
2. Take account of the recommendations from the Customers and Communities Overview and Scrutiny Panel
3. That the draft Licensing Statement of Policy 2011-2014 be recommended to City Council for adoption (Appendix 3)
4. That officer conclusions and recommendations and the evidence set out in Appendix 1 and Appendix 2 to this report is considered sufficient to identify concerns about crime and disorder and public nuisance and therefore that the Special Policy on Cumulative Impact (contained within the Statement of Licensing Policy) that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain, and Stoke Village remain in place

Alternative options considered and reasons for recommended action:

Change to the Licensing Statement of Policy or removal of the Cumulative Impact Policy
The evidence submitted as part of the consultation has established that the situation has not changed significantly since the introduction of the Cumulative Impact Policy in 2008. On balance the operation of the Licensing Statement of Policy appears to be proportionate and evidence exists for the retention of the Cumulative Impact Policy due to either crime and disorder or public nuisance.

Background papers:

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's existing Licensing Policy.

Draft Statement of Licensing Policy 2011-2014.

Safer Stronger Communities Overview and Scrutiny Panel - Alternative to a Saturation Policy Report 2006.

Cabinet Report (Ref C 101 06/07 – 23/01/07) - Recommendations of the Safer Stronger Communities Overview and Scrutiny Panel Review of Alternatives to a Saturation Policy

Safer Stronger Communities Overview and Scrutiny Panel (Ref SSCOSP 07 07/08) –Report on the progress with recommendations of the Safer Stronger Communities Overview and Scrutiny Panel review of alternatives to a Saturation Policy

Safer Stronger Communities Overview and Scrutiny Panel (03/09/07) - Progress report regarding the review of Plymouth City Council's Statement of Licensing Policy and Saturation Policy

Safer Stronger Communities Overview and Scrutiny Panel (22/10/07) - Progress report regarding the review of Plymouth City Council's Statement of Licensing Policy and Saturation Policy.

Cabinet Report (Ref C54 07/08 27/11/07) – Statement of Licensing Policy 2008-2011

Cabinet Report (Ref C 2 08/09 – 03/06/08) - Statement of Licensing Policy, Cumulative Impact Policy

Customers and Communities Overview and Scrutiny Panel (Item 21 - 28/09/09) – Twelve month review of Cumulative Impact Policy

Customers and Communities Overview and Scrutiny Panel (Item 5- 18/10/10) – 3 Year Review of Licensing Act 2003 Statement of Licensing

Sign off:

Fin	CoS F EC1 011 001	Leg	AG/10039/ 27.10.10	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member Jayne Donovan											

1.0 Background

- 1.1 Section 5(1) of the Licensing Act 2003 places a duty on the Licensing Authority in respect of each three year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy.
- 1.2 The new statement of licensing policy must be determined and published to take effect from the 7th January 2011.
- 1.3 The proposed new licensing policy is based on Guidance issued under Section 182 of the Licensing Act 2003 by the Department of Culture Media and Sport and the template issued by the Local Authority Coordination of Regulatory Service (LACoRS).
- 1.4 The existing Licensing Policy was adopted in January 2008, but led to further consultation and investigation by the Safer Stronger Communities Overview and Scrutiny Panel regarding the need to adopt a special policy for Cumulative Impact Areas. Further reports were submitted that led to the adoption of 5 areas under the Cumulative Impact Policy in June 2008.
- 1.5 A report on the operation of the Cumulative Impact Policy was presented to the Customers and Communities Overview and Scrutiny Panel in September 2009 (Item 21 - 28/09/09). This recommended that the operation of the Cumulative Impact Areas be reviewed again as part of the 3 year review of the Licensing Policy during 2010.
- 1.6 For this review a 12 week consultation period ended on the 1st September 2010, seeking comments on a proposed draft Licensing Policy to be published by the 7th January 2011 including the Cumulative Impact Policy. The responses received and officer's comments are contained in Appendix 1.
- 1.7 The Government are currently undertaking a review of the licensing system and new legislative controls may come into force next year. The draft policy can not pre-empt any changes and the policy may require further amendment during 2011/12 as a response to national changes in legislation or guidance.
- 1.8 The proposed draft Licensing Policy for 2011 to 2014 is contained in Appendix 3.

2.0 Consultation Process

- 2.1 The consultation exercise for the proposed draft licensing policy was made as wide as possible.

Section 5(3) of the Licensing Act 2003 states that before determining its policy for a three year period a Licensing Authority must consult –

- The chief officer of police for the Licensing Authority's area
- The Fire Authority for that area
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by the authority
- Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority

- Such persons as the licensing authority considers to be representative of holders of personal licences issued by the authority
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

2.2 Letters were sent to all premises holding either a 'premises licence' or club premises certificate' advising them of the consultation. A similar letter was sent to the Resident / Community groups and faith groups for which contact details were available. A press release was issued and local media coverage was obtained. A total of approximately 1000 people or groups were contacted directly by letter. In addition the responsible authorities were consulted (Police, Child Protection, Trading Standards, Environmental Health, Transport & Planning Service, Maritime & Coastguard Agency). The Policy was also circulated to the Corporate Strategy Forum.

2.3 All ward Councillors were sent copies of the consultation documentation.

2.4 A total of 11 responses were received as a result of the consultation process. The responses have been collated and attached at Appendix 1. In some cases the responses can not be incorporated into the Policy due to conflict either with s182 guidance or legislation. Officer's comments on each submission are also contained in Appendix 1. The Police submission is in Appendix 2

3.0 Cumulative Impact Policy

3.1 The current policy includes a special policy in relation to Cumulative Impact. Guidance under s182 of the Licensing Act 2003 describes this as the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

3.2 There must be an evidential basis for the decision to adopt a special policy within the statement of licensing policy regarding cumulative impact areas.

3.3 The steps to be followed in considering whether to adopt a policy within the statement of licensing policy are:

- 1 Identify concern about crime and disorder or public nuisance
- 2 Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- 3 Identify the boundaries of the area where problems are occurring
- 4 Consult with those specified in section 5(3) of the Licensing Act 2003 and subject to the outcome of the consultation
- 5 Include and publish details of a special policy in the licensing policy statement.

3.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations. This is unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

3.6 Plymouth Police Basic Command Unit have responded to the draft policy and have also included a report which is an evidence based problem profile, identifying those areas affected by violent crime associated with the evening and night-time economy and seeking the continuation of the Cumulative Impact Policy within the Statement of Licensing Policy. Environmental Health has also submitted responses in support of a policy in one or more of the areas.

The existing areas have been requested to be retained, based on their existing boundaries:

- Union Street
- Mutley Plain
- Barbican
- North Hill
- Stoke

4.0 **Alternatives to a Cumulative Impact Policy**

4.1 The Police and other agencies have worked closely with the trade to successfully introduce measures to reduce crime and disorder and public nuisance associated with the Evening and Night Time Economy (ENTE). An annual action plan is published.

4.2 Examples of this work includes;

- Introduction of Pubwatch, Clubwatch and the City Safe award scheme
- Provision of high visibility clothing and control and restraint training for door supervisors.
- Investment in CCTV coverage
- Environmental improvements
- Under age sales campaigns
- Alcohol education campaigns
- Introduction of Alcohol Designated Public Places Orders for Union St, Barbican and Mutley Plain and the City Centre
- Activities to identify, assist and control persistently violent offenders
- Continuation of the City Night Treatment Point

This work has contributed to reducing crime linked to the Evening and Night Time Economy (ENTE). A range of alternative strategies will continue to be used and developed through the Violent Crime Delivery Group.

5.0 **Regulators Compliance Code**

5.1 From the 6th April 2008 the Legislative and Regulatory Reform Act 2006 and Statutory Code of Practice requires regulators to have regard to the principles contained in the Statutory Code of Practice when undertaking regulatory activities, including the establishment of policies. The specific obligations of the code relevant to cumulative impact policies are;

5.2 **Economic Progress**

Regulators should consider the impact that their regulatory interventions may have on economic progress, including a consideration of the costs, effectiveness and perceptions of fairness of regulation. They should only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving their

objectives. Regulators should consider the impact that their regulatory interventions may have on small businesses, ensuring that the regulatory interventions fall fairly and proportionately considering the size of the business and the nature of their activities.

5.3 Risk Assessment

Regulators should ensure that the allocation of their regulatory efforts is targeted where they would be most effective by maximising their target outcomes. In general policies and activities must target those businesses where greater controls will lead to the increased promotion of the licensing objectives.

5.4 No evidence has been submitted that confirms a disproportionate detrimental economic affect of the policy. Licensees have not responded in numbers to suggest that this has been an issue locally. Experience from other Licensing Authorities generally appears to demonstrate that there is not a disproportionate affect and appears to be supported by a lack of specific Government advice on this specific issue.

5.5 A Cumulative Impact Policy will only affect businesses in areas where evidence exists of crime and disorder or public nuisance, thereby targeting further regulatory controls to areas of need. The policy is applied equally to all business sizes and would not have a disproportionate effect on small business. It is possible that small businesses may have greater scope to convince the Licensing Committee or the responsible authorities that their operations would not add further negative impact.

6.0 Statistical Background

6.1 Appendix 2 contains the detailed statistical evidence supplied by the Devon & Cornwall Constabulary. A summary of the information can be seen in Table 1

Table 1: Comparisons of violent crime associated with the ENTE

Period	City Centre/ Barbican	Stonehouse	Mutley Plain / North Hill	Stoke	All neighbourhoods
01/03/10 to 31/07/10	149 305	193 238	90 137	16 32	450 735
01/03/07 to 31/07/07	159 312	186 231	76 129	18 42	444 737

6.2 Certain parts of the Plymouth ENTE already have a poor reputation with regards to violent crime. The ENTE contributes a significant proportion of the incidents and identified by the Police as a priority. Alternative strategies and partnership working have already seen to have delivered good results and further options exist for other new strategies. The continuation of a Cumulative Impact Policy can be seen as one possible means of controlling an increase in crime related to new licences which may be granted in areas with high concentrations of existing licences.

6.3 Off Licences

The Police have requested that the licensing of off licences come within the scope of the cumulative impact policy to control the increase and availability of alcohol. No supporting evidence on the need or effectiveness has been submitted regarding this aspect. This matter can be reviewed should additional evidence be received from the Police.

6.4 **Public Nuisance**

In general the majority of public nuisance issues relate to noise from entertainment held on the premises or noise and anti social behaviour in the vicinity of premises or transit routes between the evening and night time economy areas and places of residence.

6.5 Noise directly attributable to individual premises can be adequately controlled using existing legislation from within the Licensing Act or the Environmental Protection Act. Nuisance not attributable to individual premises is difficult to control using powers available to the Local Authority.

6.6 All of the cumulative impact areas are in very close proximity to residential areas giving rise to residents concerns regarding public nuisance and anti social behaviour. The majority of these incidents go unreported due to their transient nature and the inability of the agencies to have an impact on this problem.

6.7 The extension of licensing hours to beyond 2.00 am and increased capacity of venues will obviously impact on the likelihood of public nuisance occurring in residential areas and over a prolonged period of time. Officer's discussions with residents and experience during night time visits over the years have highlighted this issue to be a major concern.

6.8 Environmental Health Officers believe that the cumulative impact policy provides a suitable mechanism to assess and control the impact that additional licences or amendments to licences may have on residents. The existing policy has successfully been applied to prevent the extension of licensing hours and capacity where cumulative impact has been an issue.

6.9 Submissions from both the Police and Environmental Health report the impact that the operation of premises has on highly residential areas. Background noise levels beyond 2.00am will be low in most areas, therefore the affect of noise and antisocial behaviour at these time are more noticeable and less able to be tolerated by residents.

7.0 **Operation of the Cumulative Impact Policy**

7.1 During previous consultations in 2007/08 a number of concerns were raised regarding the operation of a Cumulative Impact Policy.

7.2 **“Creep”**

By demarking any area there will be the risk that new applications may be forthcoming in the area immediately outside in order to avoid falling under the scope of the Cumulative Impact Policy. This would cause issues associated with licensed premises to spread, potentially into more sensitive areas. This has not been raised as a concern by the Police or by any consultation responses

7.3 Negative Impact on future investment or economic growth

- 7.4 Concerns were raised regarding the likely deterrent factor for future investment in the evening and night time economy. Many held a view that it created a negative image both for investors and potential customers. The licensed trade representatives indicated that a significant number of premises were struggling financially and may be forced to cease trading.
- 7.5 Since introduction of the Policy 52 applications have been received in the cumulative impact areas. This resulted in 8 applications being refused in part or whole, a further 11 had additional conditions placed onto the licence. One appeal was lodged by the Police on a successful application that resulted in additional conditions being imposed. One other appeal was lodged but was not relevant to the operation of the Cumulative Impact Policy. Others were granted or granted with additional conditions. Outside of the areas 29 applications were heard by the Licensing Committee resulting in no refusals. A total of 16 (3 Bars/clubs/public houses) premise licences have been surrendered in the cumulative impact areas and 52 (16 bars/clubs public houses) outside.
- 7.6 No objective evidence was found to identify any impact on the evening and night time economy.
- 7.7 A Cumulative Impact Policy requires applicants to deliver an increased standard of application and operating schedule in order to establish that the Policy should not be applied on that case. It does not prohibit future approval of new applications or variations to existing licenses. In every case the Licensing Committee must still prove the need for conditions or for the refusal of a licence following a representation from either a responsible authority or interested party.
- 7.8 In England and Wales 129 Cumulative Impact Areas have been declared in 79 Licensing Authorities. This is an increase of 50 areas since 2008. Amended guidance issued in June 2007 and January 2010 did not indicate that the Government had undue concerns regarding this trend.

8.0 General Licensing Policy

Responses identified some minor changes to the draft policy. Where possible these have been incorporated. Officer comments on all of the responses are contained in Appendix 1. Only one other major issue was raised.

8.1 Film Classifications

The NHS Stop Smoking Service requested that the Authority explores the power to classify films in relation to smoking in films.

- 8.2 The Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children. The policy supports the British Board of Film Classification (BBFC) Guidelines and does not seek to duplicate their role in the classification of films subject to general release. Any non BBFC classified film considered by the Committee would take into consideration the nature and level of smoking present when considering the classification to be awarded.

- 8.3 Any move away from the existing policy would have significant resource implications for officers and the Licensing Committee and likely to be subject to appeal on high profile films.
- 8.4 The BBFC reviewed their guidelines in 2009 and did not consider it necessary to adopt an over 18 classification for films where smoking was present. Scenes containing smoking are considered as particularly relevant where the film or character is likely to be primarily targeted at children and may result in changes to the film or classification.
- 8.5 This issue is complex with many sources of information relative to the cost/benefits of changing the classification system. Any decision on the presence of tobacco in films, including television, should be left to national classification systems and guidelines to avoid duplication of resources and inconsistent decision making.

9.0 Customers and Communities Overview and Scrutiny Panel Recommendations.

9.1 The panel considered a report on the 18th October 2010. Their recommendations were: that –

(1) the panel notes the results of the public consultation and officers' conclusions;

(2) the panel requests Cabinet to recommend to the City Council -

(a) the adoption of the draft Licensing Statement of Policy 2011 – 2014 and in particular supports the proposals relating to the classification of films with tobacco imagery and the ratio of door supervisors required;

(b) that the special policy on Cumulative Impact that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke village remains in place;

(3) the panel recommends to Cabinet that the Police are encouraged to provide evidence relating to off licenses with a view to assisting consideration of whether they should be included within the Cumulative Impact policy.

10.0 Conclusion

10.1 The responses received in relation to the Statement of Licensing Policy are welcomed. Where possible and appropriate they have been incorporated into the proposed new policy, including the door supervisor ratio requested by the Police.

10.2 The operation of the Cumulative Impact Policy to date has been undertaken in a proportionate way to balance the need to promote the licensing objectives and the needs of the evening and night time economy. The background of public nuisance and crime and disorder has not significantly changed since the introduction of the policy in 2008.

10.3 The evidence submitted by the Police in Appendix 2 shows elevated levels of crime and disorder due to the concentration of licensed premises within the current 5 identified separate Cumulative Impact Areas.

10.4 The representations made by Environmental Health in Appendix 1 also showed the impact on public nuisance which has resulted from the extension of licensing hours to beyond 2.00 am and increased capacity of venues that has impacted on the likelihood of public nuisance occurring in residential areas over a prolonged period of time. Officer's discussions with residents and experience during night time visits over the years have highlighted this issue to be an on going major concern.

10.5 Based upon the evidence received in Appendix 1 and Appendix 2 Officers recommend that the 5 existing Cumulative Impact areas should be retained on the following grounds

Union Street – Crime and Disorder & Public Nuisance

Barbican – Crime and Disorder & Public Nuisance

North Hill - Crime and Disorder & Public Nuisance

Mutley Plain - Crime and Disorder & Public Nuisance

Stoke Village - Crime and Disorder & Public Nuisance

11.0 **Recommendations**

It is recommended that Members consider this report and make the following recommendations to City Council:

- 1 Note the results of the public consultation and officers conclusions (Appendix 1)
- 2 Take account of the recommendations from the Customers and Communities Overview and Scrutiny Panel
- 3 That the draft Licensing Statement of Policy 2011-2014 be recommended to City Council for adoption (Appendix 3)
4. That officer conclusions and recommendations and the evidence set out in Appendix 1 and Appendix 2 to this report is considered sufficient to identify concerns about crime and disorder and public nuisance and therefore that the Special Policy on Cumulative Impact (contained within the Statement of Licensing Policy) that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain, and Stoke Village remain in place

Appendix 1

Consultation Responses and Officer Comment

Ref 1: Alcohol-watch

Name and address supplied

Please find enclosed the following named documents

1. House of Commons – Health Committee – Alcohol – First Response of Session 2009-10.
2. Institute of Alcohol Studies – Crime & Disorder, Binge Drinking and the Licensing Act.
3. Institute of Alcohol Studies – Binge Drinking – Medical and Social Consequences.
4. Institute of Alcohol Studies – Binge Drinking – Nature, Prevalence and Causes

I consider that a review of these documents during the consultation period would be appropriate in view of the massive alcohol problem that Plymouth has. The Extensive measures that have been taken in an attempt to stem the flow of alcohol related anti-social behaviour during the current World Cup do, in themselves, present evidence in support of the extent of Plymouth's alcohol related anti-social behaviour epidemic.

Officers Comments

Reference documents not relevant to this local consultation and are aimed more at national strategy. The documents are papers that focus on the effectiveness of the LA03 since its adoption. The documents have been considered as part of the drafting for the new policy.

Officers emailed contributor requesting clarification regarding the statement 'Plymouth has a massive alcohol problem' in respect to the areas/districts within Plymouth however no further information was submitted.

Refer to further separate submissions Nos. 4, 5 & 6.

Ref 2: Cattewater Harbour Commissioners

The commissioners are the Statutory Harbour Authority for the Cattewater and, as such, hold powers regarding the various statutory responsibilities arising from its position.

I spoke to one of your colleagues when the consultation came to my notice and contacted your department by e-mail (attached) on 28 June 2010. I did not receive a reply or acknowledgement.

I see your web site has now added information on vessels, which was, in part, the purpose of my correspondence.

The text concerning vessels refers only to the Maritime & Coastguard Agency as the authorising body for passenger vessels. You should be aware that, whilst the MCA regulate standards, it is the Harbour Authorities that enforce local navigation rules and that have powers to regulate the time and manner in which these craft operate, and that their interest should, in the view of the Commissioners, be included in the text. It is the Harbour Authorities that are burdened with the responsibility of reacting to any manner of

events which may arise from the operation of these vessels within harbour limits and this fact should be recognised and factored in accordingly.

The 'special policy' in place for the Barbican does not include the Barbican Landing Stage which is the point at which vessels licensed by P.C.C. (for both using the facility and for the sale and consumption of alcohol etc) embark and disembark passengers prior to undertaking their cruises around the harbour.

A recent event on this Council owned facility demonstrates that there can be public nuisance issues arising from licensed vessels and the Landing Stage.

On the weekend of the recent Blue Mile event (3rd / 4th July) the University took the opportunity to showcase and formally launch their new research vessel 'Falcon Spirit' on the Barbican Landing Stage. As the Vice Chancellor made her keynote address a harbour craft disembarked a stag party after a harbour cruise. The party were obviously 'in drink' and some were abusive, temporarily spoiling the occasion.

The public nuisance and disorder that can arise as consequences of activities on board (licensed for alcohol) vessels mirror those under scrutiny at shore based establishments (in the late evening in particular) and the Commissioners would wish to see the Barbican Landing Stage included within the stated boundary for the Barbican.

The Commissioners make the statement not only as the Statutory Harbour Authority but as the freeholder of No 2 the Barbican, (the Harbour Office) adjacent to Mayflower Steps. Public nuisance impacts on our business ashore as well as afloat.

You will be aware that the Queen's Harbour Master also exercises powers – the Dockyard Ports Regulation Act 1965 & the Dockyard Port of Plymouth Order 1999, and you may wish to consult his department directly.

Officers Comments

Section 13 of the Licensing Act 2003 defines who the 'Responsible Authorities' are, in respect of vessels this is defined under sub section 4(h) and in our existing policy is the Maritime and Coastguard Agency (MCA).

The extension of the CIP to cover the Barbican landing area would not manage this public nuisance as described and would require an evidence based submission as to the reasons for consideration. The Police have made no representation to include this area in the Cumulative Impact Area.

Vessels are 'licensed premises' within the terms of the Licensing Act 2003, however the Licensing Authority would be where the vessel is 'usually moored' and may have no control on landing stages used.

The Cattewater Harbour Commissioners may make representations or call a review of licences as an interested party where they feel that the licensing objectives are not being met.

Cattewater Harbour Commissioners will be contacted to confirm their abilities as an interested party and the operation of the Licensing Act 2003

Ref 3: NHS Stop Smoking Service

Over the past few years more concern is being raised about what images children and young people are exposed to through the media and in particular, films. Images of

sexuality, violence and bad language in films are restricted through the film classification ratings system which is managed by the British Board of Film Classification (BBFC).

Research has been carried out among British teenagers in 2001 – 2006 about their exposure to smoking in films and whether it affects uptake of smoking behaviour. The research found that there is a '**dose response**' relationship between the amount of images of smoking and the likelihood of young people starting smoking.

The more images of smoking that young people are exposed to the **higher the likelihood of starting smoking**. (Research articles are included with this feedback form.)

In addition the research found there is a difference between the American ratings system and the British system which leads to a lower rating usually being given to films to be shown here in the UK. This leads to a higher number of young people being exposed to images of sexuality, language and smoking.

Smoking rates in children and young people in **Plymouth is significantly higher** than the national average. The most recent research carried out by Routeways on behalf of the Children's Fund in Spring 2010 reports that **37.7% of school age** children in Plymouth admit to smoking regularly.

We understand local authorities have the power to rate films independently of the BBFC. We would like to urge Plymouth City Council to explore this power in relation to smoking in films under the fourth licensing objective – **protecting children from harm**.

Liverpool City Council explored this option last year but were concerned that they would be 'going it alone'. Plymouth NHS Stop Smoking Service have established **links with Liverpool** and they are offering support to work together on this issue.

North East Lincolnshire are also considering this move and would like to join up with any areas considering this. In June 2010 Plymouth received some press coverage about changing the rating of films and this prompted a national response.

This measure forms part of the 10 year draft Plymouth Tobacco Control Strategy. The strategy that has been written on behalf of Local Strategic Partnership is due to be adopted in 2011. One of the aims within the strategy is to reduce the uptake of smoking in children and young people. There is a **coherent and cohesive strategy** which brings together a number of tobacco control interventions to achieve this aim. Interventions include **working with schools**, youth services, parents and using ways to **restrict supply** of tobacco to young people.

We believe that examining classifications of films in our city is an **important part of the overall measures** to reduce uptake of smoking in children and young people.

Reference to document

'Exposure to smoking in movies among British adolescents 2001-2006'.

'Assigning an "18" rating to movies with tobacco imagery is essential to reduce youth smoking'.

Officers Comments

The draft licensing policy states that the Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children. The policy supports the British Board of Film Classification (BBFC) guidelines and does not seek to duplicate their role in the classification of films subject to general release.

Any non BBFC film considered by the Committee would take into consideration the nature and level of smoking present when considering the classification to be awarded.

Any move away from the existing policy would have significant resource implications for officers and Licensing Committee and likely to be subject to appeal on high profile films.

The BBFC have been approached for their comment and the following information obtained. The BBFC reviewed their guidelines in 2009 and did not consider it necessary to adopt an over 18 classification for films where smoking was present. Scenes containing smoking are considered as particularly relevant where the film or character is likely to be primarily targeted at children and may result in changes to the film or classification.

Ref 4: Name & address supplied

The deadline for submitting public feedback for consideration at the licensing review ends tomorrow the 1st September. I believe that the extensive coverage in today's edition of The Herald concerning this weekend's bank holiday drunken violence should be given a good deal of consideration. It highlights, once again, the huge alcohol problem that Plymouth has.

I believe that action must be taken to put an end to 24 hour drinking because it hasn't worked. The cause of drunken violence is alcohol and it is alcohol that must be dealt with.

I can see no valid reason why alcohol drinking needs to continue after midnight. If people go out drinking early in the evening then it is reasonable to assume that by midnight they will have consumed the recommended daily units of alcohol and for them to continue to drink could result in them becoming vulnerable, anti-social or developing health problems

It is my belief that as a licensing body you should take on board what the police and health service are saying about the impact that alcohol is having on them and on communities. I fail to see how this situation can improve without the alcohol being curbed.

Experience shows that unless the root cause of a problem is dealt with then the problem tends to increase.

Officers Comments

The same respondent as for No.1 referred to a newspaper reports concerning alcohol related violence.

The respondent makes a general point that 24 hour licensing should be ended and that opening hours should not continue beyond midnight.

The points raised would require primary changes to the existing legislation and as such are not within the control of this Authority. The Government are currently undertaking a review of the licensing system. Changes to legislation and statutory guidance may result.

Ref 5: Name & address supplied

I felt that I should send you this report from today's edition of The Herald. There is compelling evidence to support the need for Plymouth's licensing laws to undergo a drastic review.

Attached article from The Herald 'Quarter of Plymouth's adults at risk due to booze' (2nd September 2010)

Officers Comments

The respondent refers to a newspaper article refers to the modern drinking culture and the associated health affects and has been noted.

The Government are currently undertaking a review of the licensing system. Changes to legislation and statutory guidance may result.

Ref 6: Name & address supplied

This report is from yesterday's edition of The Herald and I am submitting it to you for consideration in the licensing review.

Attached article from The Herald 'Field hospital on front line of booze battles' (1st September 2010)

Officers Comments

The respondent refers to a newspaper article concerning the work undertaken at the shekinah mission and has been noted

Ref 7: Plymouth Chamber of Commerce and Industry

Given the new coalition Government's drive towards increasing 'localism' it is probably more important now than ever that a local Alcohol Strategy be established.

There can be no doubting the need to create an environment which will assist in eliminating the worst health and anti-social behavioural issues attached to irresponsible retailing and consumption of alcohol.

At the same time it is essential that any strategy considers the varying needs and desires of society and the economy. For some considerable time now the on-trade, those retailing alcohol for consumption on the premises from which they are sold, have been experiencing unprecedented rates of failure. A combination of many issues contribute to this situation but primary causes are a change in preferences such as the increased consumption of wine and reduction in beer sales, the smoking ban, and the increasing trend of drinking at home in part due to the availability of cheap alcoholic beverages through the off-trade.

The availability of cheap alcohol from off-sales outlets such as supermarkets, with considerable evidence of 'below-cost sales, has resulted in many increasingly buying from such sources for consumption at home or in public places. Surveys, such as one in recent times by, and of, students at the University of Plymouth, show a preference to drink cheap alcohol at home prior to going out to pubs and clubs.

