

PLYMOUTH CITY COUNCIL

Subject: Maritimo, Hoe Road, Plymouth
Grant 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, Senior Licensing Officer

Contact: 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 Thompson and Jackson Solicitors on behalf of Mr Christopher Evans in respect of Maritimo, Hoe Road, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2011 – 2014:

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

I. Delivering Growth

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

Not applicable

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.

Recommendations & 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:

Fin		Leg	DJB/13132 /26.10.11	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 Introduction

1.1 On the 22 September 2011 the licensing department received an application from Thompson and Jackson Solicitors on behalf of Mr Christopher Evans for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Maritimo situated at Hoe Road Plymouth.

1.2 Grant application.

Themed (primarily Spanish) bar and restaurant.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(E) Live Music (both indoors and outdoors)

Monday to Sunday 7am to Midnight

Limited to very small groups and individuals e.g. guitarist.

External foreshore area weather dependent.

Non Standard Timings

New Years Eve up to 24 hours.

(F) Recorded Music (both indoors and outdoors)

Monday to Sunday 7am to Midnight

Limited amplification.

External foreshore weather dependant

Non Standard Timings

New Years Eve up to 24 hours.

(G) Performances of Dance (both indoors and outdoors)

Monday to Sunday 7am to Midnight

Limited flamenco and similar themed performance

External foreshore area weather dependant

Non Standard Timings

New Years Eve up to 24 hours.

(I) Provision of Facilities for Dancing (both indoors and outdoors)

Monday to Sunday 7am to Midnight

External foreshore weather dependant

Non Standard Timings

New Years Eve up to 24 hours

(L) Late Night Refreshment (both indoors and outdoors)

Monday to Sunday 11pm to Midnight

Non Standard Timings

New Years Eve up to 24 hours

(M) Supply of Alcohol (both indoors and outdoors)

Monday to Sunday 7am to Midnight

Non Standard Timings

New Years Eve up to 24 hours

(O) Hours Premises Open to the Public

Monday to Sunday 7am to 12.30am

Non Standard Timings

New Years Eve up to 24 hours

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

1.5 Plan of outside area (Appendix 2).

1.6 Representations have been received in respect of this application.

1.7 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 Police – have made representation relating to the prevention of crime and disorder and the protection of children from harm (Appendix 3)

2.2 Environmental Health – have made representation relating to 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 were received from residents living within the vicinity of the premises and the ward councillors for the area (Appendices 5 – 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. 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 Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

