

PLYMOUTH CITY COUNCIL

Subject: Licensing Activity Report
Committee: Licensing Committee
Date: 19 June 2018
Cabinet Member: Councillor Sally Bowie
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

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 Corporate Plan:

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](#)

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? N/A

Recommendations and Reasons for recommended action:

That members consider this report and note its contents

Alternative options considered and rejected:

None

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

Sign off:

Fin		Leg	30628/ag/8 .6.18	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 2017 to the 31 March 2018. The team received approximately 2404 licensing applications in 2017/2018 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 2017/18, Officers processed the following number of applications:

Licence Type	2016/2017	01/04/17 – 31/03/18
Licensing applications, transfers and variations	503	464 (plus 216 suspensions)
New Personal licences	224	139
TEN's	400	436

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.

2.3 212 Licensing Inspections were completed between April 17 and March 2018 and 53 Licensing Act applications required representations from Environmental Health and Trading Standards.

2.4 The Licensing Sub-Committee undertook the following activities:

	2014/15	2015/2016	2016/2017	01/04/17 – 31/03/18
Applications or Variations	11	6	8	7
Review of premises licences	3	2	1	4
Expedited review applications	0	0	1	1

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 Licensing Act Policy

- 4.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Policy was last approved on 31 March 2014 and will require a review again this year. The Cumulative Impact Assessments will also have to be reviewed.

5.0 Public Safety and Public Nuisance

- 5.1 During 2017/18, 104 formal noise complaints were registered against licensed premises, which is slightly lower than 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 The out of hours noise service, staffed on a voluntary basis, continues to operate between 8pm and 1am on Friday and Saturday nights to respond to noise complaints involving domestic and licensed premises. Proactive licensing visits and inspections of licensed premises are also conducted at these times and specific visits outside of these hours can be made by arrangement where necessary.

	2016/2017	2017/18
Total Calls to Service (Domestic & Licensing)	305	199
Calls Relating to Licensed Premises	86	47

6.0 Protection of Children from harm

- 6.1 The Police and Trading standards continue to try and reduce the access to alcohol, from on and off-licences to young people by means of neighbourhood interventions and advice to retailers. 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 the Licensing Team will liaise with the Police and Trading Standards to arrange test purchase operations during the year.
- 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.
- 6.3 Businesses are supported to minimize the potential for under age sales and are encouraged to use a Challenge 25 policy. All licensed premises in Plymouth have free access to a regional

under age sales web based training system for their staff and all have been written to in April reminding them of this training tool. 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 were 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

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.

Inspections are carried out throughout the year to ensure our establishments are fully compliant and some joint inspections are completed with the Gambling Commission which ensures consistency across the Country.

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.

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 licensed area

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

8.3 The Councils Gambling Licensing Policy was republished in January 2016 and is currently being reviewed as it needs to be republished in January 2019. The draft new Gambling Licensing Policy will undergo consultation with the responsible authorities including public health, the safeguarding board and the police.

8.4 We have drafted a local area profile for Plymouth and this will be launched with the new Gambling Licensing Policy. 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. These fees will need to be reviewed again this year.

8.6 **Multi Operator Self Exclusion Scheme (MOSES)**

The Gambling Industry introduced an online multi-operator self-exclusion scheme in April 2018. The scheme notifies all operators in a certain area, of the customers that have requested to be excluded from their premises. The scheme also prevents customers from using websites and apps to gamble. The scheme means that anyone who wants to exclude for all gambling only needs to complete the self-exclusion process once, as operators will be centrally linked to the scheme. Further information can be found at <https://www.gamstop.co.uk/>

8.7 **Fixed Odds Betting Terminals – Changes to Maximum Stake**

The Department for Digital, Culture, Media and Sport announced on 17 May 2018, that the Fixed Odds Betting Terminal maximum stake is to be reduced from £100 to £2. Changes to current stake and prize limits will be introduced through secondary legislation which will require parliamentary approval.

Problem gambling can devastate individuals' lives, families and communities. The Minister for Sport and Civil Society said 'it is right that we take decisive action now to ensure a responsible gambling industry that protects the most vulnerable in our society. By reducing FOBT stakes to £2 we can help stop extreme losses by those who can least afford it. While we want a healthy gambling industry that contributes to the economy, we also need one that does all it can to protect players'.

In addition to the reduction to FOBT stakes, the Government has confirmed that:

- The Gambling Commission will work with the industry to improve player control measures, including the potential ending of sessions where player limits are met and explore in more detail the costs and benefits of tracked play on B1 and B3 machines in other premises.
- Current stake and prize limits for all other gaming machines are to remain as existing for the time being.
- An uplift to stakes and prizes for prize gaming is to be made.
- The Gambling Commission will toughen up protections around online gambling including stronger age verification rules and proposals to require operators to set limits on consumers' spending until affordability checks have been conducted.
- A major multi-million pound advertising campaign promoting responsible gambling, supported by industry and Gamble Aware, will be launched later this year.
- The Industry Group for Responsible Gambling (IGRG) has amended its code to ensure that a responsible gambling message will appear for the duration of all TV adverts.
- Public Health England will carry out a review of the evidence relating to the public health harms of gambling.
- As part of the next licence competition the age limit for playing National Lottery games will be reviewed, to take into account developments in the market and the risk to harm to young people.

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 to 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 Two scrap metal dealers licences were revoked this year due to the Site Managers receiving convictions. One was a member of a gang involved with dealing £9 million worth of cannabis in the City and the other was revoked following a conviction for stealing £281,470 worth of vehicles and tools.
- 10.3 We also take part in joint Operations during the year with other agencies including the Police and Environment Agency to check scrap metal collectors are compliant.

