

PLYMOUTH CITY COUNCIL

Subject: Licensing Activity Report
Committee: Licensing Committee
Date: 7 June 2016
Cabinet Member: Councillor John Riley
CMT Member: Kelechi Nnoaham (Office of the Director of Public Health)
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Ref: ERS/LIC/
Key Decision: None
Part: I

Purpose of the report:

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

The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:

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

1. Growing Plymouth

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

2. Confident Plymouth

A safe and vibrant leisure economy will allow Plymouth to be positively marketed attractive destination both nationally and internationally.

3. Caring Plymouth

The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable

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

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

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

That member consider this report and note its contents

Alternative options considered and rejected:

None

Published work / information:

For more information please see the below links.

Licensing Policy http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf

Licensing Act <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

Sign off:

Fin		Leg	25696/ag/2 0/5/16	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes													

Enforcement Activity Report

1.0 Introduction

- 1.1 This report has been compiled to give Members of the Licensing Committee an update of the work undertaken by agencies involved in regulating licensable activities and in particular management of the Evening and Night Time Economy (ENTE). It will also outline specifically the work of the licensing team from the 1 April 2015 to the 31 March 2016.
- 1.2 The team receives approximately 1500 licensing applications pa covering the following areas:
- Alcohol and entertainment
 - Gambling
 - Sex Establishments
 - Petroleum
 - Explosives
 - Animal welfare
 - Charitable collections
 - Scrap metal
 - Caravan licensing

2.0 Licensing Act 2003

- 2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During the twelve months to the 31 March 2016, Officers processed the following number of applications:

	2014/15	2015/16
Licensing applications, transfers and variations	340	456
New Personal licences	174	197
TEN's (of which 100 were 'late' TEN's)	374	398

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

- 2.3 The Licensing Sub-Committee undertook the following activities:

	2014/15	2015/16
Applications or variations	11	6
Review of premises licences	3	2

- 2.4 On premises were found with a small quantity of non-duty paid alcohol which has been imported. The licensee accepted a simple caution in relation to this offence.

3.0 Licensing Act Fees

- 3.1 The Government have not progressed any action in relation to changes to the current fee system, which has not changed since introduced in 2005. The Local Government Association has recently surveyed licensing teams to obtain evidence of under-funding and to lobby for a fee review.

4.0 Legislative Update

4.1 Community Events and Ancillary Sellers -

The planned changes have yet to be introduced and the Home Office have given no indication of any commencement date.

The Community and Ancillary Sellers Notice (CAN) is designed to benefit particular small businesses and community groups who wish to sell or provide small amounts of alcohol in limited circumstances as an ancillary part of a wider service. For a low, one-off fee a CAN user will be able to sell a limited amount alcohol over the course of three years between the hours of 7am and 11pm.

- 4.2 These notices have complex limitations which will be difficult to monitor and there are concerns that it will provide greater availability for alcohol within the community.

4.3 Health Objective

The Department of Health and the Home Office continue to be lobbied for the introduction of the Health licensing objective. This is supported by Directors of Public Health, Police and the Local Government Association. There are still no indications from either Department regarding policy on this matter

4.4 Right to work checks

The Immigration Bill proposes to introduce changes the Licensing Act 2003. The changes are designed to reduce the potential of illegal working. The main changes will be:

- The Secretary of State will become a responsible authority
- Premises and personal licences can only be issued to those with the right to work in the UK
- Licences will lapse if the right to work is removed
- The employment of illegal workers may result in the review of a premises licence and a closure notice
- Immigration officers will have the power of entry to licenced premises

5.0 Public Safety and Public Nuisance

- 5.1 During 2015/16, 159 formal noise complaints were registered against licensed premises, which is very similar to previous years.

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

plan or minor variation with the agreement of the licensee. One licence was reviewed due to noise complaints.

- 5.3 An Out of Hours noise service operates between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving licenced premises. Specific visits outside of these hours can be made by arrangement where necessary.

