

## PLYMOUTH CITY COUNCIL

**Subject:** EL Café. 135 Hoe Road, Plymouth  
Grant of Premises Licence

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

**Date:** 23 April 2013

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Director for Place

**Author:** Marie Price (Licensing Officer)

**Contact details:** 01752 307981  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

An application has been received from Andrew Downey & Yasin Azizi on behalf of El Café Ltd in respect of the EL Café. 135 Hoe Road, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

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### **Corporate Plan 2012 – 2015:**

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

I. Delivering Growth.

See <http://www.plymouth.gov.uk/corporateplan.htm>

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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. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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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### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? Yes/No

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

That Members consider this report.

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### **Alternative options considered and rejected:**

None.

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### **Published work / information:**

For more information please see the below links.

**Licensing Policy** [http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf)

**Licensing Act** <http://www.legislation.gov.uk/ukpga/2003/17/contents>

## Licensing Act Guidance

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

## Background papers:

[illegible]

**Sign off:**

Fin		Leg	1722 6/ag/ 5.4.1 3	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

## **1.0 Introduction**

1.1 On the 01 March 2013 the licensing department received an application from Andrew Downey & Yasin Azizi on behalf of El Café Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the EL Café situated at 135 Hoe Road, Plymouth.

## **1.2 Grant application.**

Seafront café with art gallery below and associated artist studios.

## **1.3 Licensable Activities.**

The following licensable activities and timings have been requested:

<p><b><u>(a) Plays (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>
<p><b><u>(b) Films (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Amplified music, films, animations &amp; projections from Plymouth Uni</p> <p>Non Standard Timings.</p>
<p><b><u>(e) Live Music (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>
<p><b><u>(f) Recorded Music (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>
<p><b><u>(g) Performance of Dance (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>
<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>

<p><b><u>(l) Late Night Refreshment (Indoors and Outdoors)</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Non Standard Timings.</p>
<p><b><u>(m) Supply of Alcohol for consumption ON the premises.</u></b></p> <p>Monday to Saturday 11:00am to 11:55pm</p> <p>Sundays 11:00am to 10:55pm</p> <p>Both amplified and unamplified performances</p> <p>Non Standard Timings.</p>
<p><b><u>(o) Hours Premises are Open to the Public</u></b></p> <p>Hours</p> <p>Non Standard Timings.</p>

1.4 Operating Schedule and additional conditions agreed by the applicant ( Appendix 1)

1.5 Location of licensable 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* – no representations.

2.2 *Environmental Health* – The Environmental Health Officer made representations which they have since withdrawn as the applicant has agreed the conditions as(Appendix 3).

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.

2.8 *Health Authority* – no representations.

2.9 *Licensing Authority* – no representations.



### **3.0 OTHER PARTIES**

7 letters of representation have been received (Appendix 4 – 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 appropriate 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 appropriate in order to promote the licensing objectives.

R. Carton  
Manager of Public Protection Service

**M Describe the steps you intend to take to promote the four licensing objectives:**

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

We shall assess all activities and adhere to health and safety in line with the Public Protection Service.

**b) The prevention of crime and disorder**

Plastic vessel for outdoor or dance events. We shall not encourage vertical drinking. We are members of PARC. We intend to join any other crime prevention group.

**c) Public safety**

We will implement risk assessments for special events noise management. Manage capacity levels.

**d) The prevention of public nuisance**

We are very distant from any residential buildings but shall monitor noise levels. Winding down periods.

**e) The protection of children from harm**

Limited & assessed by nature of each event. Only projections or filming will be of an educational or artistic content.

## **Suggested Conditions El Cafe 135 Hoe Road Plymouth PL1 3DE**

### **General**

All staff shall be suitably trained for their job function in the operating standards for the premises. The training shall be under constant review.

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.

The training will be recorded in documentary form that will be available for inspection on at the time of a request by a member of any relevant authority. The records will be retained for at least 12 months.