FULLY EXPERIENCED MANAGEMENT
TEAM AND STAFF WITH SUPERVISION
OF ALL AREAS BY TRAINED STAFF
CCTV COVERAGE

b) The prevention of crime and disorder

CCTV COVERAGE AND TRAINED
STAFF. SEATING AREAS

c) Public safety

TRAINED STAFF AND MANAGEMENT
CCTV
SIGNAGE + FULL FIRE PREVENTION
EQUIPMENT

d) The prevention of public nuisance

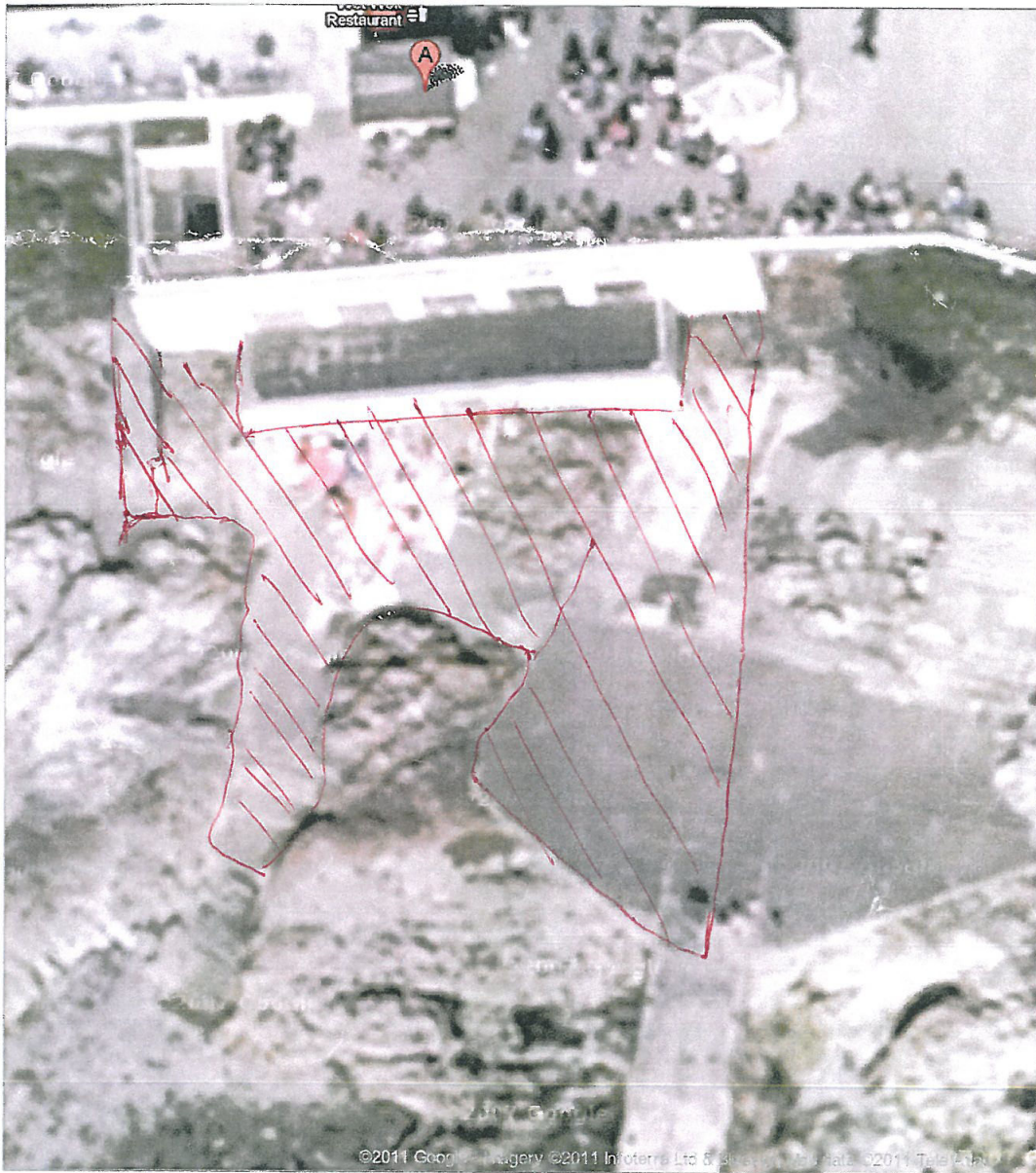
CCTV
MONITORING OF MUSIC LEVELS
[PREMISES FACE SEA, BELOW ROAD LEVEL
AND WITH NO CLOSE RESIDENTIAL PROPERTY]

e) The protection of children from harm

SIGNAGE ; PROOF OF AGE POLICY (25)
CHILDREN TO BE ACCOMPANIED BY
ADULT

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



Coffee Shack South Africa - www.hostelworld.com/CoffeeShack - Check Out Customer Reviews Before ` Ad

Price, Marie (DEVELOPMENT)

From: Fred.PROUT@devonandcornwall.pnn.police.uk
Sent: 20 October 2011 11:05
To: Licensing (DEVELOPMENT); Price, Marie (DEVELOPMENT)
Subject: Maritimo Restaurant and Bar, Hoe Road, Plymouth. PL1 3DE NOT PROTECTIVELY MARKED

Hi Marie

The Police have been in negotiation with the applicant and have requested certain conditions to be added to the operating schedule. The Police consider these are necessary for promoting the objectives of, the prevention crime and disorder and the protection of children from harm.

To date there have been no acceptance of these proposed conditions and therefore the police will make representations with reference to the promotion of the above mentioned licensing objectives.

Kind regards

Fred Prout

Mr. F T Prout
Licensing Officer
Devon & Cornwall Constabulary
Licensing Office
Charles Cross Police Station
Hampton Street
Plymouth
PL4 8HG
email: fred.prout@devonandcornwall.pnn.police.uk
Tel: 01752 720464
Fax: 01752 720487
From 1st November 2011 Licensing teams will be working within a new structure, please note our new contact details: Licensing Department (West), Launceston Police Station, Moorland Road, Launceston, Cornwall. PL15 7HY
email: licensingwest@devonandcornwall.pnn.police.uk
tel: 01566 771309
fax: 01566 771388

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20/10/2011

LICENSING ACT 2003

PREMISES: - MARITIMO RESTAURANT BAR. HOE ROAD, PLYMOUTH.PL1 3DE

Conditions to be added

b) Prevention of Crime and disorder

A digital CCTV system must be present in all areas the public have access.

