

STATEMENT OF LICENSING POLICY

Licensing Act 2003



PLYMOUTH
CITY COUNCIL

DRAFT

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INTRODUCTION

Plymouth is one of the largest cities on the south coast and the 15th largest city in England with a population of approximately 262,700, an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016).

Plymouth is 'Britain's Ocean City', its connections to the sea go back to the sailing of the Mayflower in 1620 and now include western Europe's largest naval base, a thriving commercial and ferry port, a significant fishing industry, and one of the most significant global concentrations of marine research and production.

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 (Please refer to Figure 1). 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.

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 (Mackay Vision 2003).

Plymouth has a rich combination of heritage and natural beauty in what is a thriving maritime city that attracts millions of visitors. Plymouth aims to be one of Europe's most vibrant ocean cities where an outstanding quality of life is enjoyed by everyone.

As the Licensing Authority for Plymouth, Plymouth City Council recognises that the provision of entertainment and hospitality is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant ocean City, which in turn continues to be a major employer. Responsible businesses 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.

Figure 1: The Plymouth City Council boundary



PURPOSE OF THIS POLICY

Section 5 of the Licensing Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 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 fourth review of our Licensing Policy and following a public consultation City Council resolved to approve the revised policy on the 31st March 2019 to be effective from the 1st April 2019 for the next 5 years.

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

1. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.
2. 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.
3. 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.
4. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.

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.

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:

1. Retail sale of alcohol
2. Supply of alcohol by or on behalf of club members
3. Provision of Regulated entertainment i.e. entertainment (unless exempted by the Act) which is provided for the public, club members or for consideration with a view to profit
4. 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.

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.

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 individual 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 legislation

- 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 and dispersal powers
- 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.

GENERAL MATTERS

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

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 recognises that it operates 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.

For the purposes of the Act Plymouth Safeguarding Children’s Board is the responsible authority in relation to the protection of children from harm

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 - <https://www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/licensingregister>.

Alternatively the register may be viewed at First Stop, 71 New George Street, Plymouth or any Plymouth Library 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.

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, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting the licensing objectives.

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

The Council must also have regard to its duties under section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. These regulatory regimes will be properly separated as described in the Revised Guidance (paragraph 13.57). This suggests that application for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.

Culture and Leisure

The Licensing Authority recognises the need to encourage the promotion and development of a broad range of entertainment. The Licensing Authority would wish to promote a diverse range of different types and styles of entertainment, 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 sections 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 no 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 appropriate 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.

Promotion of Equality

This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An equalities impact assessment has been completed and the actions of the Licensing Authority will be undertaken with due regard to equality obligations.

Safeguarding

The Council recognises that promoting the welfare of children, young people and adults with care and support needs and protecting them from harm and exploitation is everyone's responsibility. Applicants; licensees; employees in licensed premises; responsible authorities; elected members; other local businesses and communities; everyone who has dealings with children, young people and adults with care and support needs - we all have a duty to report matters of concern to the relevant authorities. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and the ongoing use of the licence/notice.

Appendix 3 provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child exploitation and trafficking.

Plymouth Plan for Plastics

Plymouth City Council expect businesses to review their plastic use and stop using where possible items such as plastic straws, stirrers, bottles, disposable cups, takeaway packaging, cutlery and cling film. Businesses should work with suppliers to find alternative packaging that is biodegradable and speak to their waste contractors to ensure they maximise their recycling.

S.182 Statutory Guidance

The Licensing Authority has had regard to guidance issued by the Secretary of State under Section 182 of the Act in formulating this policy. Any decision taken in discharge of its licensing functions will have regard both to the Section 182 guidance and this 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 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;

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. 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.

The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage. (April 2018 Revised Guidance paragraph 1.16). Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

Where it is appropriate to promote these licensing objectives the controls the licensing authority and responsible authorities will expect to see include:

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 and responsible retailing
- Means of providing free water
- 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. Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements.
- Adequate Lighting
- Design premises to minimise the opportunity for crime and disorder
- 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

- Provision of a means of communication to other venues and the Police

Public Safety:

- Promotion of responsible drinking
- Awareness of drink spiking
- Zero tolerance drug policies including the maintenance of an incident log; signage; staff training; appropriate use of searching/amnesty boxes to combat drug crime; an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding. Special arrangements for large events.
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation / temperature control
- Assessment, monitoring and management of noise exposure
- Assessment of crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water
- Maximum occupancies
- Participating in safety incentives such as 'Ask Angela Campaign'

Prevention of Public Nuisance:

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light.
- 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.
- Litter collection in vicinity
- Fly posting and promotional material throughout the city
- Disposal of waste, particularly recycling of glass and plastics
- Use and maintenance of plant, including air extraction and ventilation systems
- Consideration of an adequate traffic management plan.
- 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 a proof of age scheme such as Challenge 25
- Adequate staff training on age restricted sales
- Adequate warning signage
- All external areas to be routinely monitored to prevent children from being at risk from harm
- Measures to avoid proxy sales
- Control measures to protect child performers
- Records of refusals (refusals log)
- Suitable design and layout of alcohol display

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.

