

## PLYMOUTH CITY COUNCIL

**Subject:** Joint Café Bar, 92 North Hill, Plymouth  
Variation of Premises Licence

**Committee:** Licensing Sub Committee (Miscellaneous)

**Date:** 13 December 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](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Executive Summary:**

An application has been received from Mr Nathan Harrison in respect of the Joint Café Bar, 92 North Hill, Plymouth for the variation of the premises licence under Section 34 of the Licensing Act 2003.

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### **Corporate Plan 2011 – 2014:**

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

I. Delivering Growth

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

Not applicable.

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### **Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

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.

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### **Recommendations & Reasons for recommended action:**

That Members consider this report.

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## None

Council's Licensing Policy.

|                        |  |     |                               |    |  |              |  |    |  |               |  |
|------------------------|--|-----|-------------------------------|----|--|--------------|--|----|--|---------------|--|
| Fin                    |  | Leg | SD.2<br>5/11<br>/11.1<br>3375 | HR |  | Corp<br>Prop |  | IT |  | Strat<br>Proc |  |
| Originating SMT Member |  |     |                               |    |  |              |  |    |  |               |  |

## 1.0 Introduction

1.1 On the 26 October 2011 the licensing department received an application from Mr Nathan Harrison in respect of the Joint Cafe Bar, 92 North Hill, 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><b><u>(e) Live Music</u></b> (Indoors)</p> <p><u>Hours</u></p> <p>Monday to Thursday 8pm to 11.30pm</p> <p>Friday 8pm to 1am</p> <p>Saturday 12 noon to 1am</p> <p>Sunday 12 noon to 11pm</p> <p>Karaoke, open microphone nights, acoustic singers, DJ.</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p> <p>Bank Holidays (Sunday and Monday)</p> <p>12 noon to 11pm</p> |
|                               | <p><b><u>(f) Recorded Music</u></b> (Indoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 8am to 1am</p> <p>Sunday 8am to Midnight</p> <p>TV, ipod, or other music system</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p>  |
|                               | <p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g)</u></b> (Indoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 8am to 1am</p> <p>Sunday 8am to Midnight</p> <p>Comedy nights</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p>   |
|                               | <p><b><u>(i) Provision of Facilities for Making Music</u></b> (Indoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 12 noon to 1am</p> <p>Sunday 12 noon to 11.30pm</p>   |
|                               |   |

|  |  |
|--|--|
|  | <p><b><u>(j) Provision of facilities for dancing</u></b><br/>(Indoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 8am to 1am</p> <p>Sunday 12 noon to 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p>                            |
|  | <p><b><u>(k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</u></b><br/>(Indoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 8am to 1am</p> <p>Sunday 12 noon to Midnight</p>                             |
|  | <p><b><u>(l) Late Night Refreshment</u></b> (Both Indoors and Outdoors)</p> <p><u>Hours</u></p> <p>Monday to Saturday 11pm to 1am</p> <p>Sunday 11pm to 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p>                             |
| <p><b><u>(m) Supply of Alcohol for consumption ON the premises.</u></b></p> <p><u>Hours</u></p> <p>Monday to Sunday 11am to 11pm</p> | <p><b><u>(m) Supply of Alcohol for consumption ON the premises.</u></b></p> <p><u>Hours</u></p> <p>Monday to Friday 11am to 1am</p> <p>Saturday 9am to 1am</p> <p>Sunday 11am to 11.30pm</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 1.30am</p> |
| <p><b><u>(o) Hours premises are open to the public</u></b></p> <p><u>Hours</u></p> <p>Monday to Sunday 8am to 11.30pm</p>            | <p><b><u>(o) Hours premises are open to the public</u></b></p> <p><u>Hours</u></p> <p>Monday to Saturday 8am to 1.30am</p> <p>Sunday 8am to Midnight</p> <p><u>Non Standard Timings.</u></p> <p>New Years Eve until 2am</p>  |

### 1.3 Variation application.

The nature of the proposed variation is;

To extend the opening hours and include the provision of live music, recorded music, provision of facilities for making music, provision of dancing facilities and late night refreshment. The applicant believes that the condition requiring the

removal of children under 18 by 9pm could be removed from their current licence as a result of this application:

- 1.4 Conditions currently attached to the licence (Appendix 1).
- 1.5 On the 22 November 2011 the licensing department received an e-mail from the joint café bar putting forward a number of conditions to promote the four licensing objectives (Appendix 2).
- 1.6 Representations have been received in respect of this application.
- 1.7 **Cumulative Impact Policy**  
This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

## **2.0 RESPONSIBLE AUTHORITIES**

- 2.1 Environmental Health – have made representation relating to public nuisance (Appendix 3)
- 2.2 Devon & Cornwall Police – have made representation relating to the prevention of crime and disorder and public nuisance (Appendix 4)
- 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**

6 - letters of representation have been received, one from a business within the vicinity of the premises, four from a residents living in the vicinity of the premises and one from a ward councillor (Appendices 5 to 10).