Police seizures of alcohol from underage drinkers in public places have been high in Plymouth and reveal that the vast majority of this drink was purchased from off-sales outlets. This suggests that a greater concentration of control measures should be directed at off-sales. A great many surveys have also shown a direct correlation between price and consumption. The ready availability of cut price alcohol with limited control as to the age of the end customer has to be a major concern. Recent comments from the Prime Minister suggest that price controls will, as part of the continuing theme of 'localism', rest with local authorities. Any new or revised alcohol strategy will need to consider this.

The majority of operators within the on-trade are responsible. Those using these outlets do so in a controlled environment and the Licensing Act contained sufficient powers for the regulatory agencies to act against those whose operations could be proven to be irresponsible or contrary to the aims of the Act.

Subsequent regulation has often been rushed and ill-considered. The Cumulative Impact Policy (Saturation Policy) creates unnecessary regulatory and cost burdens on a business sector already fighting for survival. More than 50 public houses are closing each week nationally. When poorly run licensed premises fail, responsible operators are discouraged from investing in those operations and establishing new outlets by the additional burden this regulation represents. In addition, funding becomes more expensive and difficult to obtain and valuations of businesses situated within such policy zones are adversely affected. It is also the case that tastes change, successful businesses need to be able to adjust their offer to reflect these trends. Such changes might well require a change to existing licence conditions and any inflexibility in this area could also contribute to business failure.

There is, additionally, the potential for those seeking to open licensed on-trade outlets to situate them outside of these geographically defined areas thereby spreading the ENTE across a wider area than would otherwise be the case. This will adversely impact on police resource and have cost implications.

A city seeking to establish itself as 'one of Europe's most successful and vibrant waterfront cities' needs a successful and vibrant Evening and Night Time Economy (ENTE). Such a sector has been shown to provide employment and attract inward investment. It Assists in attracting and retaining talent and is increasingly important in a world where the work life balance in viewed as being increasingly critical.

The Cumulative Impact Policy also carries significant implementation and maintenance costs with little evidence thus far of a positive and measurable return. What matters more than the density of outlets within one particular geographic area is that those outlets should be of sufficient quality and be responsibly run. There are sufficient sanctions available to the responsible authorities within existing legislation to ensure that this should be the case. What is required is a closer working relationship between the police, the Local Authority and the trade. Plymouth City Safe is an example of this sort of partnership. It cannot, however, be right for those operators who have actively participated in such a scheme so as to be officially accredited by the regulatory authorities to then be surcharged for additional policing costs. This is not a way to encourage operators to improve quality and invest in their businesses. If the requirements for any such accreditation are sufficiently stringent, monitored and enforced the need for active policing should reduce. The Designated Public Place Order (DPPO's) have further exacerbated the problems associated with the smoking ban, are not routinely enforced and do little to enhance the standing of such regulation and the police service. If a regulation cannot be enforced and policed there is no point in introducing it. Regulation which is either not enforced or is not enforced uniformly across a city or wider region can only reduce the perceived value of the rules and laws which govern our society.

The majority of the on-trade premises provide a controlled environment for the consumption of alcohol and they already sell alcohol at a price above recently suggested minimum pricing levels.

All should be aware of the health issues surrounding the excessive consumption of alcohol but pricing and existing regulation, if uniformly and fairly enforced, should bring

real benefits whilst allowing the city to work towards achieving the goals outlined in the Local Economic Strategy (LES).

Leisure and Tourism are a priority sector within the LES, Plymouth is not a family orientated holiday destination, it is the city break / adult destination which also acts as a gateway to all that surrounds it, Dartmoor, rural Devon and the beaches of Cornwall and the South Hams. A discerning adult audience will require a destination city to provide the benefits and attractions expected of a vibrant modern day city.....this will include a fully encompassing, vibrant evening and night time economy.

Officers Comments

Officers responsible for Licensing are actively involved in the development of an Alcohol Strategy for the city.

It is Officers opinion that when licensing transferred from the Magistrates Courts, there were already a number of failing premises caused by the increase in number of licensed premises. The increase in competition and the current economic climate has aggravated the situation and cannot be attributed solely to the LA03.

The availability of cheap alcohol is currently being considered through the review of the licensing system. Minimum pricing may be a result of this review. The only local action to reduce the availability of cheap alcohol may be through selective application of the Cumulative Impact Policy to off sales.

The respondent states that the CIP has not been cost effective but does not offer any evidence to support this assertion. The respondent also states that there are sufficient sanctions available to responsible authorities to control premises within the LA03. But has failed to acknowledge its benefit to Members in preventing further 'saturation' within the defined areas and reduce the increase in the cumulative impact of a number of premises.

The comments concerning the Designated Public Places Order (DPPO) are not relevant to this consultation. The smoking ban is a regular issue for responsible authorities and Licensing Committee however it is not a problem in well managed premises.

Ref 8: Stakeholders Hospitality Leisure Retail Group

Year on year over the past decade the pub trade has experienced at both local and a national level, legislation changes restricting the sale of alcohol and how this business sector can operate. Some would go as far to say the hospitality trade is presently more regulated than heavy industry. This along with recession has lead to an unprecedented number of small business operators failing in the hospitality trade.

Many issues can be blamed as contributing to such a failure whether it's a local licensing policy, smoking restriction, purchase trends, digital TV, brewery support or banking facility but the main reason generally agreed by the ON trade operators seems to be the increase pattern to purchase Off sale alcohol, socialise at home and venture out to the city centre later in the day or evening.

Most operators whether a local sole trader or national manager of a premises (pub, bar, club, restaurant) operate responsibly. It could be said that legislation is best seen as enforcement, thus permitting the sale of alcohol in a controlled environment. The

Licensing Act as a regulatory body has enough powers in place to control the On Trade sector of the hospitality industry by such enforcement legislation.

Additional enforcement added at a local level by way of a regulation policy incorporating such as an Cumulative Impact Policy, Designated Public Places Order or even the consideration to impose an Alcohol Disorder Zone are seen as restrictive to many, unnecessary and can only be implemented as a cost to not only local business but also the local authority.

A clear indicator of this is the ever expanding DPPO. This local legislation is seen by many as unnecessary and routinely not enforced. So it begs the question why have it? To simply allow a police force to impose it at its will and leisure, which only leads to confusion in the general public, effect business confidence and burden local authority with the additional expense at a third parties behest.

Furthermore local regulation can go some way in effecting business confidence discouraging operators to explore development and to new investment by individuals considering the hospitality industry as a business venture, CIP's DPPO's & ADZ's are remarked on in property survey valuations reports to further development potential, by high street banks and their underwriters to lending and by insurance groups when considering property, business and third party risk liability all which impose additional costs on the trader. Business confidence, public concerns, discouraged development and a cost burden to the local authority are clearly the main effects when additions are made to the licensing act at a local level.

A new strategy being proposed is Safe Sensible Social. Though alcohol related disorder has become an expected component of known hospitality districts its only through a Work in Partnership policy with the industry, enforcement agencies, residents and the local authority that this component can be reduced, not by further restriction.

The hospitality industry, more so the ENTE, is having trading terms imposed upon it largely by the police reacting and presenting problems associated by alcohol use and abuse individuals not by the businesses. It is clear to many in the trade that the police approach to licensing is merely that of an operational issue and the matter of policing a 24hr social culture. There are wider issues which must be considered HEALTH, EDUCATION, BUSINESS and the LOCAL ECONOMY.

The Local Static Partnership wish to achieve a vibrant café culture with a wider range of hospitality licence and leisure retail attractions appealing to different generations both resident and visitor to the city. A hospitality leisure economy with a choice and range of premises available where alcohol can be safely and legally purchased and consumed over a 24hour period is integral to achieving this goal. With the City's wider intentions, less focus on restrictions and more on joint partnership and a planning policy would better serve our City.

If I can be of further assistance please contact me.

Officers Comments

The DPPO is in place to control 'street drinking' that is a burden on the local community and in general is not associated with licensed premises and covers the City Centre and Stonehouse Neighbourhood and was approved by Licensing Committee and is not 'ever expanding', as suggested by the respondent. Up to the time of writing, Officers have not received any further application for a DPPO. The comments concerning the Designated Public Places Order (DPPO) are not relevant to this consultation.

It is agreed that joint work between agencies and the trade are beneficial. This is encouraged and supported where the trade are organised into groups such as pub watch etc.

Ref 9; Environmental Health

In general the majority of public nuisance issues relate to noise from entertainment held on the premises or noise and anti social behaviour in the vicinity of premises or transit routes between the evening and night time economy areas and places of residence.

No statistics are available regarding noise not directly associated with premises. The majority of these incidents go unreported due to their transient nature and the inability of the agencies to have an impact on this problem. Officers are routinely working in the areas and witness public nuisance from patrons in and around the night time economy areas.

With the extension of the licensing hours and increased capacity from venues the disturbance from the activities of licensed premises has also been extended to between 2.00am and 6.00am, where traditionally disturbance and noise reduced. This extension of noise and disturbance is into times of the day with the lowest levels of background noise and tolerance of residents; thereby increasing the likelihood of nuisance. The noise can originate from people or vehicles such as taxis and private hire vehicles servicing the needs of patrons to return home.

Noise directly attributable to individual premises can be adequately controlled using existing legislation from within the Licensing Act or the Environmental Protection Act. Nuisance not attributable to individual premises is difficult to control using powers available to the Local Authority. All of the cumulative impact areas are in very close proximity to residential areas giving rise to residents concerns regarding public nuisance and anti social behaviour.

The extension of licensing hours to beyond 2.00am will obviously impact on the likelihood of public nuisance occurring in residential areas and over a prolonged period of time. Officer's discussions with residents and resident groups over the years have highlighted this issue to be a major concern. We believe that the cumulative impact policy provides a suitable mechanism to assess and control the impact that additional licences or amendments to licences may have on residents. The existing policy has successfully been applied to prevent the extension of licensing hours and increased late night capacity.

Officers Comments

Noted

Ref 10: St Mathias Church

Sorry for the delay in responding to your letter addressed to St Matthias Church dated 7th June 2010.

From you letter we assume that this is to do with the number of bars and cafes that have increased in the area over the last few years or so and that it does not have any involvement with the activities that have always been associated with St Matthias Church and Church Hall.

The existing policy arrangements I understand already take in the views of neighbouring properties and residents as long as this remains then any amendment should not be necessary.

Officers Comments

Comment noted

Appendix 2

Our ref:

Your ref:

Senior Environmental Health Officer
Department for Community Services
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

PS 4611 Worthington
Police Licensing Department
Charles Cross Police Station
Hampton Street
Plymouth PL4 8HG

Telephone: 08452777444

01 September 2010

Licensing Act 2003 – 2010 Public Consultation Exercise
Draft Statement of Licensing Policy including Cumulative Impact policy

Dear Sir/Madam

I return herein a report compiled by the Police Licensing Department, which highlights the impact of the Licensing Act in certain areas of the city over the last two years. This report also makes recommendations for the Licensing authority to consider cumulative impact in those areas.

This report is supported by an evidence based problem profile, which identifies those areas affected by violent crime associated with the evening and night-time economy.

I would therefore be most grateful if you would accept these documents as relevant representations, for inclusion by the licensing authority, seeking the continuation of a Cumulative Impact Policy being included within the 'Statement of Licensing Policy.'

I also enclose suggested amendments to the wording of the Licensing Policy, which has been compiled, from our enforcement experience over the last three years. These amendments are provided to help give premises supervisors and owners a clearer understanding of the standards required to promote the four licensing objectives and to ensure the highest possible standards are upheld here in Plymouth.

Yours faithfully

Martin Worthington
Licensing Sergeant
Plymouth BCU

Licensing Act 2003 Policy Review

This review is conducted in the knowledge that the Coalition Government is considering potentially significant reductions in public sector funding in the near future.

It is also recognised that the Coalition Government is proposing a significant overhaul of the Licensing Act 2003 albeit that these changes will not come into effect until 2012. In the meantime this review of the Plymouth City Council Licensing Policy is made under the existing licensing regime.

The police as a member of the Local Strategic Partnership (LSP) recognise the interdependencies between alcohol and the city's work on 'healthy, wealthy, safe and wise'. The police also acknowledge the vital part the Evening and Night Time Economy plays to the city in terms of employment, recreation and entertainment.

The police however also recognise the impact that alcohol misuse and harm caused in the city and through the LSP will be looking at the City's position in relation to the harm caused by alcohol misuse. A profile of the harm caused is presented at Appendix A.

Overall violence within public places continues to fall with a 12% reduction for assaults with less serious injury. Whilst overall violence is reducing, Plymouth is continuing to see increases in alcohol related serious violence indirectly and directly linked to the Evening and Night Time Economy and alcohol related domestic violence.

Currently the city has too many late night licensed premises focusing on the retail sale of alcohol as their predominant source of revenue. These premises which cater for a limited market are in competition with supermarkets who are selling alcohol below cost price. This competition has resulted in increasing price discounts amongst venues.

Many venue owners see the option of extending their opening hours as a way of protecting and retaining market share. The Licensing Act also sought to prevent fixed or artificially early closing times as a way of avoiding peaks of disorder and disturbance around taxis and fast food outlets.

Experience in Plymouth has shown in recent years that extending the licensing hours for one premises in an area invariably leads to applications from other premises to extend their hours in competition. Consequently longer licensing hours have culminated in many cases of moving a terminal hour later into the early hours of the morning merely shifting the time of the disorder and adversely affecting the quality of lives of nearby residents.

Later premises opening has the effect of encouraging many people to not go out until much later in the evening. It is now fairly common place for patrons to arrive at their first venue at midnight having consumed significant quantities of alcohol at home in a phenomenon known as 'Pre Loading'

In some cases individuals arrive at their first licensed premises already drunk thereby causing alcohol related crime and disorder issues for the premises owner, door staff and the police.

Late night opening coupled with the current approach of Supermarkets to offer alcohol for sale below cost price has the effect of encouraging 'a drink till you drop' culture amongst a section of Plymouth's young people.

Although Plymouth does not have any venues that open 24 hours, with staggered licensing hours it is now possible for individuals to drink alcohol 24 hours a day. Some individuals with an alcohol dependency are known to leave the last venue that is open on at 8am and walk to a nearby neighbourhood licensed premises just in time for it to open so they can continue drinking through the next day.

The police believe that a concerning significant percentage of the increases in serious violence are directly linked to the current excessive consumption of alcohol, both in terms of fuelling victim vulnerability and offending behaviour.

Increased competition between venues and supermarkets pricing of alcohol have resulted in reduced profit margins and in some cases threatened the viability of many of the city's venues. This has put many venues under increased pressure to reduce costs and staffing levels have been adversely affected.

Adequate staffing levels, including Door Supervision is essential if venues are to maintain public safety and prevent crime and disorder from occurring. There is an increasing trend in the city for venues to use just one door supervisor.

The police are recording increased levels of reported violent crime where either the door supervisor or the member of the public has been assaulted during the ejection process. A ratio of door supervisors to capacity has been proven to work effectively in ensuring are sufficient staff are working to deal safely with ejections.

The suggested ratio is a minimum of 2 door supervisors for the first 100 patrons and an additional door supervisor per extra 100 patrons thereafter. This should be incorporated into the licensing policy and a suitably worded condition used where appropriate.

Plymouth Against Retail Crime PARC supported by the police have developed a civil banning scheme for the night time economy. 'PARC Night' seeks to ban violent individuals from all member premises. Currently the scheme has 100 members comprising small pubs and bars through to larger venues. The success of the scheme in reducing violence on licensed premises has been clearly demonstrated. All late night venues should be encouraged to become members of the scheme which could be incorporated into the licensing policy and a suitably worded condition used where appropriate.

Although health is currently not a licensing objective, the effect of excessive alcohol consumption is adversely affecting Derriford Hospital Trust which is seeing year on year increases in alcohol related admissions including children and young people as well as an increasing numbers of patients presenting with alcohol liver disease.

The police request the licensing Authority seeks to address these current threats by actively encouraging licensed premises to diversify into activities that offer alcohol as ancillary to other licensable activities in their licensing policy. The police also request the Licensing Authority should also consider reviewing its approach to applications for extending licensing hours.

The police also wish to make amendments to the current publicised draft licensing policy.

The CDRP Partnership currently has five multi-agency themed groups which respond to priority crime issues in the city: P14

Violent Crime Delivery Group
Anti-social and Criminal Damage Delivery Group
Domestic Violence/Abuse Delivery Group
Reducing Reoffending Group
Drug Alcohol Action Team Delivery Group
Preventing Violent Extremism Task and Finish Group

The police will support the council in incorporating Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate sex establishments in the city.

Other representations

The policy should be paginated enabling easy reference to relevant sections.

Temporary Event Notices P25

[Restricted to a maximum of 499 persons at any one time.](#)

Operating Schedule (Paragraph 2 replace with) P25

The complexity and detail required in an operating schedule will depend upon the size, nature, use of the premises and [range of licensable activities undertaken](#). Premises not licensed for example for regulated entertainment such as live music and which does not open beyond midnight ~~will~~ [may](#) require a ~~relatively simple operating schedule~~ [less detailed operating schedule](#).

Author

Martin Worthington
Licensing Sergeant
Plymouth BCU

Sponsor

Andy Bickley
T/Chief Superintendent
Plymouth BCU Commander

Appendix A Profile for Alcohol related harm – Plymouth
NWPFO)

(source Department of Health

Statement of Licensing Policy

Cumulative Impact Policy Assessment

August 2010

1.0 Background

1.1 Prior to November 2005, policing the evening and night-time economy was predominately carried out between 2300 hours and 0400 hours. The main club area of Union Street was usually clear of patrons by 0330 hours allowing residents in the area several hours of quiet.

1.2 In recent years the number of licensed premises has grown and at the same time new areas have developed a thriving evening and night-time economy.

1.3 Derry's Cross, North Hill, Mutley Plain, The Barbican and Stoke all have a significant number of licensed premises.

1.4 The city now has six distinct areas of Evening and Night-time Economy, Union Street (Stonehouse), Derry's Cross including Union Street East, The Barbican, North Hill, Mutley Plain and Stoke.

1.5 The areas of The Barbican, Stonehouse, North Hill, Mutley Plain and Stoke are also bordered by high-density residential areas.

1.6 The consequence of increasing numbers of licensed premises in these areas has been the impact in terms of noise; nuisance and alcohol related crime and disorder.

1.7 Whilst the overwhelming majority of licensed premises are well run, there are a small minority of licensed premises which are not and which may contribute disproportionately to the impact on the local community.

1.8 The difficulty with areas which have a high density of licensed premises is that whilst individual premises may be very well managed, it is very difficult to identify which premises are poorly managed, or where a problem customer or customers may have come from.

1.9 Where licensed premises are isolated, the link between the premises and the impact on the community is far easier to identify and address.

1.10 It is recognised that cumulative impact can be caused by the collective presence of premises in an area rather than any one single premises.

1.11 Police resources deployed in support of the ENTE has remained constant throughout the last three years although times of deployment have had to change to meet the demands for incidents of disorder occurring after 4am.

1.12 Guidance issued by the Department for Culture Media and Sport allows the Licensing Authority to consider cumulative impact policies in relation to different types of premises.

2.0 Licensing Hours.

2.1 A significant proportion of licensed premises continue to operate later licensing hours than they did before 24th November 2005.

2.2 There has been an increase in the number of premises trading later than 4am since the last assessment in 2007. Some premises are now not opening until later in the evening.

2.3 Analysis of crime data provided by the Police CIS (Crime Information System) identifies the extent to which violent crime has been influenced by the new Licensing Act 2003. The remainder of this report should be viewed in conjunction with these problem profiles.

2.4 There have been significant changes in the key neighbourhood areas covered by the Cumulative Impact Policy since this policy was last reviewed.

3.0 All Neighbourhoods

3.1 Crime data indicates there has been a reduction in the number of assaults where the injury is less severe. This contrasts with Common Assaults where there has been no change and other violence and serious violence where offences have nearly doubled since 2007.

3.2 Overall the total number of offences across a spectrum of offence types remains the same over the same period in 2007. There has however been a 10% (20) reduction in the number of offences occurring within licensed premises although an overall increase of 26 offences directly linked to the ENTE occurring within the ENTE area.

3.3 There has been a shift in directly linked offences occurring from 3am to 4am although a reduction in offences occurring after 4am has been achieved by deploying police resources later than was previously provided in 2007.

3.4 There has been a reduction in the number of offences committed on Friday and Sunday nights although Saturday nights have seen a small rise.

4.0 City Centre

4.1 The City Centre has the highest level of recorded violence in public places in Plymouth with 159 offences linked to the ENTE and 153 passively linked.

4.2 Assaults with less serious or no injury have reduced since 2007, however public order and serious violence have seen increases. There has also been an increase in the number of incidents occurring within licensed premises.

4.3 Within the area of Derry's Cross and East Union Street there are seven late night licensed premises trading with a combined capacity of 4600.

4.4 Offences occur generally between 8pm and 5am and are focused between Friday evening and Sunday morning.

4.5 The highest numbers of offences occur between 1am and 2.30am when premises start to close.

4.6 The highest concentration of offences occurs in the area of East Union Street and Derry's Cross.

4.7 There has been a reduction of directly linked offences occurring after midnight and 3am within the city centre. The main focus of this reduction has been on offences occurring on a Saturday night. There has only been a small reduction in offences occurring on Friday night.

5.0 The Barbican

5.1 Within the area of the Barbican there are twenty four licensed premises.

5.2 There has been an increase in directly linked offences occurring within the area of The Barbican since 2007.

5.3 The majority of these offences have occurred within Southside Street and The Parade.

5.4 Bank holiday weekends remain extremely busy with an influx of patrons leading to several hundred street drinkers using Quay Road and The Parade on a Sunday afternoon and early evening.

5.5 The police enforcement of the Designated Public Places Order is adversely affected by this influx of people on these days.

5.6 The day time traders are adversely affected by litter, bottles, glasses and street urination.

6.0 Stonehouse Neighbourhood

6.1 There are twelve late night licensed premises currently trading within fifty metres of Union Street with a combined capacity of nearly 4000.

6.2 Stonehouse remains the second highest neighbourhood in the city for violence in public places.

6.3 Assaults with less serious or no injury have reduced since 2007, however public order and serious violence have seen increases. There has however been a reduction in the number of incidents occurring within licensed premises.

6.4 There are currently significant numbers of people queuing for entry to licensed premises, taxis and at food outlets at 5am, particularly in the early hours of a Sunday morning.

6.5 The time at which offences occur has now been extended by the premises opening later. Premises in Stonehouse open later than any other neighbourhood in the city.

6.6 Since 2007 an increase in incidents after 4am has been mitigated by shifting police resources to later in the evening.

6.7 Since the number of directly linked offences occurring after 1.30am has increased by 20% despite the increased police presence.

6.8 Several premises open until 8am within Union Street.

6.9 Offending rates reduce at a slower rate than in other areas due to the number of venues remaining open and fast food outlets attracting patrons to remain in the area after 4am.

6.10 There has been a significant reduction in offences occurring on a Friday night although offences occurring on a Saturday night and Sunday night have increased.

7.0 North Hill-Mutley Plain

7.1 There are twenty seven licensed premises which retail alcohol on North Hill and Mutley Plain, ten of which open after 4am.

7.2 There have been applications for variations for two premises which have been refused on the grounds of Cumulative Impact.

7.3 Since April 2007 there has been a noticeable increase in the number of incidents directly linked to the ENTE although there has been a small reduction in the number of offences occurring in licensed premises.

7.4 There has been a substantial increase in the number of offences occurring between 3am and 4am. The majority of these offences occur within North Hill.

7.5 North Hill now requires a significant police presence for the ENTE from midnight through to 5am the following morning on a Friday and Saturday night.

8.0 Stoke

8.1 Stoke Neighbourhood is the newest neighbourhood to develop a significant evening and night time economy, although it has had the same number of established venues for a number of years.

8.2 There has been a reduction in all offences since 2007 except for Serious Violence.

8.3 Crime data reveals that the majority of offences now occur later between 11.30pm and 12.30am. Previously offences occurred between 10.30pm and 23.30pm.

8.4 The majority of offences occur on a Friday and Saturday Night.

9.0 Devonport

9.1 There were only two directly linked offences identified during the period and as such there is no evidence to support the extension of Cumulative Impact Policy in Devonport.

10.0 Negative Impacts

10.1 The main impact of Licensing Act 2003 has been for licensed premises to open later.

10.2 Since 2007, there continues to be trend of later night drinking in Plymouth.

10.3 The effect of Cumulative impact becomes more acute the later a premise opens. Whilst most residents may be willing to put up with noise from customers leaving a licensed premises at more reasonable hours, the same level of noise would be likely to have a far more significant impact during the early hours.

10.4 Additionally with later opening hours broken or interrupted sleep patterns are more likely to have an increasingly disruptive effect on the nearby residents.

10.5 Crime and disorder has been shown to be more likely the later a premises opens unless stringent management measures are put in place.

10.6 It is now apparent that in certain areas of the city alcohol is available for up to 20 hours a day.

10.7 Historically, Union Street had the premises with the latest licences. Many premises in North Hill now open later than the larger licensed premises in the City Centre.

10.8 Anecdotally there is evidence to suggest that patrons are now returning to North Hill to continue drinking after visiting Union Street or Barbican Leisure Park.

10.9 Extended opening hours leads to an extended police commitment for policing the ENTE drawing police resources away from other neighbourhood areas.

11.0 New ENTE areas

11.1 Areas of the city now have established evening and night-time economy areas.

11.2 Some of these areas which are predominately residential neighbourhoods, did not previously have licensed premises with late licenses.

11.3 These areas are attracting patrons from other parts of the city. The cumulative impact from these visitors is felt by the local residents.

11.4 Whilst there has been a significant investment in crime prevention measures within the city centre, these newer areas do not benefit from CCTV coverage or other crime prevention measures or environmental improvements.

11.5 These alternative ENTE areas draw patrons away from the city centre, which has the potential to ultimately lead to the closure of larger venues in the city centre.

11.6 The city centre already currently has five licensed premises vacant. One in Union Street, One in Raleigh Street, two in Mayflower Street, one in New George Street.

12.0 Alternative interventions

12.1 The police in conjunction with other partners and the Community Safety Partnership have been conducting over the last few years a number of measures to combat alcohol related crime and disorder linked to the Evening and Night Time Economy.

12.2 The observations and recommendations contained in this report are made in light of the extensive work already undertaken in partnership with the licensed trade and other agencies.

12.3 The creation and development of Pubwatch Schemes in Mutley North Hill, the City Centre, Barbican and Stoke.

- 12.4 Provision of control and restraint training for door supervisors.
- 12.5 Development of the Clubwatch forum.
- 12.6 Development of PARC Night Violent Offender Banning Scheme.
- 12.7 Investment in improved CCTV coverage in the North Hill area.
- 12.8 Provision of posters, training, advice and other information to licensed premises.
- 12.9 The development of the City Safe award scheme to ensure a high standard of premises management.
- 12.10 Continued investment in policing the evening and night time economy.

12.11 Continuation of a City Night Treatment Point for persons affected by violent crime.

13.0 Economic Factors

13.1 Over the last three years there has been a continued reduction in the number of patrons frequenting the evening and night time economy.

13.2 Many licensed premises are recording reduced takings, which is leading to increased competitiveness amongst licensed premises.

13.3 Significant price discounting is already prevalent with venues competing to maintain market share.

13.4 Premise see later opening as an opportunity to retain market share, or attract new customers, either instead of or as an alternative to discounting.

13.5 Later hours has continued to encourage significant numbers of people drinking alcohol at home before going out.

13.6 The busiest times for venues has also got later. It is now not untypical to find large venues relatively empty at midnight in the City Centre.

13.7 Patrons of the ENTE follow migratory patterns, generally drinking in the neighbourhoods including The Barbican, Mutley Plain and North Hill before entering the City Centre.

13.8 Policing the ENTE continues to require substantial police resources to maintain public safety and to prevent and reduce crime and disorder.

14.0 Additional Evidence

14.1 This report makes the following assertions in support of its recommendations.

14.2 The numbers of persons arrested for public order or being drunk and disorderly increases during the evening with most arrests occurring after midnight.

14.3 The longer a person drinks alcohol for, the more likely they are to become drunk and impact on the four licensing objectives.