The CCTV images recorded will comply with the Information Commissioners Office (ICO) guidance document regarding installation of CCTV and images will be retained for 28days.

The CCTV will be capable of being downloaded into a recognisable viewable format.

At all times the premises are open for trade there will be a member of staff present who will immediately show images upon the request of any member of a responsible authority.

The images will be capable of being downloaded in a viewable format as soon as possible.

The Licensing Department will be informed if the CCTV is not working correctly within 48hrs.

e) The protection of children from harm

A challenge 25 proof of age policy will be adopted and all staff will be trained in the procedures.

Any person who looks or appears to be under the age of 25 years shall be asked to provide identification that they are over 18years. The following are the only forms of identification acceptable:

- UK photo driving licence
- Passport
- PASS accredited cards

Challenge 25 signage shall be positioned in the premises alerting customers to this policy.

I AGREE THAT THE ABOVE CHANGES AND THE CONDITIONS BE INCLUDED AS PART OF MY APPLICATION FOR THE GRANT OF A PREMISES LICENCE AND I UNDERSTAND THEY WILL FORM PART OF MY LICENCE.

Signature

Name

Date

Clemens, Peter (DEVELOPMENT)

From: David.MCINDOE1@devonandcornwall.pnn.police.uk
Sent: 26 October 2011 08:52
To: Clemens, Peter (DEVELOPMENT)
Subject: RE: Maritimo Restaurant and Bar, Hoe Road, Plymouth. PL1 3DE NOT PROTECTIVELY MARKED

Peter,

With regard to our previous conversation, Fred is A/L today so I will put forward my views.

The requested conditions are felt to be necessary because

CCTV is an essential part of the crime prevention objective the area in which the premises lie. The area is subject of instances of "tombstoning" by disorderly youths, the area is also a hot spot for disorderly youths who gather around the coffee shop and ice Cream Kiosk at all times of day and night and in all seasons and it is believed that the interaction of the youths and customers could be confrontational at times.

The conditions relating to the protection of children from harm are felt necessary as the area is a hotspot for underage drinking. It is therefore essential that all staff and management are aware of their responsibilities in order to effectively manage this problem.

I hope this assists.

Regards Jock

From: Clemens, Peter (DEVELOPMENT) [mailto:Peter.Clemens@plymouth.gov.uk]
Sent: 26 October 2011 08:01
To: MCINDOE David 55474
Subject: FW: Maritimo Restaurant and Bar, Hoe Road, Plymouth. PL1 3DE NOT PROTECTIVELY MARKED

From: Fred.PROUT@devonandcornwall.pnn.police.uk [mailto:Fred.PROUT@devonandcornwall.pnn.police.uk]
Sent: Thursday, October 20, 2011 11:05 AM
To: Licensing (DEVELOPMENT); Price, Marie (DEVELOPMENT)
Subject: Maritimo Restaurant and Bar, Hoe Road, Plymouth. PL1 3DE NOT PROTECTIVELY MARKED

Hi Marie

The Police have been in negotiation with the applicant and have requested certain conditions to be added to the operating schedule. The Police consider these are necessary for promoting the objectives of, the prevention crime and disorder and the protection of children from harm.

To date there have been no acceptance of these proposed conditions and therefore the police will make representations with reference to the promotion of the above mentioned licensing objectives.

26/10/2011

MEMO

Public Protection Service



From: Unit Manager, Public Protection Service
To: Head of Licensing Section
FAO: Peter Clemens
Date: 10 October 2011
Our Ref: RH/TC/809845
Investigating Officer: Rachael Harris
Extn: 5480

**LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION**

Premises: Maritimo
Name of Applicant: Mr Christopher Evans
Type of Application: Alcohol (Both)/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;

**LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION**

Schedule Ref: RH/TC/809845
Name: Maritimo
Address: The Hoe, Hoe Road, Pebble Beach, Plymouth, PL1 2PA

Report By: Rachael Harris **Date of Inspection:** N/A

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.