PROMOTION OF THE LICENSING OBJECTIVES

The following information is designed to clearly state in more detail the Councils expectations and standards for some of these matters.

PREVENTION OF CRIME AND DISORDER

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.

Best Bar None, Pubwatch

The Licensing Authority will support organisations such as Best Bar None, Pubwatch 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.

The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

Drug Use and Safer Nightlife

The use of illegal drugs particularly those which are commonly referred to as 'recreational drugs' can be harmful and in some cases contribute 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.

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.

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.

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.

Licensing Hours

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. Staggered 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.

The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application.

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.

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

New premises or variations should be in keeping with the existing trading hours of the area and have closing hours that allow for a staggered release of customers.

Closing hours will be set to protect local residents near to the venue.

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.

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.

Healthier Food Provision

The Council are keen to promote healthier food provision throughout the city. This is embedded within the Plymouth Plan which sets out the city's ambitions to be a city where the healthy choice is the easy choice.

We expect all late night refreshment venues, as a minimum, to ensure at least 10% of their menu items meet the Public Health England recommendations as follows:

Main meal	less than 600 calories
Snack	less than 200 calories
Breakfast	less than 400 calories

Guidance and support is available to help businesses achieve these goals from the following guidance documents. Further support is available directly from the Council, please email the public health team at ODPH@Plymouth.gov.uk.

- www.nhs.uk/oneyou/be-healthier/eat-better/<https://www.nhs.uk/oneyou/be-healthier/eat-better/>
- www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf<https://www.london.gov.uk/sites/default/files/takeawaystoolkit.pdf>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604912/Encouraging_healthier_out_of_home_food_provision_toolkit_for_local_councils.pdf

Maximum Occupancies

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety.

It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as the levels of drunkenness and the extent of server intervention.

It is for the applicant to consider the maximum safe occupancy for each premise. A maximum occupancy figure may be expected as part of the operating schedule for premises or activities that present a higher risk, for example:

1. Where the licensable area involves two or more floors, including mezzanines
2. Where there is an expected capacity of greater than 500
3. Premises which may be described as high volume vertical drinking establishments, including any premises which attracts the fees multiplier
4. Premises which have a licence to trade beyond midnight
5. Where the use of pyrotechnics is likely
6. Any premise within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

Availability of Free Water

Although the provision of free tap water is a mandatory condition the Licensing Authority wants to set out the expectations on how a business should comply with this requirement. The Council wishes to ensure that free tap water is readily available in suitable places and in suitable containers to ensure those wishing to drink responsibly can do so with ease.

Where the mandatory condition applies, licensed premises may be expected to:

- Prominently advertise the availability of free tap water
- Provide tap water supplied from a mains tap within a kitchen or bar area or via suitable dispenser easily accessible by a customer
- Provide water that meets the legal requirements for safe drinking water
- Provide a container free of charge where appropriate
- Refer to the Plymouth Plan for Plastics (<https://www.plymouth.gov.uk/environmentandpollution/plastics>) and avoid the use of single use plastics where possible (for example use of reusable polycarbonate plastics) and ensure all plastics are recycled

Where licensees fail to meet these standards, additional conditions may be added to the licence following representations or following a review. We would hope that licensees will voluntarily meet these requirements.

Designated Premises Supervisors (DPS)

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. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises. It is recommended that each premises details their Age Verification Policy in writing, stipulating who has been delegated responsibility for day to day tasks.

A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.

A DPS should be able to demonstrate that they:

- Have sufficient knowledge and experience appropriate to the premises that they intend to control
- Are able to respond to problems quickly and to meet with responsible authorities, local residents and ensure adequate direct management of an individual premise in a timely manner.

Following a Police objection the Licensing Authority may refuse an application or remove a DPS where

- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
- A proposed DPS cannot demonstrate their suitability for the licenced premises

Preventing Glass Injuries

Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Glasses and bottles can be used as weapons in the drinking environment. By removing glass from premises, injuries may fall. Using alternatives for glass can place extra financial burdens on businesses, and customers may prefer glass containers. Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.

The Licensing Authority expects:

- Licensees to consider the need for alternatives to glass as part of their application. It may be appropriate to provide alternatives to glass in the following circumstances:
 - Where the nature of the event or activity prevents the frequent collection of glass from the venue
 - High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area
 - Large outdoor events
 - Areas where children or vulnerable adults are likely to be present, e.g. play areas, children’s parties
 - Where there is a history of glass incidents
- Applicants to have early discussions with Devon and Cornwall Police on suitable alternatives. Alternatives to glass bottles must also be considered as part of the operating schedule or supporting information.
- Licensees to maintain an on-going review of the need for alternatives to glass

Where a review has been requested due to glass incidents, the application of alternatives to glass containers as conditions are very likely to be applied.

