

SKELETON ARGUMENT ON BEHALF OF THE APPLICANT

Barbican Restaurants Ltd – “Mama Rumba”
Premises Licence Application (s.17 Licensing Act 2003)

1. Introduction

1.1 This skeleton argument is submitted on behalf of the Applicant, **Barbican Restaurants Ltd**, in support of its application for a premises licence for *Mama Rumba*, 46 Southside Street, The Barbican, Plymouth.

1.2 The Applicant seeks authorisation for regulated entertainment, late-night refreshment and the on-sales of alcohol, together with opening hours as set out in the application and Operating Schedule.

1.3 Four objections have been received from local residents (Appx. F-I). No responsible authorities have objected and both **Devon & Cornwall Police** and **Environmental Health** have agreed conditions considered sufficient to meet the licensing objectives.

2. Legal Framework

2.1 The Committee must determine the application with a view to promoting the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

2.2 The Committee must also have regard to the **s.182 Guidance (Nov 2025)** and the **Council’s Licensing Policy**, including the Cumulative Impact Policy.

2.3 The Committee must **grant the licence** unless it is satisfied that modifications or refusal are *appropriate* for the promotion of the licensing objectives.

3. Overview of Resident Objections

3.1 The objections rely on concerns regarding:

- Noise from patrons arriving/leaving
- Misuse of the shared courtyard
- Anti-social behaviour / crime and disorder
- Late-night disturbance
- Impact of recorded/live music
- Protection of children from harm

3.2 A recurring theme across the representations is the assumption that the premises will operate as a **public house or late-night drinking establishment**, attracting large numbers of people and high levels of intoxication.

3.3 These concerns are based on a **mistaken characterisation** of the nature of the proposed business.

4. Nature of the Proposed Operation (Correcting Misconceptions)

4.1 Mama Rumba is to be operated as a **high-quality, food-led restaurant**, not a pub, cocktail bar or vertical-drinking venue.

4.2 Admission will be **controlled and selective**, with the Applicant expressly reserving the right to refuse entry. The venue will operate primarily by **table service** in a seated environment.

4.3 The business model depends on:

- Pre-booked dining
- Small, manageable customer numbers
- A calm, high-end dining atmosphere
- A focus on Latin-fusion cuisine, not alcohol-led sales

4.4 This operational model is fundamentally incompatible with – and therefore **cannot generate** – the type of problems feared by residents, such as crowds of intoxicated persons, live-music nightclub atmospheres, or late-night drinking culture.

5. Weight to Be Given to Responsible Authority Positions

5.1 The Committee is entitled to give significant weight to the fact that:

- **Police have raised no objection**, having agreed detailed conditions covering CCTV, door security, training, Challenge 25, ID recording, incident logs and other safeguards (Appendix D).
- **Environmental Health have raised no objection**, subject to agreed conditions including total sound containment after 23:00 and smoking management (Appendix E).
- **No other responsible authority** (Public Health, Fire, Trading Standards, Planning, Safeguarding, HSE) has raised concerns.

5.2 Where responsible authorities are satisfied that the licensing objectives are upheld, it is strong evidence that the application is suitably controlled.

6. Addressing the Specific Licensing Objectives

6.1 Prevention of Crime and Disorder

- The premises is food-led with controlled admission.
- Door staff, CCTV and Challenge 25 are all mandated and agreed with Police.
- Incident logs, refusal logs and staff training are in place.

Conclusion: The premises will not materially increase crime or disorder.

6.2 Public Safety

- CCTV coverage, first-aid-trained staff, emergency exit configuration and appropriate capacity controls are agreed with authorities.
- No responsible authority considers public safety to be compromised.

Conclusion: Public safety is fully addressed.

6.3 Prevention of Public Nuisance

The objections rely heavily on fears of noise and disturbance.

The following points rebut those concerns:

- The premises is a **restaurant**, not a pub or bar.

- Patrons remain **seated while dining**, reducing movement, noise and congregation.
- There is **no provision for outdoor drinking** and no use of the courtyard for smoking or socialising.
- Environmental Health conditions require **total sound containment 23:00–08:00**.
- The Applicant will manage arrivals and departures to avoid late-night disturbance.
- Alcohol service is ancillary to food and is not intended to create late-night drinking culture.

Conclusion: Any impact on the locality will be limited and controlled.

6.4 Protection of Children from Harm

- Children will not be permitted after a certain time unless dining with adults.
- Challenge 25, CCTV and door security provide further protection.
- The restaurant environment is family-friendly and not alcohol-driven.

Conclusion: The objective is fully met.

7. Cumulative Impact Policy

7.1 The premises lies within a Cumulative Impact Area (“CIA”). However:

- For CIP to engage, an objection must rely on evidence used to justify the original policy – none of the objections do so.
- The Police – ordinarily the primary source of CIP concerns – **do not object**.
- As a **food-led, controlled-entry restaurant**, the premises is precisely the type of operation the Guidance recognises as *unlikely to add to cumulative impact*.

7.2 The Applicant's Operating Schedule demonstrates that the premises will **not negatively add** to cumulative impact and may in fact contribute positively by:

- Increasing the proportion of food-led venues,
- Reducing reliance on alcohol-heavy businesses in the area.

8. Proportionality

8.1 The Committee cannot refuse or modify the application merely because residents express opposition. It must be satisfied that modification or refusal is **appropriate** for promoting licensing objectives – a high bar.

8.2 The fears expressed by residents are:

- **Speculative,**
- Based on experience of other bars or historical use of the courtyard, and
- Not grounded in the actual, proposed mode of operation.

8.3 Given that all responsible authorities are satisfied, refusal or significant modification would be **disproportionate and legally unsafe**.

9. Conclusion

9.1 The Applicant has demonstrated that:

- The premises will operate as a **high-class restaurant**, not a public house.
- Admission is controlled and the environment will be calm, seated and food-led.
- All responsible authorities are satisfied that the licensing objectives are upheld.
- The residents' objections are based on **misconceptions** about the nature of the business and fears of issues that will not materialise.

9.2 For these reasons, the Committee is respectfully invited to:

Grant the premises licence as applied for, subject to the agreed conditions.



Anthony Dyke

CWC Solicitors