14.4 The impact from public nuisance is likely to be more acute for residents the later it occurs.

14.5 Extending opening hours has the potential to push cumulative impact later into the night and early morning.

15.0 Off Licence Premises

15.1 There are increasing problems with off-licences within the cumulative impact areas predominantly in relation to the sale of alcohol to street drinkers who then cause alcohol related crime and disorder and public nuisance.

15.2 Guidance issued by the Department for Culture Media and Sport allows the licensing authority to consider cumulative impact policies in relation to different types of premises.

15.3 There has been an increase in the number of off-licences within Cumulative Impact areas since 2007.

15.4 There has been an increase in street drinking of alcohol particularly in the Cumulative Impact areas of Mutley Plain, City Centre and Stonehouse.

Recommendations

16.1 Representation to be made to the City Council Licensing Authority to continue the Cumulative Impact policy in Stoke Village, Mutley Plain, North Hill, The Barbican, Derry's Cross and East Union Street, and Union Street Stonehouse within the current designated areas.

16.2 Representations to be made to the City Council Licensing Authority to extend the remit of Cumulative Impact to include off-licence premises.

IMPORTANT

The problem profile report has been provided in support of the recommendations of this report for Cumulative Impact to be considered in certain areas of the city.

The data and maps contained in the problem profile have been highlighted for the purpose of relevant representations to demonstrate the impact of crime in those clearly defined geographical areas.

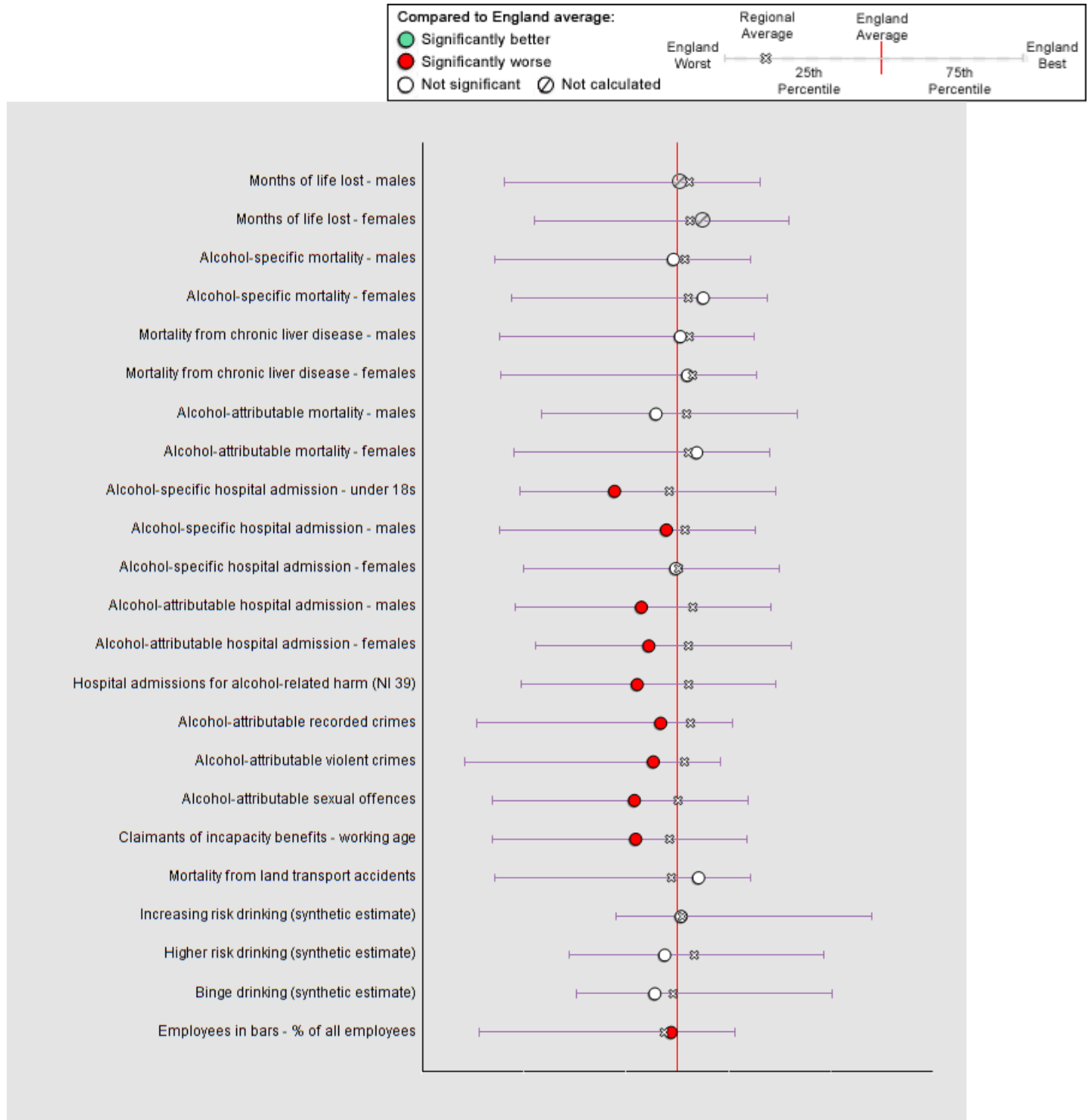
No licensed premise has been identified in either the problem profile or this accompanying report; nor has any individual premise or business intended to be highlighted.

Martin Worthington
Licensing Sergeant
Plymouth BCU

Andy Bickley
Chief Superintendent
Plymouth BCU Commander

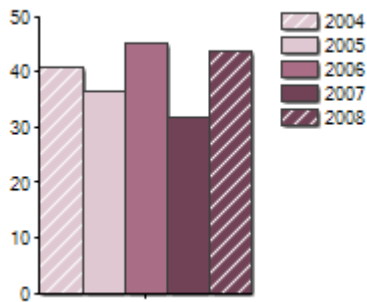
APPENDIX A

The chart shows Plymouth's measure for each indicator, as well as the regional and England averages and range of all local authority values for comparison purposes.

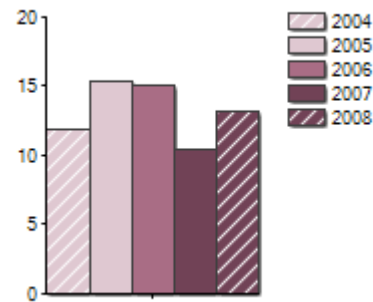


Alcohol Treatment- Prevalence per 1,000 population - currently only available at primary care organisation level

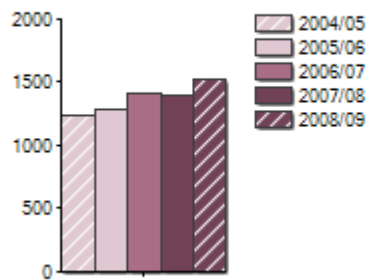
Alcohol-attributable mortality - males



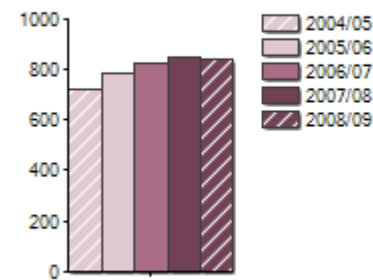
Alcohol-attributable mortality - females



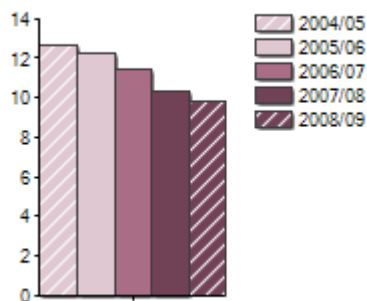
Alcohol-attributable hospital admission males



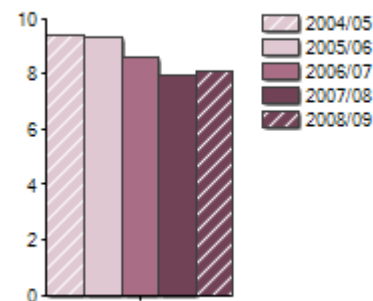
Alcohol-attributable hospital admission females



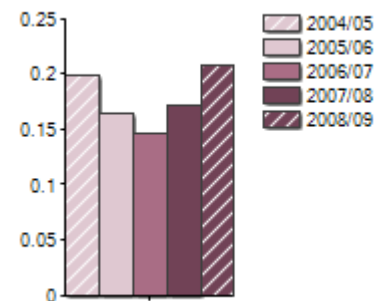
Alcohol-related recorded crimes - all



Alcohol-related violent crimes



Alcohol-related sexual offences



Alcohol Treatment- Prevalence per 1,000 population - currently only available at primary care organisation level

Footnotes

Footnotes Definition (for full explanation see LAPE guidance and methods document)

Alcohol-specific

Conditions that are wholly related to alcohol (e.g. alcoholic liver disease or alcohol overdose). A list of alcohol-specific conditions with their ICD-10 codes and associated attributable fractions can be found at:

<http://www.nwph.net/nwpho/publications/AlcoholAttributableFractions.pdf>

Alcohol-attributable

Alcohol-specific conditions plus conditions that are caused by alcohol in some, but not all, cases (e.g. stomach cancer and unintentional injury). For these latter conditions, different attributable fractions are used to determine the proportion related to alcohol for males and females. A list of alcohol-attributable conditions with their ICD-10 codes can be found at:

<http://www.nwph.net/nwpho/publications/AlcoholAttributableFractions.pdf>

Footnotes Definition (for full explanation see LAPE guidance and methods document)

- a) The actual indicator value for the local authority as calculated in the definitions below.
- The rank of the local indicator value among all 326 local authorities in England. A rank of 1 is the best local authority in England and a rank of 326 is the worst. Two local authorities (City of London and Isles of Scilly) have been omitted from indicators 20, 21 and 22 so in these cases the worst local authority has a rank of 324. For indicator 23, a rank of 1 is the lowest and a rank of 326 is the highest value, as the desirability of the value (what is better or worse) has not been determined.
- b)
- Months of life lost- males/females**
An estimate of the increase in life expectancy at birth that would be expected if all alcohol-attributable deaths among males/females aged under 75 years were prevented. (NWPHO from 2006-2008 England and Wales life expectancy tables for males and females [Government Actuary Department], alcohol-attributable deaths from Public Health Mortality File 2006-2008 in males/females aged under 75 and Office for National Statistics mid-year population estimates for 2006-2008).
- 1,2
- Alcohol-specific mortality- males/females**
Deaths from alcohol-specific conditions (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (NWPHO from Office for National Statistics Public Health Mortality File for 2006-2008 and mid-year population estimates for 2006-2008).
- 3,4
- Mortality from chronic liver disease- males/females**
Deaths from chronic liver disease including cirrhosis (ICD-10: K70, K73-K74) (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (Compendium of Clinical and Health Indicators, National Centre for Health Outcomes Development 2006-2008 pooled).
- 5,6
- Alcohol-attributable mortality- males/females**
Deaths from alcohol-attributable conditions (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (NWPHO from Office for National Statistics Public Health Mortality File for 2008 and mid-year population estimates for 2008).
- 7,8
- Alcohol-specific hospital admission- under 18s**
Persons admitted to hospital due to alcohol specific conditions (under 18s, persons), crude rate per 100,000 population. Numerator counts of between 1 and 5 have been suppressed (indicated as *). Some secondary suppression was necessary to prevent disclosure by subtraction. (NWPHO from Hospital Episodes Statistics 2006/07-2008/09 and Office for National Statistics mid-year population estimates 2006-2008). Does not include attendance at A&E.
- 9
- Alcohol-specific hospital admission- males/females**
Persons admitted to hospital due to alcohol-specific conditions (all ages, male/female), directly standardised rate per 100,000 population. Numerator counts of between 1 and 5 have been suppressed (indicated as *). Some secondary suppression was necessary to prevent disclosure by subtraction. (NWPHO from Hospital Episodes Statistics 2008/09 and Office for National Statistics mid-year population estimates 2008). Does not include attendance at A&E.
- 10, 11

Footnotes Definition (for full explanation see LAPE guidance and methods document)

Alcohol-attributable hospital admission- males/females

12, 13

Persons admitted to hospital due to alcohol-attributable conditions (all ages, male/female), directly standardised rate per 100,000 population. (NWPHO from Hospital Episodes Statistics 2008/09 and Office for National Statistics mid-year population estimates 2008). Does not include attendance at A&E.

Hospital admissions for alcohol-related Harm (NI39)

14

Hospital admissions for alcohol-related harm: Directly age and sex standardised rate per 100,000 population, 2008/09. (Department of Health using Hospital Episode Statistics and Office for National Statistics 2008 mid-year population estimates).

Alcohol-attributable recorded crimes

15, 16, 17

Alcohol-attributable recorded crimes, crude rate per 1,000 population. (NWPHO from Home Office recorded crime statistics 2009/10). Office for national Statistics 2008 mid year population were used. Attributable fractions for alcohol for each crime category were applied, based on survey data on arrestees who tested positive for alcohol by the Strategy Unit. Please note that data is missing for a small number of areas.

Claimants of incapacity benefits- working age

18

Claimants of Incapacity Benefit or Severe Disablement Allowance whose main medical reason is alcoholism, crude rate per 100,000 (working age, persons) population. (NWPHO from Department for Work and Pensions data Aug 2009 and Office for National Statistics 2008 mid-year population estimates for males aged between 16-64 years and females aged 16-59 years). NB Important Note Supplied by DWP - Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. To qualify for IB/SDA, claimants have to undertake a medical test of incapacity for work which is called the Personal Capability Assessment. Therefore, the medical condition recorded on IB/SDA claim form does not itself confer entitlement to incapacity benefits, so for example, the decision for a customer claiming IB on grounds of alcoholism would be based on their ability to carry out the range of activities in the Personal Capability Assessment; or on the effects of any associated mental health problems. Figures exclude Employment Support Allowance (ESA), introduced in October 2008 to replace IB/SDA. ESA is not currently available by medical condition. The introduction of ESA has led to a reduction in the number of Incapacity Benefit claimants.

Mortality from land transport accidents

19

Estimated number of deaths attributable to alcohol from land transport accidents (ICD-10: V01-V89) (all ages, persons) directly standardised rate per 100,000 population (standardised to the European Standard population). (NWPHO from Compendium of Clinical and Health Indicators, National Centre for Health Outcomes Development 2006-08 pooled and Office for National Statistics mid-year population estimates 2006-2008). The Strategy Unit's alcohol-attributable fraction was applied to obtain the estimates.

Increasing risk drinking (synthetic estimate)

20

Mid-2005 synthetic estimate of the proportion (%) of the population aged 16 years and over who report engaging in increasing risk drinking, defined as consumption of between 22 and 50 units of alcohol per week for males, and between 15 and 35

Footnotes Definition (for full explanation see LAPE guidance and methods document)

units of alcohol per week for females. NB The term 'increasing risk' replaces the term 'hazardous' used in previous LAPE releases. (NWPHO from Health Survey for England, Hospital Episode Statistics, Office for National Statistics mid-year population estimates and mortality data and the Census of Population 2001). Two local authorities (City of London and Isles of Scilly) have been omitted so authorities have been ranked from 1 to 324. Please note that values for the new Local Authorities arising from the April 2009 boundary changes are a population weighted average of the component Local Authority predicted prevalence's only. Amendments will be made to these values when these synthetic estimates are updated.

Higher risk drinking (synthetic estimate)

21 Mid-2005 synthetic estimate of the proportion (%) of the population aged 16 years and over who report engaging in higher risk drinking, defined as consumption of more than 50 units of alcohol per week for males, and more than 35 units of alcohol per week for females. NB The term 'higher risk' replaces the term 'harmful' used in previous LAPE releases. (NWPHO from Health Survey for England, Hospital Episode Statistics, Office for National Statistics mid-year population estimates and mortality data and the Census of Population 2001). Two local authorities (City of London and Isles of Scilly) have been omitted so authorities have been ranked from 1 to 324. Please note that values for the new Local Authorities arising from the April 2009 boundary changes are a population weighted average of the component Local Authority predicted prevalence's only. Amendments will be made to these values when these synthetic estimates are updated.

Binge drinking (synthetic estimate)

22 Synthetic estimate of the proportion (%) of adults who consume at least twice the daily recommended amount of alcohol in a single drinking session (that is, 8 or more units for men and 6 or more units for women). Estimates produced for the Association of Public Health Observatories (2007-2008). Two local authorities (City of London and Isles of Scilly) have been omitted so authorities have been ranked from 1 to 324. Please see Health profiles for further information www.apho.org.uk/default.aspx?QN=P_HEALTH_PROFILES

Employees in bars- % of all employees

23 The number of employees employed in bars (SIC2003: 5540), as a percentage of all employees. (Annual Business Inquiry 2008, National Statistics, from Nomis website: www.nomisweb.co.uk). A rank of 1 is the lowest local authority value in England and a rank of 326 is the highest. Values that are significantly lower than the England average have been highlighted green and values that are significantly higher have been highlighted red. The desirability of the value (what is better or worse) has not been determined.

Alcohol treatment- prevalence per 1,000 population

24 The number of adults aged 18-75 years receiving structured treatment for alcohol misuse (National Alcohol Treatment Monitoring System 2008/09), as a rate per 1,000 population (Office for National Statistics mid-year population estimates 2008). Currently only available at primary care organisation level.



Nature of Problem: Violent Crime recorded in a Public Place within the neighbourhoods of Stoke, Devonport, Mutley/Greenbank, City Centre and Stonehouse 01/03/2010 – 31/07/2010

Introduction

This report has been commissioned by Sgt. Martin WORTHINGTON in order to analyse Violent Crime data within the five neighbourhoods identified as having the highest levels Violence with Injury recorded in a public place in the previous Cumulative Impact Report completed in 2007. The previous Cumulative Impact Report used **BCS Violence** offences, which consisted of Wounding (made up of *Actual Bodily Harm, Grievous Bodily Harm, Common Assault, Assault on a Constable and Personal Robbery*). Following changes to Violent Crime recording in April 2008, the offence of Malicious Wounding would also need to be included in order to make pre and post April 2008 data more comparable.

Following advice, the new group of **Violence with Injury** (*including all Serious Violence and Assault with less injury*) has been used in place of BSC Violence. Although the figures would not be directly comparable to the previous Cumulative Impact Report, utilising Violence with Injury data will be more representative.

An additional report has been formulated in order to provide comparable data for this analysis. Based on the time parameters used in the original Cumulative Impact report, the additional report provides analysis of violence in public places (VIPP) for the period 01/03/2007 – 31/07/07. This report utilises data downloaded from 01/03/2007 – 31/07/2007.

This report will utilise data regarding violence recorded in a public place for the five neighbourhoods identified as having the highest levels of Violence recorded in a public place in the original Cumulative Impact Policy report. These five neighbourhoods are as follows:

- City Centre
- Stonehouse
- Mutley/Greenbank
- Devonport
- Stoke

All findings in this report are based on analysis of data downloaded from CIS. Findings are demonstrated through the use of tables, charts and maps, providing information relating to Violent Crime recorded in a public place that can be attributed either directly or passively to the Evening and Night-time economy (ENTE). All crimes recorded for a private address have been excluded. Data used includes all Violence with Injury (as above), Robbery, Harassment, Other Violence and Drunk offences.

The data and maps contained in this report have been highlighted for the purpose of relevant representations to demonstrate the impact of crime in the specified geographical areas.

Licensed premises and businesses have not been identified in this report. Street offences are mapped to the nearest point of reference and as such, the icons should not be taken to represent the exact locations where the incident took place.

The definitions of these links are:

Directly linked: An offence committed either within licensed premises between the hours of 19:00 and 06:00 **or** between the hours of 19:00 and 06:00 in an area of high density ENTE whilst under the influence of drink or drugs.

Passively linked: An offence committed between the hours of 19:00 and 06:00, not in the immediate vicinity, but close to high density ENTE, whilst under the influence of drink or drugs.

Offences committed whilst in drink or drugs were derived utilising either MO codes or where the MO text contained 'in drink' and/or 'in drugs'.

All Neighbourhoods

Table.1 identifies the number of offences committed in a Public Place within all five neighbourhoods between 01/03/2010 and 31/07/10, highlighting the breakdown of offences that are directly and passively linked to the ENTE

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	133	58	75	78	211
Common Assault	83	39	44	51	134
Drunk Offences	56	48	8	36	92
Harassment	92	75	17	56	148
Other Violence	43	28	15	31	74
Robbery	5	4	1	16	21
Serious Violence	38	19	19	17	55
Grand Total	450	271	179	285	735

Table 1. Number of offences for all neighbourhoods

Chart 1. Provides time analysis of offences, based on violent offences committed within all five neighbourhoods, including all assault with less serious injury, common assault, Drunk offences, Harassment, other violence, Robbery and Serious Violence. Again, this chart has been formulated in order to illustrate both directly and passively linked offences:

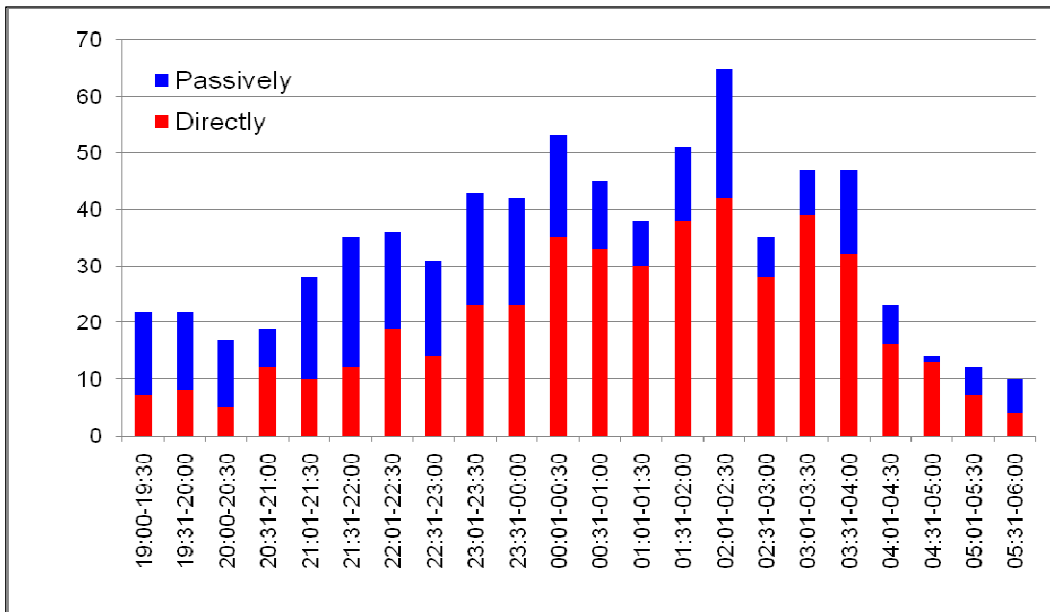
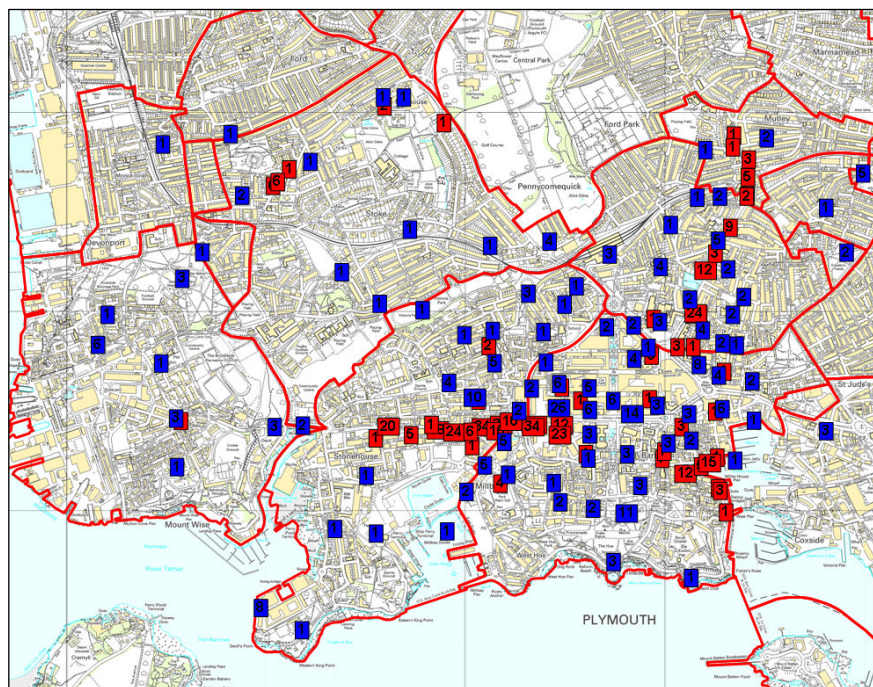


Chart 1. Time analysis of all neighbourhoods

Map 1. Illustrates the location of violent offences across all five Neighbourhoods. As there are a number of locations that have experienced multiple offences, the count of offences has been added to illustrate repeat locations.

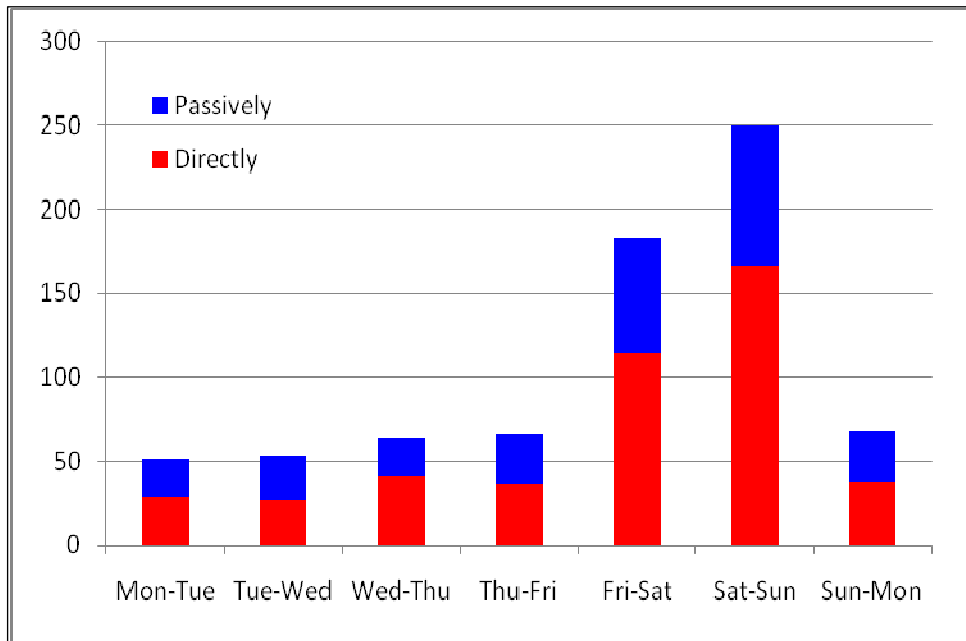
Map 1. Geographical spread of offences across all neighbourhoods



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 2. provides analysis of the days on which majority of crimes have been recorded. In order to provide a more representative illustration of offence days, the chart has been formulated to illustrate the overnight periods between the days. Once again, both passively and directly linked offences are represented:

Chart 2. Day analysis for all neighbourhoods



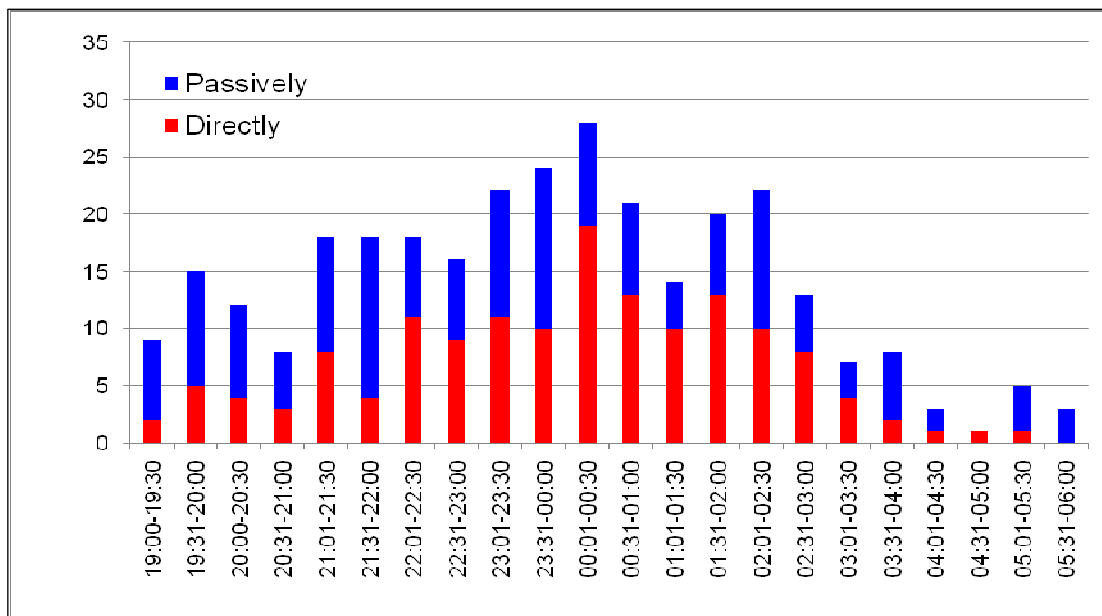
The remainder of the report presents information in the same format as already seen, but for the different neighbourhoods.