Applicants should also refer to ‘Plymouth’s Plan for Plastics’ and avoid the use of single use plastics where possible for example using reusable polycarbonate plastics. Where this is not possible due to public safety and crime and disorder then all plastics must be recycled.

Control of Adult Entertainment

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

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 Licensing Authority 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.

The Licensing Authority will consider the following factors when assessing applications and operating schedules:

The venue’s location is an important factor, particularly in sensitive locations, such as:

- Near residential accommodation
- Near schools, play areas or other areas where children might be present
- Family leisure areas
- Near historic buildings or tourist locations
- Near places of worship

Specific additional controls are expected as part of the operating schedule or supporting information, such as:

- Exclusions of under 18s
- Code of conduct for customers, dancers and performers
- Documentary checks of dancers and performers to include proof of age, identity and (where necessary), permission to work
- How the entertainment will be advertised and promoted at the premises and more generally, including any external signs or posters
- Minimising external advertising relating to sexual entertainment

Responsible Retailing for Off-Sales

The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales.

Some parts of the city have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas (www.plymouth.gov.uk/antisocialbehaviourandcrime/communitysafetypartnership). Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime. Local research has established that many people now drink at home before heading out for the evening, which contributes significantly to the problems of drunken and disorderly behaviour. Businesses involved in the city’s evening and night time economy are left to deal with this issue.

When considering an application or review the Licensing Authority will consider:

Off Licence design and layout

All new applications must specify the area to be used for the sale or exposure for sale of alcohol. Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol.

Applicants should note that a display will not be considered suitable:

- At entrance/exit points of premises
- Where it might interfere with customer flow
- Near check outs, entrances or exits where shop lifting may become easier
- By using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
- Consisting of significant amounts of high strength alcohol or give undue prominence to high-strength alcohol

Location and Trading Restrictions

The Licensing Authority may not approve applications for off sales in the following locations:

- Near to alcohol addiction recovery activities or buildings
- In areas where drinking in public spaces affects any of the licensing objectives

Responsible authorities and applicants are advised to refer to the Alcohol Harm Mapping tool which has been produced by Plymouth Public Health Team. This tool brings a number of indicators of alcohol related harm and presents them at a neighbourhood level. Using the best available evidence, this provides a picture of how communities in Plymouth are affected by Alcohol. This can be used by any business or responsible authority to assist them in understanding the issues in their local area and to help protect and improve the local population's health and wellbeing. The latest copy of the Alcohol harm mapping: Plymouth Neighbourhood Profiles can be found at:

<https://www.plymouth.gov.uk/publichealth/factsandfiguresjointstrategicneedsassessment/ourjsnatopics/alcohol>

Where applications are granted additional conditions or limitations, such as trading hours may be appropriate.

Additional conditions may include:

- No single cans or bottles of beer or cider will be sold
- No sale of high strength beers or ciders of 6.5% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must obtain nationally recognised training on responsible alcohol retailing within 2 months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises
- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)
- Restrictions on the design and placement of alcohol for sale

PROTECTING CHILDREN FROM HARM

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 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.

Film Classification

The Act 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.

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.

PUBLIC NUISANCE

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.

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 free 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.

Fly posting and promotional material

Plymouth often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the City. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

Existing legislation seeks to address this problem; however it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.

The Council expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or give risk to crime and disorder.

Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request.

Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged.

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.

OPERATING SCHEDULE

Where an application is approved conditions which are taken from the operating schedule and relevant mandatory conditions will form part of the licence. Licensing Officers will replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

Applicants that carry out inadequate research or fail to consider their business operation often submit very poor quality schedules; this can prejudice their application and cause unnecessary work for responsible authorities who have to negotiate and discuss in detail the business operation in order to get a better understanding of the business and propose voluntary conditions.

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

1. Applicants are expected to demonstrate that they understand:
 - the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
2. It should be specific to the individual application
3. Is sufficiently comprehensive to enable the Licensing Authority and other responsible authorities to consider the application fully
4. Where appropriate, specify the maximum intended occupancy including staff, performers and members of the public and how these numbers are controlled
5. Address the Council's expectations contained within this Licensing Policy

Responsible authorities will not be expected to provide a form of consultancy in modifying Operating Schedules. Representations may be used to seek clarification on how the applicant intends to manage their operation. 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 efficiently.

Potential wording of the operating schedule can be based on separate guidance issued by the Licensing Authority and responsible authorities.

The applicant may wish to submit supporting information to be read alongside the Operating Schedule; this information will not normally form part of the voluntary conditions offered through the Operating Schedule, but it is intended to advise responsible authorities about how the business will be managed and operated. It may be necessary to include some aspects of the supporting information into conditions where representations are received.

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 appropriate 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.

