

# Licensing Committee

Tuesday 4 December 2018

## PRESENT:

Councillor Rennie, in the Chair.

Councillor Parker-Delaz-Ajete, Vice Chair.

Councillors Cook, Corvid, Fletcher, K Foster, Hendy, Laing, Dr Mahony, R Smith and Winter.

Apologies for absence: Councillor Morris.

Also in attendance: Sharon Day (Lawyer), Rachael Hind (Licensing Service Manager), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.06 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 7. **Declarations of Interest**

There were no declarations of interest in accordance with the code of conduct.

## 8. **Minutes**

The Committee confirmed the following minutes:

### Licensing Sub Committee:

- 26 June 2018
- 31 July 2018

### Licensing Committee:

- 19 June 2018

## 9. **Chair's Urgent Business**

There were no items of Chair's urgent business.

## 10. **Street Trading Report 2019 / 2020**

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Street Trading Report 2019/ 2020.

The following key points were highlighted to Members:

- (a) the consent fees were increased for the City Centre Street Trader pitches and ice cream consent sites by 1.5% to cover the increased costs of Non Domestic Rates, repairs, maintenance and increased salary and support costs;
- (b) there was a freeze on the cost of the waterfront pitches in 2019/ 2020 to try and encourage new traders to the area;
- (c) work was being undertaken to increase the standard of food hygiene ratings in the city up to a minimum of a 3 star rating as well as ensuring ice cream traders to dispose of their waste water responsibly and reducing, where possible, single use plastic;
- (d) it was highlighted that all street trader applications were treated fairly and on an individual basis on their own merits.

Members agreed:

- 1. the consent dates for 2019/2020 are approved of 1 April 2019 – 31 March 2020;
- 2. the consent fees set out in Appendix 1, for 2019/ 2020 are approved;
- 3. the Service Director for Economic Development has delegated authority to approve within committee policy the issuing of consents to existing city centre traders seeking to continue trading 2019/2020;
- 4. the Service Director for Economic Development has delegated authority to approve, within committee policy, the issuing of consents to new traders or contested sites for city centre sites in consultation with the Chair of the Licensing Committee and lead opposition member;
- 5. the Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity;
- 6. the Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within committee policy;
- 7. the Service Director for Economic Development has delegated authority to approve, within committee policy, the issuing of consents to existing ice cream traders seeking to continue trading 2019/2020;
- 8. the Service Director for Economic Development has delegated authority to approve within committee policy the issuing of consents to new traders or contested sites for vacant ice cream sites in consultation with the chair of the Licensing Committee and lead opposition members;

9. the Service Director for Economic Development has delegated authority to approve within committee policy the issuing of consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading in 2019/2020;
10. for Hoe and Madeira Road Waterfront trading sites the Licensing Committee delegate approval to the Licensing Sub Committee for all new applications;
11. the new Terms and Conditions for traders as set out in Appendix 2.

11. **Information regarding delegated decisions for applications for the grant / variation of premises licences**

Fred Prout (Senior Licensing Officer) presented the 'information regarding delegated decisions for applications for the grant/ variation of premises licences' report.

Members were advised that officers worked to mediate out potential issues with grant/ variation licensing applications by way of facilitating mutual agreement between the applicant and responsible authorities or members of the public or by adding further conditions to the licence if required.

Members noted the update.

12. **Gambling Act 2005 - Statement of Licensing Policy**

Rachael Hind (Licensing Service Manager) provided Members with a presentation upon the Gambling Act 2005 – Statement of Policy.

The following key points were highlighted to Members:

- (a) it was a statutory requirement under s.349 of the Act to prepare a statement of principles every three years and to publish this statement;
- (b) the main changes to the Gambling Policy linked the following:
  - Application and Plans
  - Local Area Risk Assessments
  - Local Area Profiles (LAPs)
  - Enforcement
  - Protection of Children from harm – Challenge 25 policy
  - Safeguarding
- (c) responsible Gambling Week took place between 1-7 November 2018; a mystery shopper visited public houses, betting shops, adult gaming centres and bingo halls in Plymouth during this period. Six out of the nine public houses tested failed to challenge the mystery shopper or failed to stop them playing on a gambling machine despite challenging their age for the sale of alcohol. Eight premises (betting shops, AGC's and Bingo Halls) were also tested and four premises failed to challenge the mystery shopper or challenged them after the

playing of machines had started. Officers sent out letters to the premises involved with guidance on the Challenge 25 policy;

- (d) the Police's Licensing team, the Local Authority's Licensing team and Trading Standards were to continue to undertake test purchase operations in the future;
- (e) licences for the following activities are required when carried out as a business:
  - Selling animals as Pets
  - Breeding of Dogs
  - Cat Boarding
  - Kennel Boarding for Dogs
  - Home Boarding for Dogs
  - Day care boarding for dogs
  - Hiring out horse for riding/instruction in riding

Members discussed the following key areas –

- (f) the importance of testing large gambling chains as well as smaller premises; it was considered that larger chains could get complacent;
- (g) details surrounding supermarket alcohol purchasing; Members were advised that this information depended on the establishment's licence – details were published on the Council's website;
- (h) issues regarding animals being brought to Plymouth from abroad, how this was enforced and concerns with dog breeding and how this was monitored.

It was agreed that Rachel Hind (Licensing Service Manager) would advise Members when the Gambling Local Area Profiles would go live on the Council's website.

Members thanked Rachael for her attendance and noted the information contained within the presentation.

### 13. **Licensing Act 2003 - Statement of Licensing Policy**

Rachael Hind (Licensing Service Manager) provided Members with a presentation on the Licensing Act 2003 – Statement of Licensing Policy.

The following key points were highlighted to Members:

- (a) both the Licensing Policy and Gambling Policy were approved at Full Council in November 2018; the Licensing Policy comes into effect on the 31 March 2019 and the Gambling Policy comes into effect on the 31 January 2019.
- (b) the Licensing Act 2003 focused upon the promotion of the four licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm;

- (c) the Statement of Licensing Policy detailed how the Authority makes decisions and gives guidance to applicants. All responsible authorities are consulted and contribute to the licensing policy and this is updated every 5 years;
- (d) since April 2018, the new section 5A Licensing Act 2003 formalises Cumulative Impact Assessments. CIA's must be reviewed every 3 years;
- (e) main changes to the licensing policy include safeguarding, flyposting, plastics, alcohol harm mapping tool, cumulative impact assessment, healthier food provision and public nuisance;
- (f) The Alcohol Harm Mapping Tool was produced by Plymouth Public Health Team and could 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 full set of neighbourhood profiles was available on the PCC website.

In response to questions raised it was reported that –

- (g) Rachael would speak to the Police's Licensing department to highlight Members concerns that bar staff were continuing to serve alcohol to patrons who were already intoxicated;
- (h) it was noted that noise from patrons entering and leaving licensed premises continued to be an issue, particularly for elderly and vulnerable residents that lived in close proximity to clubs/ pubs etc.;
- (i) the student union was not included in the cumulative impact assessment on North Hill as the whole of the University Campus was already licensed;
- (j) references to flyposting in the licensing policy referred to flyposting linked to licensed premises; other reports of flyposting should be directed to environmental health.

Members thanked Rachael Hind (Licensing Service Manager) for her attendance and noted the update.

Under this item Rachel also informed Members that the Gambling Commission Area Manager had offered to do some specific Gambling Training in the new year for all Members – Members would be informed of the date and time accordingly.

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