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 the ENTE and Alcohol Harm Reduction Subgroup which was reinstated this year.

12.0 Plymouth Event Safety Advisory Group (PESG)

The Plymouth Event Safety Advisory Group (PESG) has been reinstated this year to consider high risk or large scale public events and their requirements. The Group's remit includes safety at sports grounds not regulated through the Safety of Sports Grounds Act, large music events, firework displays, carnivals, parades and other large scale events of a similar nature. Water borne events will be considered in so far as the land side and land / sea interface activities.

Small scale events will be considered where they pose a potential risk to public safety.

Meetings are arranged every month and we have met with two event organisers to discuss large events that are being arranged for the summer. Following the meeting, a letter is sent to the event organisers outlining the recommendations from the group. The event organisers

may also be asked to attend ESAG to debrief and consider further recommendations from the group for future events.

13.0 Work Initiatives for 2018/19

- 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:
- 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
 - Consultation and adoption of the new Gambling Policy and Licensing Policy
 - Publish the local area gambling profiles
 - Audit all gambling risk assessments against the new gambling profiles
 - Safeguarding training for gambling establishments to be arranged.
 - Ongoing training of the additional Taxi Marshalls that have been appointed to assist with the ENTE.
 - Chair the Event Safety Advisory Group and attend the ENTE and Alcohol Harm Reduction Sub Group.

14.0 Conclusion

- 14.1 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 2017/18. 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.

15.0 Police Licensing Activity Report

- 15.1 Attached in Appendix One is a report from the Police Alcohol Licensing Officer who is also invited to present information to the Committee at this meeting.

DEVON AND CORNWALL CONSTABULARY

From: David McIndoe
Alcohol Licensing Officer
Charles Cross Police Station
Plymouth

To: Sgt 14751 Moore
Licensing Sgt
Charles Cross Police Station
.Plymouth

Tel No:

Ref.:

Your Ref.:

Date: 23rd May 2018

Subject: POLICE LICENSING REPORT APRIL 2017 – APRIL 2018

Sergeant,

In response to your request I have searched the Devon and Cornwall licensing System and can provide you with the following details regarding our activities over the last twelve months.

We have dealt with :-

- 37 applications to grant premises licence and negotiated appropriate conditions with each
- 50 applications to transfer premises Licences
- 1 applications to vary Club Premises certificates
- 12 variations of Premises Licences
- 113 variations of DPS 4 of these applications were rejected following intervention
- 269 Temporary Event Notices of which 3 were withdrawn following negotiations
- 152 Late Temporary Event Notices 18 of which were rejected
- 30 Minor Variations
- 1 applications for Club Premises Certificates

In addition we have we have appeared before the Plymouth City Licensing Committee to make representations on 2 occasions with applications for a review of the premises Licences.

We have also dealt with 6 venues classified as Problem Premises and have engaged in extensive negotiations and mediation to deal with concerns.

We are actively engaged in effectively working in partnership with Plymouth Pubwatch, Plymouth Licensing Forum and the Plymouth Best Bar None schemes. We now have the ability to quickly circulate details and advice to these organisations, in return we are seeing a marked improvement in the standard of management of licensed premises and a reduction in the reports of offences actually taking place within them.

We have also actively engaged with Door Supervision companies and have provided training and support where appropriate, with the improved communication we have identified a number of unsatisfactory doormen who have either been sacked by the companies or had their licence suspended by the SIA.

In addition we are promoting the Reducing the Alcohol Campaign City Wide and are identifying premises which decline participation but are clearly linked to Anti – Social Behaviour. We will be visiting these premises to further discuss their options. This is an ongoing initiative.

The major events such as MTV Crash have proved particularly successful and trouble free this year, The close liaison between police and the council events planning team enabled us to negotiate out the problems identified at previous events and have eliminated a lot of the concerns.

We have worked very closely with the University of Plymouth this year to establish a working relationship and involvement in the planning of their events. This has already proved beneficial. It has included advice and training re safeguarding issues and the provision of safe rooms and mentors within the Student Union bar.

This year has seen the successful introduction of the ask Angela campaign and recently the reintroduction of the Taxi Marshal scheme both designed to safeguard vulnerable people.

We have engaged in a number of local operations with our neighbourhood policing Teams which have proved extremely successful, the most notable being information regarding the use of drugs and presence of weapons at the OFFICE public house in High Street Stonehouse. As a result of our work a warrant was executed, it did not recover any drugs however it did trigger the dismissal of the manager, the eviction of a known drug dealer and the possibility of closure in the near future.

In addition it sent shock waves through the Licensed Trade in Plymouth which since the date of the warrant has been decidedly more professional.

Unfortunately there were two fatalities at Pryzm involving Drugs, and one fatality at the Clarence Public House in Stonehouse where a man died after being punched

This highlights the dangers inherent in the night time economy, in the first incident the organisation and professionalism of the management provided first class medical aid however no amount of treatment could avert the outcome.

In the second there was no professionalism and the incident was a result of intoxication, as a result following our intervention the DPS and Premises Licence Holder decided to leave and transfer the licence. The Clarence is now a public house causing no concern whatever.

We have achieved a significant number of successes this year. As a result of the current working relationship with the licensed trade we have not had to proceed to review procedures in the majority of cases. We see this as a success and intend to

build on this to provide a safe enjoyable atmosphere in the Evening and Night Time Economy.

Submitted for your information

D McIndoe

D McIndoe
55474 Alcohol Licensing Officer