Public Nuisance

Outside Area

1. **The outside licensable area must be cleared of patrons by 22.00hrs, other than for the use of a designated smoking area.**
2. **No drinks will be permitted to be taken outside the premises after 22.00hrs.**
3. **Management will control levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.**
4. **Any recorded or live music in the outside area will cease by 22.00hours and will be restricted to no more than 2 artists at any one time.**
5. **Any recorded or live music in the outside area will be no longer than 2 and a half hours in length (excluding breaks) and no more than 2 occasions per week.**

General

4. **Doors and windows will be kept shut during indoor entertainment.**
(To reduce noise break out. This may have negative effects on levels of ventilation and temperature).
5. **Any performance of live music indoors will be no longer than two and a half hours in length (excluding breaks) and no more than 2 occasions per week.**
6. **Live music (indoors) will finish by 23.00hours.**
7. **A senior member of Staff (Manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.**
(to ensure levels of noise have not increased).
8. **Management will control the sound levels of the music/entertainment.**
(This can be done by verbal agreement with performers, setting maximum levels on the amplifier/sound system or the installation of a sound limiter).
9. **Before 11pm**
To prevent entertainment being intrusive, noise emanating from the premises will not be clearly audible 1 metre from the façade of the nearest residential property.
(If noise is clearly audible outside residential accommodation it has the potential to be a nuisance, for example if words and melody can be clearly distinguished)
10. **Between 11pm and 12 midnight**
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.
(You should not be able to identify the tune above normal background noise although you may still be able to hear something).

- 11. The delivery of goods is restricted to taking place between 08.00hrs and 18.00hrs.**
- 12. Bottle skips and bins containing cans or bottles will not be emptied outside after 11pm but will be dealt with the next day during normal working hours.**
(To limit the likelihood of noise nuisance)

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

Premises Name: Maritimo, The Hoe, Hoe Road, Pebble Beach, Plymouth

Our department are concerned that this application will not promote the public nuisance licensing objective. The premises is in close proximity to a residential area with the nearest residential property being 160m away.

We have had complaints from local residents regarding salsa dancing and live music outside emanating from other businesses nearby and the use of the outside area for live, recorded and performance of flamenco dancing is likely to cause disturbance to local residents unless adequate controls are in place. The use of the inside of the building for live and recorded music may also cause disturbance to local residents if adequate controls are not put in place.

We have therefore recommended a number of conditions to promote the licensing objective for the prevention of public nuisance.

McDonald, Susan (CLLR)

From: McDonald, Susan (CLLR)
Sent: 18 October 2011 12:47
To: Clemens, Peter (DEVELOPMENT)
Cc: Tuffin, Ian (CLLR); Penberthy, Chris (CLLR)
Subject: Licensing Application - No 030108 MARITIMO

Dear Peter,

I am writing to inform you that as ward councillors we would like to object on behalf of residents who have approached us and may themselves wish to speak of course, for the following reasons:

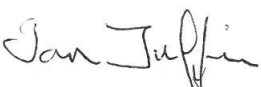
1. **Public Nuisance** - the extensive hours operating seven days per week and the playing of music both indoors and outdoors in a residential area is likely to cause a problem. As there is limited parking traffic noise via taxis is also likely to contribute to public nuisance. People entering and leaving the premises would contribute to noise nuisance. The presence of water means that sound will be carried and heard by residents than in a built up area within the city.
2. **Public Safety** - the drinking of alcohol within the geographical layout of the premises could lead to accidents as there is a steep drop onto the rocks of the foreshore which could lead to serious accidents. It may be helpful if this is a non-vertical drinking area at the outside of the premises so that patrons must be seated at tables and chairs. Any broken glass can also be hazardous to other adult users of that part of the Hoe.
3. **Protection of Children from Harm** - there is a history of tomb stoning and whilst some action has been taking to stop this, I'm told that a key reason for this activity amongst young people is the element of display and drinking outside is likely to cause an escalation of anti-social behaviour. The Hoe is also a place for families and young children could be exposed to raucous and drunken behaviour. There are nearby children's parks. The recreation activity such as bathing related to the Hoe area means that young people and children are more likely to suffer injuries from broken glass unless such use of glasses and bottles outdoors is curtailed.
4. **Law and Order** - in addition to the tomb stoning mentioned above, there is a record of anti-social behaviour in the Hoe area as raised by the police at the recent City Centre Neighbourhood Meetings and the proximity of this type of venue may exacerbate breaches of law and order.