City Centre Neighbourhood

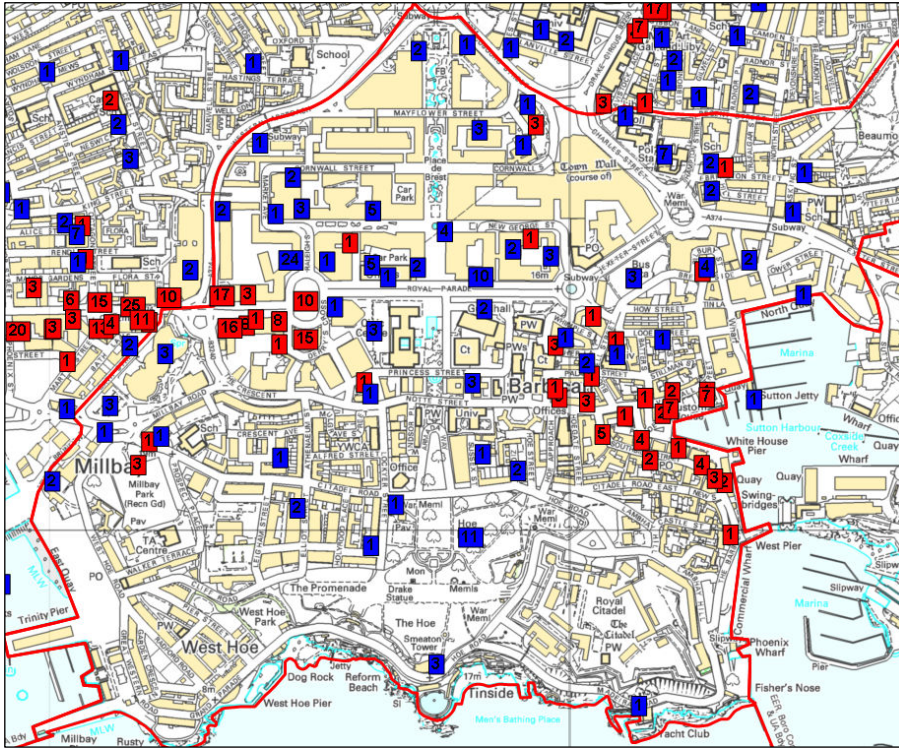
	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	57	15	42	44	101
Common Assault	28	3	25	30	58
Drunk Offences	16	12	4	20	36
Harassment	22	10	12	29	51
Other Violence	14	6	8	16	30
Robbery	0	0	0	6	6
Serious Violence	12	3	9	11	23
Grand Total	149	49	100	156	305

Table 2. Number of offences for City Centre

Chart 4. Time analysis for City Centre

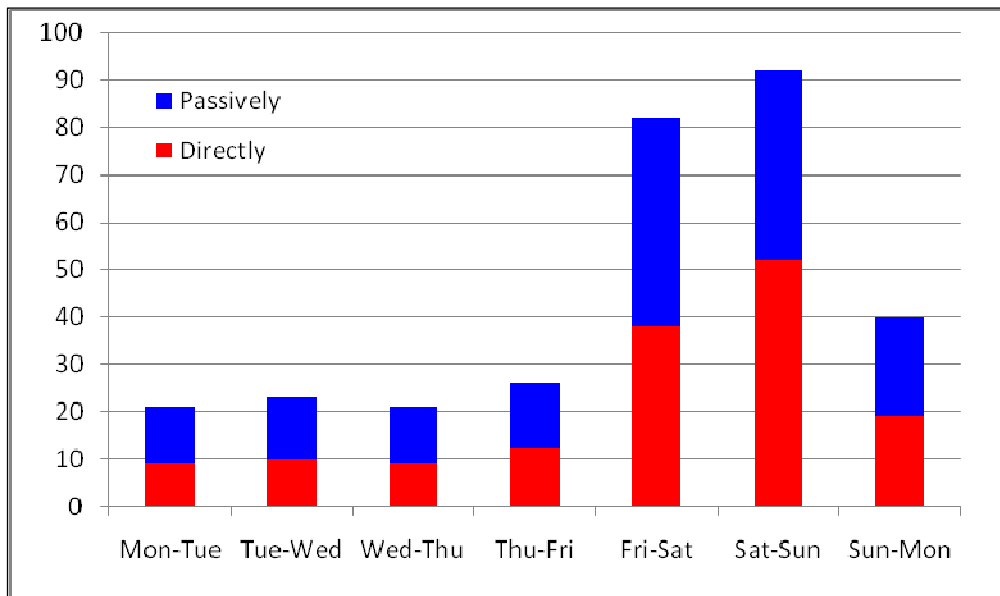


Map 2. Geographical spread of offences across City Centre



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 5. Day analysis for City Centre

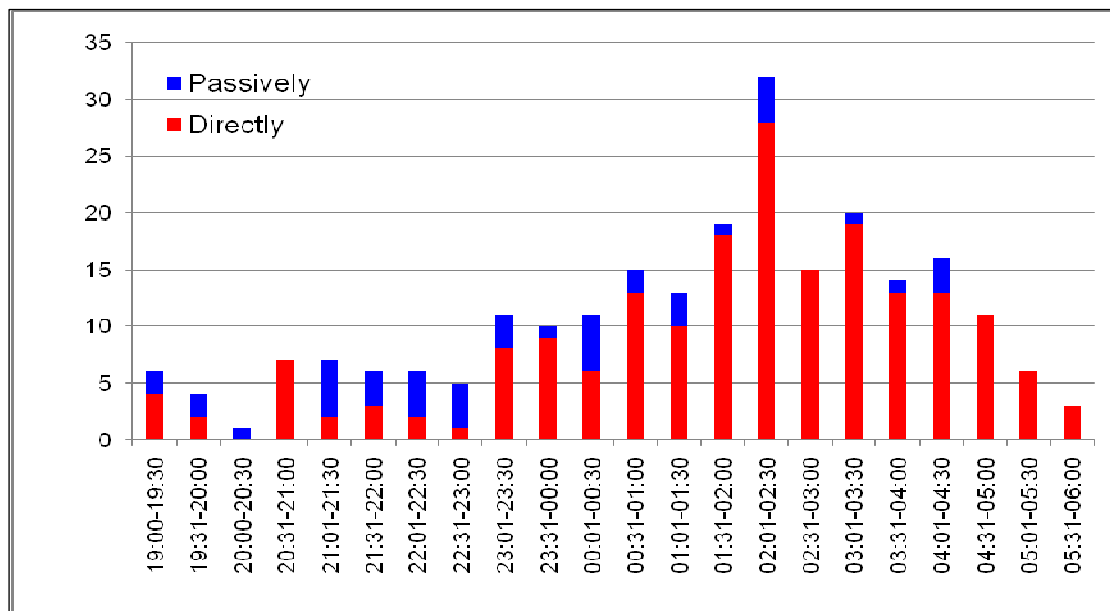


Stonehouse Neighbourhood

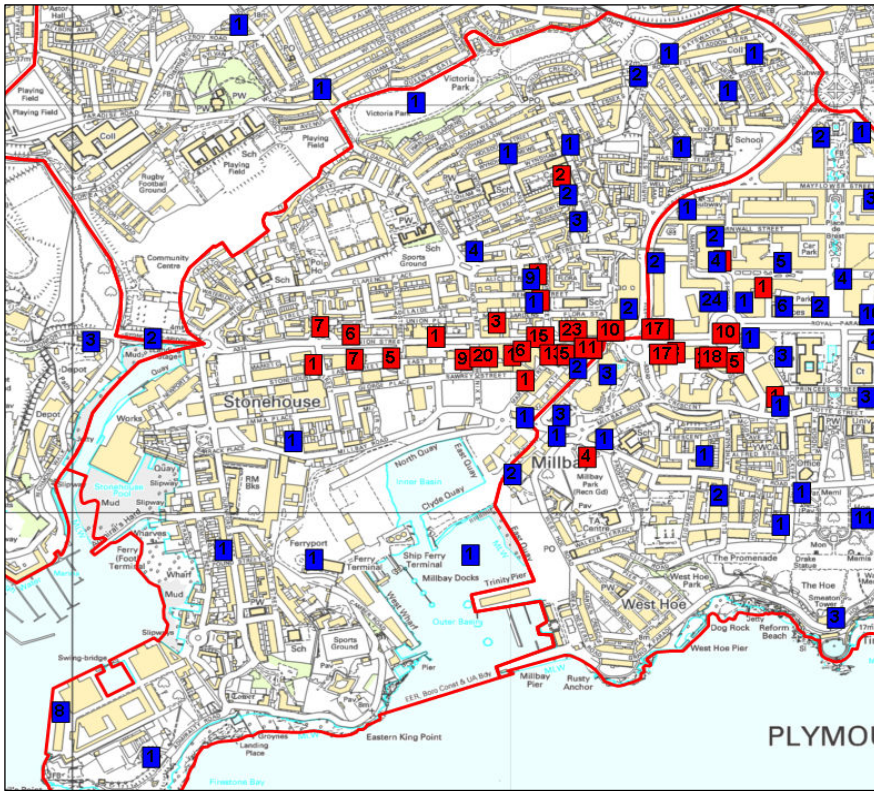
	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	37	24	13	14	51
Common Assault	37	25	12	2	39
Drunk Offences	28	27	1	5	33
Harassment	52	50	2	13	65
Other Violence	23	20	3	9	32
Robbery	2	2	0	1	3
Serious Violence	14	10	4	1	15
Grand Total	193	158	35	45	238

Table. 3 Number of offences for Stonehouse

Chart 6. Time analysis for Stonehouse

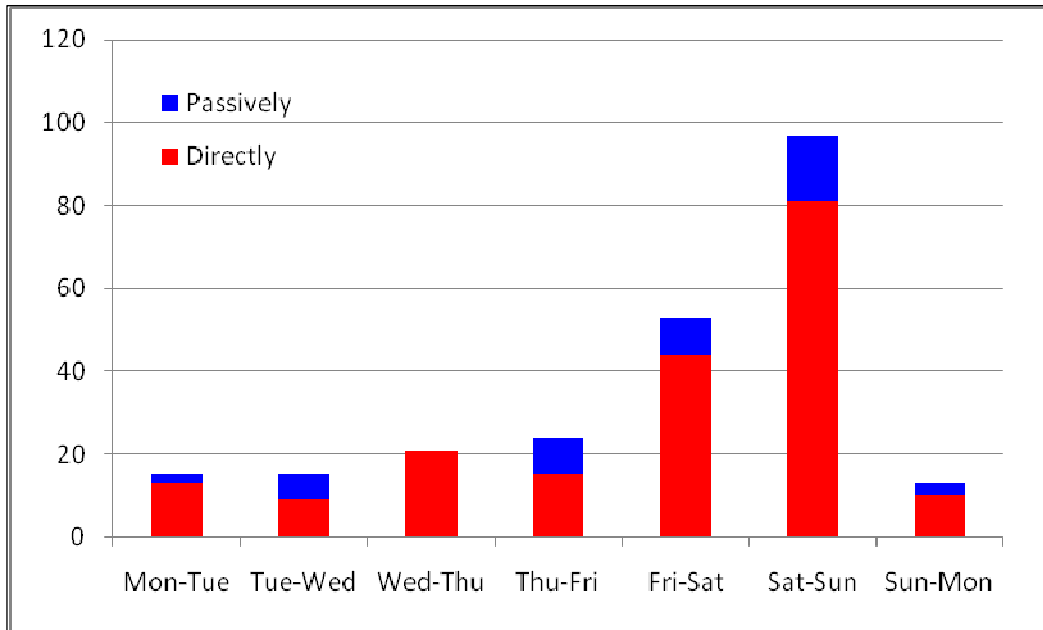


Map 3. Geographical spread of offences across Stonehouse



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 7. Day analysis for Stonehouse

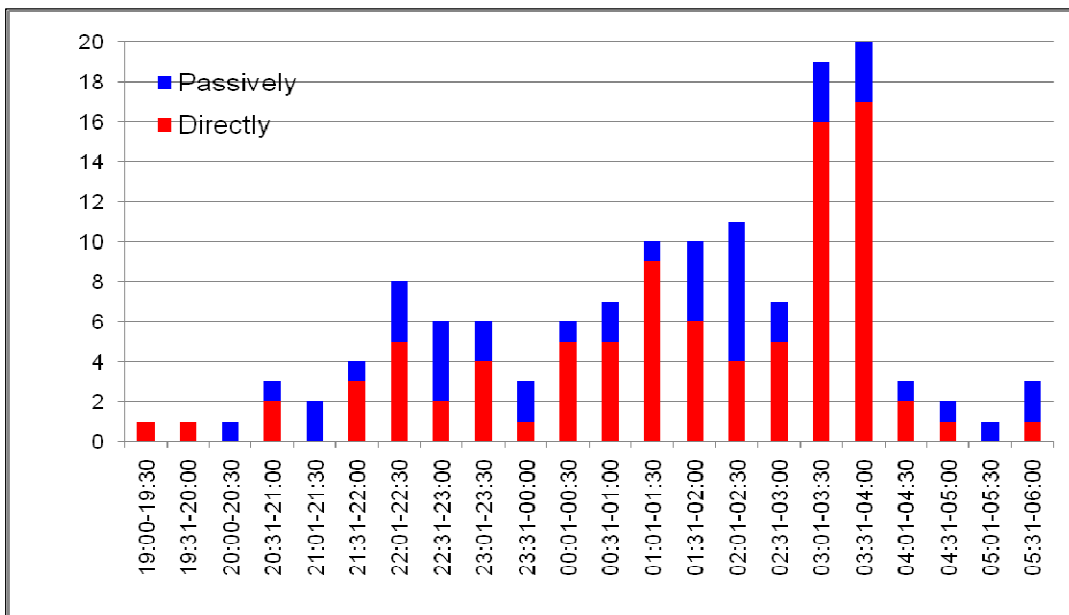


Mutley/Greenbank Neighbourhoods

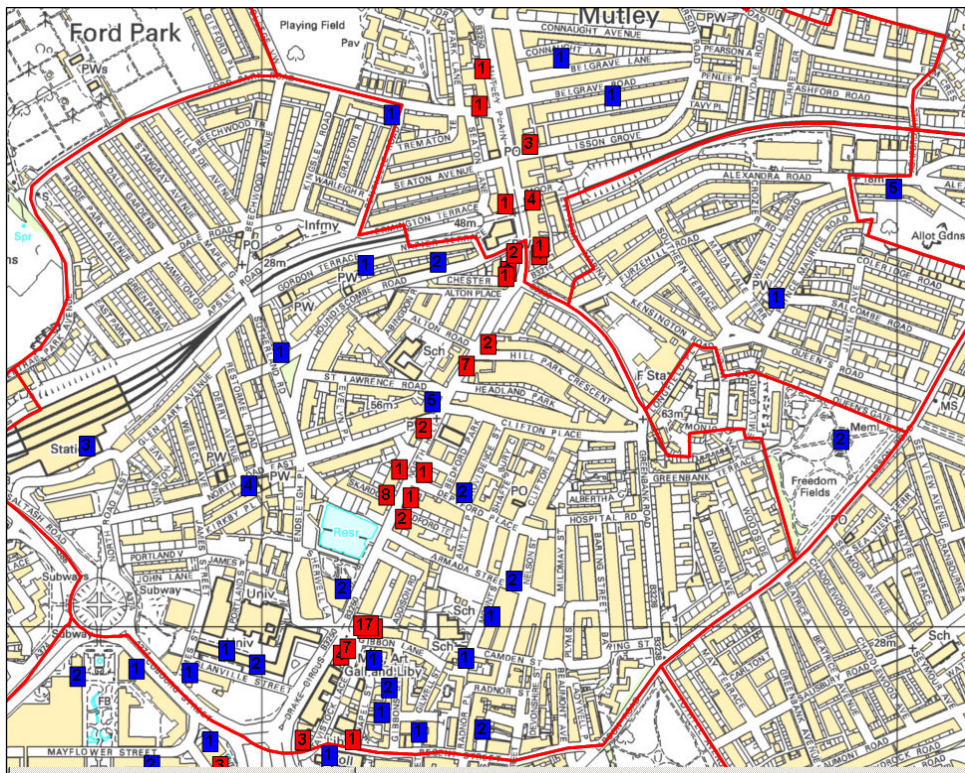
	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	28	15	13	14	42
Common Assault	17	11	6	5	22
Drunk Offences	11	8	3	8	19
Harassment	18	15	3	8	26
Other Violence	4	1	3	2	6
Robbery	2	2	0	8	10
Serious Violence	10	5	5	2	12
Grand Total	90	57	33	47	137

Table 4. Number of offences for Mutley/Greenbank

Chart 8. Time analysis for Mutley/Greenbank

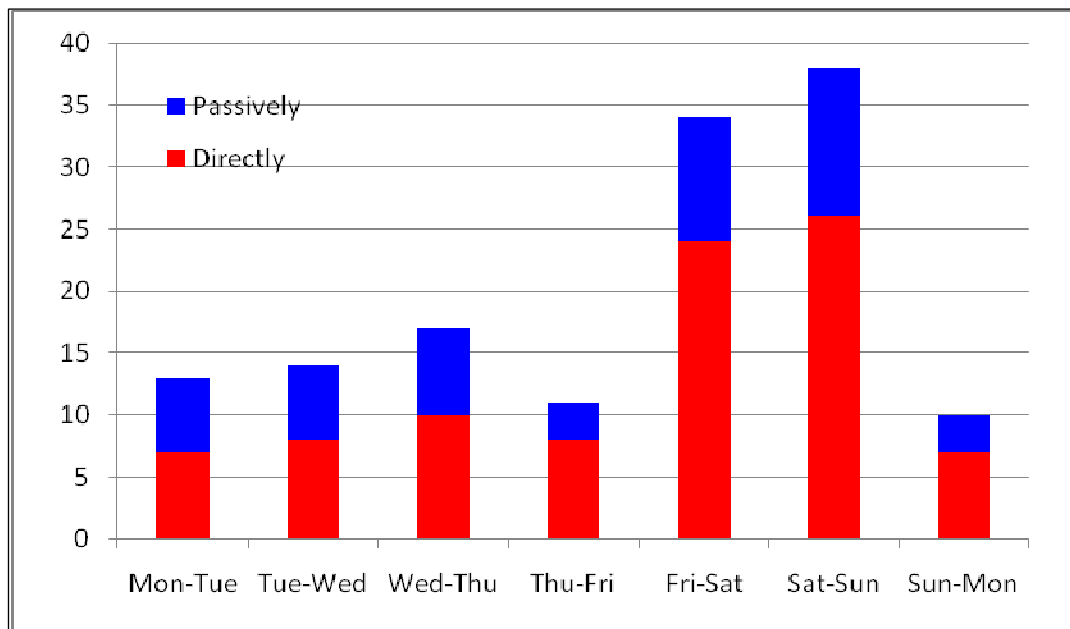


Map 4. Geographical spread of offences across Mutley/Greenbank



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 9. Day analysis for Mutley/Greenbank

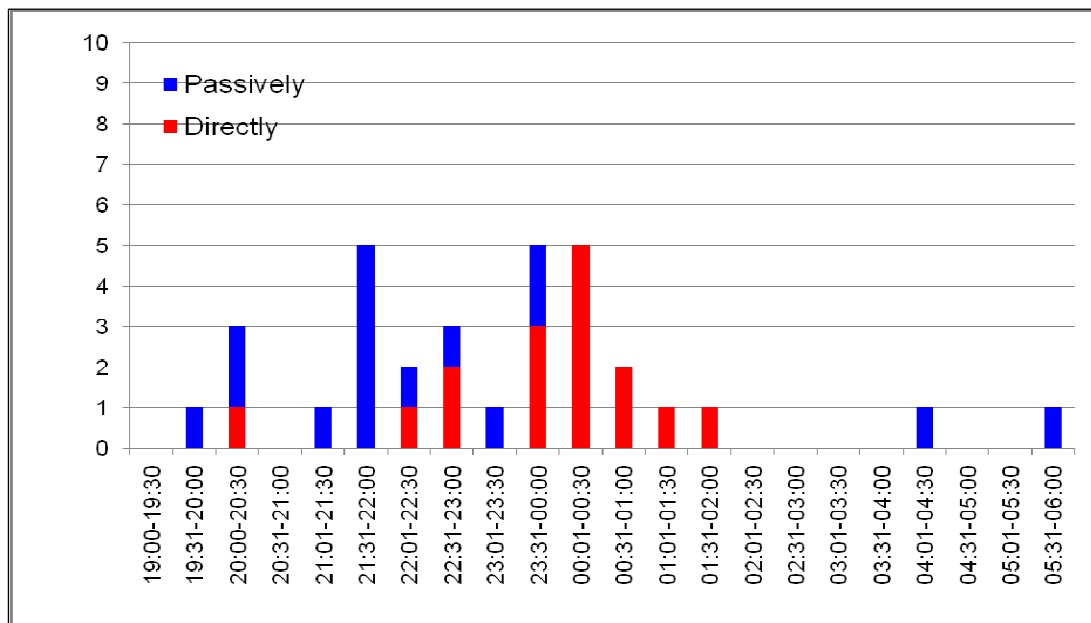


Stoke Neighbourhood

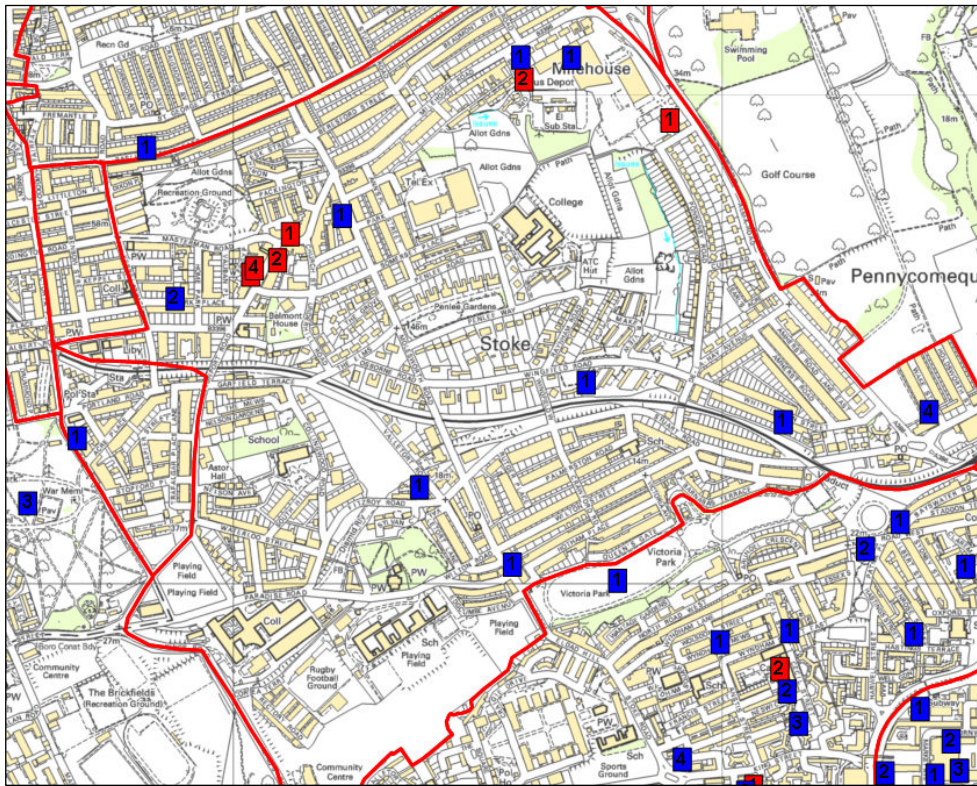
	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	10	4	6	3	13
Common Assault	1	0	1	8	9
Drunk Offences	1	1	0	2	3
Harassment	0	0	0	2	2
Other Violence	2	1	1	0	2
Robbery	1	0	1	0	1
Serious Violence	1	1	0	1	2
Grand Total	16	7	9	16	32