## **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 I - 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.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **Steps that have been taken to promote the Four Licensing Objectives**

#### **General**

1. Staff training
2. Promote drink awareness

#### **The Prevention of Crime and Disorder**

1. Measures to prevent binge drinking
2. Staff training in crime prevention
3. Regular checks by staff to be made of all public areas and toilets

#### **Public Safety**

1. Promotion of sensible drinking
2. Fire safety procedures in place

#### **The Prevention of Public Nuisance**

1. Limit noise emissions from the premises
2. Notice requesting customers to respect neighbours
3. Contractor to collect waste and bottles

### **Conditions agreed with the Environmental Health Department**

#### **Public Nuisance**

1. Patrons will not be permitted to drink outdoors
2. Patrons will not be permitted to smoke at the front of the premises, and will be asked to move to a designated smoking area ( the rear car park)

### **Conditions agreed with the Police Licensing Authority**

#### **Prevention of Crime and Disorder**

1. Whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premise Supervisor as being the person to manage the premises
2. CCTV to be installed to comply with the 'UK Police Requirements for Digital CCTV Systems'
3. CCTV to cover all areas to which the Public have access to and the outside areas of the premises



4. CCTV cameras to be kept clean and maintained at all times
5. CCTV images will be retained for a minimum of 31 days
6. The CCTV system will have the capability of downloading the images to a recognised format
7. A register will be kept detailing all requests by police for CCTV images. This will include time and date of request, time, date and location of incident, time and date of hand on to Police
8. During trading hours, members of staff present who are trained to view and download images from CCTV at request of Police
9. The Police Licensing Department will be informed if the CCTV system is not working
10. A daily incident logbook detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log will detail the date, time, type of incident, brief circumstances, action taken and person dealing. The logbook will be made available for up to six months to the Police or any other responsible authority for inspection, if required. All relevant incidents will be reported to the police at the earliest opportunity.
11. No open bottles glasses or other vessels will be permitted to be taken from the premises for consumption outside or elsewhere
12. Staff will be fully trained to recognise and refuse sale of alcohol to intoxicated persons.
13. A Zero tolerance drug policy will be adopted
14. There will be no accumulation of empty bottles and glasses within the public areas.

#### Protection of Children from Harm

1. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:  
(UK photo driving licence)  
(Passport)
2. Notices obtained from Police publicising the Challenge 25 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times
3. Regular and documented training of staff in relation to the prevention of under age sales
4. No person under the age of 18 shall be permitted entry to the premises after 21.00hrs

There will be no adult entertainment at this premise

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

#### **Conditions attached at the Committee Hearing of 29<sup>th</sup> September 2009**

A telephone number be made available to local residents, upon request

As well as ALL mandatory conditions Licencing Act 2003 The Joint Café Bar wish to put forward the following conditions which will reflect how our premises will promote the four licencing objectives.

We have taken into account the fact the premises falls within a cumulative impact area set out by Plymouth City Council 23<sup>rd</sup> June 2008.

## **Conditions relating to the prevention of crime and disorder**

### **Relevant to all staff at all times:**

All staff shall be trained in the requirements in the 'challenge 25' policies. The identification and recognition of drunks and persons under age (appear to be under age) and the correct procedure to be followed when refusing service.

All staff will be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.

Training will be repeated at least every 4 months and will be recorded in documentary form that will be kept at the premises and be available for inspection at the time of request by a member of any relevant authority. The records will be retained for 12 months.

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the date and time, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The incident book shall be available for inspection at the time of request by a member of any relevant authority. The records will be retained for at least 12 months.

## **Door supervisors**

Any door supervisors used must be registered with the Security Industry Authority.

All door supervisors will comply with SIA requirements relating to the availability of registration documents for inspection.

The premises licence holder and/or management will ensure door supervisors are properly briefed and trained to manage queues in a safe and efficient manner.

All door supervisors shall have clear instruction and understanding of their duties and responsibilities.