6.0 Crime and Disorder/Policing

- 6.1 Alcohol continues to be a significant issue in violent crimes being a factor in over 70% of violence against the person crimes including Domestic Abuse in Plymouth.
- 6.2 The Police have dealt with nine venues classified as Problem Premises and have engaged in extensive negotiations and mediation to deal with concerns. None of these required application to review the premises license. They have also objected to five late temporary offence notices and made representations regarding 8 licensing applications requiring a committee hearing
- 6.3 The Police are actively engaged in supporting Plymouth Pubwatch, Barbican Pubwatch, Plymouth Licensing Forum, Best Bar None, the Drink Awareness Campaign and the Reducing the strength campaign partnerships and have engaged with other agencies to promote these initiatives
- 6.4 The Police are actively driving a safeguarding initiative engaging with venues and security firms with advice and training as to how to protect vulnerable females they are also supporting the club hostess initiative present in two venues within the city.
- 6.5 The Police have also developed a close working relationship with the Royal Navy Police section whereby they will turn up and deal with military personnel for minor offences not involving the general public. This initiative is showing good results as servicemen are now subject to more stringent and effective military sanctions. Earlier this year, in a joint operation organised by the Royal Navy Police, officers carried out Operation Whid. Two service dogs with their handlers were drafted into Plymouth, together with service and police officers visited a number of pubs and clubs, where licensing and drugs checks were completed. This was a successful operation resulting in two people dealt with for possession of drugs.

7.0 Protection of Children from Harm

- 7.1 The Police continue to try and reduce the access to alcohol, from on and off licenses to young people by means of neighbourhood interventions and advice to retailers. The number of test purchases was reduced this year due to conflicting advice regarding the RIPA (Regulation of Investigatory Powers Act) requirements. This has now been resolved and police are liaising with the Trading Standards Department to arrange a resumption of this tactic. In a recent operation two premises failed and were dealt with by way of a fixed penalty notice and a restorative justice outcome.
- 7.2 In addition as a result of the reducing alcohol campaign retailers are being reminded of their responsibilities by neighbourhood officers, Licensing Officers and Plymouth City Council Officers far more frequently. This is proving to be a slow ongoing initiative but is showing results with the majority of venues now engaging with the challenge 25 policy.

7.3 Businesses are supported to minimize the potential for under age sales. All licensed premises in Plymouth have free access to a regional under age sales web based training system for their staff. Model age verification policies have been provided and officers are available to provide one to one advice.

8.0 Public Health Mapping

8.1 Alcohol impacts on individuals, families and communities in a number of ways. Some of these impacts are difficult to distinguish and define and some are more tangible. Public health has developed an alcohol harm mapping resource that presents neighbourhood level mapping of a number of indicators including alcohol related crime and disorder and injuries associated with alcohol. The indicators are mapped against levels of deprivation and density of licensed premises to give a detailed picture of how communities in Plymouth are affected by alcohol. The intelligence provided in this mapping will be used to support the systematic assessment of licensing applications.

8.2 The public health team will provide examples of the new alcohol mapping, demonstrating the data and how this can be used in relation to alcohol licensing

9.0 Gambling Policy

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

9.2 The Gambling Commission issue operators licences and regulates the gambling practices of the industry. They have recently updated their licence conditions and codes of practice.

As of April 2016 existing operators and applicants will be required to complete a local risk assessment, covering the impact of their activities on the local community. Matters that may be considered include:

- Socio-economic makeup of the local community, including new developments as they happen
- Vicinity of sensitive buildings such as schools, youth clubs, hostels etc
- Type of usage of the premises
- Layout and size, position of access points
- Density of gambling activities
- Operating hours
- Staffing and supervision of the licenced area

The assessment must also consider how any risks will be mitigated and monitored.

From April 2016 Operators will also be required to introduce systems that allow a customer to make a single request to self-exclude from all operators within their area (normally where they live or work).

9.3 The Council's Licensing Policy was republished in January 2016. The new policy provided additional details regarding our expectations of these local gambling risk assessments. Councils will also have the discretion to create Local Area Profiles (LAPs). This will consist of local area data, which should be used by operators when completing their local risk assessments.

- 9.4 Work has already commenced on the production of a local area profile for Plymouth. This will be based on a pilot project undertaken by Westminster and Manchester Councils. The aim is to identify areas of vulnerable sections of our communities. This will be based on data but also on feedback from local stakeholders. Profile maps similar to the alcohol maps will be created. These will then be used to check the suitability of the operators gambling risk assessments and when considering the suitability of any new applications.
- 9.5 The Licensing Committee has delegated responsibility for the setting of annual fees payable by gaming establishments. The latest fees were approved by Members on the 14 February 2011 and an update in June 2015 to remain at the maximum levels specified by Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Income generated has remained stable since its introduction.
- 9.6 Income for 2015/16 totalled £53,500 with expenditure for 2016/17 estimated to be the approximately £53,000. The committee on the 14 February 2011 resolved that the fees would not be reviewed unless the difference between future fee income and future expenditure is 10% or more. As such fee levels will remain at the maximum level. The major areas of work planned for gambling are outlined in paragraph 13 and there will be significant costs in developing the local area profiles.

