

Public Document Pack



BARRY KEEL
Chief Executive
Floor 1 - Civic Centre
Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 24/02/11 Telephone Enquiries 01752 307990 Fax 01752 304819
Please ask for Ross Johnston, Democratic Support Officer e-mail ross.johnston@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 8 MARCH 2011
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –
Councillors Mrs Bowyer, K Foster and Wright

Fourth Member
Councillor Delbridge

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

Please note that, due to the nature of this Committee we may need to send "to follow" documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

BARRY KEEL
CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. VARIATION OF PREMISES LICENCE - THIRST, 142 VAUXHALL STREET, PLYMOUTH (Pages 1 - 32)

The Director for Community Services will submit a report on the variation of a premises licence.

LUNCH 1PM - 2PM

6. GRANT OF PREMISES LICENCE - CAFE KISS, 7 NORTH STREET, BRETONSIDE, PLYMOUTH (Pages 33 - 40)

The Director for Community Services will submit a report on the grant of a premises licence.

7. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Sub-Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

This page is intentionally left blank

CITY OF PLYMOUTH

Subject: Thirst, 142 Vauxhall Street, Plymouth.
Variation of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 8 March 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision No

Part: I

Executive Summary:

An application has been received from 142 Vauxhall Street Limited in respect of Thirst 142 Vauxhall Street, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

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

1. Delivering Growth
-

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

Not applicable.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

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

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

| | | | | | | | | | | | |
|------------------------|--|-------------|----------------------|------------|--|------------|--|------------|--|--------------------|--|
| Head of Fin | | Head of Leg | SD.10987 .18.2.11 | Head of HR | | Head of AM | | Head of IT | | Head of Strat Proc | |
| Originating CMF Member | | | | | | | | | | | |

1.0 BACKGROUND

1.1 On the 20th January 2011 the licensing department received an application from 142 Vauxhall Street Limited in respect of Thirst 142 Vauxhall Street Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 Details of variation

| Current Licensable Activities | Variation Application |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>(b) Films</u> (Indoors)</p> <p>Hours Mon to Sat 10.00hrs to 02.30hrs Sun 12.00hrs to 01.00hrs</p> <p>Non Standard Timings. New Year's Eve up to 06.00hrs</p> | <p><u>(b) Films</u> (Indoors)</p> <p>Hours Mon to Sat 10.00hrs to 04.00hrs Sun 10.00hrs to 02.00hrs</p> <p>Non Standard Timings. To include Sundays before Bank Holidays to 04.00hrs</p> |
| <p><u>(e) Live Music</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> | <p><u>(e) Live Music</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> |
| <p><u>(f) Recorded Music</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> | <p><u>(f) Recorded Music</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> |
| <p><u>(j) Provision of facilities for dancing</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> | <p><u>(j) Provision of facilities for dancing</u> (Indoors)</p> <p>Hours Days and timings including Non Standard Timings as above</p> |
| <p><u>(l) Late Night Refreshment</u> (Indoors)</p> <p>Hours Mon to Sat 11.00hrs to 02.30hrs Sun 11.00hrs to 01.00hrs</p> <p>Non Standard Timings. New Year's Eve up to 05.00hrs</p> | <p><u>(l) Late Night Refreshment</u> (Indoors)</p> <p>Hours Mon to Sat 23.00hrs to 04.00hrs Sun 23.00hrs to 02.00hrs</p> <p>Non Standard Timings. To include Sundays before Bank Holidays to 04.00hrs</p> |
| | |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>(m) Supply of Alcohol for consumption ON the premises.</u></p> <p>Hours Mon to Sat 10.00hrs to 02.00hrs Sun 12.00hrs to 00.30hrs</p> <p>Non Standard Timings. New Year's Eve up to 06.00hrs</p> | <p><u>(m) Supply of Alcohol for consumption ON the premises.</u></p> <p>Hours Mon to Sat 10.00hrs to 04.00hrs Sun 10.00hrs to 02.00hrs</p> <p>Non Standard Timings. To include Sundays before Bank Holidays to 04.00hrs</p> |
| <p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sat 10.00hrs to 02.30hrs Sun 12.00hrs to 01.00hrs</p> <p>Non Standard Timings. New Year's Eve up to 06.00hrs</p> | <p><u>(o) Hours premises are open to the public</u></p> <p>Hours Mon to Sat 10.00hrs to 04.30hrs Sun 10.00hrs to 02.30hrs</p> <p>Non Standard Timings. To include Sundays before Bank Holidays to 04.30hrs</p> |

1.3 Variation application.

The nature of the proposed variation is;

To extend the hours of trading for licensable activities including the sale of alcohol and late night refreshment.

To amend the conditions currently on the licence.

1.4 Conditions currently attached to the licence (Appendix 1).

1.5 Conditions requested to be removed from the licence (Appendix 2).

1.6 Conditions volunteered by the applicant (Appendix 3).

1.7 Representations have been received in respect of this application.

1.8 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – did make representation relating to the Prevention of Public Nuisance as (Appendix 4). These representations have since been withdrawn as the applicant has agreed to include them on the licence.

2.2 Devon & Cornwall Constabulary – no representations.

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

11 - letters of representation have been received from residents living within the vicinity of the premises (Appendices 5 – 13, 15 and 16).

3.1 Newsletter and draft letter circulated to residents (Appendix 14). This is not attached as a representation.

3.2 (Appendix 15) is a representation using the exact wording of the draft letter and (Appendix 16) is a signed copy of the draft letter.