Door supervisors shall actively cooperate with the police in the execution of their duties and provide evidence by written statements to assist in any criminal investigations.

The premises licence holder and the management will maintain a register of door supervisors employed at the premises. The register will detail the day, time and date the door supervisor commenced duty, full name legibly written, SIA licence number, the name of the employer, the time duty ends and the name of the person in charge of the premises on that date. The register will be kept at the premises and be available for inspection on at the time of request by a member of any relevant authority. The records will be retained for at least 12 months.

**SIA staff will be used between 2130 hrs. and 0130 hrs. Friday and Saturday.**

**SIA Staff will be used at any other time when the premises is open after midnight.**

## **Management and staff at all other times**

The operation of an effective door-control policy to prevent overcrowding.

Prevent the admission and ensure departure from the premises of the drunk and disorderly, without causing further disorder.

Keeping out excluded individuals (subject to court bans or imposed by the licence holder, and or Clubwatch/Pubwatch)

Maintaining orderly queuing outside of the premises.

The premises licence holder and management will ensure staff do not allow any drinking vessel, glass or bottle to be taken from the premises.

There will be no admissions or re-admissions to the premise 30 mins prior to closing.

The premises licence holder or nominated person shall ensure adequate first aid provision is available at all reasonable times.

The premises licence holder or nominated person shall produce evidence to demonstrate that all the managers and staff are suitably trained in all aspects of the safe and efficient running of the venue.

## **Glassware and Bottles**

No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public. Frequent collection of glasses and bottles will be undertaken at regular intervals to ensure there is no build up of empties in and around the premises.

Bottle bins shall be provided at the exit doors and staff shall show due diligence in preventing bottles and glasses being taken from the premises.

Any outside area within the control or the premises or occupied by patrons of the premises will be suitably managed and controlled and be the subject of regular cleaning.

The licence holder and designated premises supervisor will ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of outside area has on the surrounding community.

Waste bottles will be stored in appropriate containers and put out in the locked storage container no later than 10pm to prevent noise disturbance to neighbours.

## **CCTV**

The premises licence holder will ensure that a CCTV system which is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document regarding installation of CCTV.

The CCTV will cover all areas of the premises to which the public have access including any outside areas.

Images will be retained for a minimum of 31 days.

The system will be capable of downloading images to a recognisable viewable format.

The CCTV system will be capable of obtaining a clear head and shoulders image of every person entering the premises on the CCTV system, where practicable, persons entering premises should be asked to remove headwear.

The premises licence holder or nominated person shall notify the Police Licensing Team, Charles Cross Police Station, Plymouth on any occasion when the CCTV or radio system is inoperative during normal opening hours and shall then notify them when measures have been taken to restore the system.

Any radio equipment supplied for use by Pubwatch or any other organisation will be maintained in good working order. During the times Door supervisors are employed any such radio will be held by the door supervisor managing the main entrance to the premises.

Door supervisors and staff will be trained in the correct use of the radio equipment.

## **Substance misuse**

The premises will operate a ZERO tolerance policy.

Zero drug tolerance posters will be placed in toilets and at entrances.

Staff trained in drug awareness and to look out for anyone under the effects of illegal substances.

Police to be called at all times if staff have any concerns.

## **Conditions relating to the Prevention of Public Nuisance**

Ensure all activities are suitable for size and location of the premises.

### **Noise when entering/exiting the premises.**

The licence holder or nominated person shall erect and maintain suitable and sufficient conspicuous signage advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

The licence holder or nominated person shall arrange adequate supervision of any queue which may form to gain entry to the premises.

The licence holder or nominated person shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

Patrons will be asked not to stand around talking in the street outside the premises or any car park, and asked to leave the vicinity quickly and quietly.

The licence holder or nominated person shall ensure that exits will be manned at closing time to ensure that patrons leave the area quickly and quietly as possible.

The licence holder or nominated person will ensure that patrons using designated smoking area are respectful at all times.

## **Structured noise controls**

Doors and windows will be kept shut during live or regulated entertainment.

The entrance doors to the premises will be fitted with automatic self-closers.

The licence holder or nominated person will ensure that self-closing doors are not wedged open during regulated entertainment.

The emergency exits shall be well fitting and kept shut during regulated entertainment.

## **General music limitations**

The licence holder or nominated person will control the sound levels during regulated entertainment.

The performance of live entertainment will be limited to a maximum duration of 2 hours.

The performance of live entertainment will be limited to 2 sessions per week.

