

## PLYMOUTH CITY COUNCIL

**Subject:** Licensing Activity Report  
**Committee:** Licensing Committee  
**Date:** 05 December 2017  
**Cabinet Member:** Councillor John Riley  
**CMT Member:** Dr Ruth Harrell (Office of the Director of Public Health)  
**Author:** Rachael Hind (Service Manager)  
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**Ref:** ERS/LIC/  
**Key Decision:** None  
**Part:** I

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### **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.

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### **Our Plan - One City Council 2016 to 2019:**

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.

See [Our Plan](#)

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

Not applicable

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**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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? N/A

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**Recommendations and Reasons for recommended action:**

That member consider this report and note its contents

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**Alternative options considered and rejected:**

None

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**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003 - April 2017](#)

**Background papers:**

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

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**Sign off:**

Fin		Leg	29458/ag/2 2.11.17	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report?													

## 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 2016 to the 31 March 2017 and the 1 April 2017 to the 18 November 2017.
- 1.2 The team received approximately 2487 licensing applications in 2016/2017 and 1043 from 1.4.17 to 18.11.17 covering the following areas:
- Alcohol and entertainment
  - Gambling
  - Sex Establishments
  - Petroleum
  - Explosives
  - Animal welfare
  - Charitable collections
  - Scrap metal
  - Caravan licensing
  - Body and Beauty Art

### 2.0 Licensing Act 2003

- 2.1 Licensing Officers with administrative support, undertake all aspects of the licensing function covered by the Licensing Act 2003. During the 2016 financial year and the 7 ½ months until 18 November 2017, Officers processed the following number of applications:

Licence Type	2016/2017	01/04/17 – 18/11/17
Licensing applications, transfers and variations	503	278
New Personal licences	224	100
TEN's	400	223

- 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	2015/2016	2016/2017	01/04/17 – 18/11/17
Applications or Variations	11	6	8	5
Review of premises licences	3	2	1	3

### **3.0 Licensing Act Fees**

- 3.1 Licence fees are prescribed in regulations (the Licensing Act 2003 (Fees) Regulations 2005). The fees paid in respect of applications for new premises licences and club premises certificates; applications for full variations to premises licences and club premises certificates; and annual fees in respect of premises licences and club premises certificates vary dependent on the national non-domestic rateable value (NNDR) “band” of the premises.
- 3.2 The government does not intend to change the existing fees regime in the immediate future. It notes that the revaluation of business rates that came into effect in April 2017 resulted in increased rates for many licensed premises, with an additional impact in some cases of those premises moving up a fee band, meaning an increase in business rates and licensing fees as a result.

### **4.0 Legislative Update**

#### **4.1 Community Events and Ancillary Sellers -**

The government has given further consideration to these but has not committed to repealing it.

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.

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.

#### **4.2 Minimum Pricing**

This is under review and the Government were waiting for the result of a legal case between the Scottish Government and the Scotch Whisky Association. The government successfully won this case and so we await an update.

- 4.4 **Super strength alcohol and the responsibility deal** – the Government intends to deal with excessive alcohol consumption through taxation and to continue working in partnership with the industry.

#### **4.5 Health Objective**

This is not intended to be added in future, however we liaise closely with our colleagues in ODPH and update the Alcohol Profile to ensure the most up to date information is available to support representations.

#### **4.6 Right to work checks**

Under the measures, brought in as part of the Immigration Act 2016, immigration checks are now part of the process for applying for a licence. From 6 April 2017, a premises or personal licence will not be issued to anyone who does not have permission to be or work in the UK. Being granted a licence and continuing to hold it will also be reliant on complying with the UK’s immigration laws.

Additionally, the Home Office are now classed as a “Responsible Authority” and are consulted in the same way as the police before a licence is granted. If a business has any immigration offences and civil penalties, these will be considered as part of the licence application, and as a ground for making a formal request to a licensing authority for a licence to be reviewed.

Since implementation of the requirements to the current date no applications have been received by the Licensing Team where it has been established that the applicant does not have a right to work in this country.

## 5.0 Public Safety and Public Nuisance

- 5.1 During 2016/17, and from the 1<sup>st</sup> of April 2017 until the date of this report 134 and 77 (respectively) 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.
- Two premises licences (The Plymstock Inn and The Clarence) were reviewed in this financial year due to public nuisance and public safety.
- 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.

	2016/2017	01/04/17 – 18/11/17
Total Calls to Service (Domestic & Licensing)	305	166
Calls Relating to Licensed Premises	86	44

## 6.0 Protection of Children from harm

- 6.1 The Police continue to try and reduce the access to alcohol, from on and off-licences to young people by means of neighbourhood interventions and advice to retailers. The number of test purchases was reduced this year due to conflicting advice regarding the RIPA (Regulation of Investigatory Powers Act) requirements. This has still not been resolved.
- 6.2 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.
- 6.3 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.

## 7.0 Public health mapping

- 7.1 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 is used to support the systematic assessment of licensing applications.
- 7.2 The alcohol harm neighbourhood profiles have been updated in 2017 and can be found on the Council website at:

[https://www.plymouth.gov.uk/sites/default/files/Alcohol%20harm%20mapping%20Plymouth%20neighbourhood%20profiles%202017\\_0.pdf](https://www.plymouth.gov.uk/sites/default/files/Alcohol%20harm%20mapping%20Plymouth%20neighbourhood%20profiles%202017_0.pdf)

## **8.0 Gambling Policy**

8.1 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.

8.2 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 are 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.

Operators are 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).

8.3 The Councils 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.

8.4 We have drafted a local area profile for Plymouth and this will be launched in the New Year. Profile maps similar to the alcohol maps have been 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.

8.5 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.

## **9.0 Sex Establishments**

9.1 The current 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.

9.2 Originally two lap dancing clubs and two sex shops were licenced, but subsequently only one of each remains in business

## **10.0 Scrap Metal Dealers**

- 10.1 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.
- 10.2 Licenses were renewed in 2016 with no major issues being identified.
- 10.3 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.

## **11.0 Partnership Working**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 The Licensing Team are members of Safer Plymouth and delivered a presentation at the 'Safe Night Out' Conference in June 2017. The ENTE and Alcohol Harm Reduction Subgroup is also being revisited in December.

## **12.0 Work Initiatives for 2017/18**

- 12.1 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
- 12.2 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.

### 12.3 Significant areas of work will be:

- Continue our joint working to detect, deter and disrupt modern slavery and exploitation
- Continue the joint working with the Police to reduce hate crime
- Continue with on the voluntary reducing the strength campaign
- Undertake a programme of alcohol and gambling test purchasing operations
- Publish the local area gambling profiles
- Audit all gambling risk assessments against the new gambling profiles
- Safeguarding training for gambling establishments to be arranged.
- Training of the Taxi Marshalls that will be appointed for the Barbican to assist with the ENTE.
- Reinstatement of the Event Safety Advisory Group and ENTE and Alcohol Harm Reduction Sub Group.

### 13.0 Conclusion

- 13.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement operations undertaken by the Licensing Team for regulating the evening and night time economy throughout 2016/17. 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.