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Modify the conditions of the licence
2. Reject the whole or part of the application;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

ANNEX 1 - MANDATORY CONDITIONS

1. The first condition is that no supply of alcohol may be made under the premises licence: -
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 3.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

- 6.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act

2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

Exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Conditions agreed with Environmental Health Authority

Public Nuisance

1. The fold aside window will be closed at 21:00 hrs or during regulated entertainment.
2. Between 23:00 hrs & 00:00 hrs
To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise 1 metre from the façade of the nearest residential property.
3. Between 23:00 hrs and close
Noise emanating from the premises will not be distinguishable above back ground levels 1 metre from the façade of the nearest residential property.
4. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property.

Steps taken in order to promote the four Licensing objectives

1. Staff banned from drinking on duty.
2. Records maintained of any material incidents within or in immediate vicinity of premises.
3. Drugs warning notices on display.
4. Zero tolerance to drugs use and dealing.
5. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate.
6. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
7. Food available.
8. Specific staff training and supervision in assessment of customer consumption and condition.
9. CCTV system in operation both internally and externally.
10. Retention of tapes/discs etc. for minimum 28 days.
11. Licensed door staff to appropriate levels as necessary.
12. No drinks hoarding.
13. Pro-active policy against "binge" drinking.
14. Zero tolerance to offensive conduct.
15. Toughened glassware for draught products.
16. Regular glass collection.
17. Air-conditioning provided.
18. Regular dedicated cleaning of premises.
19. Limit on number in premises.
20. Advisory notices re. noise on leaving premises.
21. Freephone or similar taxi facility.
22. Nominated staff to deal with complaints from neighbours.
23. CCTV and/or regular monitoring of external areas of premises at night.
24. No entry to anyone under 18.
25. Full training for staff in law specifically relating to minors and alcohol and specific photo i/d proof of age requirements.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

- Suitable signage be positioned at exits to request the co-operation of patrons to make as little noise as possible when leaving the premises;
- An announcement be made prior to closing requesting patrons' co-operation in leaving the premises and the vicinity as quietly and as quickly as possible.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Conditions agreed with Environmental Health Authority

Public Nuisance

1. The fold aside window will be closed at 21:00 hrs or during regulated entertainment.
2. Between 23:00 hrs & 00:00 hrs

To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise 1 metre from the façade of the nearest residential property.

3. Between 23:00 hrs and close

Noise emanating from the premises will not be distinguishable above back ground levels 1 metre from the façade of the nearest residential property.

4. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property.

Steps taken in order to promote the four Licensing objectives

1. Staff banned from drinking on duty.
2. Records maintained of any material incidents within or in immediate vicinity of premises.
3. Drugs warning notices on display.
4. Zero tolerance to drugs use and dealing.
5. Policy of banning customers for misbehaviour within or in vicinity of premises where deemed necessary and appropriate.
6. Availability of soft drinks, non-alcoholic and/or low alcohol beverages at all times.
7. Food available.
8. Specific staff training and supervision in assessment of customer consumption and condition.
9. CCTV system in operation both internally and externally.
10. Retention of tapes/discs etc. for minimum 28 days.
11. Licensed door staff to appropriate levels as necessary.
12. No drinks hoarding.
13. Pro-active policy against binge drinking.
14. Zero tolerance to offensive conduct.
15. Toughened glassware for draught products.
16. Regular glass collection.
17. Air-conditioning provided.
18. Regular dedicated cleaning of premises.
19. Limit on number in premises.
20. Advisory notices re. noise on leaving premises.
21. Freephone or similar taxi facility.
22. Nominated staff to deal with complaints from neighbours.
23. CCTV and/or regular monitoring of external areas of premises at night.
24. No entry to anyone under 18.
25. Full training for staff in law specifically relating to minors and alcohol and specific photo i/d proof of age requirements.

Below is a summary of the voluntary condition as discussed with Environmental Health and Police Licensing Department that promote the four licensing objectives and make up the Operating Schedule

Voluntary Conditions for the Barbican

1. Staff are banned from drinking alcohol on duty
2. A written record will be maintained of any material incidents within or in immediate vicinity of the premises and will be produced for inspection on request of any member of a responsible authority
3. soft drinks & non-alcoholic drinks will be available at all times
4. The premises will operate a Pro Active policy against binge drinking
5. The management will maintain documented records of specific staff training in assessment of customer consumption and condition
6. Drugs warning notices will be clearly displayed in all areas of the premises.
7. The premises will adopt a policy of zero tolerance to drugs use and dealing
8. The premises will operate a policy of zero tolerance to offensive conduct
9. Polycarbonate receptacles will be used for all draught products after 00.00.
10. A CCTV system will be installed which will cover all internal areas to which the public have access and the external areas at the front and rear of the premises including all entrance and exit doors.
11. The CCTV will be of such a quality to provide images which are suitable for facial recognition.
12. Images will be retained for a minimum of 28 days
13. The system shall be capable of downloading images into a recognised viewable format
14. At all times the premises are open a member of staff will be present who can operate, view and download images from the CCTV system upon request of a member of a responsible authority
15. A minimum of One SIA registered door supervisors will be employed from 2300hrs until closing from Mondays to Thursdays.
16. A minimum of Three SIA registered door supervisors will be employed from 2300hrs to close of business on Fridays and Saturdays.
17. On Bank Holiday Sundays a Minimum of Two door Supervisors will be employed from 1900hrs to Close of Business.
18. The management will ensure regular glass collection and cleaning of spillage
19. limit of number in premises (to capacity advised by fire risk assessment)
20. The premises will make application for to be members of pub watch and the PARC scheme
21. A senior member of staff will monitor the noise levels outside the premises periodically throughout the night and will maintain written records
22. Noise will not be clearly distinguishable above other noise one meter from the façade of the nearest residential property from 00:00-02:00
23. Noise emanating from the premises will not be distinguishable above back ground levels 1 metre from the façade of the nearest residential property from 02.00 - close
24. The rear smoking area will be limited to 30 persons.