Live entertainment – max 2 singers, instruments non amplified, no later than 2230 hrs. on Sundays to Thursdays, 2330 hrs. on Fridays and Saturdays.

Recorded music to be reduced to background music 30 mins prior to closing.

Staff will check prior to the commencement of regulated entertainment, and periodically during the performance, that all windows and doors are shut.

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

## **Management control (sound)**

The licence holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licencing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.

The licence holder or nominated person 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 any action to ensure compliance with existing licencing conditions.

The licence holder or nominated person will be available at all times during regulated entertainment and who is responsible for cooperating and liaising with police and other responsible authorities.

The licence holder or nominated person will check prior to entertainment and periodically during the entertainment that all windows and doors are shut.

A written log will be kept of all noise complaints received and reference to any remedial action that to control noise and other disturbances.

The written log will be kept on the premises and be available for inspection at the time of request by a member of any relevant authority.

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items will not take place in the late evening or early morning when the noise generated could cause a nuisance particularly outside the building.

## **Taxi provision**

A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator and all drivers are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily, in addition, staff will leave as quietly as possible, particularly at night and early in the morning.

## **Delivery/collection storage**

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items will not take place in the late evening or early morning when the noise generated could cause a nuisance particularly outside the building.

The delivery of goods is restricted to the normal working day.

Bottle skips and bins containing cans or bottles will not be emptied outside after 2300 hrs. but will be dealt with the next day during normal office hours.

## **Conditions relating to Public Safety**

### **Accommodation limits**

The maximum number of persons (including staff and entertainers) allowed shall not exceed 90, subject to the following maximum occupancies : 90

The licence holder or nominated person shall ensure that the accommodation limit specified on the licence is not exceeded and shall be aware of the number of people on the premises at all reasonable times. This information shall be immediately available on the request of an authorised officer.

The licence holder or nominated person shall take steps to reduce the number of persons (including staff and entertainers) where the capacity limit has been exceeded.

### **Disability access**

The licence holder or nominated person shall ensure that when people with disabilities are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Staff shall be aware of disabilities and react according to a pre-determined plan. People with disabilities on the premises shall be made aware of the arrangements in place to enable their safe evacuation in the event of an emergency.

### **Escape routes**

All escape routes and exits shall be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and be clearly identified.

All exit doors, whenever the premises are occupied, shall be easily opened in the case of an emergency.

All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the checks shall be kept on the premises.

### **Lighting**

Management lighting – in the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

Outside areas are to be well lit but not obtrusive to neighbours or traffic.

### **Protection of children from harm**

The licence holder or nominated person shall have a written age verification policy in relation to the sale of or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 and will specify a Challenge 25 proof of age requirement before sales of alcohol are made as approved by the Plymouth City Council Trading Standards responsible authority.

The licence holder shall ensure a sales refusal register is maintained to include details of all alcohol sales refused and the reason for refusal. The refusal register should be made available to an authorised officer on request.

Unaccompanied children (under 18) will not be allowed on the premises after 1900 hrs.

Accompanied children (under 18) will only be allowed on the premises between the hours of 0900 and 2100 except for private functions.

'Challenge 25' posters on display

Only passport, driving licence or photo hologram I.D. to be accepted.

No adult entertainment.

**MEMO**

Public Protection Service



**From:** Unit Manager, Public Protection Service  
**To:** Head of Licensing Section  
**FAO:** Peter Clemens  
**Date:** 11.11.11  
**Our Ref:** RH/812636  
**Investigating Officer:** Rachael Harris  
**Extn:** 5480

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**LICENSING ACT 2003  
ENVIRONMENTAL HEALTH REPRESENTATION**

**Premises:** The Joint Café Bar, 92 North Hill, Plymouth, PL4 8EX  
**Name of Applicant:** Mr Nathan Harrison  
**Type of Application:** Alcohol (On)/Entertainment Licence  
**Report Prepared By:** Rachael Harris

**Recommendations**

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

Not protectively marked

**LICENSING ACT 2003  
ENVIRONMENTAL HEALTH REPRESENTATION**

**Schedule Ref:** 812636  
**Name:** Joint Café Bar  
**Address:** 92-92A North Hill, Plymouth

**Report By:** Rachael Harris

**Date of Inspection:** N/A

I have considered the application in detail. However due to the reasons overleaf, I have recommended that live music and regulated entertainment is refused.