Table 5. Number of offences for Stoke

Chart 10. Time analysis for Stoke

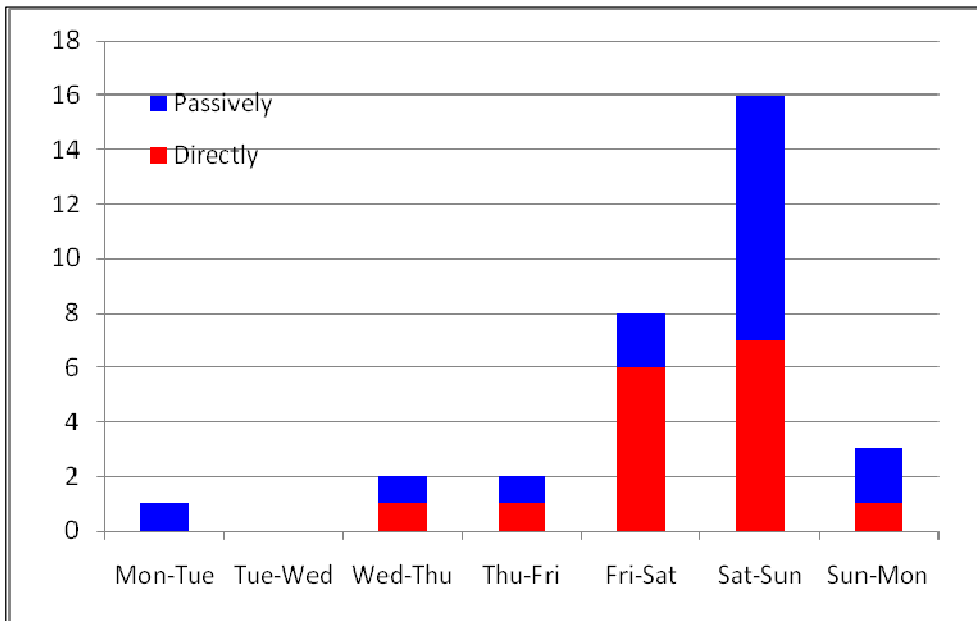


Map 5. Geographical spread of offences across Stoke



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 11. Day analysis for Stoke

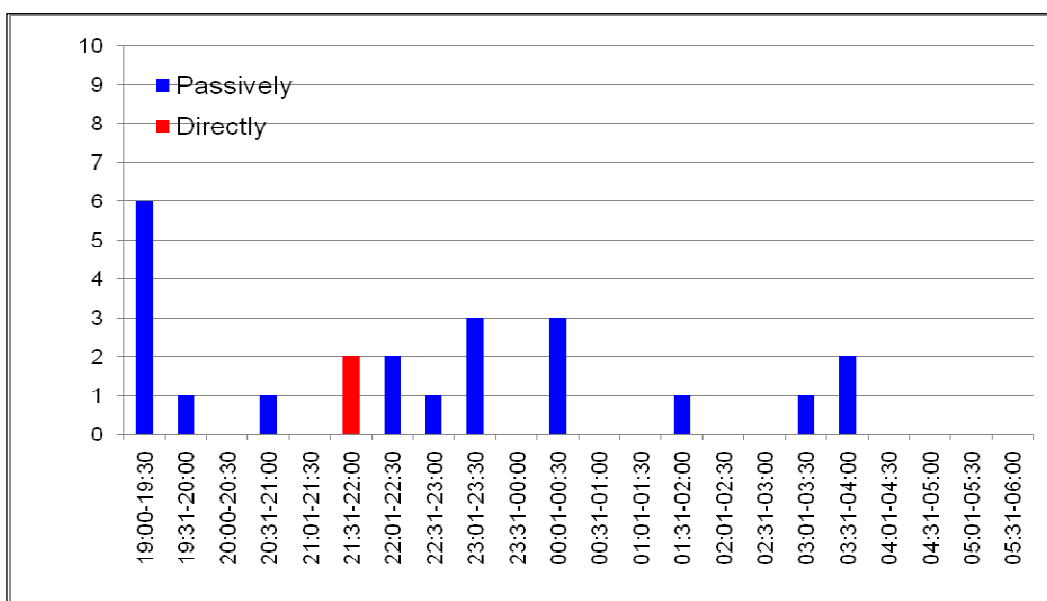


Devonport Neighbourhood

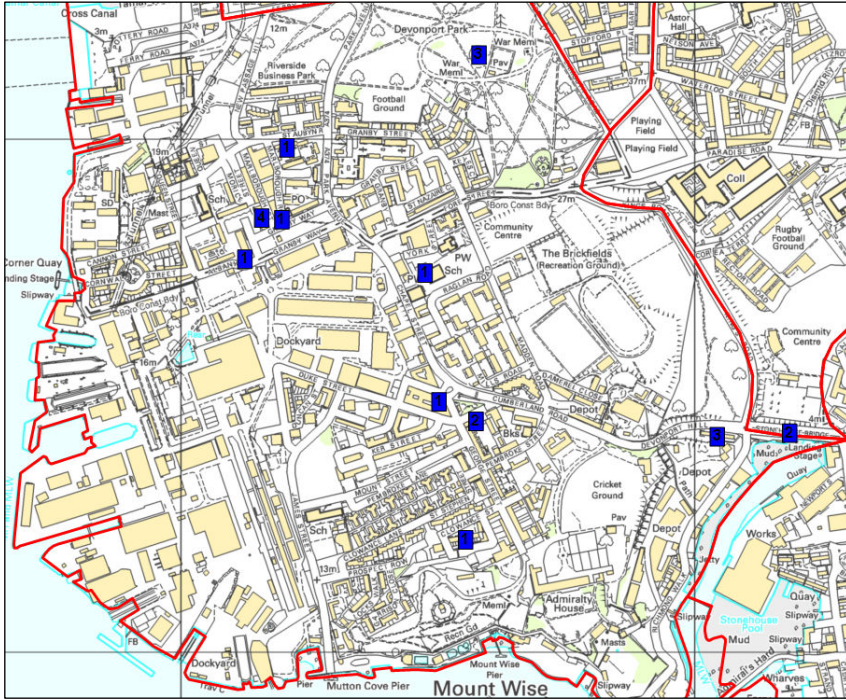
	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	1	0	1	3	4
Common Assault	0	0	0	6	6
Drunk Offences	0	0	0	1	1
Harassment	0	0	0	4	4
Other Violence	0	0	0	4	4
Robbery	0	0	0	1	1
Serious Violence	1	0	1	2	3
Grand Total	2	0	2	21	23

Table 6. Number of offences for Devonport

Chart 12. Time analysis for Devonport

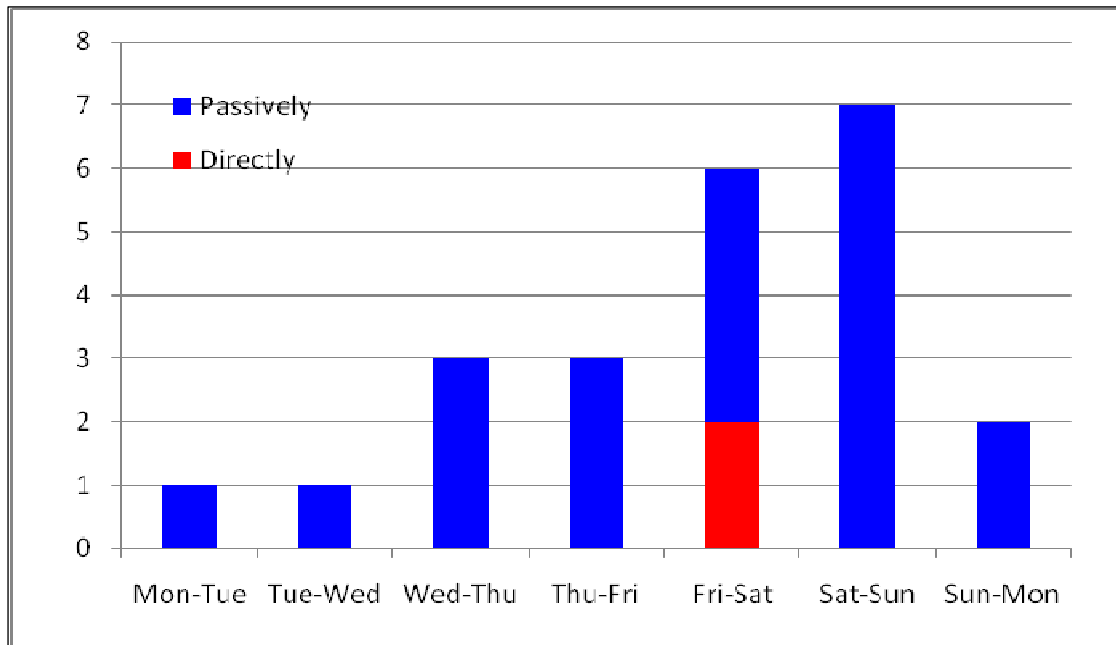


Map 6. Geographical spread of offences across Devonport



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 13. Day analysis for Devonport





Nature of Problem: Violent Crime recorded in a Public Place within the neighbourhoods of Stoke, Devonport, Mutley/Greenbank, City Centre and Stonehouse 01/03/2007 – 31/07/2007

Introduction

A report has been commissioned by Sgt. Martin WORTHINGTON in order to analyse Violent Crime data within the five neighbourhoods identified as having the highest levels Violence with Injury recorded in a public place in the previous Cumulative Impact Report completed in 2007. The previous Cumulative Impact Report used **BCS Violence** offences, which consisted of Wounding (made up of *Actual Bodily Harm, Grievous Bodily Harm, Common Assault, Assault on a Constable and Personal Robbery*). Following changes to Violent Crime recording in April 2008, the offence of Malicious Wounding would also need to be included in order to make pre and post April 2008 data more comparable.

Following advice, the new group of **Violence with Injury** (*including all Serious Violence and Assault with less injury*) has been used in place of BSC Violence. Although the figures would not be directly comparable to the previous Cumulative Impact Report, utilising Violence with Injury data will be more representative.

As a result of the above, this report has been formulated in order to provide comparable data for the relevant report, which will provide analysis of violence in public places (VIPP) for the period 01/03/2010 – 31/07/2010. This report utilises data downloaded from 01/03/2007 – 31/07/2007.

This report will utilise data regarding violence recorded in a public place for the five neighbourhoods identified as having the highest levels of Violence recorded in a public place in the original Cumulative Impact Policy report. These five neighbourhoods are as follows:

- City Centre
- Stonehouse
- Mutley/Greenbank
- Devonport
- Stoke

All findings in this report are based on analysis of data downloaded from CIS. Findings are demonstrated through the use of tables, charts and maps, providing information relating to Violent Crime recorded in a public place that can be attributed either directly or passively to the Evening and Night-time economy (ENTE). All crimes recorded for a private address have been

excluded. Data used includes all Violence with Injury (as above), Robbery, Harassment, Other Violence and Drunk offences.

The data and maps contained in this report have been highlighted for the purpose of relevant representations to demonstrate the impact of crime in the specified geographical areas.

Licensed premises and businesses have not been identified in this report. Street offences are mapped to the nearest point of reference and as such, the icons should not be taken to represent the exact locations where the incident took place.

The definitions of these links are:

Directly linked: An offence committed either within licensed premises between the hours of 19:00 and 06:00 **or** between the hours of 19:00 and 06:00 in an area of high density ENTE whilst under the influence of drink or drugs.

Passively linked: An offence committed between the hours of 19:00 and 06:00, not in the immediate vicinity, but close to high density ENTE, whilst under the influence of drink or drugs.

Offences committed whilst in drink or drugs were derived utilising either MO codes or where the MO text contained 'in drink' and/or 'in drugs'.

All Neighbourhoods

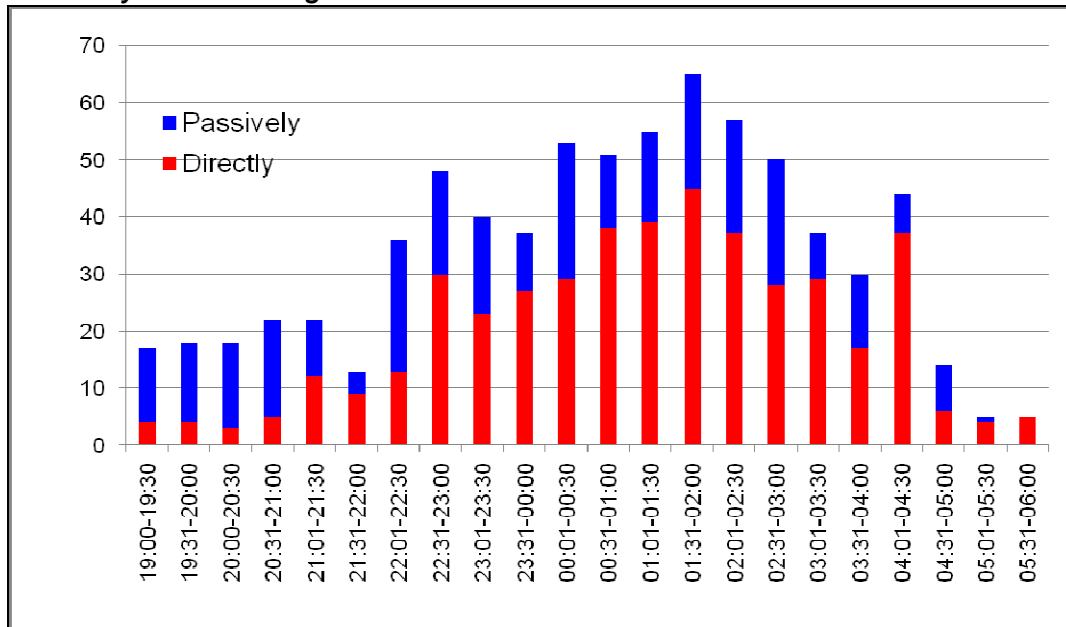
Table.1 identifies the number of offences committed in a Public Place within all five neighbourhoods between 01/03/2007 and 31/07/07, highlighting the breakdown of offences that are directly and passively linked to the ENTE

Table 1. Number of offences for all neighbourhoods

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	181	60	121	117	298
Common Assault	85	43	42	50	135
Drunk Offences	72	62	10	42	114
Harassment	56	50	6	42	98
Other Violence	25	21	4	19	44
Robbery	5	3	2	15	20
Serious Violence	20	6	14	8	28
Grand Total	444	245	199	293	737

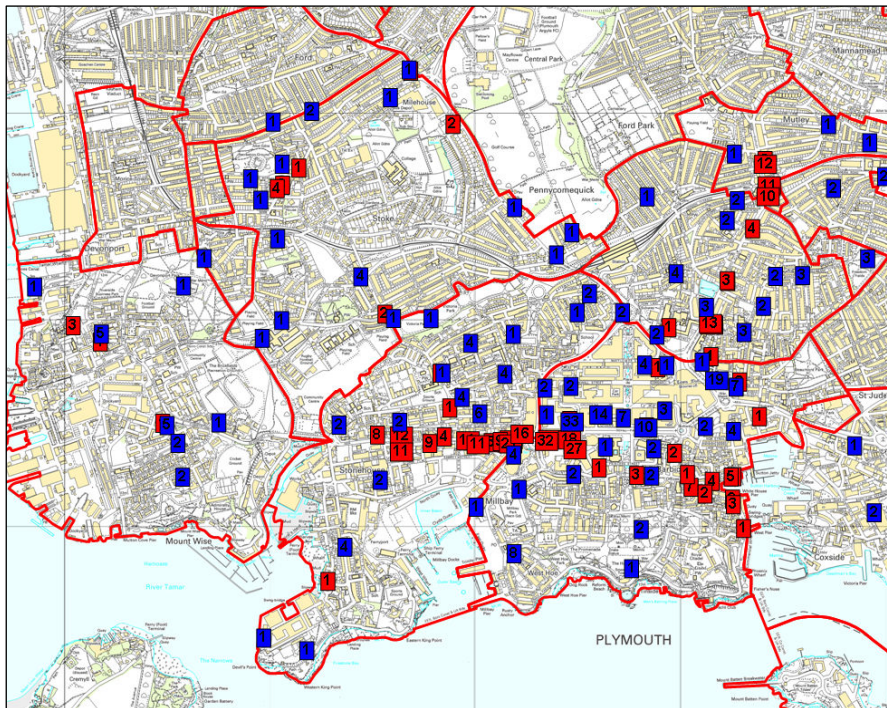
Chart 1. Provides time analysis of offences, based on violent offences committed within all five neighbourhoods, including all assault with less serious injury, common assault, Drunk offences, Harassment, other violence, Robbery and Serious Violence. Again, this chart has been formulated in order to illustrate both directly and passively linked offences:

Chart 1. Time analysis of all neighbourhoods



Map 1. Illustrates the location of violent offences across all five Neighbourhoods. As there are a number of locations that have experienced multiple offences, the count of offences has been added to illustrate repeat locations.

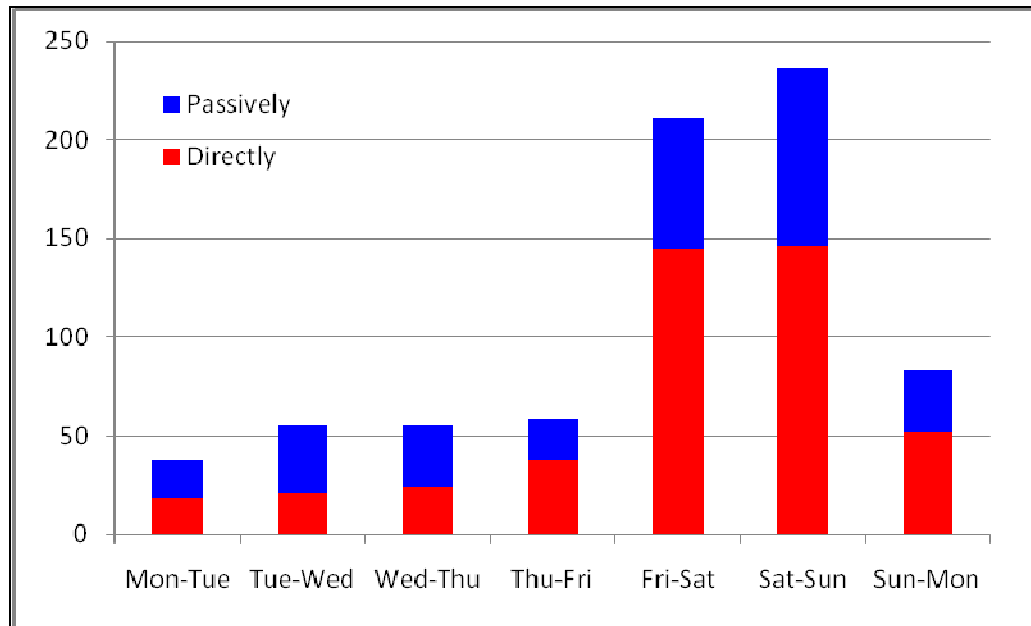
Map 1. Geographical spread of offences across all neighbourhoods



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 2. provides analysis of the days on which majority of crimes have been recorded. In order to provide a more representative illustration of offence days, the chart has been formulated to illustrate the overnight periods between the days. Once again, both passively and directly linked offences are represented:

Chart 2. Day analysis for all neighbourhoods



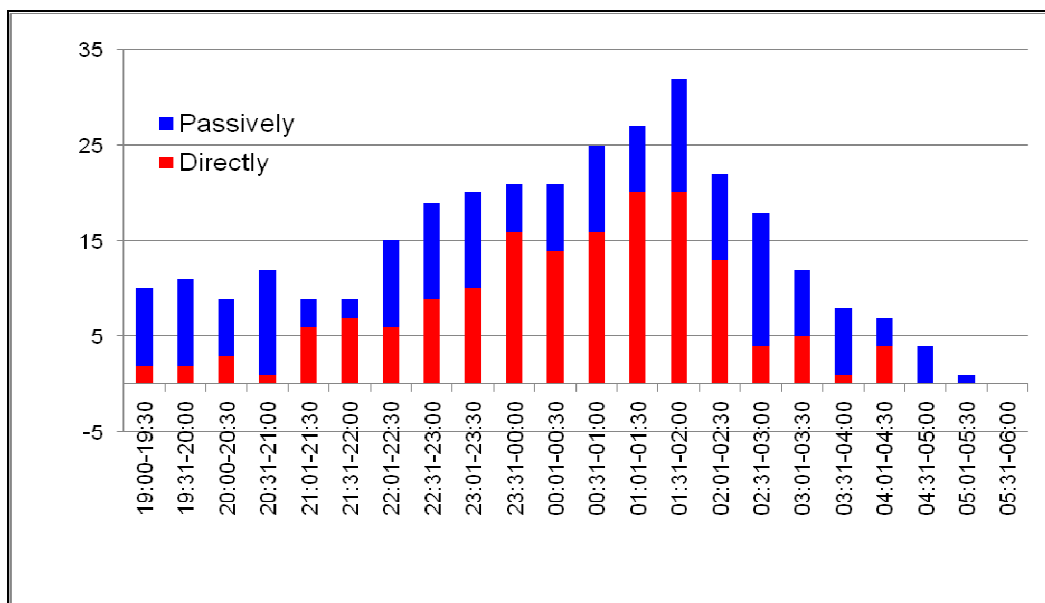
The remainder of the report presents information in the same format as already seen, but for the different neighbourhoods

City Centre Neighbourhood

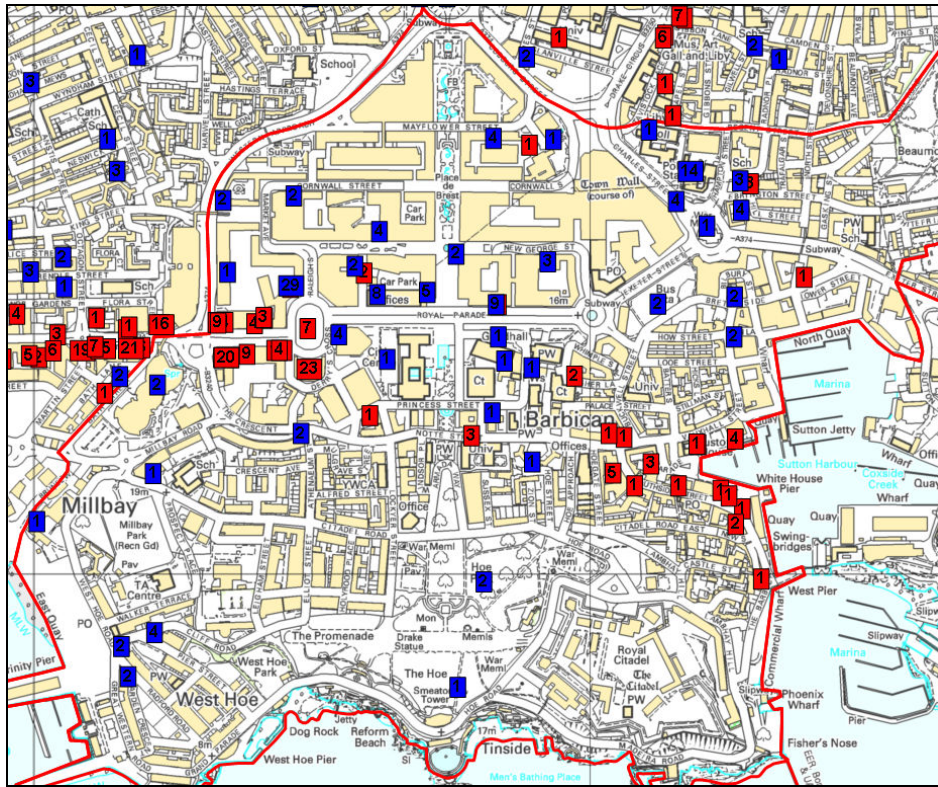
Table 2. Number of offences for City Centre

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	68	18	50	59	127
Common Assault	31	13	18	26	57
Drunk Offences	27	24	3	26	53
Harassment	20	15	5	24	44
Other Violence	6	4	2	10	16
Robbery	1	0	1	5	6
Serious Violence	6	0	6	3	9
Grand Total	159	74	85	153	312

Chart 4. Time analysis for City Centre

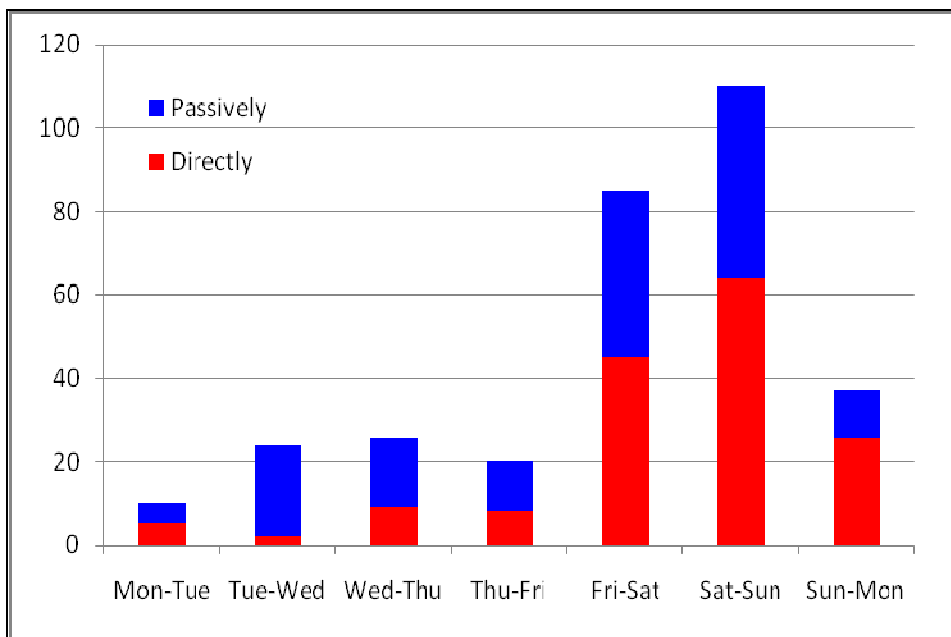


Map 2. Geographical spread of offences across City Centre



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 5. Day analysis for City Centre

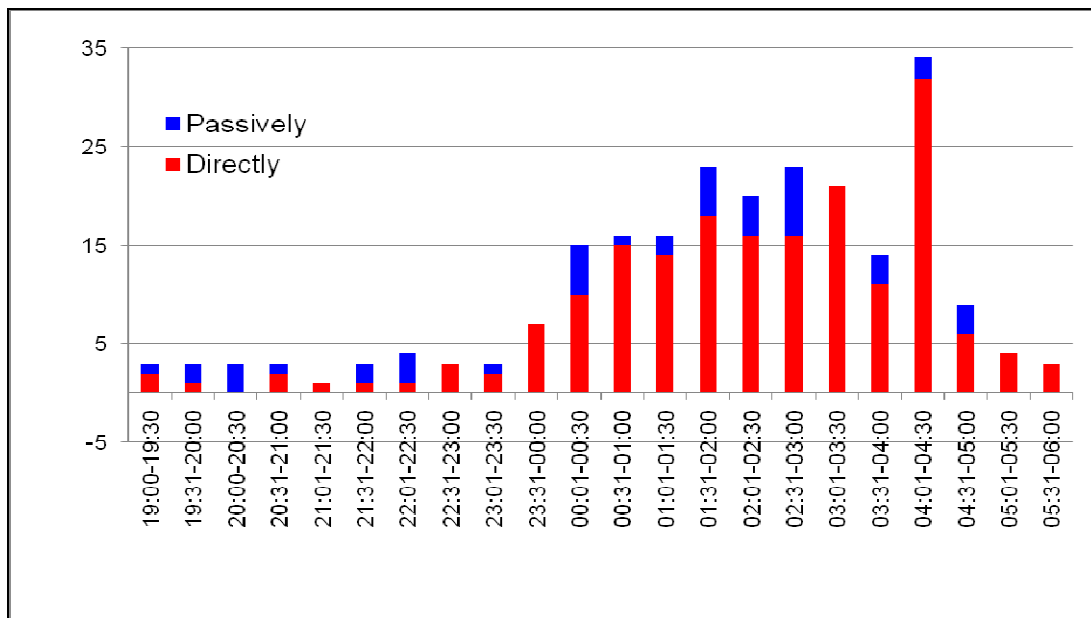


Stonehouse Neighbourhood

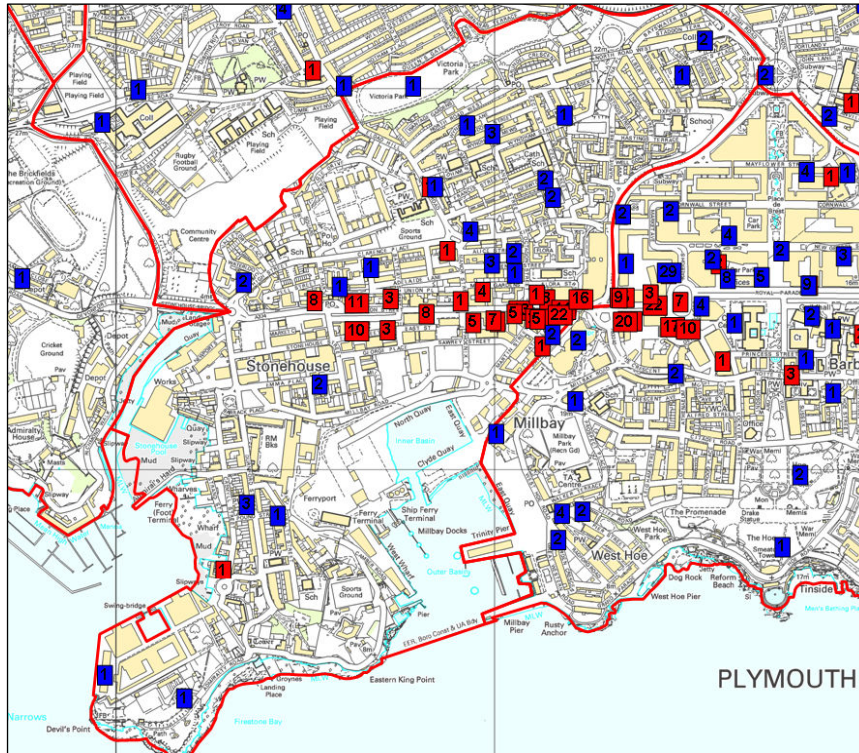
Table. 3 Number of offences for Stonehouse

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	67	25	42	23	90
Common Assault	31	23	8	5	36
Drunk Offences	34	29	5	6	40
Harassment	31	30	1	7	38
Other Violence	14	13	1	2	16
Robbery	3	2	1	1	4
Serious Violence	6	3	3	1	7
Grand Total	186	125	61	45	231