The premises shall primarily operate as a cafe and food led operation in which customers are shown to their table

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

An incident book shall be maintained to record any activity of a violent, criminal or anti social nature. The record will contain the time and date, 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 will 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.

All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under age or appears to be under age.

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.

Except for the sale of a bottle of wine for consumption with a meal in a designated area of the premises, no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar

No Bottles or glasses will be taken from the premises by customers

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 the outside area has on the surrounding community.

With the exception of wine any alcoholic beverage supplied by the premises for

consumption in the outside area will be supplied in plastic or Polycarbonate vessels.

### **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 recognizable viewable format.

At all times the premises are open for business a member of staff will be present who is capable of operating the system and downloading images at the request of police or a member of a responsible authority.

The CCTV system will be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

The Premises Licence Holder or nominated person shall provide and maintain suitable and sufficient CCTV surveillance systems to a specification provided by the Police Licensing Team, Charles Cross Police Station, Plymouth

### **Protection of Children from Harm**

The Licence Holder or nominated person shall have a written age verification policy in relation to the sale or supply of alcohol. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18s 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.

Glasses will be collected frequently to prevent the possibility of partly left alcohol being consumed by the under aged.

The Licence Holder or nominated person shall ensure that new bar staff supervisors and managers are trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol.

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 at least 12 months

# MEMO

Safeguarding Business Unit



## Licensing Act 2003 Protection of Children from Harm

From: **Ann Rogers, Safeguarding Business Unit**

To: **Head of Licensing Section**

FAO: **Peter Clemens**

Date: **25.03.2013**

Schedule Ref: **AR/160**

Investigating Officer:

Extension Number: **7453**

### Application Details

Premises: **El Cafe**

Name of Applicant **Messrs Andrew Downey & Yasin Azizi**

Address: **El Café, 135 Hoe Road, Plymouth PL1 3 DE**

Type of Application: **Alcohol (On/Off/Both)/Entertainment Licence/  
Late Night Refreshment Licence/Variation**

Date of Inspection: **N/A**

### Representation

I spoke with Mr Downey over the telephone and he has agreed to have a condition added to his licence around the regular collection of glasses to prevent the possibility of partly left alcohol being consumed by the under aged (**Condition A31**).

In addition, he has agreed that all films will be censored before screening to ensure that they are suitable for children to view. In this respect I would like **Condition D5** added to the licence to ensure that any advertising indicates the category of film to be shown.

I attach an email received from Mr Downey covering a number of other conditions he is suggesting for El Cafe.