**Licensing Act 2003**  
**Supporting Information for Committee Hearing following the Public Protection**  
**Service Representation**

**Premises Name:** The Joint Café Bar, 92 North Hill, Plymouth, PL4 8EX

This property has residential accommodation directly above the premises and the premises is surrounded by other residential properties in Clifton Place. The premises is also in the North Hill Cumulative Impact Area and our department have concerns that the café has the potential to create another vertical drinking establishment in the evening and increase the public nuisance associated with the high concentration of bars in North Hill.

The café has evolved from an internet café to a café with alcohol and now wants to extend this to a live music venue in the evening. The café is very small and is not suitable for the type of live music and karaoke requested. There is no lobby to the premises so noise outbreak from any entertainment will occur each time someone enters and leaves the premises. There is limited space outside the front of the café and as there is no air conditioning in the premises people may congregate outside on the pavement outside and cause obstruction. The road outside is a very busy main road.

The applicant may have good intentions to ensure the music activities will not have a negative impact on their neighbours but my professional opinion is that this is not practical to achieve within such a small establishment and noise disturbance will result as a consequence.

I have considered a range of conditions that would allow the applicant to operate this type of venue, however I do not consider, despite best intentions of the applicant, that any such conditions would be suitable. If a noise limiter was fitted, the levels that would be set by Environmental Health are likely to be too low and be unrealistic for the operational requirements of the business. There are no sound insulation properties in the building that will be effective in containing the noise. The applicant has verbally indicated that the smoking area at the rear may be turned into a seating area and this is likely to cause further noise issues to the residents in Clifton Place.

The applicant has advised that live music will include 'open mic nights' and Karaoke. Open mic nights involve people bringing a range of instruments along with them to play. These instruments would not all be able to go through a sound limiter and it would be impossible to control the noise levels. Karaoke causes inherent issues in residential areas as individual abilities to sing varies greatly and often causes noise nuisance to local residents. The tonal quality of persons playing instruments and singing frequently off key will be an additional aggravating factor to local residents.

I have considered allowing regulated entertainment, however the applicant has asked for this between 0800 and 0100 Monday, Tuesday, Wednesday, Friday and Saturday; between 0800 to 0130 on a Thursday and 0800 to 2400 on a Sunday. Regulated entertainment will include DJ/Disco music which again is likely to cause noise disturbance to local residents.

The practical problems of setting realistic limits with the installation of a noise limiter will be problematic as given the design and construction of the premises the level set by Environmental Health would be so low as to be unrealistic for the applicant.

The music is not going to be incidental to the café and is likely to attract a number of people to the premises who given the size of the premises will congregate outside and it will be very difficult to control noise disturbance. I have considered restricting the hours of the regulated entertainment to 23:00 hours but due to the close proximity of residential properties, noise disturbance could still occur before this time.



I have considered the size of the premises using existing scale diagrams regarding the max capacities and toilet accommodation. Based on the Building Regulations 2000: requirement for floor space standards, this premises has an approximate floor area of 27.5m<sup>2</sup>. As a café with seating, this would have a space factor of 1.0 and would therefore have a capacity of 27.5 people. If this is to be used as a bar with people standing and no seats at all, then the space factor would be 0.3 and therefore a capacity of 91 people. There are only 2 toilets in the premises. If you apply the British Standard BS6465, then as a café, the business should have 2 WVC's for males + 1 urinal with 3 WHB's. There should be 2 WVC's for females with 2 WHB's. As a bar, then there would need to be an additional female toilet.

Whilst the premises has 2 toilets for a number of years, this may not be so much of an issue as a café, but as a bar people need the toilet more frequently and if there are not enough toilets, issues arise from people urinating outside the premises or in peoples gardens/front doors on their way home.

I have therefore recommended that live music and regulated entertainment is refused. I also have reservations regarding allowing alcohol until 01.00hours unless the toilet provision can be increased or the capacity of the premises is restricted.

Building safer communities together



DEVON & CORNWALL  
CONSTABULARY

Our ref:

Your ref:

Mr Peter Clemens  
Licensing Officer  
Plymouth City Council  
Armada Way  
Plymouth  
PL1 2EW

RECEIVED  
PUBLIC PROTECTION SERVICE  
22 NOV 2011

David McIndoe  
Licensing Officer  
Charles cross Police Station  
Plymouth

Telephone: 01752 720473

16th November 2011

F.A.O. \_\_\_\_\_

**Re: Application to Vary Premises Licence The Joint Cafe Bar - 92, North Hill Plymouth PL4 8EX**

Dear Mr Clemens

With regard to the above application, please be advised the police intend to make representations before the Plymouth City Licensing Committee regarding this application as it is felt it could have a negative impact on the following licensing objectives,

**Crime and Disorder**

- Due to alcohol being sold until 01:00 an increase in alcohol related violent crime could occur in the vicinity.
- Due to alcohol being sold until 01:00 an increase in criminal damage could occur in the vicinity.