25. The rear smoking area will be supervised by a member of staff/door supervisor at all times when in use to ensure noise is kept to a minimum. No music will be played in this area. Users will be encouraged to return inside once finished.
26. The front entrance and foyer will be maintained by door supervisors to ensure minimum noise escape by ensuring one of the two sets are closed at any one time. This also applies to access to the smoking area via the two doors.
27. We will operate an over 25 policy, whereby anyone whose appearance leads us to believe they are under 25 will be asked to produce photographic evidence as proof of age.
28. Every member of staff will be trained in Challenge 25 procedures and avoiding underage sales.
29. The training will be updated every six months
30. Written records will be maintained containing the name of the person trained, the date, the name of the trainer
31. A senior member of staff/sound technician will be available at all times during the performance of live music to monitor sound levels and any leakage.
32. Suitable signage will be used to advise customers on noise when entering and leaving the venue, and when using the designated smoking area.
33. Deliveries will not be made between 23.00 and 07.00
34. Strictly Over 18 at any time



Memorandum

From: Head of Environmental Regulation Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 18th January 2011
Our Ref: EH.RMO.791353
Investigating Officer: Rhodri Morgan
Extn: 4851

LICENSING ACT 2003

ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Thirst, 142 Vauxhall Street, Plymouth, PL4 0DF

Name of Licensee: Mr Samuel Ian Gray

Type of Application: Alcohol (On/Off/Both)/Entertainment Licence

Report Prepared By: Rhodri Morgan

Recommendations

- ~~1. That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

Carol Burgoyne
Director of Community Services

LICENSING ACT 2003

ENVIRONMENTAL HEALTH REPRESENTATION

Name: Thirst

Address: 142 Vauxhall Street, PL4 0DF

Report By: Rhodri Morgan Date of Inspection: 9th February 2011

The text in bold are the conditions that this department will be putting before committee to be included in your operating schedule.

The text in italics is for your information.

Standard Timings

1. **The operating hours and licensable activities on Monday, Tuesday and Wednesday will be restricted to their current timings.**
2. **The operating hours and licensable activities on Thursdays will be restricted to 3.a.m**

Conditions to be added to the operating schedule for prevention of public nuisance.

1. **On Thursday, Friday and Saturday night entry to the premises will be restricted to 02.30 hrs and no re-entry will be permitted.**
(The restriction of entry will apply from the night the premises is open. i.e. if premises is open on Saturday at 12 noon then entry will be restricted at 02.30hrs the following evening.)

Change proposed condition 21 and 32 of operating schedule to read;

21. **A senior member of staff will monitor the noise levels outside the premises periodically throughout the night, will maintain written records and take action to reduce noise levels if outside condition 22 and 23 below.**
32. **Suitable signage will be used to advise customers on the need to keep noise levels to a minimum noise when leaving the venue and using the designated smoking area and these notices will be placed in a suitable location which is clearly visible to patrons.**

Carol Burgoyne
Director of Community Services

Encs




**LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION**

Premises: Thirst

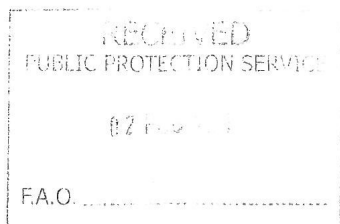
Address: 142 Vauxhall Street, PL4 0DF

Licensee: Mr Sam Gray

I, SAM GRAY have read the attached schedule of conditions ref: **EH.RMO.791353** and agree for them to be included in the operating schedule.

Signed  Dated 10/2/11

**Carol Burgoyne
Director of Community Services**



Discovery Wharf
North Quay
Sutton Harbour
PLYMOUTH PL4

1 February 2011

Licensing Section
Plymouth City Council
Civic Centre
PLYMOUTH PL1 2AA

Dear Sir/Madam

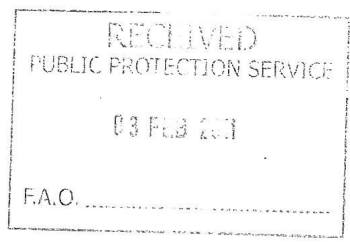
The bar known as 'Thirst' Vauxhall Street, Plymouth

My attention has been drawn to the licensing application in respect of the above premises, which is adjacent to our property. The reasons for our objection are subsumed under © the prevention of public nuisance. Almost the whole of North Quay is now residential and therefore noise levels in and around licensed premises late at night are critical. Our apartment is in the westmost block of Discovery Wharf, with all its side windows, including the main bedroom, opening directly over the roofs of Vauxhall Street.. We feel that any access onto a roof space/terrace and the extension of hours would seriously put at risk an increase of noise both to us but also to all other residents who live in this area. There has been an increase in noise late at night since the premises opened and also Martins Lane has been used as a public convenience. Any increase of hours can only increase this nuisance greatly. We therefore formally object (a) to the provision of music after 11 pm and (b) in particular, to the use of any outside space such as a roof terrace for the provision of music, as such a space would be intolerable as it would be almost on a level with the windows of seven apartments in Discovery Wharf, and would adversely affect many other properties in the area.

I trust that our reasons for wishing to enable this area to remain residential, in accordance with Council policy over many years, are clear.