RESTRICTED FW El  
Cafe premises licence

RECEIVED  
PUBLIC PROTECTION SERVICE

11 MAR 2013

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

BEVERLY

HOE ROAD

14.2m

THE DOME

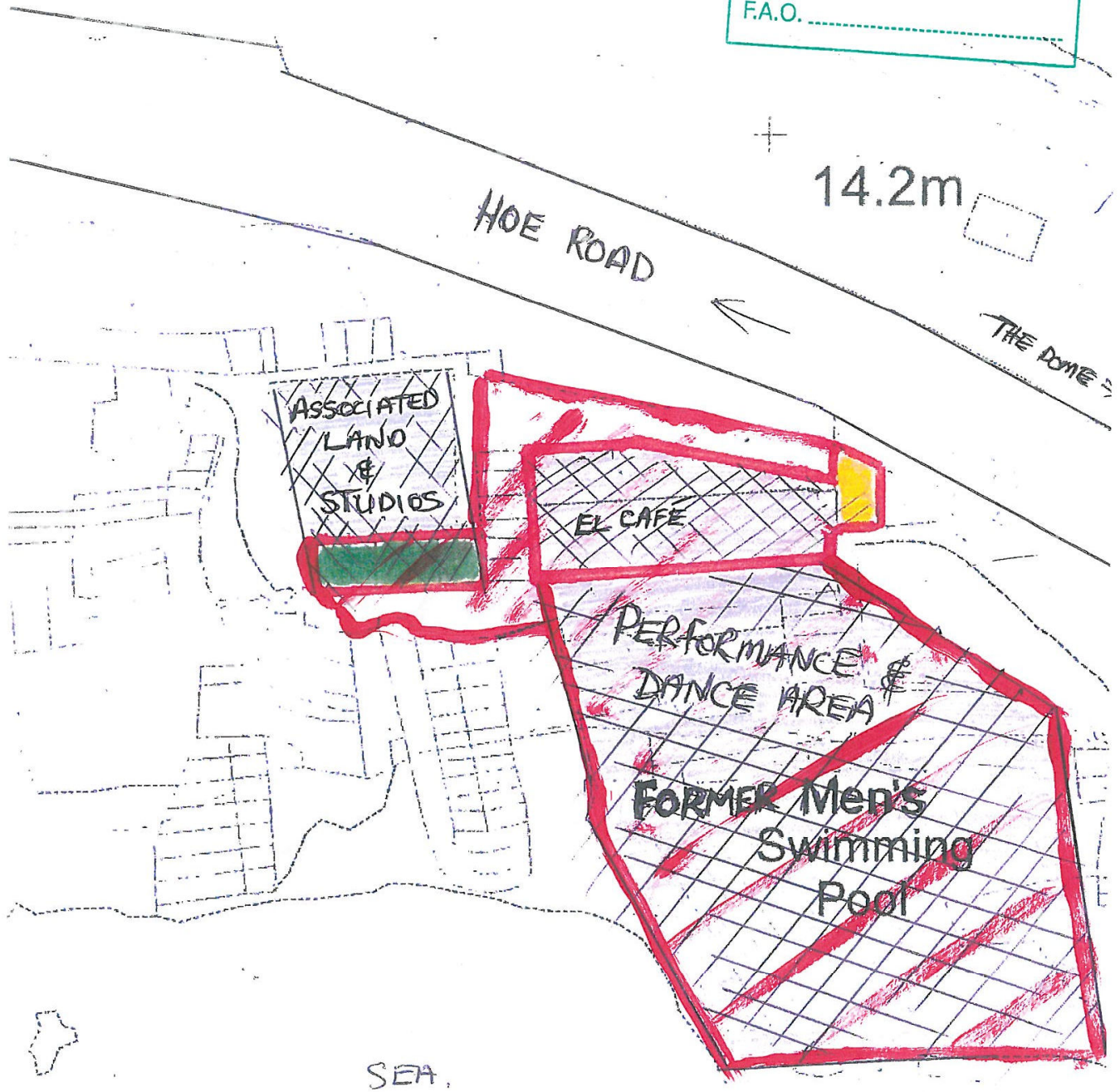
ASSOCIATED  
LAND  
&  
STUDIOS

EL CAFE

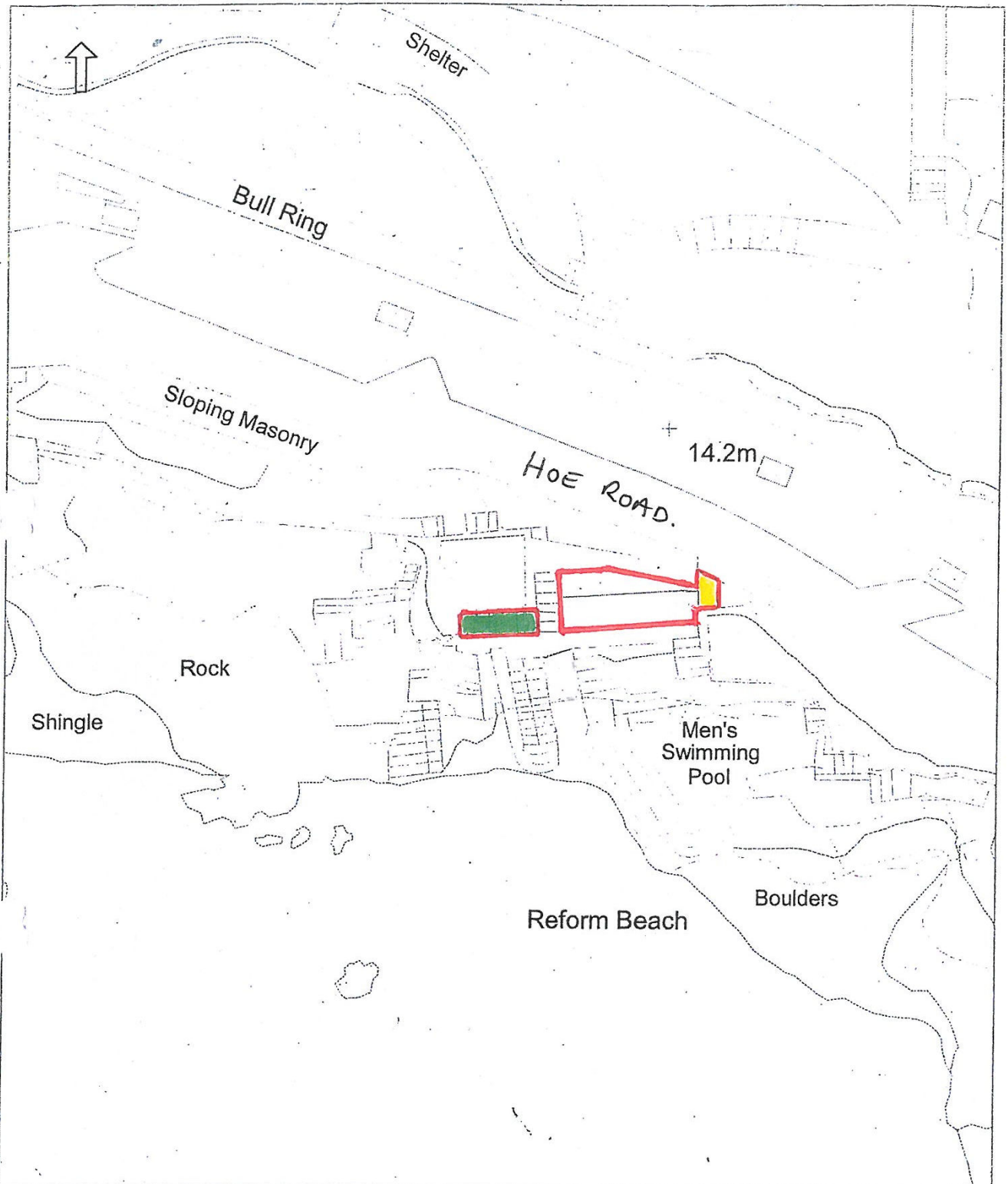
PERFORMANCE &  
DANCE AREA

FORMER Men's  
Swimming  
Pool

SEA







# **CORPORATE PROPERTY DEPARTMENT OF CORPORATE SUPPORT**

TITLE	Storeroom at Former Mens Tidal Pool	Map ref: SX4753NE	Scale 1:500
	Hoe Road. PL1 3DE	Plan No.12/05	March 2012

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**FOR IDENTIFICATION  
PURPOSES ONLY**

**MEMO**

Public Protection Service

**PLYMOUTH**  
CITY COUNCIL**Licensing Act 2003****Environmental Health Representation****From:** Unit Manager, Public Protection Service**To:** Head of Licensing Section**FAO:** Peter Clemens**Date:** 26<sup>th</sup> March 2013**Schedule Ref:** TC/RMO/840057**Investigating Officer:** Rhodri Morgan**Extension Number:** 4851**Application Details****Premises:** El Cafe**Name of Applicant:** Mr Andrew Downey & Mr Yasin Azizi**Address:** 135 Hoe Road, Plymouth, PL1 3DE**Type of Application:** Alcohol (On)/Entertainment Licence/  
Late Night Refreshment Licence**Date of Inspection:** N/A**Representation**

This department would like to make the following representation:

**I consider the application to undermine the following licensing objectives:**

Public Safety

The Prevention of Public Nuisance

**The likely effect of granting the licence as applied will undermine the licensing objectives because:****The Prevention of Public Nuisance**

The application as applied has the potential to impact on the Licensing Objectives for Public Nuisance and Public Safety.

