

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

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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
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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
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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.

<p>Section 21 of 22</p> <p>LICENSING OBJECTIVES</p> <p>Describe the steps you intend to take to promote the four licensing objectives:</p> <p>a) General – all four licensing objectives (b,c,d,e)</p> <p>List here steps you will take to promote all four licensing objectives together.</p> <p>I will adhere to the Portman Group’s Code of Practice to promote responsible drinking.</p> <p>I will discourage irresponsible drinking by promoting the four licensing objectives at all times.</p> <p>Staff training on Licensing objectives, Fire Safety and Food Hygiene will take place monthly and a record will be kept</p> <p>b) The prevention of crime and disorder</p> <p>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.</p> <p>c) Public safety</p> <p>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</p> <p>d) The prevention of public nuisance</p> <p>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.</p> <p>e) The protection of children from harm</p> <p>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.</p>
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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 Quay 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

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