The above-reasons that have been allied to the four key objectives are not exhaustive and further consultation with residents may well reveal more reasons for objections in which case I will write accordingly.

I await to hear from you as confirmation of being able to speak on the day that this is heard.

Regards,

Cllr Sue McDonald


 Cllr Ian TUFFIN


 Cllr Chris PENBERTHY



APPENDIX 6

Grand Parade
PLYMOUTH
PL1

4th October 2011

The Licensing Officer
Floor 6
Civic Centre
PLYMOUTH
PL1 2AA

Reference Licensing Application Mr Evans Application 030108
Maritimo (below Coffee Shack)
Hoe Road Plymouth.

Live & Recorded Music & Dancing Inside OUTSIDE
7.00am to 12 midnight 7 days a week

The only objection I have is the OUTSIDE.

The summer of 2010 there was a great problem with the Waterfront Bar just in front of my flat. The playing of music outside with no License to do so. You have this on record.

This business is just up the road and would raise the same problems with the same Family involved.

This is a residential area could this be respected?

No Live or Recorded Music and Dancing OUTSIDE.

The sale of alcohol for consumption On & Off the premises 7.00am to 12 midnight 7 days a week??? I must query this. I do not understand.

The Coffee Shack is IMMEDIATELY above the Maritimo walk up a staircase so will people be enjoying a pint or glass of wine outside the Coffee Shack how can this be controlled? From 7.00am to midnight? Can we leave Night & Day Drinking Clubs to the Barbican and Union Street. Please protect West Hoe part of the Jewel of Plymouth!!



Grand Parade
West Hoe
Plymouth
PL1

9th October 2010

The Licensing Officer
Floor 6
Civic Centre
Armada Way
Plymouth
PL1 2AA

Dear Sir / Madam

Re: Mr C M Evans - Maritimo Hoe Road Plymouth PL1 3DF
Open Application 030108 – New Application for a Premises Licence

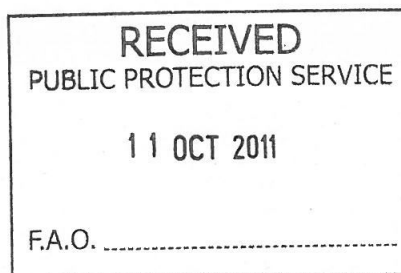
West Hoe is a residential area and as such does not need or want an extension to Mr Evans licensing at the Maritimo.

I object to live and recorded music, performance of dance and dancing, making music, late night refreshment and supply of alcohol, **outside**, seven days a week from 7 am to midnight. Mr Chris Evans tried to do this, as your records will show with his Waterfront Restaurant; this was not passed and rightly so. The same verdict needs to be brought in with this new application. Inside is another matter and I have no objections to this.

In particular I strongly object to the sale by retail of alcohol for consumption OFF the premises.....Monday to Sunday 7:00am – Midnight. West Hoe does not need an Off-License for anyone to buy their drink and use West Hoe, the Hoe and of course The Shack for more drunken behaviour than already exists.

As mentioned before this is a residential area, we do not need this late night noise and subsequent raucous behaviour which alcohol produces.

Yours faithfully



THE HOE CONSERVATION RESIDENTS ASSOCIATION



Osborne Court
Osborne Place
The Hoe
Plymouth
PL1

16th October 2011

The Licensing Officer
Plymouth City Council
Floor 6
Civic Centre
Plymouth
PL1 2AA

Dear Sir

APPLICATION NUMBER 030108, Christopher Morgan Evans
MARITIMO, HOE ROAD PLYMOUTH PL1 3DE

On behalf of the members of The Hoe Conservation Residents Association I am writing to comment and object to the above mentioned application.