Where appropriate conditions will be designed to deter and prevent crime and disorder, improve public safety; limit public nuisance; and protect children from harm.

All 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.

The initial application and subsequent approval is often closely linked to the individual nature of the activities intended for the business. For example, premises where the initial application for music is intended to be low key can be transferred and turned into a venue with very loud bands regularly throughout the week, leading to public nuisance. Depending on the nature of the application if representations are received then additional conditions may be placed on the licences by Committee that prevent the activities initially proposed by the applicant from altering to a degree that may affect any of the licensing objectives.

LICENSING APPLICATIONS

Primary considerations:

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 some policies and guidance sources are set out in Appendix 2

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.

Further details can be found at

www.plymouth.gov.uk/licensingandpermits/tablesandchairspermitonpublicroadorstreet.

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 Home Office 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 other persons 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 other persons 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
- 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
- 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 appropriate 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.

Relevant, Vexatious and Frivolous Representations

Officer decisions as to whether representations are relevant, 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 other persons making that representation will be given a written reason as to why is the case. Anyone who wishes the decision to be reconsidered should write to the Licensing Authority explaining why they have a relevant representation.

Use of petitions

Standard letters of support or objection, and petitions are submitted in response to an application or review.

Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation, and it will be published separately as part of any Committee report.

Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. Notification about any Committee hearing will not be sent to names received via a petition.

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 168 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 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 and 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 normally 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 or Environmental Health 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. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health. The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.

The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) 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.

CUMULATIVE IMPACT ASSESSMENT

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 “other person” 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 assessment 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 assessment 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 Street (including Derry's Cross). The Special Policy (including maps) is set out in Appendix I and contains the Council's Cumulative Impact Assessment which is to be read in conjunction with this policy.

Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018.

After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.

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. 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 web site which adopts the good principles of consistency, transparency, proportionality and accountability set out in the Regulators Compliance Code.

The Licensing Authority conducts its inspection and enforcement procedures in accordance with the Enforcement Policy and better regulation to ensure that it is effective, well targeted and contributes to economic progress.

The Council will generally use the least intrusive regulatory tool to achieve compliance and will ensure that any regulatory action is proportionate to the importance of the matters to which it relates.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**Licensing Authority**

The licensing function under the Act must be carried out by the Licensing Committee (Miscellaneous) other than 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
1. Application for personal licence with unspent convictions		If a police objection	If no objection made
2. Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
3. Application for provisional statement		If a relevant representation made	If no relevant representation made
4. Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
5. Application to vary designated premises supervisor		If a police objection	All other cases
6. Request to be removed as designated premises supervisor			All cases
7. Application for transfer of premises licence		If a police objection	All other cases
8. Applications for interim authorities		If a police objection	All other cases
9. Application to review premises licence/ club premises certificate		All cases	
10. Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
11. Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

12. Determination of an objection to a temporary event notice		All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions.
13. Decision whether to consult other responsible authorities on minor variation applications			All cases
14. Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police objections	All other cases
15. Determination of minor variation application			All cases
16. Decision to suspend a premises licence / club premises certificate for failure to pay for the annual fee / late night levy			All cases

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.

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 9.

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, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304141

E-mail: licensing@plymouth.gov.uk

Responsible Authorities – Contacts

(Non-emergency calls only)

(1) **Safeguarding Team, Children Young People and Families, Plymouth City Council**, Midland House, Notte Street, Plymouth, PL1 2EJ

Tel: 01752 306340

Email: childprotect@plymouth.gov.uk

(2) **Devon and Cornwall Police**, Police Licensing Team, Launceston Police Station, Moorland Road, Launceston, Cornwall, PL15 7HY

Tel: 01566 770500

Email: licensing.team@devonandcornwall.pnn.police.uk

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

Tel: 01752 333600

Email: plymouthfs@dsfire.gov.uk

(4) **Environmental Health Authority**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 304147

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

(5) **Trading Standards**, Public Protection Service, Plymouth City Council, Windsor House, Plymouth, PL6 5UF.

Tel: 01752 304147

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

(6) **Health and Safety Executive**, North Quay House, Sutton Harbour, Plymouth, PL4 0RA,
Fax – 01752 226024

(7) **Planning Authority**, Development Consents Manager, Plymouth City Council, Level 2 West Wing, Ballard House

Plymouth, PL1 3BJ

Tel: 01752 304471

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

(8) **Health Authority**, Office of the Director of Public Health, Plymouth City Council, Windsor House, Plymouth, PL6 5UF

Tel: 01752 398616

Email: odphlicensingapplications@plymouth.gov.uk

(9) Home Office (Immigration Enforcement)

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

Email: Alcohol@homeoffice.gsi.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

Maritime & Coastguard Agency, Plymouth Marine Office, Unit 35, 235 Union Street, Stonehouse, Plymouth, PL1 3HQ.