Chart 6. Time analysis for Stonehouse

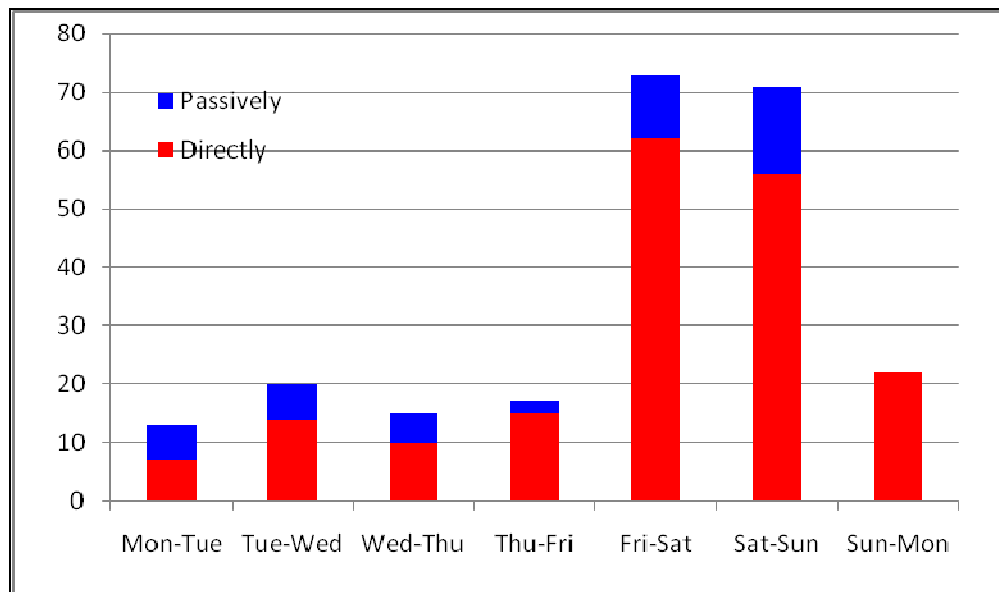


Map 3. Geographical spread of offences across Stonehouse



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 7. Day analysis for Stonehouse

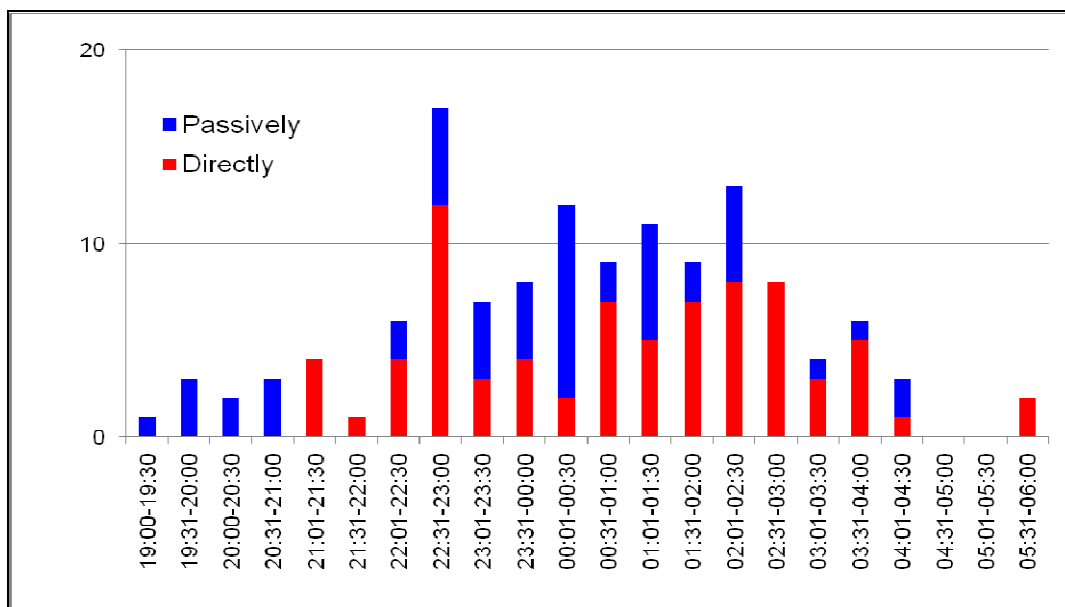


Mutley/Greenbank neighbourhoods

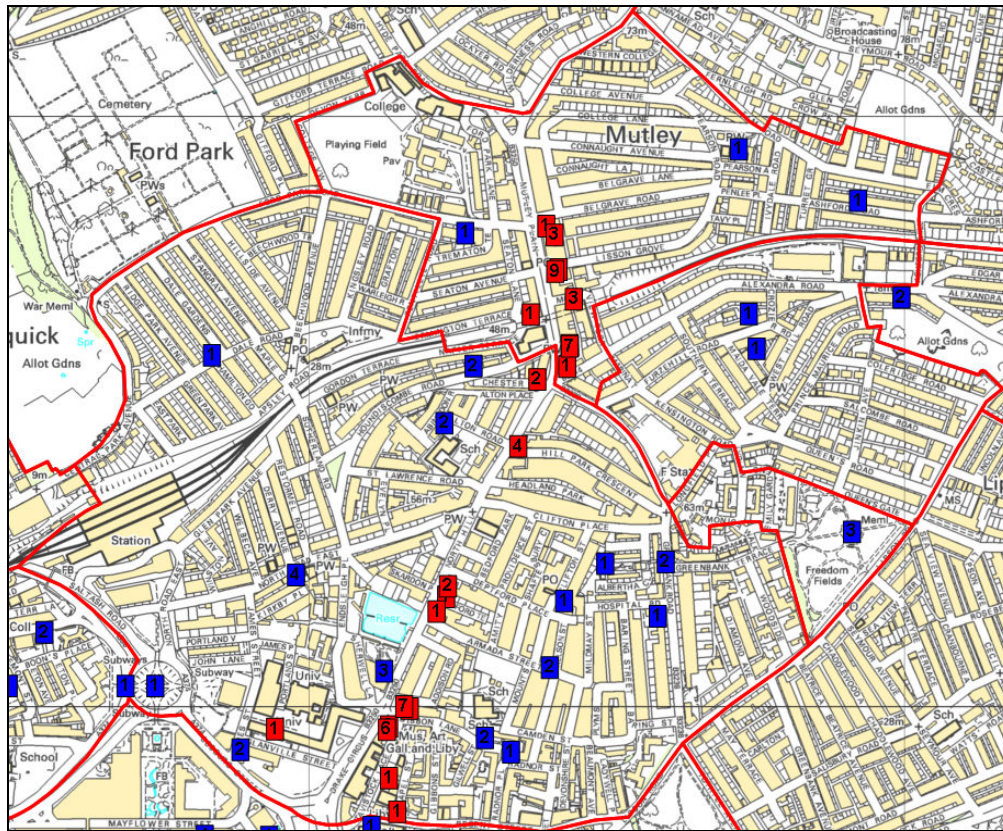
Table 4. Number of offences for Mutley/Greenbank

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	34	12	22	18	52
Common Assault	17	6	11	7	24
Drunk Offences	9	7	2	7	16
Harassment	5	5	0	9	14
Other Violence	4	3	1	4	8
Robbery	1	1	0	6	7
Serious Violence	6	3	3	2	8
Grand Total	76	37	39	53	129

Chart 8. Time analysis for Mutley/Greenbank

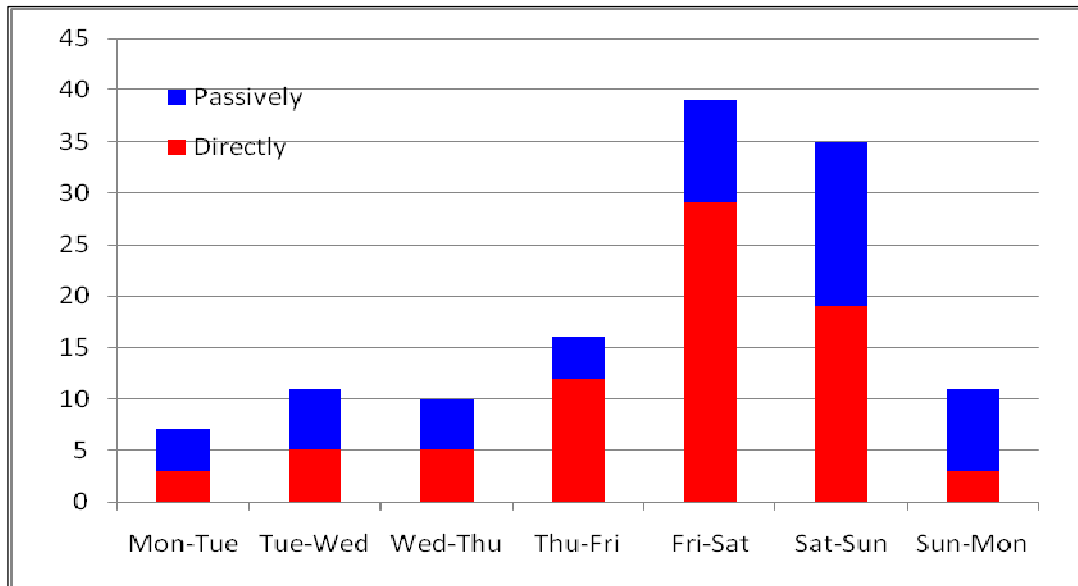


Map 4. Geographical spread of offences across Mutley/Greenbank



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 9. Day analysis for Mutley/Greenbank

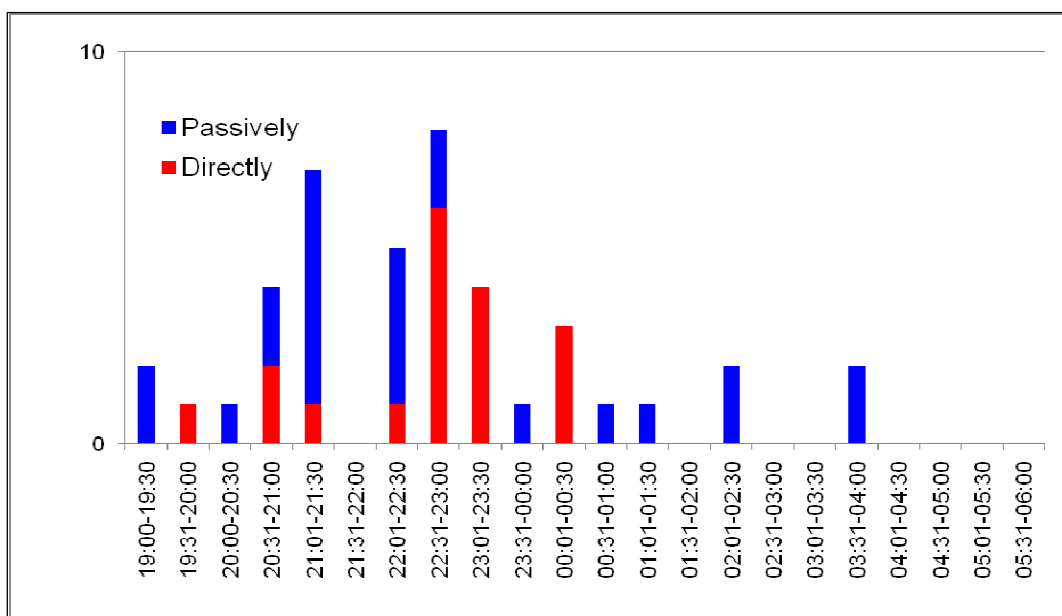


Stoke Neighbourhood

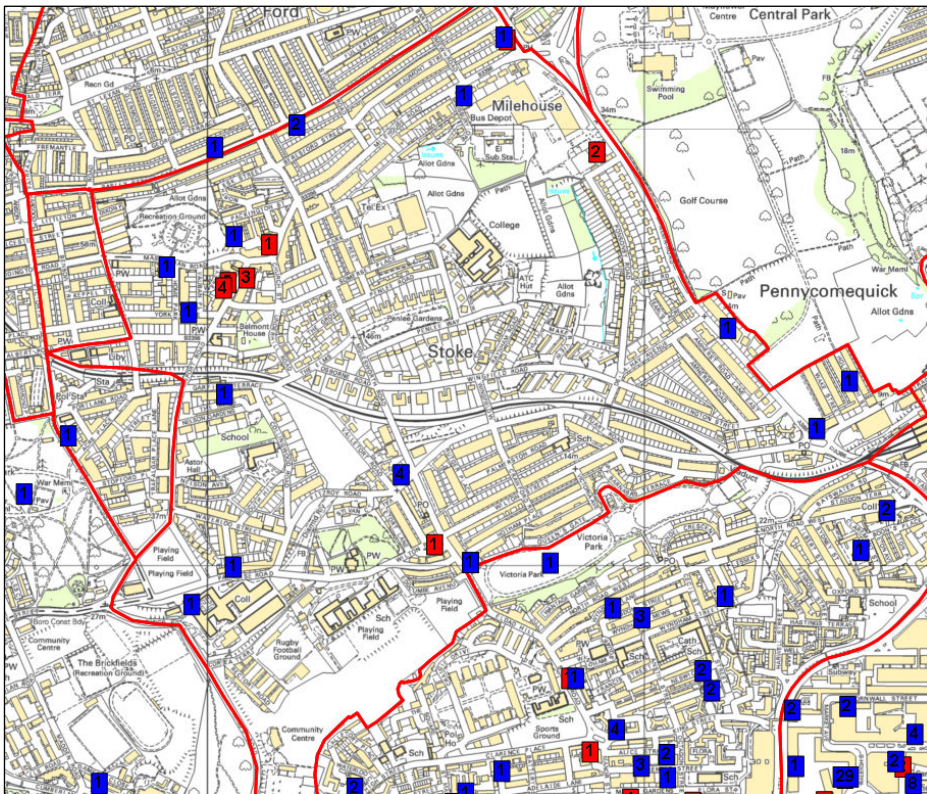
Table 5. Number of offences for Stoke

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	11	5	6	8	19
Common Assault	3	1	2	8	11
Drunk Offences	2	2	0	2	4
Harassment	0	0	0	1	1
Other Violence	1	1	0	3	4
Robbery	0	0	0	2	2
Serious Violence	1	0	1	0	1
Grand Total	18	9	9	24	42

Chart 10. Time analysis for Stoke

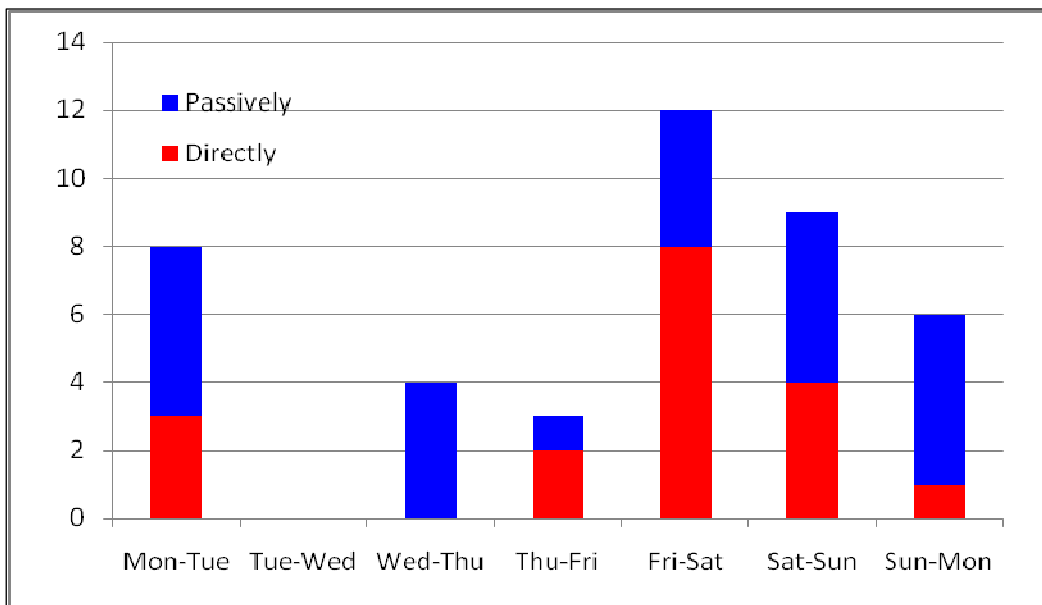


Map 5. Geographical spread of offences across Stoke



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 11. Day analysis for Stoke

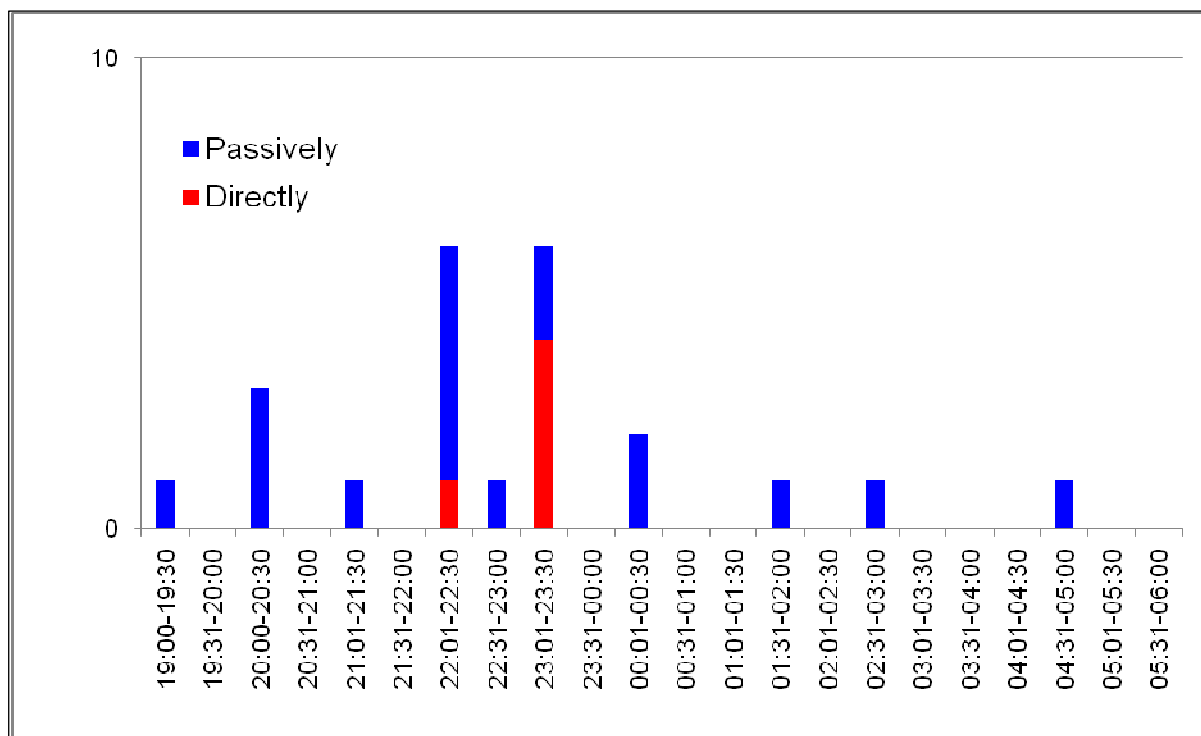


Devonport Neighbourhood

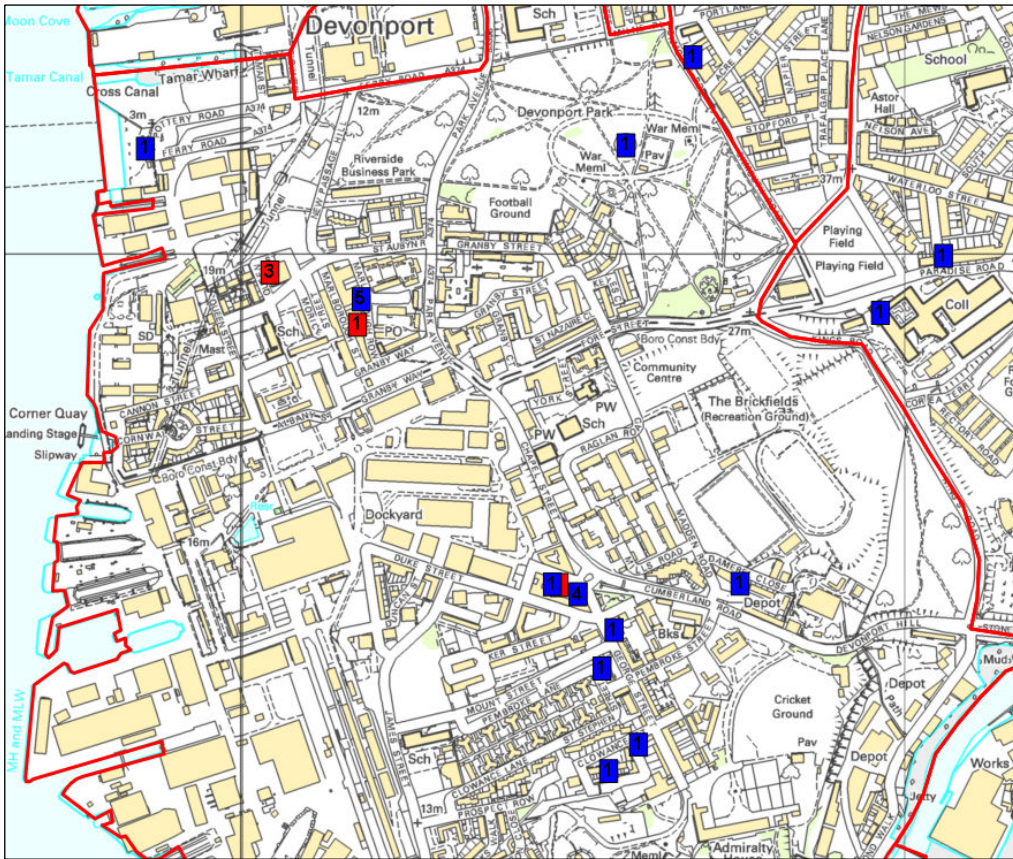
Table 6. Number of offences for Devonport

	Directly linked to ENTE	Directly (ENTE Area & Drink/Drugs)	Directly (Licensed Premises)	Passively linked to ENTE	Total VIPP either Directly or Passively linked
Assault with less serious injury	1	0	1	9	10
Common Assault	3	0	3	4	7
Drunk Offences	0	0	0	1	1
Harassment	0	0	0	1	1
Other Violence	0	0	0	0	0
Robbery	0	0	0	1	1
Serious Violence	1	0	1	2	3
Grand Total	5	0	5	18	23

Chart 12. Time analysis for Devonport

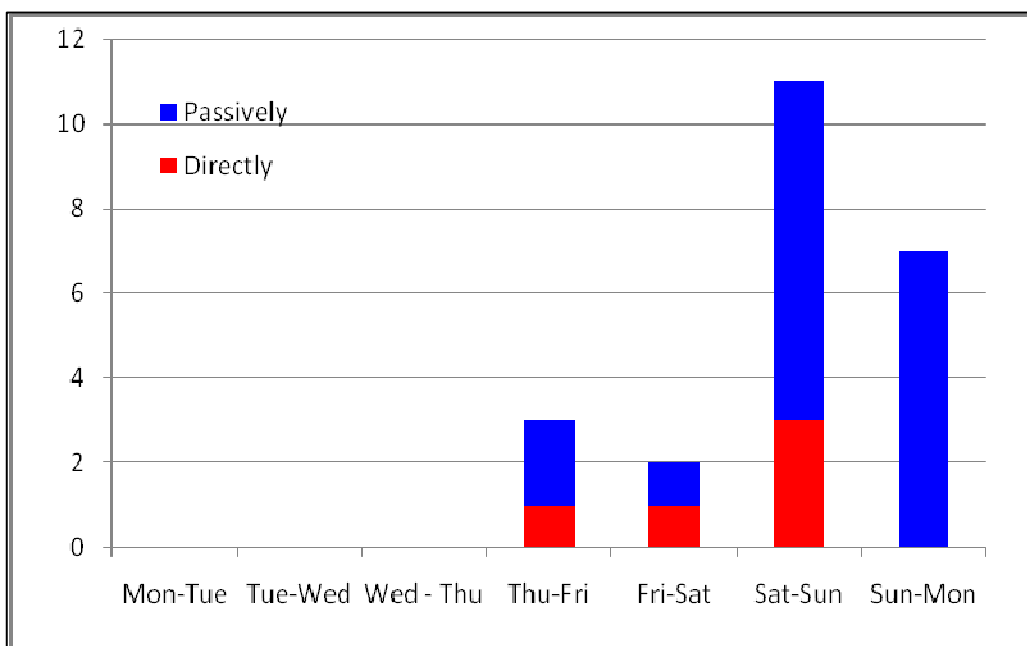


Map 6. Geographical spread of offences across Devonport



Blue Icon: Crime passively linked to the ENTE
Red Icon: Crime directly linked to the ENTE

Chart 13. Day analysis for Devonport



Supplemental information supplied by the Police

The following information was supplied to Plymouth City Council on the 18th October 2010. This information is to be read in conjunction with the letter and submission received from Devon and Cornwall Police dated the 1st September 2010.

This information provides specific data with regards to the Barbican Cumulative Impact Area

Barbican Cumulative Impact Crime Analysis

March – Jul 2007 43 incidents

March – Jul 2010 69 incidents

Crime	March – July 2007			March – July 2010		
	LP	Directly	Indirectly	LP	Directly	Indirectly
Common Assault	2	0	2	4	1	4
Assault Actual Bodily Harm	7	6	3	10	8	3
S5 Public Order	0	5	5	1	3	2
S4 Public Order	0	1	0	0	0	0
Affray	1	0	1	1	0	1
Harassment Stalking	1	0	0	0	0	0
Drunk and Disorderly	0	4	4	2	7	2
Drunk and incapable	0	0	0	0	1	0
Have Bladed article	0	0	0	0	0	1
Possession of offensive Weapon	0	0	0	0	1	0
Racial Intentional Harm 4A	0	0	0	1	0	0
Racial S4 Public Order	0	0	0	0	0	2
Racial Common Assault	0	0	0	0	0	1
Resist or Obstruct Officer	0	0	0	0	1	0
Cruelty to Child	0	0	0	0	0	1
Robbery	0	0	0	0	0	1
Malicious Wounding	0	0	0	2	2	0
Inflicting Grievous Harm	0	0	0	3	2	0
S18 Wounding with Intent	0	0	1	1	0	0
TOTAL Crimes	11	16	16	25	26	18

Appendix 3



Plymouth City Council

Draft Statement of Licensing Policy

2011 ~2014

This Policy was ratified by Council on the 6th December 2010

CONTENTS

FORWARD

INTRODUCTION

GENERAL ARRANGEMENTS

PURPOSE OF THIS POLICY

SCOPE OF THIS POLICY

LICENSING OBJECTIVES

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

VERSION

Pool of conditions

Anti-social behaviour

Avoidance of Duplication

CRIME PREVENTION

City Safe, Clubwatch and Pubwatch

Street Drinking – Designated Public Place Orders

Drug Use and Safer Clubbing

Anti-Social Behaviour

Powers to Closure

Door Supervisors

PLANNING

CULTURAL STRATEGY

CUMULATIVE IMPACT POLICY

Primary Considerations

Premises Applications within a Cumulative Impact Area

LICENSING APPLICATIONS

Primary considerations

New Applications and Full Variations

Minor Variations

Committee Hearings

New Premises Licences

Review of Premises Licence

Appeals

Designated Premises Supervisor (DPS)

Personal Licences

Temporary Event Notices

Operating Schedule

LICENSING HOURS

Fixed Early Closing Times

Hours of Sales in Off Licences

Licensed Premises in Residential Areas

Drinking Up Time and Winding Down Time

Late Night Refreshment

Dispersal Policy

Disability Access

SEX ENCOUNTER ESTABLISHMENTS

CHILDREN AND LICENSED PREMISES

NOISE & NUISANCE FROM LICENSED PREMISES

FIRE SAFETY AND CAPACITY LIMITS

LICENSING CONDITIONS

PAGES TO BE ADDED ON PUBLISHED

Primary Considerations
Mandatory Conditions
Film Classification
Drinks Promotions and Binge Drinking
Performance of an Adult Nature

ENFORCEMENT

Primary Considerations
No Smoking Legislation
Test Purchasing

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing Authority
MP's and MEP's
Local Councillors
Applicants

RESPONSIBLE AUTHORITIES LIST

APPENDIX 1 - SPECIAL POLICY

**APPENDIX 2 - OTHER POLICIES, LEGISLATION, CASE-LAW
AND GUIDANCE SOURCES**

APPENDIX 3 - USEFUL REFERENCES (ORGANISATIONS)

INTRODUCTION

The City Of Plymouth is the second largest City on the south coast of England and, after, Bristol, the largest in the South West with a residential population in the region of 252,800 with approximately 21% being within the 20-59 age group. Plymouth has a rich combination of heritage and natural beauty in what is a thriving maritime city that attracts millions of visitors.