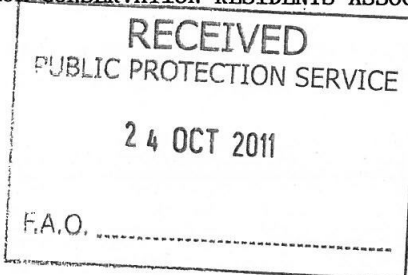
While it is appreciated what Mr. Evans has achieved in converting and renovating these virtually derelict premises at West Hoe we do not support the hours and location of the entertainment envisaged in what is primarily residential area. The idea of live and recorded music and dancing inside and **OUTSIDE** for seven days a week from 7.0am until midnight is in no way acceptable for the outside element and for the inside is disproportionate. We would suggest more acceptable to be 10.30am until 10.30pm. A couple of years ago a similar application was submitted by The Waterfront Hotel and following numerous objections the hours were considerably reduced and limited to the inside only. We would suggest, therefore, that this application be similarly treated.

We are also very concerned to learn that an application has been submitted to sell alcohol for consumption on and **OFF** the premises. We consider the sale for consumption **off** the premises to be most unreasonable as the premises are situated opposite West Hoe park which is enjoyed by children. The park, in the past, has been location for drunken and unacceptable behaviour and the close proximity of alcohol sales so close could exacerbate the problem.

I sincerely request that you and your committee give consideration to, what we consider, to be very valid points.

Yours faithfully

THE HOE CONSERVATION RESIDENTS ASSOCIATION



Osborne Court
Osborne Place
The Hoe
Plymouth
PL1

20th October 2011

Mr. Pete Clemens
Licensing Officer
Environmental Services
Department for Development & Regeneration
Plymouth City Council
Civic Centre
Plymouth
PL1 2AA

Dear Mr. Clemens

MARITIMO.

Thank you for your letter dated 19th October in response to mine of 16th, the contents of which I thought were self explanatory. However I will endeavour to expand the points made:

Musical Entertainment - Noise. If the entertainment, including music is permitted outside the premises it will create a public nuisance in what is a residential area. As I have already pointed out a similar application was submitted by The Waterfront Hotel about two years ago. At the time that venue was already allowing outside music which could be heard, not only in the West Hoe area, but by residents at Elliot Terrace and The Esplanade on The Hoe itself. People who were sitting on The Belvedere and enjoying the view had their peace and quite shattered - the decibel levels were excessive. However, before the application was considered, and following numerous objections, the applicant modified his requirements.

Sale of Alcohol for consumption off the premises: This could result in public nuisance and perhaps disorder. Maritimo is opposite the very popular West Hoe Park enjoyed by generations of children. At night the park has been the scene of drunken and unacceptable behaviour - sometimes also during the day. We appreciate that the perpetrators perhaps supply their own alcohol but to provide another source could lead to an escalation in nuisance.

The Association has a membership of 16 who are keen to ensure that the area is not subjected to unnecessary and disturbing practices.

I trust that the above will amplify my earlier representation.

Yours ~~sincerely~~

Plymouth City Council
Civic Centre
Plymouth
PL1 2EW

Dear Sir,

I write as the Chairman of the residents' management company which represents the 109 apartments sited in the Azure Complex which overlooks the Hoe and Hoe Road. My purpose in contacting you is to object to Licensing Application 030108 – MARITIMO.

As I understand the application it seeks in effect to stage outside music and dancing, and to sell alcohol for the best part of every day of the year. In detail the application is to open from 0700 to 0030 daily for 364 days of the year, with 24 hour opening on New Year's Eve. To have live & recorded indoor & outdoor music & dancing from 0700 to midnight daily for 364 days of the year, with 24 hour music on New Year's Eve. To sell refreshments, indoors & outdoors, from 1100 to midnight each day, with 24 hour service on New Year's Eve. To sell alcohol for consumption ON & OFF the premises from 0700-midnight daily for 364 days of the year, with 24 hour on & off sales on New Year's Eve.

Given our experience with the noise nuisance suffered from the Applicant's existing premises at The Waterfront especially when outside music is staged we are very concerned at the possibility of potentially almost continuous loud music from Maritimo. Our apartments overlook the Hoe and Hoe Road, and we already suffer significant loss of residential amenity due to the many functions which increasingly take place on the Hoe. We appreciate that many of these such as its use by the University for its Graduation Ceremony, and the recent staging of The Americas Cup preliminaries are clearly in the public interest, but given the intensive use to which the Hoe is already put we do not believe it proper to introduce a further round the clock disturbance to an area which as well as being a public place is also a major residential area where people should be able to enjoy their own private space in relative peace and quiet. We are already regularly disturbed by drunks moving from the area of the Hoe late at night, and the introduction of yet another 19 hour per day licence can only make an already difficult situation worse. We have had both residents and our on site staff threatened by drunks this year.