This department has received a number of complaints of noise from the operation of events at this premises dating back to 2010. The complaints have been received from residents in West Hoe some 200 – 300m away from the premises.



There is the potential for noise emanating from the premises as applied to impact negatively on local residents. We therefore feel that variations to certain licensable activities and additional conditions to control noise are appropriate to protect local residents from any negative effects by the operation of the premises.

Due to the type of events that will be held on the premises and the nature of the premises it is important from a public safety point of view that issues are addressed that have not been fully determined in the application. The premises abuts the sea at certain locations and this area is used to stage events, such as dancing events. It is important that the capacity levels for this area are determined to ensure that no overcrowding occurs and that public safety is maintained. It is not clear what or how many sanitary facilities are provided to the premises and there is a potential public safety and crime and disorder issues posed if there are insufficient facilities due to the potential of patrons to become irate or looking for alternative means of using

The application for a licence has been made for an area that has already under Planning Law has conditions determined on the use of the area, particularly in relation to noise pollution and the use as an evening night-time economy area with restrictions already in place in relation to this.

### **Recommendations**

**I therefore recommend that the licensable activities and hours of operation are varied and the following conditions are included:**

To protect the amenity of local residents and prevent potential public nuisance we consider the following appropriate:

1. Live Music shall be restricted to 23.00hrs only
2. Live Music shall be restricted to Indoors only
3. Recorded Music shall cease outdoors at 21.00hrs
4. The Removal of Late-night Refreshment as a licensable activity (as discussed with applicant)

### **Public Nuisance**

1. The foreshore area must be cleared by 21.00hrs other than for the use of a designated smoking area
2. No drinks will be permitted to be taken in the foreshore (designated as all areas other than El Café in the submitted plan) area after 21.00hrs
3. Any tables and chairs in the foreshore area are to be removed and stored by 21.30hrs
4. Management will control levels of noise in the outside areas. Any patrons causing any disturbance or disorder will be asked to leave the premises
5. Management will control the sound levels of the music/entertainment.
6. The Premises Licence Holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.

7. No music or speech shall be relayed via external speakers other than for events.
8. The performance of regulated entertainment outdoors will be limited to a maximum duration of 6 hours inclusive of any breaks.
9. The performance of regulated entertainment outdoors will be limited to one session per week and no more than 12 in a Calendar year where the prior approval of the licensing authority has been obtained.
10. (i) The Premises Licence Holder or nominated person shall carry out observations at the facade of the properties at Grand Parade, West Hoe, on at least 20 minute intervals whilst regulated entertainment is taking place to establish whether there is a noise breakout from the premises  
(ii) If the observation reveals noise breakout at the above location is distinguishable above background levels then the volume of music shall be reduced to a level that is not distinguishable.  
(iii) A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.  
(iv) Such records must be made available at all times upon request to a police officer or an officer of the local authority.
11. A telephone number will be made available and displayed in prominent locations on the premises for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.

### **Public Safety**

- I. The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).
  - (i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, water hazards, etc and must be reviewed regularly, and if circumstances change.
  - (ii) Where necessary separate occupancy levels must be set for different parts of the premises.
  - (iii) The premises licence holder shall ensure that they consult the Plymouth City Council Environmental Health Department and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.
  - (iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence.
  - (v) Measures must be put in place to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.

2. Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS 6465-1:2006+A1:2009 Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances standard for sanitary provisions or any British Standard replacing or amending the same.