**Public Nuisance**

- Due to alcohol being sold until 01:00 an increase in the number of persons loitering late at night could occur in the vicinity.
- Due to Regulated entertainment being provided until 0100hrs there would be an increase in complaints re noise issues.

The premises lie within the Cumulative Impact Zone as adopted by Plymouth City Council, and are surrounded by residential areas.

Both the Licensing act and the Plymouth City Council Licensing policy require any application

david.mcindoe@devonand cornwall. pnn.police.uk

[www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)



CUSTOMER SERVICE EXCELLENCE

SF 615

for a material variation within a cumulative impact area to demonstrate how the applicant intends to ensure that the variation will not impact on the promotion of the four licensing objectives.

This application does not provide sufficient detail to demonstrate how it will not have a negative effect on the Licensing Objectives

It is the police contention that if granted a licence for the retail sale of alcohol then people who gather in and around the premises for the purposes of consuming alcohol up until 0100hrs are likely to have an impact on levels of violence and disorder reported. The premises are very small with I believe a maximum occupancy of around ninety people, when busy the bar could quickly become hot thereby making it necessary for people to open doors and windows or simply step outside.

Further those choosing to smoke outside the premises, even given the provision of a smoking area, will have a negative impact on the public nuisance licensing objective due to the noise they will generate. I note the applicant intends to provide a seating in the smoking area. This would encourage people to remain outside, he suggests the use of Polycarbonate drinking vessels at busy times however given the close proximity of numerous residential properties and the separation from the bar area It is difficult to see how the smoking area can be effectively managed in terms of noise, drunkenness and anti social behaviour.

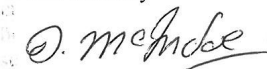
The Police have liaised with the premises re this application and have advised them to examine the pool of conditions on the Plymouth City Web site with a view to selecting conditions that address the problem areas.

They have done so but despite having the best of intentions the applicant has failed to identify relevant conditions and have submitted proposals that do not effectively deal with all concerns.

Therefore the application falls short of the requirement to demonstrate that the operation of the business will not negatively impact on any of the four licensing objectives

Consequently the police suggest that the variation of the premises licence to extend the hours of business, the retail sale of alcohol and regulated entertainment is likely to increase levels of crime and incidents of public disorder and public nuisance.

Yours sincerely



D. MCINDOE  
Licensing Officer.  
Devon & Cornwall Constabulary

# Headland Park House

management company

Licensing Floor 6,  
Plymouth City Council  
Civic Centre  
Plymouth  
PL1 2AA



14 November 2011

Dear Sir/Madam,

Ref: The Joint Café Bar, 92 North Hill, Plymouth, Devon, PL4 8EX

We manage Headland Park House, 94 North Hill, which is 20 apartments.

I refer to 92 North Hill and their application to open until 2am. Under public nuisance condition, I would like to object to this application.

I feel the increased noise and persons out side of the building smoking would cause severe disruption to the occupiers of the Headland Park House,

The main entrance is right beside the above premises and there has already been incidences of persons ringing bells, urinating etc in this entrance. This couldn't be connected with next door, but this would certainly not help the situation.

There are several apartments which are beside number 92 and the noise would be unbearable.

I trust you find the above satisfactory, but if you have any queries please do not hesitate to contact me.

Yours sincerely

Headland Park House Management Company

**Clemens, Peter (DEVELOPMENT)**

**From:**  
**Sent:** 22 November 2011 09:17  
**To:** Licensing (DEVELOPMENT)  
**Cc:** Ricketts, Steve (CLLR); Singh, Chaz (CLLR)  
**Subject:** The Joint Cafe Bar 92 North Hill Variation Application 030622

**The Joint Cafe Bar 92 North Hill Variation Application 030622**

Dear Sirs

I wish to object to the above licence application on the grounds of **public nuisance**.

I have consistently had problems accessing the licensing database over the past few days and was able to create an account to make a representation online about an hour ago but am still waiting for my e-mail confirmation and as of now can't access the site again.