Tel: 01752 266211

E-mail: mcaplymouthadmin@mcga.gov.uk

APPENDIX I – SPECIAL POLICY – CUMULATIVE IMPACT ASSESSMENT

The five areas on the attached plans (page 35 – 39) 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 the number of existing relevant licences in respect of premises in one or more of the areas (shown on the attached plans) are such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further relevant licences in respect of premises in those areas due to crime and disorder and/or public nuisance. This information was considered by Cabinet on the 13 November 2018 and City Council on the 28 January 2019.

Within any cumulative impact assessment area, any licence application will have the ability to either improve or add to any problems experienced by an area with a high density of licensed premises.

Any licensed premises will be within the scope of this cumulative impact policy. This means that the following licences will have to comply with the requirements of the cumulative impact policy:

- Sale of alcohol either on or off the premises
- Provision of regulated entertainment
- Provision of late night refreshment (sale of hot food between 11pm and 5am)

The effect of this assessment is to create a rebuttable presumption that 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:

1. 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
2. The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing objectives.

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. The Licensing Authority will consider the locality and local trading environment when assessing applications.

For example, while a large nightclub or high capacity public house might add to problems, a small restaurant or theatre may not.

Examples of where applications may not have a significant negative impact include:

- Direct replacement for similar licences where impact will be similar or less
- Substitution of activities where the impact will be similar or less
- Replace vertical drinking with seated consumption
- Alcohol is ancillary to other activities or services
- Time limited applications, e.g. events
- Phased closing times for the premises to cause gradual dispersal
- Small maximum occupancies

In order for this Policy to be utilized it will still be necessary for responsible authorities or other person 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.

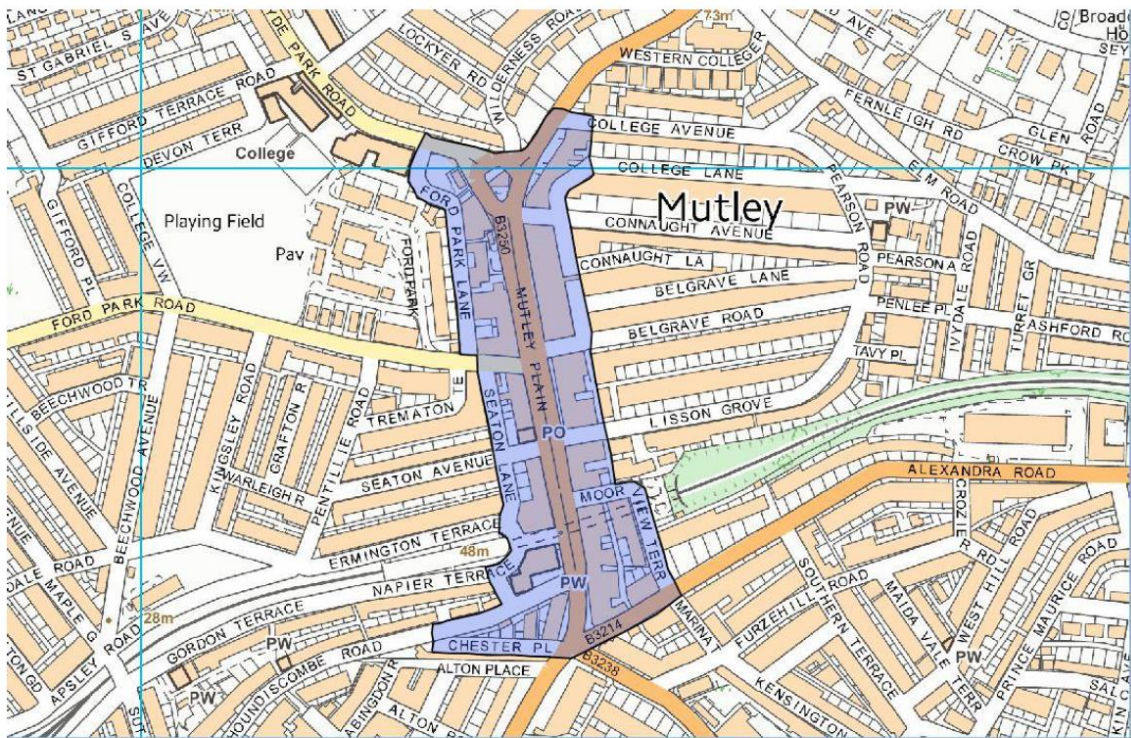
If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

This special policy is to be read in conjunction with Plymouth City Council's Licensing Policy and will be subject to review every three years in accordance with the Licensing Act 2003. 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.