Mr Andrew Downey & Mr Yasin Azizi  
El Café  
135 Hoe Road  
Plymouth  
PL1 3DE



**Environmental Services**  
Department for Community Services

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

T 01752 305480  
F 01752 226314  
E [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

Please ask for: Rhodri Morgan

Date: 2nd April 2013

My Ref RMO/840057

Your Ref

Dear Sirs

**Licensing Act 2003 - Application for a Premises Licence:**  
**El Café, 135 Hoe Road, Plymouth, PL1 3DE**

Your application for the above-mentioned premises has been passed to this department for comment. Following recent correspondence and consideration of the licensing objective for the prevention of public nuisance and public safety, I enclose a copy of the representations that I have forwarded to the Licensing Section, for your information.

When making these representations no account has been taken of any restrictions or conditions made under separate legislation except for specific licensing laws. Any such restrictions or conditions will still apply.

These comments do not preclude any future investigations that may be undertaken as a result of complaints received regarding noise nuisance or similar complaints for statutory nuisance under the terms of the Environmental Protection Act 1990.

**By accepting the recommendations within my report will mean:**

- 1. that any reduction in times is an amendment to your operating schedule forming part of your application.**
- 2. that conditions will be added to your licence.**

If you would like to discuss the matter further please contact me on the above number or, alternatively, if you are happy with the proposed conditions, please sign and return the attached form either by fax or by return of post. Subject to no other representations being made this will avoid the need for a committee hearing. For your information the fax number is 01752 226314.

Yours faithfully

Public Protection Service  
Encs

10. (i) The Premises Licence Holder or nominated person shall carry out observations at the facade of the properties at Grand Parade, West Hoe, on at least 20 minute intervals whilst regulated entertainment is taking place to establish whether there is a noise breakout from the premises
- (ii) If the observation reveals noise breakout at the above location is distinguishable above background levels then the volume of music shall be reduced to a level that is not distinguishable.
- (iii) A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
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- (ii) Where necessary separate occupancy levels must be set for different parts of the premises.
- (iii) The premises licence holder shall ensure that they consult the Plymouth City Council Environmental Health Department and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.
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- (v) Measures must be put in place to ensure that the capacity is not exceeded at any time.
- (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.
- (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.



**LICENSING ACT 2003**  
**ENVIRONMENTAL HEALTH REPRESENTATION**

**Schedule Ref:**

**Premises:**

**Address:**

**Applicant:**

**I , Mr Andrew Downey & Mr Yasin Azizi have read the schedule of conditions below and agree for them to be included in the operating schedule: -**

**Public Nuisance**

To protect the amenity of local residents and prevent potential public nuisance we consider the following appropriate:

1. Live Music shall be restricted to 23.00hrs only
2. Live Music shall be restricted to Indoors only
3. Recorded Music shall cease outdoors at 21.00hrs
4. The Removal of Late-night Refreshment as a licensable activity (as discussed with applicant)

**Public Nuisance**

1. The foreshore area must be cleared by 21.00hrs other than for the use of a designated smoking area
2. No drinks will be permitted to be taken in the foreshore (designated as all areas other than El Café in the submitted plan) area after 21.00hrs
3. Any tables and chairs in the foreshore area are to be removed and stored by 21.30hrs
4. Management will control levels of noise in the outside areas. Any patrons causing any disturbance or disorder will be asked to leave the premises
5. Management will control the sound levels of the music/entertainment.
6. The Premises Licence Holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.
7. No music or speech shall be relayed via external speakers other than for events.
8. The performance of regulated entertainment outdoors will be limited to a maximum duration of 6 hours inclusive of any breaks.
9. The performance of regulated entertainment outdoors will be limited to one session per week and no more than 12 in a Calendar year where the prior approval of the licensing authority has been obtained.

2. Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS 6465-1:2006+A1:2009 Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances standard for sanitary provisions or any British Standard replacing or amending the same.

Signed .....  .....

Dated ..... 4-4-13 A DOWNEY .....

Signed.

dated.