The part of the the application I am objecting to is as follows:-

**M. The sale by retail of alcohol from consumption ON the premises only.**

Monday to Friday 11.00am to 01.00am

Saturday 09.00am to 01.00am

Sunday 11.00am to 11.30pm

It is long standing council policy to maintain a 'buffer' between the licensed premises on Mutley Plain and those on North Hill. When a licence was previously granted to these premises there was strong local objection and from memory it was granted strictly on the basis that it would be only until 11.00pm and thus it was deemed to be acceptable and the local residents accepted this position.

I have drawn Councillor Ricketts attention previously to the fact that on summer evenings earlier this year there were a lot of customers standing outside the bar drinking which is not only unacceptable but a danger to traffic on a very narrow pavement on a busy junction.

The licensing register shows that on most weekends recently the premises have applied for a **Temporary Event Notice WITH Alcohol** and on consecutive weekends have been opening to the later times using this part of the law. Obviously there are a limited number of times that this can be used but my observation on recent weekends are that the above issues re clients outside and danger to traffic are still prevalent.

There is a fundamental principle here about not breaching the buffer between Mutley Plan and North Hill and I would urge you not to agree to the application.

Please keep me informed about the ongoing process.

**Hill Park Crescent  
North Hill  
Plymouth**

22/11/2011

**Singh, Chaz (CLLR)**

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To: Clemens, Peter (DEVELOPMENT)

**The Joint Cafe Bar 92 North Hill Variation Application 030622**

Dear Mr Clemens,

Please accept this email/letter as objections from Residents relating to Key Licensing Objectives:

**Prevention of Public Nuisance**

I have had numerous complaints from Residents who need to walk pass the premises concerning the frequency of broken glass immediately outside the premises throughout the week. This is a popular route for dog-walkers to the park and also for families.

Concern has been expressed about noise now which is therefore likely to increase in line with increased opening hours and an increase in customers.

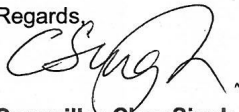
**Protection of Children from Harm**

As above, the route would also be used by parents and children to access the park and also the path is on a route to school so children also would encounter the broken glass.

**Public Safety**

Due to the broken glass, people and children and their pets have been seen walking out into the road to avoid the broken glass.

Regards,



**Councillor Chaz Singh  
Drake Ward**

E: [chaz.singh@plymouth.gov.uk](mailto:chaz.singh@plymouth.gov.uk)

Licensing Committee  
Plymouth City Council  
Plymouth  
PL1 2AA

Headland Park  
Plymouth  
PL4

21 November 2011

Dear Members of the Licensing Committee,

***Joint Café Bar, 92 North Hill***

I wish to object to the application for an extension of hours at the Joint Café Bar, 92 North Hill. In 2009 this former café was granted a liquor license after it agreed to reduce its proposed hours of opening and to drop proposals for live music. Now almost exactly 2 years to the day since this was granted they have applied for the very things that were refused in 2009. This seems to me to be cynically playing the licensing system game. Nothing has changed in 2 years. The bar is still located in a high-density residential area. This area still suffers from the cumulative impact of anti-social behaviour caused by the concentration of drinking establishments, namely high levels of crime and disorder and criminal damage as well as vandalism and littering from the patrons of these premises.

The extension of the opening hours and playing of live music can only serve to increase the public nuisance. Shouting, singing, fighting and damage to property are the regular offences that local people have to injure and extending the opening hours of operation of the bar will not improve the situation. This area already has a high number of licensed premises in the locality. The Joint Cafe Bar is different from those on North Hill and Mutley Plain in that it is so close to a large number of residential properties.

The residents of North Hill only want the same thing as everyone else, namely the right to live in peace but over the years this has been eroded by the flight of families and the influx of students. The extension in opening hours of another licensed premise in the area can only serve to increase incidents of crime and disorder, increase public nuisance and reduce public safety. I trust that the committee will vote accordingly.

Yours faithfully



**Clemens, Peter (DEVELOPMENT)**

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**From:** .....  
**Sent:** 23 November 2011 22:24  
**To:** Licensing (DEVELOPMENT)  
**Cc:** Ricketts, Steve (CLLR)  
**Subject:** FW: The Joint Cafe Bar, 92 North Hill, Plymouth

I have added in 'on the grounds of Public Nuisance' in the last paragraph, which may be important, though I would have thought obvious.