MUTLEY CUMULATIVE IMPACT POLICY BOUNDARY



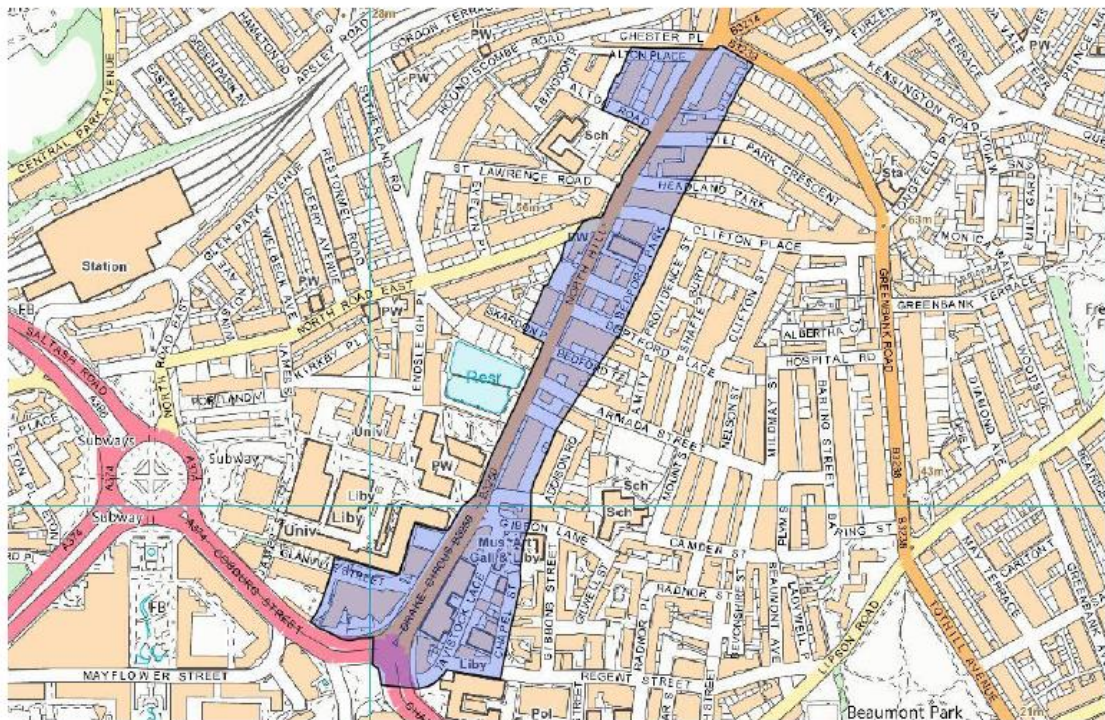
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NORTH HILL CUMULATIVE IMPACT POLICY BOUNDARY



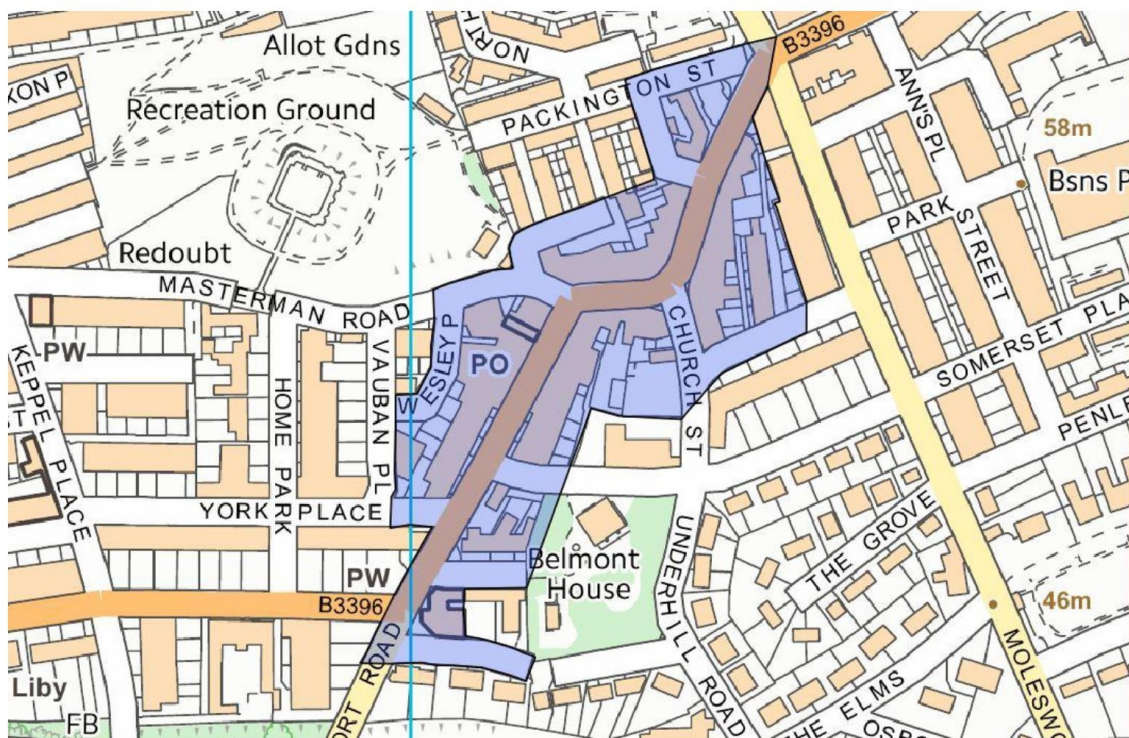
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STOKE CUMULATIVE IMPACT POLICY BOUNDARY