Yours faithfully

Discovery Wharf
North Quay
Plymouth
PL4
Tele: 01752



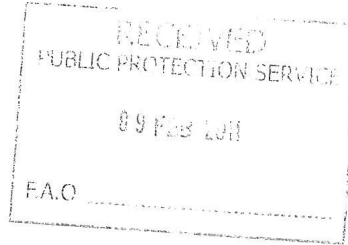
To whom it may concern.

My husband and I would like to state our objections, to the application of the bar "Thirst" situated in Vauxhall Street, for an extension of its licensing hours to 11pm and use of roof terrace, on the grounds of the prevention of public nuisance, and also the prevention of crime & disorder

Yours sincerely

Date: 2nd February 2011

Licensing
Civic Centre
Plymouth
Devon
PL1 2AA



Ref: Application for Extended Licensing for bar known as 'Thirst'

Dear Sir/Madam

I would like to like to object to the extended licensing hours for the bar know as 'Thirst' located between Jiapur Indian Restaurant and Boutique Furnishing Shop 'Salt'.

I am the owner of Discovery Wharf and believe that it would cause increased noise levels in the early hours, encourage crime and disorder. I feel we need to protect public safety and prevent public nuisance. Please accept this as my objection.

Yours Sincerely,

From:
Sent: 16 February 2011 15:56
To: Licensing (DEVELOPMENT)
Subject: Subject - Application to vary the Premises Licence of Thirst nightclub 142 Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs

I wish to make representation against this application, I reside at Apartment No Discovery Wharf, North Quay, Sutton Harbour, Plymouth, which is a tower block apartment situated approximately 20 meters from the premises known as Thirst.

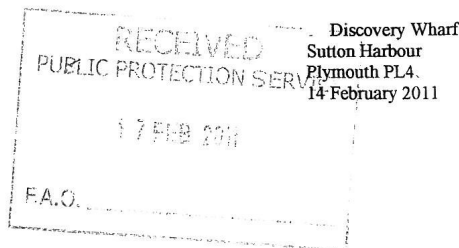
The noise levels from music and customers going between premises are already a concern to me and my family. They negatively impact on my quality of life and that of the residential community, an extension of the hours can only add to this problem.

As a resident I often think twice before venturing out and I certainly feel wary upon returning home late at night.

I believe that granting the extension of hours of trading would have a negative impact on the public safety. My home, in particular both my bedroom windows, are above the roof that is going to be used. As I can already hear the noise at present I dread to think what it is going to be like, not only for my home but the surrounding area and homes.

The language is threatening, frightening, and disgusting. Already I have seen people fighting, heard them shouting, and watched them urinate in public. This is only going to increase with extension of hours of trading. Yours Sincerely Mr

Plymouth City licensing officer
Plymouth City Council
Armada way
Plymouth
PL1 2AA



To the Chair of the Plymouth City Licensing Committee

Re-Application to vary the Premises Licence of Thirst night-club 142 Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs

Dear Sir/Madam,

I am writing to ask that this application be totally rejected.

I reside at the above address; Discovery Wharf is a tower block apartment situated extremely close to the premises known as Thirst.

The area close to Discovery Wharf has recently become more and more frequented with the opening of these premises, which I understand at present close at 02.30hrs; there are now about five or six late night establishments in the immediate area.

There is already an unacceptable level of anti-social behaviour in the area, and an extension of opening hours will only serve to make a bad situation worse.

I feel that there is an issue of public safety to be addressed, as broken glass which is lying around after bottles and glasses have been wantonly discarded by people frequenting the various establishments close by, will end up eventually being used as weapons particularly by those, who because of their drunken state will have little awareness of normal acceptable behaviour.

The noise levels from music and persons going between premises are already a cause for concern; the well being of the residential community is already affected by the late night unacceptable behaviour of some of those frequenting the various establishments; the quality of life is definitely not going to be enhanced by a further extension of the opening hours.

An extension of opening hours will create more of this unacceptable activity. It should be obvious that an extension of opening hours will negatively impact on stated licensing objectives of the safety of the public, nuisance to the public, and the prevention of crime and disorder.

As I stated in the first sentence of this letter I request that you reject this application in its entirety.

Yours faithfully,

Discovery Wharf
North Quay
The Barbican
Plymouth
PL4
Tel: 01752

Plymouth City Licensing Officer
Plymouth City Council
Armada Way
Plymouth
PL1 2AA

17th February 2011

To the Chair of the Plymouth City Licensing Committee

Re: Application to vary the Premises License of Thirst nightclub 142, Vauxhall Street
Plymouth PL14 0DF by extending hours of trading until 0400hrs

Addendum to letter dated 16th February 2011

Dear Sir / Madam

It is our belief that the extension of hours requested by Thirst will prolong and exacerbate the inconvenience currently experienced. The application should be rejected.

Yours faithfully

Discovery Wharf
North Quay
The Barbican
Plymouth
PL4
Tel: 01752

Plymouth City Licensing Officer
Plymouth City Council
Armada Way
Plymouth
PL1 2AA

16th February 2011

To the Chair of the Plymouth City Licensing Committee

Re: Application to vary the Premises License of Thirst nightclub 142, Vauxhall Street
Plymouth PL14 0DF by extending hours of trading until 0400hrs

Dear Sir / Madam

We wish to object to the above application which we understand also includes a proposal for the Thirst nightclub to utilize a 'beer garden' on the roof of its premises.