10.0 Sex Establishments

- 10.1 A new Sex Establishments Policy was approved by Council on the 30 January 2012, effective from the 5 March 2012. This brought premises such as lap dancing clubs within the legislative control of the Local Government (Miscellaneous Provisions) Act 1982 as opposed the Licensing Act 2003.
- 10.2 Originally two lap dancing clubs and two sex shops were licenced, but subsequently only one of each remains in business.

11.0 Scrap Metal Dealers

- 11.1 The Scrap Metal Dealer's Act 2013 reformed licensing requirements and was designed to curtail the profitable activities of metal theft. These changes prevent cash transactions (which are not traceable) and revised police powers of entry to check that these prohibitions are being complied with.
- 11.2 Licenses are due to be renewed this year and so far no issues have been identified.
- 11.3 The new system has been very effective in reducing scrap metal theft and the new records kept by operators have been useful to the Police when investigating other crimes.

12.0 Partnership Working

- 12.1 The responsible authorities meet on a regular basis to discuss enforcement options and consider strategies for dealing with 'problem premises'. Premises operating in the evening and night time economy (ENTE) continue to receive constructive advice from enforcement agencies such as Licensing, Environmental Health, Fire Service, Trading Standards and the Police to help encourage a responsible ENTE.
- 12.2 Interventions include unannounced and announced visits to assess the licensed premises against licensing conditions and other workplace regulations. The licensees, managers and staff are encouraged to participate in community schemes for the licensed trade such as Best Bar None, Pubwatch and the Licensing Forum.

- 12.3 Officers from all enforcement agencies undertake joint inspections where appropriate to ensure a consistent approach to enforcement is maintained and demonstrates to the licensee and designated premises supervisor that agencies work together. Enforcement agencies also undertake night-time inspections in order to assess how licensed premises comply with their regulatory responsibilities.
- 12.4 The Licensing Team and Police continue to support Pubwatch schemes and are a member of the Best Bar None Steering Group. Additional time is now being devoted to multiagency working on safeguarding, modern slavery/exploitation and hate crime projects.

13.0 Work Initiatives for 2016/17

- 13.1 The responsible authorities will continue to support licensed premises to ensure that they are best placed to contribute towards providing a positive and well managed ENTE. Ongoing work with Planning will assist in the development of the Plymouth Plan and supplementary planning guidance in relation to the ENTE.
- 13.2 All agencies will continue to meet to discuss enforcement strategies, best practice and on-going operations to ensure that resources are best targeted at those premises that contribute significantly to undermining the licensing objectives.
- 13.3 Significant areas of work will be:
- Introduction of right to work checks
 - Joint working to detect, deter and disrupt modern slavery and exploitation
 - Work jointly with the Police to reduce hate crime
 - Continue with on the voluntary reducing the strength campaign
 - Undertake a programme of alcohol and gambling test purchasing operations
 - Review policies and approaches following the information gained from the alcohol mapping
 - Produce the local area gambling profiles and promote the new national self-exclusion schemes
 - Audit all gambling risk assessments against the new gambling profiles
 - Renew all scrap metal licences
 - Review the Street Trading Policy

14.0 Insight Patrols

Opportunities exist for Committee members to be escorted around the night time economy to observe the operation of business, see how the night time economy is managed, and observe the operation of street pastors and the CCTV system and Policing methods. Officers can liaise with the Police to facilitate these evening visits should any members wish to take up this opportunity.

15.0 Conclusion

- 15.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by enforcement agencies responsible for regulating the evening and night time economy throughout 2015/16. In addition to provide details of the work initiatives planned for the coming year and how partner agencies will continue to interact to ensure that limited resources are targeted effectively.

- 15.2 Officers in tandem with the police will arrange an 'in-sight' patrol for any Members who would like to visit the ENTE areas at night, which would include access to the CCTV control room.