Y. ALI ZI



4-4-13

I am

☐ Representative of residents association

☐ Representative of trade/business association

☐ Ward Councillor

☐ Other (please specify)

☐ MP

#### Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experience as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents if further pages are necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "1 February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

#### The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

El Cafe is close to the foot and to a heavily Residential Area. The serving of alcohol until nearly midnight (1100 on average) will bring the risk of injury from the steep steps and the outdoor entertainment will be v. disruptive for local residents. We have already been disturbed by late entry of noise from this area.

For example alterations to the premises, capacity limits

Alcohol + Steep badly maintained steps + the bar = high risk of accidents.



The prevention of public nuisance

For example noise disturbance, littering

This is primarily a residential area - outside  
there is no inside entertainment will  
be audible over a wide area and will  
cause great disturbance.

The protection of children from harm

For example underage sales, exposure to certain performances

\_\_\_\_\_, hereby declare that all information I have submitted is true  
and correct.

Signed \_\_\_\_\_

Date

20/8/13

Please send the completed form to

Licensing Department

Plymouth City Council

Civic Centre

Plymouth PL1 1AA

T: 01752 385443

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

I am

☐ Representative of residents association

☐ Ward Councillor

☐ MP

☐ Representative of trade/business association

☐ Other (please specify)

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#### Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

#### The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

We who have lived here for over 20 years have experienced unruly and loud behaviour when alcohol has been served at an out side venue in the past especially late at night. The sea always seems to be inviting which results in people jumping in with a risk of injury or worse. The venue is small and situated very near the steep dark steps which lead down to the sea, overspill is going to take place on the pavement and the rocks below El Cafe again leading to a possible accident.

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#### Public safety

For example alterations to the premises, capacity limits

The site of El Cafe is small small space partially tented, situated above the sea with access to the foreshore by way of steep, deep narrow steps, as stated above when people have drunk a certain amount, all of the above can lead to erratic behaviour which can lead to accidents happening. This is a residential area where a new block of flats are due to be built and we understand that the council wants to get in as much revenue as possible from the seafront but the people who live here need to be considered too.

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**The prevention of public nuisance**

For example noise disturbance, littering

El Cafe is a small outside venue and to have an entertainment license until mid night in such a precarious situation and in a residential neighborhood seems to me inappropriate. We have had problems before with live music as there is nothing to stop the sound traveling along way.

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**The protection of children from harm**

For example underage sales, exposure to certain performances

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I \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

Signed \_\_\_\_\_

Date 25.03.2013 \_\_\_\_\_

Please send the completed form to

Licensing Department

Plymouth City Council

Civic Centre

Plymouth PL1 2AA

T: 01752 305465

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

I am

☐ Representative of residents association

☐ Representative of trade/business association

☐ Ward Councillor

☐ Other (please specify)

☐ MP

#### Section 4: Reason(s) for representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the **likely effect** of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided under each Licensing Objective it relates to. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples such as "I February, I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises opens until 2am that this will cause a nuisance to me and other residents in the street and will affect my sleep."

#### The prevention of crime and disorder

For example evidence of anti-social behaviour, police incidents

This venue is unsuitable for late night drinking. El Cafe itself is a small area & therefore people are going to spin out onto pavement & foreshore. Steep narrow steps are adjacent to venue and a danger to people who are drinking resulting in possible accidents, not mention jumping into the sea & the resultant noise for the local residents who have experienced this before.

Public safety

For example alterations to the premises, capacity limits

El Cafe is a small area so people are going to spin out onto pavement & down the steep dark steps to the sea. I would think it was a Health and Safety issue.

## The prevention of public nuisance

For example noise disturbance, littering

Living in West Hoe we know that alcohol, music and late hours leads to noise and shouting at a time when local residents are looking forward to ending the evening and going to bed. The situation is not ideal at the moment but by granting an entertainment & alcohol licence to EZ Cafe who are an outdoor venue with no provision to contain noise this will be made worse.