At present the City Council has granted club licenses to three premises, the Dairy, Thirst and View 2 in addition to three established public houses and a nightclub. With all the related fast food outlets it gives the impression that the City Council is content to allow Vauxhall Street to become a growing rival to Union Street with all its attendant problems. As a result local residents suffer from (a) excessive noise from music and customers moving between premises until 2-3 a.m. (b) urinating in the adjacent streets and doorways and (c) foul language and aggressive behavior which discourages local residents venturing out during the hours of darkness.

The strategy of allowing these premises in a residential area seems perverse. Over the years the council had promoted the growth of private and public dwellings viz:-

- Council properties west of Vauxhall Street
- A number of apartment buildings south of Exeter Street and
- In conjunction with Sutton Harbour PLC the construction of various apartment buildings around the inner Barbican basin.

Why oh why permit the growth of so many disruptive drinking establishments through the centre of this residential area? It shows no respect for the Council taxpayers/voters who live in this area.

We therefore request that you reject the application in its entirety, and halt the extension of this ribbon club land.

Yours faithfully

From: [REDACTED]
Sent: 16 February 2011 15:56
To: Licensing (DEVELOPMENT)
Cc: King, Mark (CLLR); McDonald, Susan (CLLR); Stephens, Sally (CLLR)
Subject: representation - re premises licence variation application 026292 (Thirst)

Representation re:
Premises Licence variation for Thirst, 142 Vauxhall Street, Plymouth PL4 0ER (Application number 026292).

To: Plymouth City Licensing Committee.

NB: Could you please acknowledge receipt of this email. (Hard copy being sent by post to Licensing Office)

I would like to object to the above application and urge you to reject it.
I strongly believe it will have a detrimental effect on an area which the city council rightly promotes as being an important and valuable part of Plymouth's heritage.

Several late night bars and clubs have been allowed to open recently in the immediate vicinity, and the disturbance they already create is at an unacceptable level. Allowing one so close to a residential area to open until 4.30am would make it intolerable.
I would therefore like to make representations on the grounds of public nuisance, a threat to public safety and a potential danger to children.

Public nuisance:

Since Thirst started trading, public nuisance in the area has significantly increased. Tin Lane and Martin Lane - the narrow, cobbled streets which border the block in which Thirst is situated - have become late-night toilets for drunken revellers, both male and female.
Noise from people entering and leaving the bar already continues into the early hours. In the summer, it would almost be daylight as all-night drinkers came out on to the streets.
From where I live at Discovery Wharf, about 25 yards away, there would be little escape from it.
Currently, bad language and volume both increase as the evenings progress.
Music from inside the bar can clearly be heard outside. Smokers congregate on corners and pavements nearby and frequently drop litter. To extend all this disturbance to 4.30am, when virtually everyone else in the area is asleep, is unnecessary and unwanted.
It would be particularly unacceptable if any bar activity or entertainment was allowed to take place on a roof terrace.

Public safety / protection of children:

Groups of intoxicated people leaving various premises in the area already clash occasionally, usually leading to scuffles and often to shouting. Some of the elderly residents nearby (including my mother-in-law) complain that they do not feel safe to venture out in the evenings, particularly at weekends. Only rarely are police officers seen in this area. I believe that extending the opening hours of Thirst will only increase this kind of anti-social behaviour, especially as late-night drinkers would leave other clubs and pubs to take advantage of the extra licensing hours, if granted. Incidentally, Thirst recently displayed a notice in its window that said it was 'open until 4am'.

Groups of people can frequently be seen wandering around the Barbican with drinks in their hands, even though large parts of it are supposed to be alcohol-free zones. Assuming they won't be allowed into Thirst while carrying drink, I fear there will be a dramatic increase bottles and glasses being smashed dropped and smashed nearby. This already happens to a large extent. It means that young children walking in the area (including my toddler grandchildren) are at risk of serious injury from stepping on broken glass.

Summary:

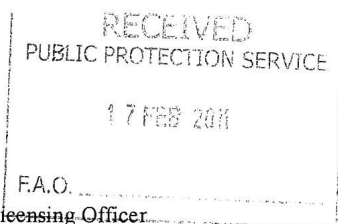
I am aware that conditions aimed at limiting noise, disturbance and anti-social behaviour can be imposed on bars and clubs. But if Thirst is currently subject to any such restrictions, they clearly aren't working. I believe that even the most stringent conditions will not be sufficient to limit disturbance and anti-social behaviour.

16/02/2011

Other areas of the city are already available for those who want to drink alcohol and listen to loud music through the early hours. It would seem rather perverse to grant such a late licence to a bar that is sited in a largely residential area, adjacent to an historic district of Plymouth - or to encourage the creeping, cumulative impact of so many bars and clubs in this neighbourhood.

It would certainly seem to be contrary to licensing objectives designed to protect the wider, law-abiding public.

ends



Discovery Wharf
Sutton Harbour
Plymouth
PL4

Tel: 01752

Plymouth City Licensing Officer
Plymouth City Council
Armada way
Plymouth PL1 2AA

15th February 2011

Dear Sir

Ref: Application by Thirst Nightclub, 142 Vauxhall Street for a license variation to extend hours of trading until 4.00am.

We wish to object to the above application and request that it be rejected in its entirety.

I understand the only grounds upon which one may object include:-

i. The prevention of crime and disorder. The misguided granting of late night/ early morning licenses to other premises in, what is now a predominantly residential area, has seen an unacceptable increase in drunken disorder (shouting, fighting, obscene language, vomiting, urinating, broken glass, litter etc, etc.). To add to this with even later opening hours can only increase what is seen as a palpable threat to people living in the area.