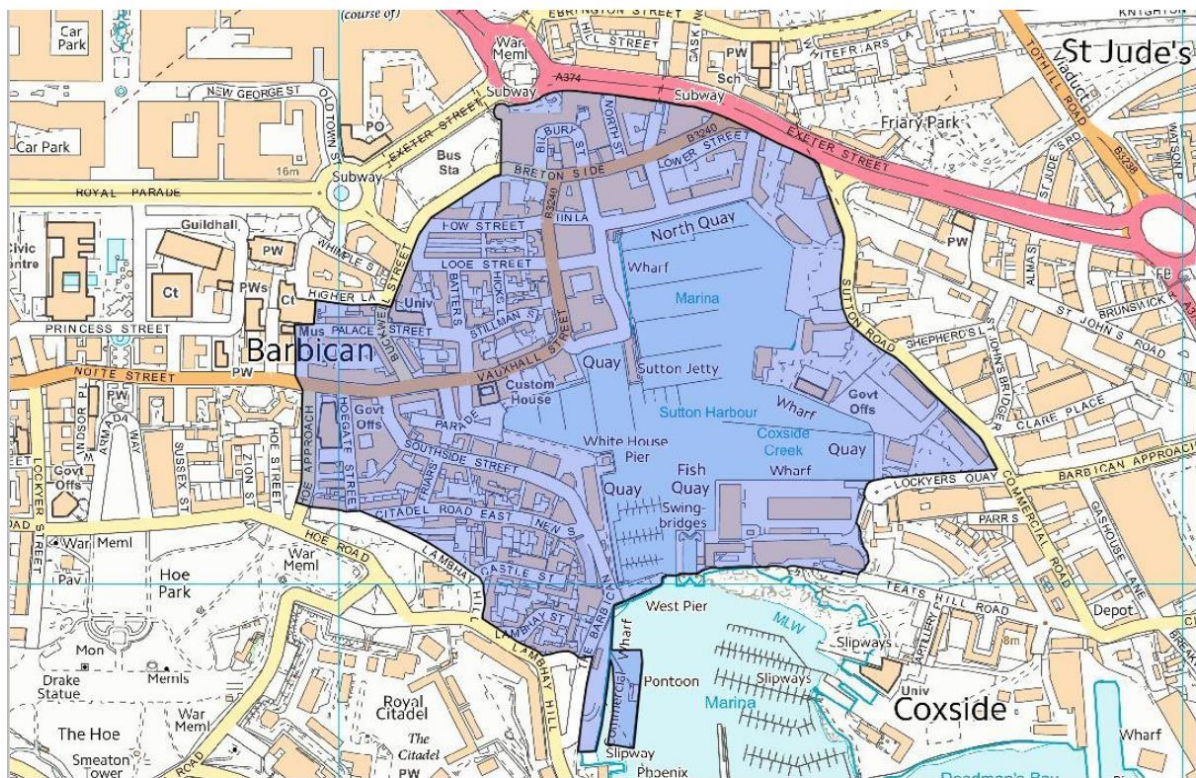
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BARBICAN CUMULATIVE IMPACT POLICY BOUNDARY