We are of the opinion, therefore, that this application should be refused in the interests of preventing noise, the securing of public safety and the prevention of crime and disorder.

Yours faithfully

BEST ACHIEVING COUNCIL OF THE YEAR 2010

BRITISH ART SHOW 7: IN THE DAYS OF THE COMET', PLYMOUTH, 17
SEPTEMBER TO 4 DECEMBER 2011

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From:

Grand Parade,
W Hoe,
Plymouth,
PL1

The Licensing Department
Plymouth City Council
Civic Centre
Plymouth
PL1 2EW



Dear Sirs

Licensing Application 030108 – MARITIMO

We live at Grand Parade & are within hearing &, from the traffic point-of-view, 'downstream' from Maritimo. As such, we are 'interested parties' & would like to make the following representations to the application for 'day-long' alcohol & outside music and dancing at Maritimo.

This application, in essence, asks:

- a) To open from 0700 to 0030 (19 ½ hours) daily for 364 days of the year, with 24 hour opening on New Year's Eve.
- b) To have live & recorded indoor & outdoor music & dancing from 0700 to midnight (19 hours) daily for 364 days of the year, with 24 hour music on New Year's Eve.
- c) To sell refreshments, indoors & outdoors, from 1100 to midnight (13 hours) every day, with 24 hour service on New Year's Eve.
- d) To sell alcohol for consumption ON & OFF the premises from 0700-midnight (19 hours) daily for 364 days of the year, with 24 hour on & off sales on New Year's Eve.

We do not object to the proposed opening hours, but only to the proposed hours of music, dancing and alcohol sales.

We object strongly to (b), (c) & (d) above – 'day-long' hours with outdoor music, dancing & both on & off sales of alcohol. We believe that this application would be contrary to three of the four licensing objectives, namely:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance

Our reasons are as follows:

1) If the application was allowed, Maritimo could have live & recorded music (with dancing) playing loudly outside the premises and alcohol sales *from 0700 to midnight every day*. We know the volume at which the applicant has played music in the past & we have personally experienced high volumes from his other alcohol-serving establishment, The Waterfront. As outdoor music is likely to be most popular at exactly the same times as we would hope to be outside ourselves, or have our windows open, the variation could ruin our enjoyment of living on the seafront & would constitute a public nuisance.

2) Outdoor entertainment, combined with late-night drinking, in an area where there is a steep drop onto rocks and into the sea is likely to be a danger to public safety. We have regularly heard the shouts & screams ("It's f...ing cold") of revellers swimming in the sea in the early hours & have witnessed at least one accident near The Waterfront that required the attendance of the Emergency Services.

3) Putting aside the application for outdoor entertainment, which we hope you will dismiss entirely, we also object to the later provision of indoor entertainment & the 'day-long' sale of alcohol. We are already disturbed by customers leaving The Waterfront at the end of an evening. Often they are not being deliberately rowdy, but they do not realise how calling to each other & slamming car doors carries in what is, otherwise, a quiet residential area. If this was to take place later, when customers might be more inebriated & unaware of their actions, it would be even more of a public nuisance & be more likely to result in crime and disorder. As the seafront is, in effect, a one-way traffic system, all the vehicular traffic leaving Maritimo in the early hours would go past the residential areas of the West Hoe.

In summary,

- a) This part of the West Hoe is overwhelmingly residential & is a Conservation Area, enjoyed by locals & visitors.
- b) Late night music & dancing are not appropriate & would encourage customers to come to the West Hoe after other public houses have closed.
- c) The hours applied for for the sale of alcohol are excessive.

We respectfully request that the application for 'day-long' music, dancing & alcohol sales (both on & off licence) be refused. We do not object to Maritimo opening from 0700-0030.

Please let us know if there is to be a hearing, as we should like to attend and to make representations.

Yours faithfully

eCopy:

Councillor Susan McDonald
Councillor Chris Penberthy
Councillor Ian Tuffin

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