I am sure you are aware of the increased criminal and anti social behaviour in other areas of the city where late night opening is licensed and it is just not acceptable to have this repeated in close proximity to peoples homes.

ii. To protect public safety. The current level of anti social behaviour is so threatening that one is already reluctant to go out at night and especially nervous about returning late at night, having already been threatened. An extension of hours can only increase the threat to public safety.

iii. Prevention of public nuisance. The above obviously illustrates the level of public nuisance in the area already, and it goes without saying that another layer, and even later, is just not unacceptable.

In addition, I understand that the application includes the use of a roof terrace. A roof terrace would undoubtedly produce increased noise levels from music, customer chatter (louder as they get more inebriated) and general comings and goings etc and would seriously impact on the people living in close proximity.

For these reasons we request that the application be refused in its entirety.

Yours faithfully

Plymouth City Licensing officer
Plymouth City Council
Armada way
Plymouth
PL1 2AA

17th February 2011

To the Chair of the Plymouth City Licensing Committee

Subject - Application 026292 to vary the Premises Licence of Thirst nightclub 142 Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs

Dear Madam / Sir,

I wish to make representation regarding this application.

I reside at Apartment Discovery Wharf, North Quay, Sutton Harbour, Plymouth, which is a tower block apartment situated approximately 20 meters from the premises known as Thirst.

Indeed, there are several blocks of residential accommodation within 400 yds of the subject premises, Vauxhall street flats, Breton House, Dolphin House, Century Quay, Bilbury street flats, Moon Street flats, Harbourside Court, Mariners Court, Pinnacle Quay, as well as the residential properties of Looe Street and How street.

This is a significant residential area and we already have a number of late night establishments in the vicinity.

We do not **need** another late night drinking establishment, especially until **4.00 am in the morning**

I object and ask that you take into consideration, the following grounds for turning down this application.

The likely increase in **anti-social behaviour** – Broken glass and **the public safety aspect** of this.
Public Nuisance - Fighting, shouting, language & urinating
Increase in **Crime & Disorder** associated with late night drinking

I believe that granting the extension of hours would have a negative impact on the licensing objectives of public safety, public nuisance and the prevention of crime and disorder.

I am also concerned that the area is beginning to mirror that of North Hill / Sherwell Arcade where the criminal and anti social behaviour problems associated with late night opening and people transiting between premises is frequently reported in the local media.

I therefore request that you reject this application in it's entirety.

Yours faithfully

NEWSLETTER

Discovery Wharf Limited

14th February 2011

Dear Fellow Apartment Owner / Resident,

The following is a repeat of our advice of a proposed extension to "Clubland" in our area.

It is not for us to persuade you, one way or the other, that is, whether to support or object to the proposal.

Our position is to inform and thus aid you in your decision making.

It appears, that to date, there have been no objections to this proposal and it maybe that some, or many, are awaiting a block objection on behalf of Discovery Wharf.

That is not possible on 2 counts. First, it would be un-democratic for us to assume that all residents of DW object to the extension of the proposed licensing hours. And second, a block objection from DW would not be accepted as 59 individual objections but ONLY as one objection.

It maybe that some are not objecting because they are not sure how to word or frame their objection.

In an effort to be helpful, we have attached below, a draft letter which covers most of the points that one might wish to use when objecting.

However, BEWARE, do not copy the letter word verbatim as that will give the impression of an organized petition. Change the wording OR be selective on the grounds for objecting.

VAUXHALL STREET – "Thirst", the bar situated between the Jaipur Indian Restaurant and the Boutique Furnishing Shop "Salt", has made an application to *extend its licensing hours to 4 :30 am in the morning and to include the use of a roof terrace.*

The applicant is obliged to advertise the fact in the local newspaper and on the premises for a period of 28 days during which time the public may object.

The only grounds upon which you may object are (A) the prevention of crime & disorder

(B) to protect public safety

(C) the prevention of public nuisance

(D) the protection of children from harm

The LA website that gives all information on licensing matters is:

www.plymouth.gov.uk/businessandproperty/licensing

Direct contact for objections can be made to 01752-304141 or licensing@plymouth.gov.uk or your local Councillors as above.

Kind regards,

P.T.O.

Send to
Plymouth City Licensing officer
Plymouth City Council
Armada way
Plymouth
PL1 2AA

To the Chair of the Plymouth City Licensing Committee

Subject - Application to vary the Premises Licence of Thirst nightclub 142 Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs

Dear Madam / Sir,

I wish to make representation regarding this application, I reside at Apartment No..... Discovery Wharf, North Quay, Sutton Harbour, Plymouth, which is a tower block apartment situated approximately 20 meters from the premises known as Thirst.

The area has recently become more and more popular and with the opening of these premises which at present close at 0230hrs there are now five or six late night establishments in the immediate area.

My concerns with the extension of the trading hours are that the already unacceptable level of broken glass and anti social behaviour in the area will without doubt increase.

I have seen people walk between establishments carrying glasses which they recklessly discard without thought or concern, this includes simply dropping them on the ground and smashing them, I believe this to be a public safety issue as well as an unacceptable practice that I and other residents find threatening.

In addition the level of intoxicated people frequenting these various premises leave me in no doubt that in an uncontrolled environment the glasses could quickly turn into weapons which inflict serious injuries.

I have seen people fighting, heard them shouting, and watched them urinate in public. The language they use and their demeanour is generally so threatening and disgusting as to discourage people not using the clubs from venturing into the area.

As a resident I have no option and often think twice before venturing out among them and I certainly feel wary upon returning home late at night.

The associated noise levels from music and customers going between premises are already a cause for concern and negatively impacts on my quality of life and that of the residential community, an extension of the hours can only add to this problem.