The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side. Plymouth's rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.

Plymouth City Council has employed the world-renowned architect David Mackay and the 'Mackay Vision' are embedded in the on-going re-development of Plymouth. It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion.

As the Licensing Authority for Plymouth, Plymouth City Council recognises that the provision of entertainment is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant City, which in turn continues to be a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

There are numerous public houses, restaurants, clubs, community centres and halls in this City licensed to sell or supply alcohol or where a variety of regulated entertainment is provided on a regular or occasional basis. In addition there are a variety of retail outlets where alcohol can be purchased as an off sale.



GENERAL ARRANGEMENTS

All references to “the Act” in this document shall be deemed to mean “Licensing Act 2003” unless otherwise stipulated.

The Act states that the sale and supply of alcohol and the provision of regulated entertainment may only take place in suitable premises that have the appropriate licence in place that has been properly issued by the Licensing Authority. The people operating and managing these premises must also hold the appropriate licences.

Plymouth City Council is the Licensing Authority for this district under the terms of the Act who are responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

The Licensing Authority has had regard to guidance issued by the Secretary of State under Section 182 of the Act in formulating the policies set out in this document so that any decision taken in discharge of its licensing functions will have regard both to the Section 182 guidance and its licensing policy.

All references to guidance refer to statutory guidance issued under Section 182 of the Act and references to premises also apply to club premises.

The Council recognises that it contains services who act as ‘Responsible Authorities’ i.e. Environmental Health, Planning, Children’s Services and Trading Standards who are able to make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations having regard to the terms of the Section 182 Statutory Guidance and this Licensing Policy.

The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing this will have regard to the information set out in Schedule 3 of the Act.

To comply with this requirement our register may be accessed on line by using the following link www.plymouth.gov.uk/homepage/business/licensing/licensingregister.htm alternatively the register may be viewed at the Civic Centre, Armada Way, Plymouth, PL1 2AA during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Section in advance to ensure that your request can be catered for at the time of visit.

PURPOSE OF THIS POLICY

Section 5 of the Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This is the second review of our Licensing Policy and following a public consultation City Council resolved to approve the revised policy on the 6 December 2010 to be effective from the 7 January 2011 for the next three years.

This policy statement has amongst other things, four main purposes;

- To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.
- To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
- To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.

- To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.

During the three year period the policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review. The statement of licensing policy will be reviewed and published with amendments, if any, at least once every three years, or in keeping with any future amended Government guidance.

SCOPE OF THIS POLICY

The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licenses and other matters set out in the Act within this district. This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of to club members
- Provision of Regulated entertainment i.e. entertainment which is provided for the public, club members or for consideration with a view to profit and includes any of the following:
 - Performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music (or entertainment of a similar description)
 - Any playing of recorded music (or entertainment of a similar description)
 - A performance of dance (or entertainment of a similar description)
 - Provision of facilities for making music (or entertainment of a similar description)
 - Provision of facilities for dancing (or entertainment of a similar description)
- Supply of late night refreshment being the supply of hot food and / or hot drink from any premises (subject to any statutory exemption) including food stalls, between 23.00 and 05.00.
- Regulated entertainment will require a licence or authorisation (unless exempted by the Act).

The Act makes provision for the licensing of individuals for the retail sale of alcohol (personal licences); the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshments (premises licence): the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates); the permitting of certain licensable activities on a temporary basis (temporary event notice); and provisional statements.

LICENSING OBJECTIVES

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely;

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children From Harm

These objectives are the only factors that can be taken into account in determining an application and any conditions attached to a licence must be necessary to promote the licensing

objectives. If there are no relevant representations then, for example, an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

Where it is necessary or appropriate to promote these licensing objectives the kind of standards the licensing authority and responsible authorities will expect to see or the applicant may wish to consider, will take into account measures including for example:

Prevention of Crime and Disorder:

- The use of toughened glass/ polycarbonate or other plastic / non glass bottles/ receptacles
- Measures to prevent open bottles or other drinks containers being carried from premises
- Restriction of drinks promotions
- Marketing promotions do not encourage excessive consumption and should be socially responsible
- Measures to prevent binge drinking
- Participation in pub/club watch schemes and attendance at meetings
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. High Volume Vertical Drinking establishments should consider the use of specially trained door supervisors who hold an up-to-date certificate in control and restraint techniques
- Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office guidance minimum requirements.
- Lighting
- For new premises, designing out crime
- Quality of supervision and surveillance in premises
- Regular checks by staff of all public areas including toilets
- Assessment of customer profile ensuring effective management of customers both inside premises and in outside smoking / external seating areas
- Anti-discriminatory policies and practice covering e.g. homophobia and racism
- And any other measures deemed appropriate.

Public Safety:

- Promotion of sensible drinking
- Awareness of drink spiking
- Zero tolerance drug policies including the appropriate use of searching/amnesty boxes to combat drug crime
- Monitored capacities to a safe level with management controls ensuring safe capacities are maintained particularly with premises with more than one floor or zone (including electronic counting where necessary)
- Special arrangements for large events
- Regular removal of all glasses and bottles
- Use of special affects
- Ventilation / temperature
- Physical environment
- Noise exposure

- Crowd management
- Safety of gas and electrical services
- Fire safety and emergency lighting

Prevention of Public Nuisance:

- The nature of the activities
- The location of premises and character of the surrounding area in relation to the proximity to residential and other noise sensitive premises
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and night clubs etc.
- Disposal of waste, particularly glass
- Use and maintenance of plant, including air extraction and ventilation systems
- Litter collection in vicinity
- Noise from deliveries/collections
- Odour and light nuisance
- Traffic Management
- Measures to supervise customers use of beer gardens, smoking and external seating areas

Protection of Children from Harm:

- Limitation of access dependent on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include prevention of under 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards
- Requirements for accompanying adults
- Adoption of the Challenge 21 philosophy

It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Fire Authority, local businesses and local people towards the promotion of the objectives as outlined.

Avoidance of Duplication

This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health & Safety at Work etc Act 1974, Environmental Protection Act 1990, Disability Discrimination Act 1995, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are necessary and proportionate in promoting the licensing objectives.

CRIME PREVENTION

In applying this policy, the Licensing Authority will have regard to their obligations under Section 17 of the Crime and Disorder Act 1998 in that we will do all that we reasonably can to prevent crime and disorder in the Plymouth area.

City Safe, Clubwatch / Pubwatch and PARC Night

The Licensing Authority will support organisations such as City Safe, Clubwatch/ Pubwatch and PARC Night which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Plymouth that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour.

Drug Use and Safer Clubbing

The use of illegal drugs particularly those which are commonly referred to as 'recreational drugs' can hold grave dangers if misused and can even lead to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs. Drugs alter the way people behave, so their distribution and possession is controlled by law.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

Anti-Social Behaviour

A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these people.

The Licensing Authority recognise that the Act is not a cure-all for anti-social behaviour. There is a breadth of other strategies for addressing these problems, for example;

- Planning controls
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Powers of Police and Local Authorities under the Anti-Social Behaviour Act
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
- Confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate
- Promotion of positive activities.

Door Supervisors

Whenever persons are employed at licensed premises to carry out any security function they must be licensed with the Security Industry Authority (SIA). Competent and professional door supervisors are central to maintaining public safety at licensed premises.

The Police may consider that certain premises require strict supervision to promote the licensing objective to prevent crime and disorder. In particular, the Council will normally support an approach that requires door supervisors to be employed at premises that open beyond midnight, where the responsible authority can demonstrate that it is necessary to prevent crime and disorder.

Where premises close before midnight, door supervisors may still have to be employed, if the risks associated with the operation warrant such an approach. The number of door supervisors to be employed, would need to be determined as a result of a risk assessment, carried out by the management of the premises, in most cases, in consultation with the Police Licensing Team. The suggested ratio is a minimum of 2 door supervisors for the first 100 patrons and an additional door supervisor per extra 100 patrons thereafter

PLANNING

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa

CULTURAL STRATEGY

The Licensing Authority recognises the need to encourage the promotion and development of a broad range of entertainment **particularly live music and dancing** that promotes a diverse range of different types and styles, dancing and theatre, including traditional and historic plays for the wider cultural benefit of communities. There should always be a careful balance within any particular area where the provision of regulated entertainment culturally benefits all sides of the community including families and children. Particular care should be given to ensuring that the 'entertainment package' provided in a specific area is positive, and there are not competing styles of entertainment that creates an overall negative impact that may contribute to public disorder and levels of disturbance.

In the exercise of its licensing functions the Licensing Authority is aware that it should try to ensure that it does not apply direct or indirect measures that deter live music (in particular those promoting performances that can be classified as non rock, pop modern music or similar music forms), dancing and theatre by imposing disproportionate licensing conditions.

In all cases the Licensing Authority will consider the positive and negative impact of regulated entertainment and how it impacts on the licensing objectives in the local community and where its discretion to impose conditions is raised only conditions necessary for the promotion of the licensing objectives will be imposed..

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives and facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the City attracting tourists and visitors, making for a vibrant City and is a major

employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

CUMULATIVE IMPACT POLICY

Primary Considerations

For the purposes of this policy “cumulative impact” means the potential impact that a significant number of licensed premises concentrated in one area can have on the promotion of the four licensing objectives. For example, it is not always possible to attribute incidences of crime and disorder and/or public nuisance to particular licensed premises where enforcement action can be taken using existing licensing provisions.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

The Licensing Authority may receive relevant representations from either a “responsible authority” or “an interested party” that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

The Licensing Authority will consider any application for a defined area to be covered by a cumulative impact policy having regard to the legislative framework and the individual merits of the application. The onus is on any person or organisation making such representations to prove any assertion that the addition of the licensed premises would cause cumulative impact on crime and disorder and/or public nuisance.

In determining whether to adopt a cumulative impact policy for a particular area the licensing authority may, among other things:

- Consider evidence from responsible authorities and local residents about public nuisance and disorder arising from a concentration of licensed premises in a particular area of Plymouth that is impacting on one or more of the licensing objectives
- Identify the area from which problems arise and the boundary of that area
- Make an assessment of the causes
- Adopt a policy about future applications for premises within that area

Premises Applications within a Cumulative Impact Area

For new applications or applications to vary an existing premises licences or club premises certificates located within an existing cumulative impact area the Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours but will consider it on its own merits with regard to the individual characteristics of that premises and its impact on cumulative impact within that area.

A cumulative impact policy creates a rebuttable presumption that applications within a cumulative impact area will normally be refused, if relevant representations are submitted, unless the applicant can demonstrate why the proposed operation of the premises will not add to the cumulative impact already being experienced.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics.

Proper regard will be made to those differences and the impact they are likely to have on the local community where the amenity of local residents is being placed under severe pressure. On the 23 June 2008 the Council originally designated five areas within Plymouth as cumulative impact areas, these are Mutley Plain, North Hill, Stoke Village, Barbican, Union St (including Derry's Cross). The Special Policy (including maps) is set out in Appendix 1 and remains part of this Licensing Policy.

LICENSING APPLICATIONS

Primary considerations:

When an application is received the Licensing Authority will consider each:-

- On its own merits
- In accordance with the Act, any subsequent amendments and supporting Regulations
- With regard to Guidance issued under Section 182 of the Act and this policy

In particular it is important to note that "opening hours", the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

The Licensing Authority will expect that any regulated entertainment that incorporates any of the following activities for the entertainment or attraction of the public are properly defined and explained in the operating schedule of the application

- Striptease, lap dancing or any similar performance
- The installation of strobe or laser equipment
- The use of special effects such as pyrotechnics or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff
- The use of any temporary structure or staged area

The Licensing Authority will expect that an applicant will indicate whether or not the area to be licensed includes or comprises any part of the public highway. It is the policy of the Council to support the provision of street cafés that make a positive contribution to the street scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Council may grant permission under S.115E of the Highways Act 1980 for an applicant to use the public highway outside premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highways Act 1980.

New Applications and Full Variations

All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the responsible authorities within the district of Plymouth. The contact details (current at the time of writing this policy) for the responsible authorities are detailed at the rear of this policy. However applicants are advised to check the specific details in the DCMS S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.

Where an application for the grant of a premises licence or club premises certificate, variation of the same or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all responsible authorities as stipulated in the Act. Where such applications have been submitted electronically copies of the application will be forwarded to the responsible authorities by the Licensing Authority.

Where an application for the grant of a new application or variation of a premises licence is located in a residential area the Licensing Authority will expect to see measures set out in the operating schedule of how the potential effects of for example public nuisance and noise disturbance will be minimised and controlled.

Applicants for new licences are strongly advised to liaise with the relevant responsible authorities in relation to adopting measures to avoid crime and disorder problems; improve public safety; limit public nuisance; and protect children from harm in the premises to be licensed.

Minor Variations

In August 2009, the Government introduced a streamlined process for applicants to make minor variations to their premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four licensing objectives.

Minor variations **can be** used to:

- Make minor changes to the structure or layout of a premises
- Make small adjustments to the licensing hours
- Remove out of date, irrelevant or unenforceable conditions
- Add or remove certain licensable activities
- Add volunteered conditions to a premises licence or club premises certificate.

Examples of where the new minor variation process **cannot be** used to;

- Extend the period for which the licence or certificate has effect
- Specify, in a premises licence, an individual as the premises supervisor
- Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
- Authorise the sale by retail or supply of alcohol at any time between 23.00 and 07.00
- Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
- Vary a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee.
- Substantially vary the premises to which the licence or club premises certificate relates.

Under a 'minor variation' the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is **not** required to advertise the variation in a local newspaper or send a copy to responsible authorities.

On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

Review of Premises Licence

A responsible authority or an interested party may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. Examples may be where there has been a breach of licensing conditions, failed test purchases or its activities do not promote the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.

Where the request originates from an interested party the Licensing Authority may reject the application if it is considered not to be relevant to one or more of the licensing objectives; is frivolous or vexatious; or repetitious. The Licensing Authority will consider each case on its own merits having regard to the relevant statutory instruments and Guidance.

Where a review is brought the Licensing Authority may take any of the following actions:

- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times (either permanently or for up to three months)
- To exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music (either permanently or for up to three months)
- To remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action

In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the representations identify. The remedial action taken should be directed at these causes and should always be no more than a necessary and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Equally, it may be that poor management is a direct reflection of poor company practice or policy and the removal of the designated premises supervisor may be an inadequate response to the problems presented.

Interested Parties

An 'interested party' is a body or individual who is entitled to make representations to the Licensing Authority on application for the grant, variation or review of a premises licence or club premises certificate. In addition interested parties may themselves seek a review of a premises licence or club premises certificate.

An 'interested party' is defined in the Act as any of the following;

- A person living in the vicinity of the premises
- A body representing persons who live in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in such businesses

- An elected Councillor of the Licensing Authority for the area in which a premises is situated

The Licensing Authority recognises that a person involved in a business should include partnerships and need not be confined to those engaged in trade and commerce but include charities, churches and medical practices.

The Licensing Authority recognises that the term “vicinity” is not defined in the Act. However the Licensing Authority will consider representations as relevant, where it is reasonable to believe, having regard to all the facts, that the activities of the premises or its patrons could impact on the interested party at their place of residence or business.

Officer decisions as to whether representations are repetitious, irrelevant, frivolous or vexatious will be made objectively having regarded all the available facts and not on the basis of any political judgment. A frivolous representation could be categorised by a lack of seriousness and vexatious circumstances may arise because of disputes between rival businesses. A representation would only be relevant if it relates to the likely effect on, at least one of the licensing objectives.

Where representations are rejected, the responsible authority or interested parties making that representation will be given a written reason as to why is the case.

MP's and MEP's

The Council recognises that MPs and MEP's are not allowed to make representations about licensing applications in their own right as an elected representative, but may represent local residents or businesses where they have received written authority. In such cases they will be representing their constituent and may only put forward the information already submitted by that person and may not add any new grounds.

Designated Premises Supervisor (DPS)

Any premises at which alcohol is sold or supplied must employ one or more personal licence holders. The main purpose of the ‘designated premises supervisor’ is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The Licensing Authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol.

The Licensing Authority notes that in July 2009 the requirement for a designated premises supervisor to be named on a premises licence for a community premises was amended. The Act now allows for the variation of licence that can specify an alternative condition so that the sale of alcohol from community premises can be authorised by the management committee and it is only where the licence has been varied in this way, will there be no requirement for a DPS.

Any application to change a DPS will be dealt with in accordance with the Act. It should be noted that only the Police can object to such an application.

Personal Licences

The Licensing Authority must grant applications for personal licences so long as the applicant is 18 years or over, has possession of the qualification in accordance with the Act (or is a person of a prescribed description), has not had a personal licence forfeited within 5 years of the date of application and has not been convicted of any relevant offence or any relevant foreign offence.

Devon and Cornwall Police may make representations where the applicant has been convicted of a relevant offence or relevant foreign offence.

Temporary Event Notices (TEN's)

The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more

licensable activities during a period not exceeding 96 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

A TEN is typically used to:

- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a school fete
- Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
- Provide for licensable activities not authorised by the existing licence.

The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police. There is no requirement to give a copy of the notice to other responsible authorities, such as the Fire Authority or Environmental Health.

Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the responsible authorities by the Police.

The organiser must give the Licensing Authority a minimum of 10 clear working days notice. This does **NOT** include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the police and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. Whilst the Licensing Authority acknowledges that the Act only requires a minimum of 10 working days notice to be given, the giving of 28 days notice allows for reasonable discussions to take place with the police on arrangements to prevent crime and disorder.

The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) and Environmental Health (noise disturbance) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance. In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, however they are encouraged to do so to ensure that any relevant planning consent is in place.

Operating Schedule

The Licensing Authority recommends that the content of an Operating Schedule should have regard to the following points;

- It should be specific to the individual application
- Is sufficiently comprehensive to enable the Licensing Authority and other responsible authorities to consider the application fully
- Where appropriate, specify the maximum intended occupancy including staff, performers and members of the public and how these numbers are controlled

Applicants will be expected to demonstrate in their operating schedule how they intend to be good neighbours with local residents and business interests in the area. In addition applicants will be expected to outline practical measures on how they propose to promote the four licensing objectives to prevent disturbance and alcohol related nuisance.

Applicants must have considered what capacity their premise can accommodate with regard to public nuisance, public safety, and crime and disorder. This will be based on the space available, toilet facilities, level of door supervision and means of escape from fire.

The complexity and detail required in an operating schedule will depend upon the size, nature and use of the premises. However, prior to submitting an application, the Licensing Authority recommends that an applicant seek expert advice and guidance from all responsible authorities on matters relating to the licensing objectives as this will assist in completing their operating schedule. This will ensure the application is processed expeditiously.

The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants should make themselves aware of the Licensing Authority's Statement of Licensing Policy and in particular the issues that will need to be addressed in formulating an Operating Schedule.

LICENSING HOURS

Fixed Early Closing Times

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing conflict at late night food outlets, taxi ranks and other areas where there have previously been incidents of disorder and disturbance.

Hours of Sales in Off Licences

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the hours they intend to open for shopping purposes. However, as with all licensing matters where relevant representations are received the Licensing Authority will consider the application and for example impose conditions or limit the hours of operation where it is necessary to promote the licensing objectives.

Licensed Premises in Residential Areas

The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. In general, licensed premises and applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation.;

Drinking Up Time and Winding Down Time

In the interests of reducing crime and disorder and anti social behaviour, the Licensing Authority consider that it is reasonable that patrons have the opportunity to remain on the premises for a period of time to encourage 'wind down' where music ceases and the tone within the premises substantially changes.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

In the case of nightclubs and other similar dance venues, during the 30 minutes immediately after the service of alcohol ceases, the operator will be expected to have a clearly defined strategy of how they implement a 'winding down' time. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements, serving hot food, coffee

and other soft drinks, supervisors engaging positively with groups of patrons. This will help in ensuring that patrons do not exit the premises in an agitated state which is likely to increase the likelihood for crime and disorder.

Other measures which would assist in promoting the licensing objectives at closing time and which the Licensing Authority would usually expect to see addressed in the applicant's operating schedule are to have a dedicated taxi/private hire vehicle service for the premises to assist in facilitating the quick removal of patrons from the premises and the immediate area, also for door staff should be stationed outside the premises to direct patrons to booked taxis and generally encourage customers to leave quietly.

Late Night Refreshment

Late night refreshment can form an integral part of the operation of the premises and help reduce alcohol related crime and disorder and other anti-social behaviour within the vicinity of the premises.

Operators of late night refreshment premises will need to demonstrate clearly that nuisance, crime, disorder or other anti-social behaviour will not result as a consequence of their later operation.

Dispersal Policy

In cases where there is a likelihood that the local community living near a licensed premises will be disturbed by patrons leaving the premises, or where there is likely to be an impact on crime and disorder the licence holder will be expected to implement a dispersal policy.

Such a policy would set out the steps to be taken to minimise the potential for crime and disorder and public nuisance as customers leave the premises.

SEX ENCOUNTER ESTABLISHMENTS

The Policing and Crime Act has amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. This means that premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12-month period, in addition to any relevant entertainment, will be required to obtain a separate sex establishment licence, authorising such activity.

The Licensing Authority Sex Establishments Policy has been the subject of a separate public consultation and the adopted policy will stand alone to this Licensing Policy.

Where the promoter of a sexual entertainment venue wishes to provide any of the licensable activities as outlined in the Licensing Act 2003, in addition to the sexual entertainment, then a premises licence will also be required for that activity.

CHILDREN AND LICENSED PREMISES

The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Where relevant representations are received indicating that a particular application raises concerns under the Protection of Children from Harm licensing objective, access by children to all types of premises will not be limited unless it is considered necessary to do so and addresses the concern raised in representations..

Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided
- Where there is a strong element of gambling taking place
- With a known association with drug taking or dealing

- Where there have been convictions or other forms of proof of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

The Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule then, if relevant representations are made, the licensing authority can then consider making such restrictions as are deemed necessary to meet the licensing objectives.

Where the exhibition of film or video is permitted, the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification's recommendations in respect of the film/video to be exhibited. Only in exceptional cases will the authority consider variations of this general rule.

Conditions may be imposed, if not covered in other legislation on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

The options available for limiting access by children would include:

- A limit on the hours when children may be present
- A limitation or exclusion when certain activities are taking place
- The requirement to be accompanied by an adult
- Access may be limited to parts of the premises but not the whole
- An age limitation (for under 18s)

The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

The Licensing Authority will take strong measures to protect children where any licence holder is convicted or other forms of proof of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban, or may require limitations on the hours when children may be present, age limitations or conditions requiring an accompanying adult, exclusions during certain activities or of persons under 18.

If there are no relevant representations then an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule

The protection of children from harm includes the protection from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, in the context of film / video exhibitions, or where adult entertainment is provided.

The Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 - the British Board of Film Classification is the only body which has been so designated - or by the Licensing Authority itself.

NOISE & NUISANCE FROM LICENSED PREMISES

The Licensing Authority will assess each application having regard to noise and the likelihood of nuisance being caused to local residents.

The imposition of conditions to a premises licence may only be attached if such conditions are consistent with the operating schedule submitted as part of the application process, or if relevant representations are received.

The Licensing Authority may impose conditions in relation to licensed premises to prevent unnecessary noise, vibration and disturbance to local residents, as it considers appropriate subject to the submission of relevant representations. This may include sound proofing requirements, restrictions on times when music or other licensable activities take place and may include the use of sound limiting devices properly set to prevent noise breakout and disturbance. The Licensing Authority may impose conditions relating to the limitation of the hours of open-air entertainment, the use of outdoor areas, gardens and patios to control and prevent unnecessary noise and disturbance.

The Licensing Authority may impose conditions requiring the display of signs both inside and outside of the premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

FIRE SAFETY

The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application for, or variation of, a premises licence and seek to protect the safety of persons, both public and employees at all licensed premises by ensuring that the requirements of the Fire Authority are met.

In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.

The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

LICENSING CONDITIONS

Primary Considerations

The Licensing Authority recognises that it may not impose conditions (other than the mandatory conditions and those consistent with the applicants operating schedule) unless its discretion has been engaged following the receipt of relevant representations and upon it being satisfied of the necessity to impose conditions to promote the licensing objectives.

Where licensing conditions are imposed following relevant representations, they shall be necessary to promote one or more of the licensing objectives and proportionate having regard to the size, style, characteristics and activities undertaken. Any condition imposed must also be practical, achievable and enforceable.

The Licensing Authority recommends that responsible authorities draw up their own pool of conditions to assist licence holders and applicants in developing an operating schedule that is suitable and sufficient for their licensed premises.

Licensing conditions shall not seek to replicate the licensing offences set out in the Act but where appropriate conditions will be designed to deter and prevent crime and disorder, improve public safety; limit public nuisance; and protect children from harm.

With reference to the Protection of Children from Harm licensing objective, those conditions relating to the admission of children onto any premises remains a matter for the individual

licence holder or applicant and any prohibitions or restrictions should be set out in the operating schedule or responsible authority with responsibility for child safety issues.

All relevant representations will be considered during the decision making process unless they are considered to be not relevant to the licensing objectives, frivolous or vexatious or repetitious. When imposing conditions, the Licensing Authority shall consider the direct impact the activities taking place at the licensed premises will have on members of the public living, working or engaged in normal activity in the vicinity of the premises. In addition, the Licensing Authority shall focus on matters within the control of licensed operators on or outside the premises. Whilst "vicinity" has not been defined in the Act this Licensing Authority shall take a "common sense" approach and shall treat each application on its own merit. This same principle shall also apply to interested parties living in the vicinity that wish to make representations and also those who wish to support an application.

Where no relevant representations are made by any responsible authority or interested party the application will be granted and will only be the subject to such conditions as are consistent with the operating schedule accompanying the application and any relevant mandatory conditions required by the Act. The Licensing Authority reserve the right, where appropriate, to modify text or statements to reflect conditions that promote the licensing objectives but remain consistent with the operating schedule.

The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children and supports any relevant BBFC Guidelines and shall not seek to duplicate their recommendations. The Film Authorisation Procedure can be found on the Council's website. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

Performance of an Adult Nature

When an applicant does not give any indication on their premises licence application form as to whether or not they propose to hold any performance of an adult nature, the Council will include a condition on the premises licence that **'there will be no adult entertainment at this premise'** as being consistent with the operating schedule and necessary to promote the licensing objective of preventing children from harm.

ENFORCEMENT

Primary Considerations

The Licensing Authority has established protocols with the Police and other enforcing authorities. These protocols provide for the targeting of 'problem' and 'high-risk' premises with a proportionate, but vigorous and intelligence led enforcement approach. To premises which are shown to be well managed and maintained a 'lighter' approach is applied.

The Licensing Authority has adopted an Enforcement Policy that is available on the Council's licensing web site which adopts the good principles of consistency, transparency, proportionality and accountability set out in the Enforcement Concordat. The Licensing Authority conducts its inspection and enforcement procedures in accordance with the Hampton Principles and better regulation to ensure that it is effective, well targeted and contributes to economic progress.