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**From:** .....  
**Sent:** 23 November 2011 16:34  
**To:** 'licensing@plymouth.gov.uk'  
**Cc:** 'Ricketts, Steve (CLLR)'; 'chaz.singh@plymouth.gov.uk'  
**Subject:** The Joint Cafe Bar, 92 North Hill, Plymouth

The Joint Cafe Bar  
92 North Hill  
Plymouth

**License Variation for:- Live Music; Recorded music; Facilities for making music and Dancing; Extension to alcohol license and to the late night Refreshment provision.**

I wish to object to the application to provide Live Music at this venue for the following reasons. The Joint is a very small venue indeed. It simply is not large enough to **absorb** live music. Nor is it large enough to **contain** the live music with attached paraphernalia plus the people who will want to get into the venue to enjoy it. The frontage is glass, the door will constantly be open allowing access and almost certainly, particularly in summer be open for ventilation purposes. Small places get very hot when jammed with people. Folk will undoubtedly spill out on to the pavement, which is quite narrow at this point on North Hill, drinking alcohol and probably wandering on to the road, both North Hill and Clifton Place. North Hill is an alcohol free zone. Policing will be difficult since it will be yet another venue at the top of the hill to monitor, in addition to both Sherwell Arcade area and the Spar Shop area.

All of the above were similar problems to those at Carpe Diem further down the hill. At Carpe Diem however, the interior extends further back into the building and had an external terrace area, to take both the overflow of people and provide ventilation. Even so we could hear acoustic guitar playing with the door shut from our lounge and had to complain on several occasions. The Joint may not be quite the same problem for me in Skardon Place but would be for those living in St Lawrence Road, possibly Clifton Place but certainly those on North Hill. There are flats adjacent. I do not believe Live Music should be allowed in these small bars, it is completely inappropriate, particularly at the 92 North Hill venue.. Live music cannot be played quietly –it just doesn't happen. Carpe Diem is no longer a problem but I think it rarely, if ever, now plays live music. I am not aware of it.

Recorded music should be easier to control but would have to be very carefully monitored. It can be played as loud as live music and again with the door constantly opening the sound would spread up and down the hill. At night it is surprising how noise seems to magnify. 'Background music' may be acceptable but is very difficult to monitor.

As far as making music and dancing are concerned, anything with acoustics will make a noise and all the above applies.

24/11/2011



The application for extension to alcohol license is just depressing – yet another late night bar, causing noise and increased litter in the early hours. My comments re the position on the junction, width of pavement, problems with policing and closeness to residents apply here.

The Joint is a pleasant place in the day time. I am not against young people enjoying themselves. The problem is this venue started out as cafe bar. In 2009 the present licence was agreed, but was explained as an application for 'alcohol to accompany food'. It always changes though, alcohol license extensions are gradually applied for and very soon the venue becomes a bar with 'food to accompany the alcohol'. The size and location of this venue makes it inappropriate for this license variation application on the grounds of 'Public Nuisance' and the owners should, and I hope the committee will recognise this.

I will send a signed copy

Skardon Place  
North Hill  
PL4

01752

24/11/2011

**From:**  
**Sent:** Wednesday, November 23, 2011 7:42 AM  
**To:** Ricketts, Steve (CLLR)  
**Subject:** The Joint, North Hill

Hi Steve,

Is it possible for you to forward this to the relevant Dept. today?

told us about the application to change the Licencing hours at 'The Joint' at the top of North Hill.

I think our concerns are

1. it will be yet another public nuisance at night. Some observations so far - when the owners were given their original licence some things were promised ie no smoking outside the front door but in the 'car park' behind - this has not happened. No alcohol to be consumed on North Hill/Mutley - this has not happened, patrons have been seen drinking on the street by the door. (Mutley/North Hill is a non-alcohol zone). How do the staff intend to monitor and prevent this happening? (especially as they were the ones smoking outside the front door)
2. when the original licence was granted it was for a cafe wanting to serve an alcoholic drink with a meal. Now it is a bar wanting to serve food if you want it, especially during the evenings.
3. we feel there is a health & safety issue here. The doorway is right on a busy road junction - North Hill/North Road East/Clifton Place. Patrons do not appear to notice traffic at that junction especially when they have had a few drinks, and are in the habit of stepping out into the roads without looking. For any motorist, especially those turning left into Clifton Place from North Hill, this presents as a black spot. Although this problem already exists, do we want to make it worse. There is still quite a lot of traffic around at 12-1am.
- (4. as residents we are becoming 'fed up' of having to make these objections as we never seem to 'win' and we feel what is the point. The licencees appear to get what they want every time.)

Can you do anything with this for us? I think today is the last day for objections.

Many thanks