The extension of the hours will generate more of this activity as three of the other establishments close earlier. It is clear that Thirst intends to cater for those leaving the earlier closing establishments. This in turn will mean the creation of queues together with the associated noise and public order problems and prevent the customers dispersing and leaving the area at a more reasonable hour.

I believe that granting the extension of hours would have a negative impact on the licensing objectives of public safety, public nuisance and the prevention of crime and disorder.

I am also concerned that the area is beginning to mirror that of North Hill / Sherwell Arcade where the criminal and anti social behaviour problems associated with late night opening and people transiting between premises is frequently reported in the local media.

I therefore request that you reject this application in it's entirety.

Yours

Send to
Plymouth City Licensing officer
Plymouth City Council
Armada way
Plymouth
PL1 2AA

To the Chair of the Plymouth City Licensing Committee

**Subject - Application to vary the Premises Licence of Thirst nightclub 142
Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs**

Dear Madam / Sir,

I wish to make representation regarding this application, I reside at Apartment Discovery Wharf, North Quay, Sutton Harbour, Plymouth, which is a tower block apartment situated approximately 20 meters from the premises known as Thirst.

The area has recently become more and more popular and with the opening of these premises which at present close at 0230hrs there are now five or six late night establishments in the immediate area.

My concerns with the extension of the trading hours are that the already unacceptable level of broken glass and anti social behaviour in the area will without doubt increase.

I have seen people walk between establishments carrying glasses which they recklessly discard without thought or concern, this includes simply dropping them on the ground and smashing them, I believe this to be a public safety issue as well as an unacceptable practice that I and other residents find threatening.

In addition the level of intoxicated people frequenting these various premises leave me in no doubt that in an uncontrolled environment the glasses could quickly turn into weapons which inflict serious injuries.

I have seen people fighting, heard them shouting, and watched them urinate in public. The language they use and their demeanour is generally so threatening and disgusting as to discourage people not using the clubs from venturing into the area.

As a resident I have no option and often think twice before venturing out among them and I certainly feel wary upon returning home late at night.

The associated noise levels from music and customers going between premises are already a cause for concern and negatively impacts on my quality of life and that of the residential community, an extension of the hours can only add to this problem.

The extension of the hours will generate more of this activity as three of the other establishments close earlier. It is clear that Thirst intends to cater for those leaving the earlier closing establishments. This in turn will mean the creation of queues together with the associated noise and public order problems and prevent the customers dispersing and leaving the area at a more reasonable hour.

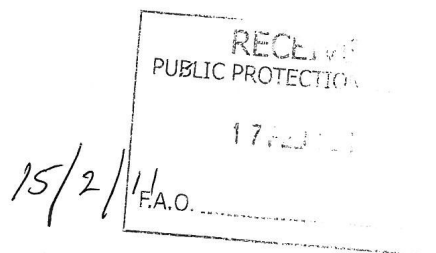
I believe that granting the extension of hours would have a negative impact on the licensing objectives of public safety, public nuisance and the prevention of crime and disorder.

I am also concerned that the area is beginning to mirror that of North Hill / Sherwell Arcade where the criminal and anti social behaviour problems associated with late night opening and people transiting between premises is frequently reported in the local media.

I therefore request that you reject this application in it's entirety.

Yours

Send to
 Plymouth City Licensing officer
 Plymouth City Council
 Armada way
 Plymouth
 PL1 2AA



To the Chair of the Plymouth City Licensing Committee

Subject - Application to vary the Premises Licence of Thirst nightclub 142 Vauxhall Street Plymouth PL4 0DF by extending hours of trading until 0400hrs

Dear Madam / Sir,

I wish to make representation regarding this application, I reside at Apartment No. ... Discovery Wharf, North Quay, Sutton Harbour, Plymouth, which is a tower block apartment situated approximately 20 meters from the premises known as Thirst.

The area has recently become more and more popular and with the opening of these premises which at present close at 0230hrs there are now five or six late night establishments in the immediate area.

My concerns with the extension of the trading hours are that the already unacceptable level of broken glass and anti social behaviour in the area will without doubt increase.

I have seen people walk between establishments carrying glasses which they recklessly discard without thought or concern, this includes simply dropping them on the ground and smashing them, I believe this to be a public safety issue as well as an unacceptable practice that I and other residents find threatening.

In addition the level of intoxicated people frequenting these various premises leave me in no doubt that in an uncontrolled environment the glasses could quickly turn into weapons which inflict serious injuries.

I have seen people fighting, heard them shouting, and watched them urinate in public. The language they use and their demeanour is generally so threatening and disgusting as to discourage people not using the clubs from venturing into the area.

As a resident I have no option and often think twice before venturing out among them and I certainly feel wary upon returning home late at night.

The associated noise levels from music and customers going between premises are already a cause for concern and negatively impacts on my quality of life and that of the residential community. an extension of the hours can only add to this problem.

The extension of the hours will generate more of this activity as three of the other establishments close earlier. It is clear that Thirst intends to cater for those leaving the earlier closing establishments. This in turn will mean the creation of queues together with the associated noise and public order problems and prevent the customers dispersing and leaving the area at a more reasonable hour.

I believe that granting the extension of hours would have a negative impact on the licensing objectives of public safety, public nuisance and the prevention of crime and disorder.

I am also concerned that the area is beginning to mirror that of North Hill / Sherwell Arcade where the criminal and anti social behaviour problems associated with late night opening and people transiting between premises is frequently reported in the local media.

I therefore request that you reject this application in it's entirety.