No Smoking Legislation

The government introduced legislation to prohibit smoking in public places and workplaces. This includes all licensed premises both permanent and temporary structures such as tents and marquees.

The introduction of smoke freedom legislation has created problems for some licensed premises in respect to noise disturbance and nuisance. It is the responsibility of the premises licence

holder to ensure by proper management and control that, at all reasonable times, they minimise the effects on the surrounding residential property.

In many areas premises do not have the benefit of a beer garden or similar area which results in their customers having to smoke on the public pavement outside the front of the premises. The Licensing Authority acknowledge the potential problems in respect to crime and disorder that can arise as a consequence and would encourage the operator to contact the Police Licensing team in order to seek advice on how best to manage the risk of crime and disorder.

Where representations are submitted where the use of the outside of the premises i.e. beer garden, public pavement or thoroughfare, is a contributory factor, the Licensing Authority will give due consideration to imposing reasonable conditions that are designed to reduce noise nuisance and anti-social behaviour to local residents.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing Authority

The licensing function under the Act must be carried out by the Licensing Committee (Miscellaneous) (save for certain exemptions under the Act such as the setting of policy). This committee may further delegate its functions down to a Sub-Committee or officers.

Where the decision or function is purely administrative in nature in the interests of efficiency and effectiveness such decision making will for the most part be carried out by officers.

Set out in the table below is how the Licensing Authority intends its functions to be carried out:

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Applicants

Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule. To assist other policies and guidance sources are set out in Appendix 2 together with other useful references in Appendix 3.

RESPONSIBLE AUTHORITIES LIST

Applicants are required to submit the original licensing application to the licensing authority and send a full copy of the application (including plans) to each of the following responsible authorities numbered 1 to 7.

Where an application, or any part of it, is submitted in writing it is the responsibility of the applicant to ensure that a full copy of the application (including plans) has been sent to each of the following responsible authorities numbered 1 to 7. Where an application (for a premises licence, club premises certificate (or variations to the same) or provisional statements or Temporary Event Notice) has been submitted electronically copies of the application will be forwarded to the relevant responsible authorities by the Licensing Authority.

Licensing Authority

Licensing Team, Public Protection Service, Plymouth City Council, Floor 6, Civic Centre, Plymouth, PL1 2AA

Tel: 01752 305465 / 307981 / 307983

Fax: 01752 226314

E-mail: licensing@plymouth.gov.uk

Responsible Authorities – Contacts

(Non emergency calls only)

(1) **Child Protection, Child Protection Team**, Social Services, Ginkgo House, 156 Mannamead Road, Plymouth, PL3 5QL

Tel: 01752 306340

Fax: 01752 306344

Email: childprotect@plymouth.gov.uk

(2) **Police Licensing Team**, Devon & Cornwall Constabulary, Hampton Street, Charles Cross, Plymouth, PL4 8HG

Tel: 01752 720469

Fax: 01752 720487

Email: plymlc@devonandcornwall.pnn.police.uk

(3) **Devon & Somerset Fire & Rescue Service**, West Devon Headquarters, Glen Road, Plympton, Plymouth, PL7 3XT

Tel: 01752 333600

Fax: 01752 333640

Email: westfiresafety@devfire.gov.uk

(4) **Environmental Health**, Public Protection Service, Plymouth City Council, Floor 6, Civic Centre, Plymouth, PL1 2AA.

Tel: 01752 304141

Fax: 01752 226314

E-mail: public.protection@plymouth.gov.uk

(5) **Trading Standards**, Public Protection Service, Plymouth City Council, Floor 7, Civic Centre, Plymouth, PL1 2AA.

Tel: 01752 304141

Fax 01752 226314

E-mail: public.protection@plymouth.gov.uk

(6) **Health & Safety**, Public Protection Service, Plymouth City Council, Floor 6, Civic Centre, Plymouth, PL1 2AA.

Tel: 01752 304141

Fax: 01752 226314

E-mail: public.protection@plymouth.gov.uk

(7) **Transport & Planning Services**, Development Consents Manager, Plymouth City Council, Civic Centre, Plymouth, PL1 2EW.

Tel: 01752 304366

Fax: 01752 305523

E-mail: letters.of.representation@plymouth.gov.uk

In relation to vessels responsible authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities

Environment Agency

British Waterways Board

Secretary of State (for Transport)(who in practice acts through the Maritime & Coastguard Agency

Maritime & Coastguard Agency, Plymouth Marine Office, New Fish Market, Sutton Harbour, Plymouth, PL4 0LH.

Tel: 01752 266211

Fax: 01752 225826

E-mail: plymouthmo@mcga.gov.uk

APPENDIX 1 – SPECIAL POLICY

The five areas on the attached plans are areas that were identified by Devon and Cornwall Police or Environmental Health as being subject to high levels of alcohol related crime or nuisance. Following extensive consultation exercises, evidence was provided which satisfied the Licensing Authority that this Cumulative Impact Policy should be adopted in respect of these areas due to crime and disorder and/or public nuisance. This information was considered by Cabinet on the 16th November 2010 and City Council on the 6th December 2010.

The effect of this policy is to create a rebuttable presumption those applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these areas will normally be refused where:

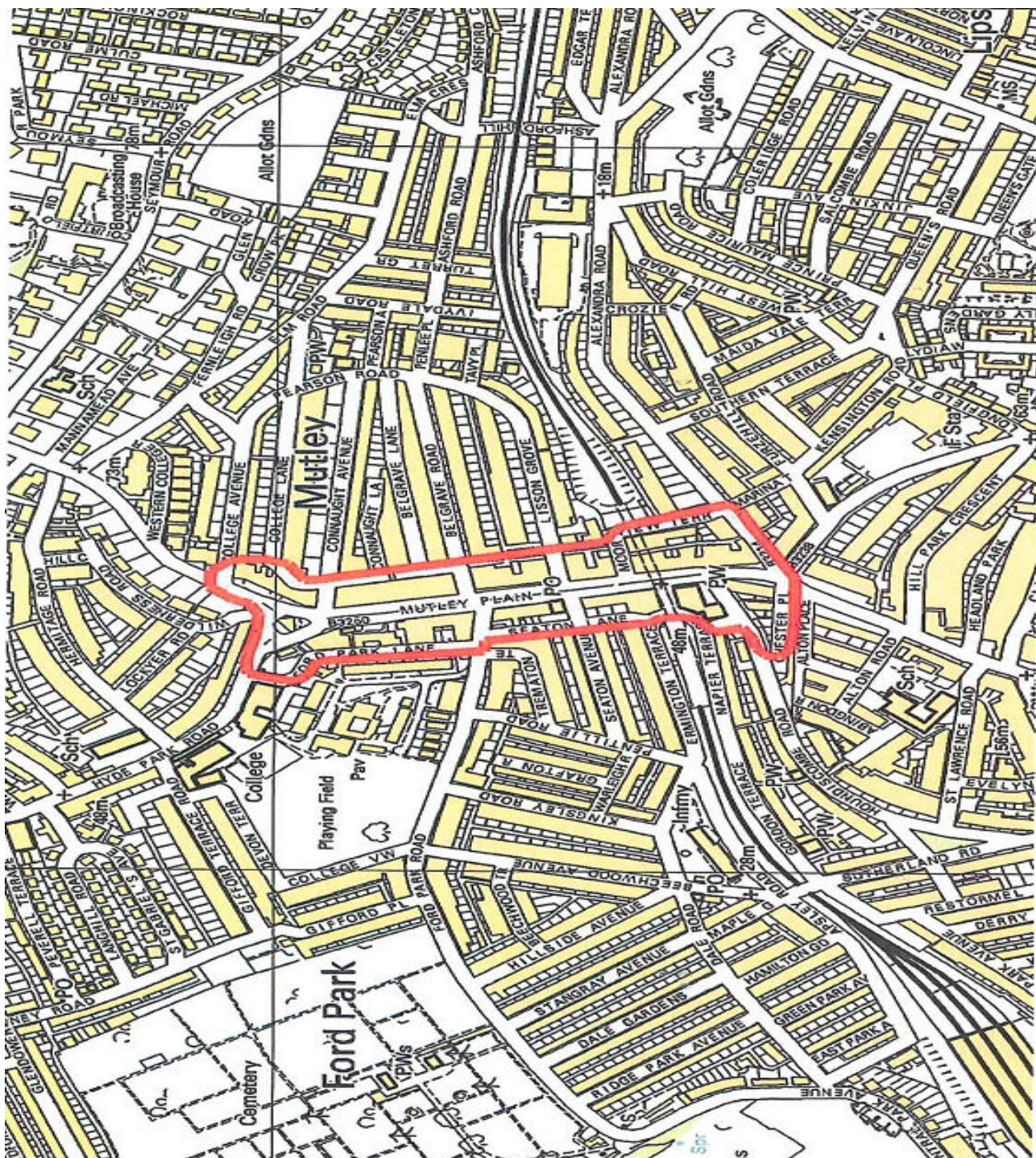
- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no negative cumulative impact on one or more of the Licensing objectives.

For example, while a large nightclub or high capacity public house might add to problems, a small restaurant or theatre may not. If no representations are received for an application within these areas the application must be granted, without the need for a hearing.

In order for this Policy to be utilized it will still be necessary for responsible authorities or interested parties to make relevant representations, referring to information, which was before the Licensing Authority when this special policy was developed. This must be done before the licensing authority can lawfully consider giving effect to this special policy.

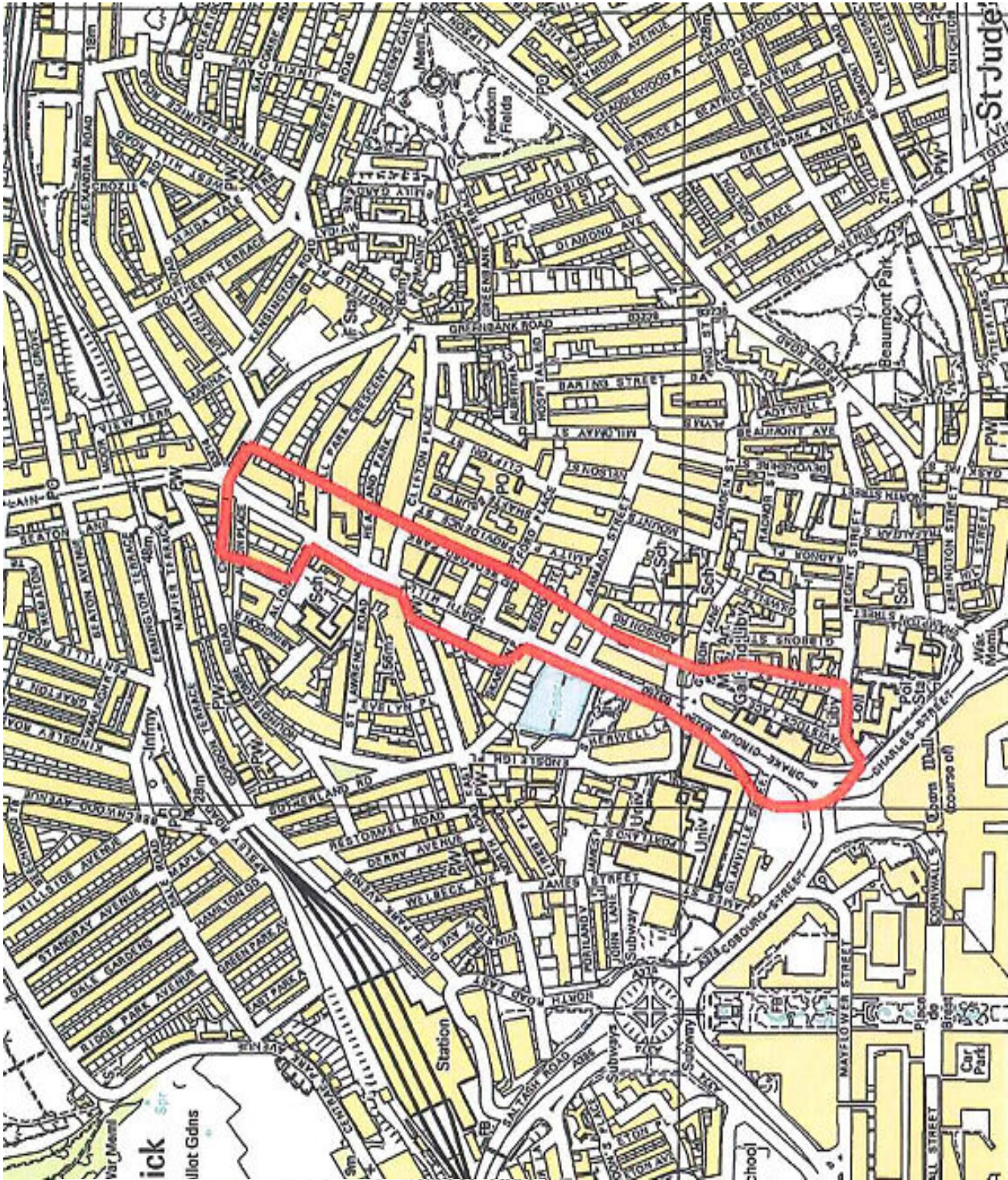
If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

This special policy forms part of Plymouth City Council's Licensing Policy and will be subject to regular review. It will form part of the formal reconsideration at each review of the Statement of Licensing Policy. If during any review it is clear that the original concerns regarding crime and disorder and public nuisance are no longer present the cumulative impact policy may be amended or removed.



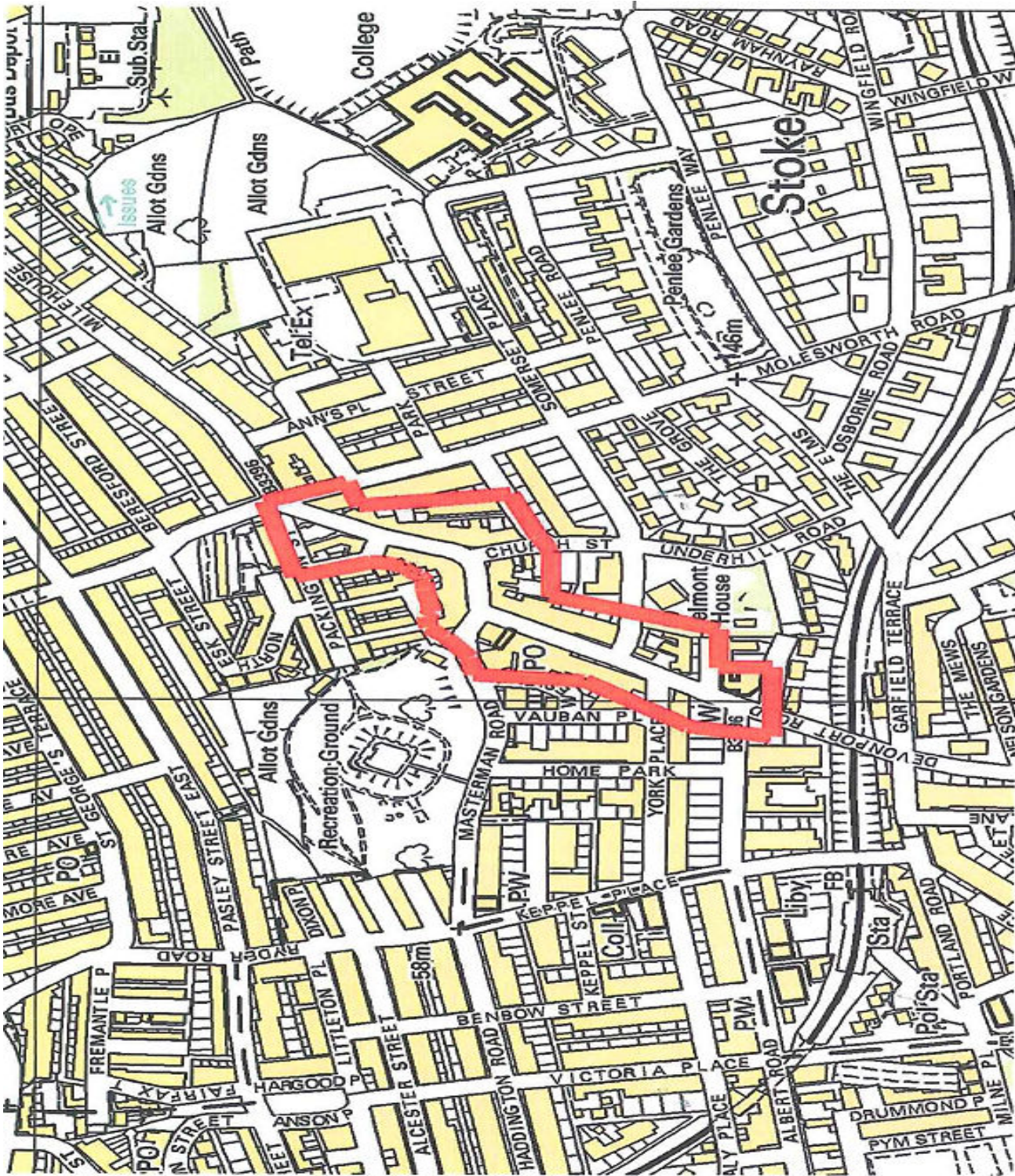
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Mutley Plain



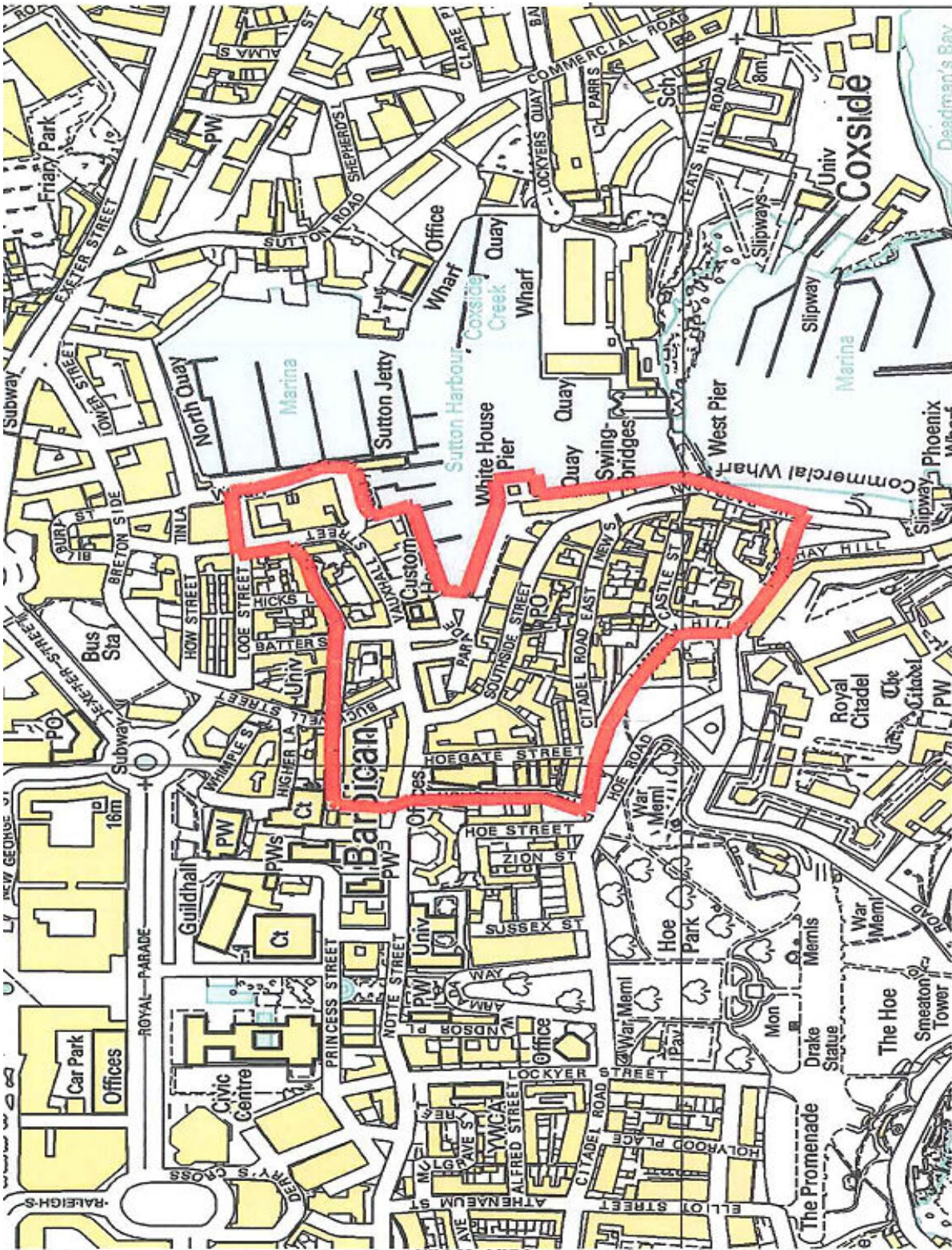
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North Hill



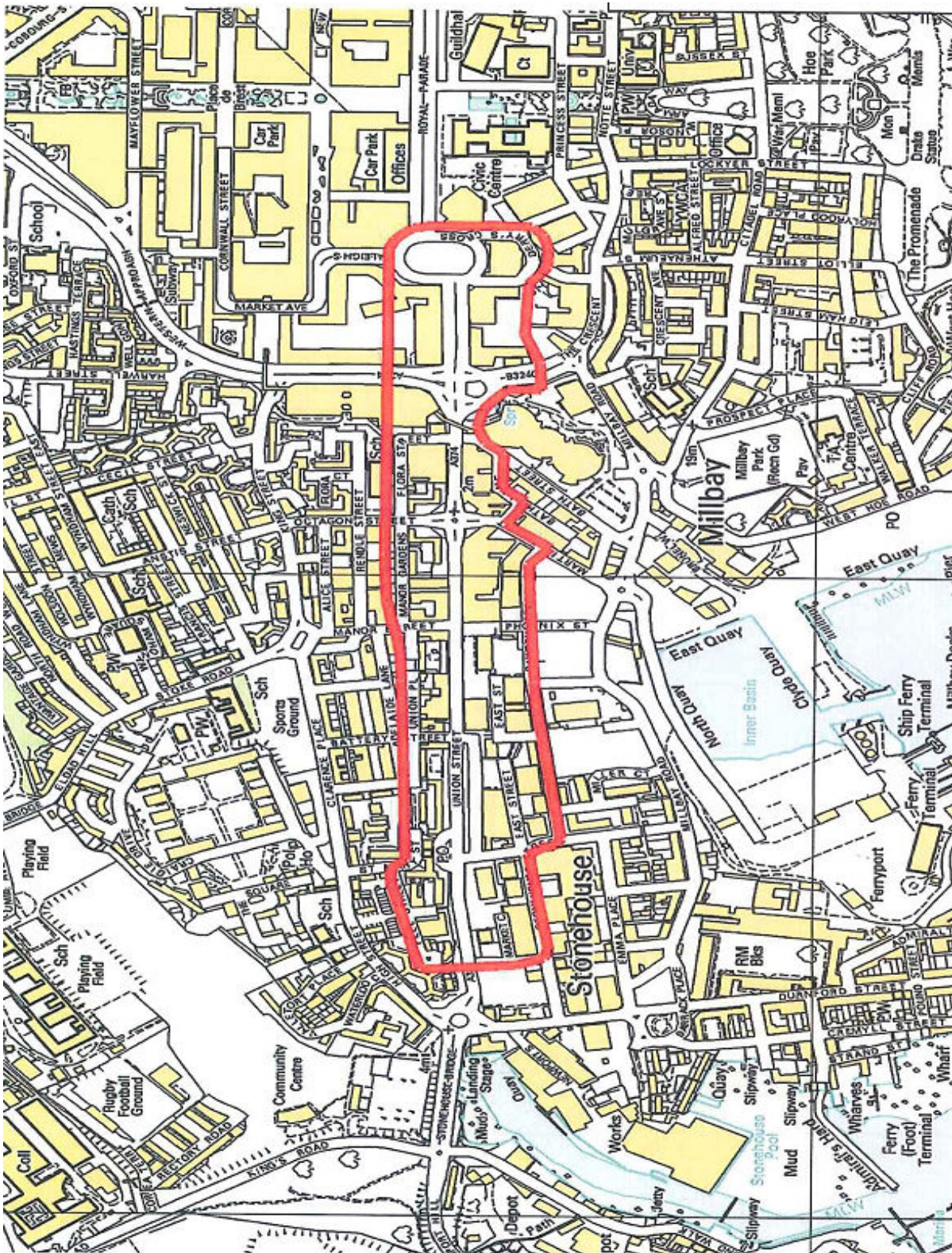
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Stoke Village



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Barbican



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Union St & Derry's Cross

APPENDIX 2

OTHER POLICIES, LEGISLATION, CASE-LAW AND GUIDANCE SOURCES

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

Relevant Plymouth City Council Strategies and Policies

The Vital Spark...- A Cultural Strategy for Plymouth

Local Transport Plan 2006 – 2011

Local Development Framework Strategy 2006 – 2021

Local Economic Strategy 2006 – 2021

Healthy Plymouth 2008 - 2020

Related Strategies and Policies

Alcohol Harm Reduction Strategy

Best Bar None

British Beer and Pub Association Partnerships Initiative

Community Safety Strategy

Crime & Disorder Reduction Strategy

Cultural and Tourism Strategies including promotion of live music and community events

Drugs and Alcohol Strategy

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

National and local Pubwatch schemes

[Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.](#)

Purple Flag (ATCM)

Safer Socialising

Related Legislation

Policing and Crime Act 2009

Anti Social Behaviour Act 2003

Crime and Disorder Act 1998

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

Clean Neighbourhoods and Environment Act 2005

Health Act 2006

Violent Crime Reduction Act 2006

Relevant case law regarding policy statements

Limits of licensing policy:

[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)

“Strict” licensing policies and exceptions to policy:

[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)

Cumulative impact policies and hours

[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)

Duplication and conditions:

[R \(on the application of Bristol Council\) v Bristol Magistrates' Court \[2009\] EWHC 625 \(Admin\)](#)

Extra-statutory notification by the licensing authority:

[*R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)*](#)

The prevention of crime and disorder: ambit of the objective

[*Blackpool Council, R \(on the application of\) v Howitt \[2008\]*](#)

Crime and disorder: sanctions on review: deterrence

[*Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]*](#)

Guidance Documents

[Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)

[Home Office Safer Clubbing Guide](#)

[Home Office Alcohol Disorder Zone Guidance](#)

[Home Office Designated Public Place Order \(DPPO\) Guidance](#)

[DCMS s182 Guidance](#)

[LACORS/TSI Code of Practice on Test Purchasing](#)

[The Event Safety Guide \(to be updated in 2011\)](#)

[Licensing large scale events \(music festivals etc\)](#)

[Managing Crowds Safely](#)

[5 Steps to Risk Assessment](#)

[The Guide to Safety at Sports Grounds](#)

[Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)

[UK BIDS: Business Improvement Districts \(national BIDS advisory service\)](#)

[BIS Code of Practice on Consultation](#)

[The Plain English Campaign](#)

APPENDIX 3

Useful References (organisations)

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

Association of Licensed Multiple Retailers (ALMR)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

www.bbfc.co.uk

British Institute of Inn Keeping (BII)

<http://www.bii.org/>

British Retail Consortium (BRC)

<http://www.brc.org.uk/default.asp>

Circus Arts Forum

www.circusarts.org.uk

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

www.culture.gov.uk

Equity

<http://www.equity.org.uk/>

Independent Street Arts Network

www.streetartsnetwork.org.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Justices Clerks' Society Good Practice Guide, Licensing

www.jc-society.co.uk

LACORS

<http://www.lacors.gov.uk/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Local Government Arts Officers

<http://www.nalgao.org/>

National Pub Watch

<http://www.nationalpubwatch.org.uk/index.php>

NOCTIS

(Formerly Bar, Entertainment and Dance Association (BEDA))

<http://www.noctisuk.org/>

The Portman Group

www.portman.org.uk