## The protection of children from harm

For example underage sales, exposure to certain performances

I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

Signed \_\_\_\_\_

Date 25th March 2013

Please send the completed form to

Licensing Department  
Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA  
T: 01752 305465  
E: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Price, Marie (DEVELOPMENT)**

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**From:**  
**Sent:** 28 March 2013 15:38  
**To:** Licensing (DEVELOPMENT)

Re El Cafe Ltd, 135 Hoe Road, Plymouth, PL1 3DE

Dear Sirs

We would like to make representations concerning the above application.

We live a short distance away and are concerned that the proposed activities may lead to a noise nuisance of which we have experienced in the past with neighbouring enterprises. There has also been a noise nuisance from a Salsa group on the ledges below El Cafe in the past.

There is nothing between our house and El Cafe to restrict or absorb sound which comes across the water, particularly on calm nights and/or with Easterly winds. We would like to see the conditions put on the premises similar to those applied to other neighbouring premises, eg Maritimo and The Waterfront.

Yours faithfully

Plymouth



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**From:**

**Sent:** 27 March 2013 11:58

**To:** Licensing (DEVELOPMENT)

**Subject:** Application No. 037807 El Cafe for music and entertainment live and recorded

Dear Sir,

I must object most strongly to this application. Living on Grand Parade entertainment of any type on the Hoe is always most intrusive as the properties here are in a direct line and sound travels very easily straight across The Sound. El Cafe is quite close in a straight line and as such, music and entertainment from there would be quite a major nuisance.

I trust that you will appreciate this and reject it as you have done previously with similar applications,

Yours sincerely,

Plymouth

**Gregory, Bev (DEVELOPMENT)**

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**From:** --- (DEVELOPMENT)  
**Sent:** 28 March 2013 12:20  
**To:** Licensing (DEVELOPMENT)  
**Cc:** Gregory, Bev (DEVELOPMENT)  
**Subject:** RE: El Cafe, Plymouth Hoe

Hi Bev, on the web page it states that I can submit it to the licensing inbox directly. I have adjusted the statements accordingly.  
Many thanks

We are aware there has been an application for a licence in relation to the above premises. We have serious concerns regarding the granting of this licence for the reasons detailed below.

**The prevention of Public Nuisance**

We have concerns regarding the application based on the noise problems we have had with previous events and numerous complaints associated with this establishment and the local residents some of which have been quite public.

**Public Safety**

As well as the noise we have concerns regarding capacity and safety of the site as well as how often the applicant intends to use the area and public rights of access to the area, there have been complaints previously that during past events the applicant has attempted to prevent public access to the area.

PCC Street Scene Services as the land managers and overseers of events on the Hoe and Parks and Gardens will need to be able to vet the events that take place to make sure that they are coordinated and do not impact on wider events and foreshore access, improvements and maintenance work.

**Gareth Harrison-Poole**

Greenspace Manager  
Environmental Services  
Plymouth City Council  
Outland Road  
Plymouth  
PL2 3DE

E  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

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**From:** Gregory, Bev (DEVELOPMENT)  
**Sent:** 28 March 2013 11:03  
**To:** Harrison-Poole, Gareth (DEVELOPMENT)  
**Subject:** RE: El Cafe, Plymouth Hoe



**Price, Marie (DEVELOPMENT)**

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**From:** [REDACTED]@  
**Sent:** 26 March 2013 16:37  
**To:** Price, Marie (DEVELOPMENT)  
**Subject:** Re: El Cafe - Premises Licence Application

Further to my Representation should this Application for Live Music & Recorded Music Amplified Inside & outside 7 days a week be granted at El Cafe 135 Hoe Road Plymouth PL1 3DE  
To me would cause a Public Nuisance as I have experienced in the past. This is a Residential Area just down the road. Should I wish to listen to Music this should be in my own home  
and not forced upon me from a Public Area. This will be a complete INVASION OF MY PRIVACY.