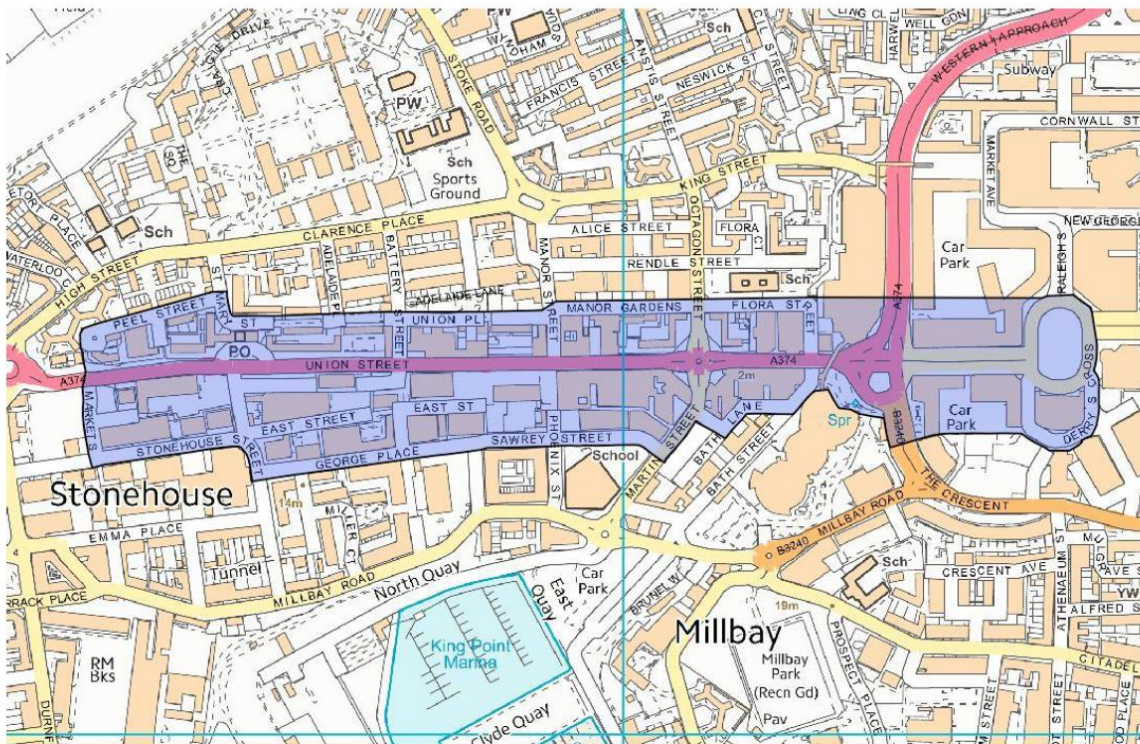
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UNION STREET CUMULATIVE IMPACT POLICY BOUNDARY



RATIFIED BY FULL COUNCIL ON THE 23 JUNE 2008



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 Plymouth Plan: www.plymouth.gov.uk/planningandbuildingcontrol/plymouthplan

Local Transport Plan: www.plymouth.gov.uk/parkingandtravel/transportplansandprojects

Local Development Framework Strategy:

www.plymouth.gov.uk/planningandbuildingcontrol/localdevelopmentscheme

Local Economic Strategy: www.plymouth.gov.uk/investmentandgrowth/strategicgrowth

Strategic Alcohol Plan for Plymouth: www.plymouth.gov.uk/publichealth/alcohol

Related Strategies and Policies

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)

Useful References (organisations)

Association of Convenience Stores (ACS)

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

UK Hospitality (*Formerly Association of Licensed Multiple Retailers (ALMR) and British Hospitality Association (BHA)*)

<https://www.ukhospitality.org.uk/page/About>

Association of Town Centre Managers (ACTM and Purple Flag)

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

Best Bar None: <http://bbnuk.com/>

British Beer and Pub Association (BBPA)

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

British Board of Film Classification (BBFC)

www.bbfc.co.uk

BII (Formerly British Institute of Inn Keeping (BII))_

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

British Retail Consortium (BRC)

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

Circus Development Network

www.circusarts.org.uk

UK Cinema Association Limited(UKCA)

<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/>

Outdoor Arts UK (Formerly Independent Street Arts Network)

<http://outdoorartsuk.org/>

Institute of Licensing (IOL)

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

Justices Clerks' Society Good Practice Guide, Licensing

www.jc-society.co.uk

Federation of Licensed Victuallers Associations (LVAs)

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

National Association of Local Government Arts Officers

<http://www.culturehive.co.uk/authors/national-association-of-local-government-arts-officers/>

National Pub Watch

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

The Portman Group

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

APPENDIX 3: SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND ADULTS WITH CARE AND SUPPORT NEEDS

Introduction

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

General Information

Plymouth City Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working together with key partners, particularly Devon and Cornwall Police, Children and Adult Services within the Council, the Safeguarding Children Board and the Adults Safeguarding Board. The Boards also work with the police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's'/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

How licence holders can help tackle child exploitation, abuse and modern slavery

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

Child Exploitation

Exploitation of children and young people involves exploitation situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police (Tel:101 or if immediate risk 999) and Plymouth Children's Gateway Service (Tel: 01752 668000 or email for enquiries and referrals : gateway@plymouth.gov.uk)

Alternatively please complete the online form:

Children – <https://www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect>

Adults - <https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Safeguarding Children Board can be found at www.plymouthscb.gov.uk

Further information about Plymouth's Adult Safeguarding board can be found at <http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

Adults with care and support needs

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). If you or the person concerned need to raise a concern with Plymouth City Council to help, please contact 01752 668000 or out of hours 01752 346984.

Alternatively, please complete the online form -

<https://www.plymouth.gov.uk/adultcareandhealth/reportadultabuseorneglect>

Further information about Plymouth's Adult Safeguarding board can be found at

<http://web.plymouth.gov.uk/adultsafeguardingboard.htm>

Modern Slavery and human trafficking

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency.

For England and Wales, please call the Modern Slavery 24 hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at <https://www.modernslaveryhelpline.org>