Yours

This page is intentionally left blank

CITY OF PLYMOUTH

Subject: Café Kiss, 7 North Street, Bretonside, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 8 March 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens, Senior Licensing Officer

Contact: Tel: 01752 305465
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Key Decision No

Part: I

Executive Summary:

An application has been received from Mrs Mary Smith in respect of Café Kiss, 7 North Street, Bretonside, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

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

1. Delivering Growth
-

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

Not applicable.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

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

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

| | | | | | | | | | | | |
|------------------------|--|-------------|------------------|------------|--|------------|--|------------|--|--------------------|--|
| Head of Fin | | Head of Leg | SD.18.2.11.10973 | Head of HR | | Head of AM | | Head of IT | | Head of Strat Proc | |
| Originating CMF Member | | | | | | | | | | | |

1.0 BACKGROUND

1.1 On the 19th January 2011 the licensing department received an application from Mrs Mary Smith for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Café Kiss situated at 7 North Street, Bretonside, Plymouth.

1.2 Grant application.

The purpose of the application is to enhance the attraction of the café by offering alcoholic drinks and occasional entertainment to customers.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Provision of Live Music (Indoors and Outdoors)

| | |
|----------|----------------------|
| Friday | 17.00hrs to 22.00hrs |
| Saturday | 13.00hrs to 22.00hrs |

Outside performance to finish at 21.00hrs

Outside performance to be limited to 2 hrs

Limited to a maximum of a trio playing with restricted amplification and limited to two sessions per week except during Plymouth Jazz Festival.

Non Standard Timings

During Plymouth Jazz week performances to take place for a maximum of two hours on any day of the week between 13.00hrs and 21.00hrs

Supply of Alcohol (for Consumption on the Premises)

| | |
|------------------|----------------------|
| Monday to Sunday | 12.00hrs to 22.30hrs |
|------------------|----------------------|

Hours Premises are Open to the Public

| | |
|--------------------|----------------------|
| Monday to Saturday | 08.00hrs to 23.00hrs |
| Sundays | 10.00hrs to 23.00hrs |

1.4 Steps the applicant has taken to promote the four licensing objectives (Appendix 1).

1.4 A representation has been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Constabulary* – no representations.

2.2 *Environmental Health* – no representations

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

1 - letter of representation has been received from a resident living within the vicinity of the premises (Appendix 2).

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

| |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 21 of 22 |
| LICENSING OBJECTIVES |
| Describe the steps you intend to take to promote the four licensing objectives: |
| a) General – all four licensing objectives (b,c,d,e) |
| List here steps you will take to promote all four licensing objectives together. |
| I will adhere to the Portman Group's Code of Practice to promote responsible drinking. |
| I will discourage irresponsible drinking by promoting the four licensing objectives at all times. |
| Staff training on Licensing objectives, Fire Safety and Food Hygiene will take place monthly and a record will be kept |
| b) The prevention of crime and disorder |
| CCTV cameras will be installed Glasses and bottles will be regularly cleared from tables. Excessive drinking will be discouraged. The numbers of taxi services will be displayed to discourage drink driving A zero tolerance approach will be taken to drugs use. |
| c) Public safety |
| An action plan will be put in place consisting of; A PAT regime on all electrical appliances; Fire Training; Maintenance of a Fire Log Book |
| d) The prevention of public nuisance |
| All outside areas will be regularly cleaned and kept free from litter. The License holder or nominated person will supervise patrons using the designated smoking area. The License holder or nominated person will be responsible for the management, supervision and control of regulated entertainment and will be responsible for instructing performers on the restrictions and controls to be applied. The License holder or nominated person will be available at all times when entertainment is taking place and will be responsible for cooperating and liaising with police and other responsible authorities Ventilation equipment will be regularly cleaned and maintained to control the level of odour generated by the premises Delivery of goods will be restricted to normal working hours. Handling and disposal of bottles and similar items will not take place during the late evening, night or early morning when noise could cause a nuisance. Movement of bins and rubbish will not take place outside after 11pm All rubbish will be stored securely in a designated area. |
| e) The protection of children from harm |
| Challenge 21 will be applied at all times and notices will be clearly displayed. Proof of age cards showing the PAAS hologram logo, a Passport or picture Driving License will be required. Any child aged 16 or 17 who consumes beer, cider or wine with a meal, where that drink is bought for him by a responsible adult who is also eating the meal, will be restricted to one drink only. A variety of soft drinks will be available for children. |

ARMSTRONG HOUSE
60, EXETER ST
PLYMOUTH
PL4

PLYMOUTH CITY COUNCIL

13/2/2011

Dear Sir/Madam,

Re application by MARY SMITH for a
drinks and live music license at CAPESIDE,
7, NORTH ST. PLYMOUTH.

I believe that the application should be
refused for the following reasons.

① The premises are an integral part of a residential
block and any live music will cause a nuisance.

The underpass under Exeter St acts as an
echo chamber and amplifies any noise.

② The underpass is in regular use, and any
pedestrians could well be intimidated by
drunken leaving the premises.

③ There is no local need for yet another licensed
premises. Bretaside is already saturated with
bars and night clubs, some recently opened.
The Old Ferry a long established public house
cannot find new tenants because of a lack of
trade.

④ The parking in North St is already chaotic
unless struggle to deliver to the Swallow Inn

11.1.11

and for Centre Plus building, and people leaving
Lunar Rise car park experience considerable
difficulty. Also the City Council have no control
over the situation as North Street is still the
responsibility of Sulton Harbour Holdings, as they
have not yet (after 5 years) released the paperwork
to enable the City Council to adopt it.

Please take into account my concerns when
you consider the application.

Yours Sincerely

(P/2)

This page is intentionally left blank