

VARIATION OF PREMISES LICENCE NOTICE REPORT

Licensing Sub Committee



Date: 16 July 2019
Title of Report: Variation of Premises Licence – The Terrace Café Bar
Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director: Dr Ruth Harrell (Office of the Director of Public Health)
Author: Marie Price (Enforcement Officer)
Contact Email: Licensing@plymouth.gov.uk
Your Reference: The Terrace Cafe Bar
Key Decision: No
Confidentiality: Part I - Official

Purpose of the report:

An application has been received from Lloyd Inwood in respect of The Terrace Café Bar. 74 Madeira Road, Plymouth. PL1 2JU for the Variation of a premises licence under Section 34 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

Our Plan – A City to be proud of.

This report links to the delivery of the City and Council objectives and outcomes within the plan.

A Growing City: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

A Caring Council: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Carbon Footprint (Environmental) Implications:

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)						
	1	2	3	4	5	6	7
Application							

Sign off:

Fin	N/A	Leg	SD/2 6.6.19 /3278 5	Mon Off	N/A	HR	N/A	Assets	N/A	Strat Proc	N/A
Originating Senior Leadership Team member: Robert Nelder											
Please confirm the Strategic Director(s) has agreed the report? Dr Ruth Harrell											
Date agreed: 27/06/2019											
Cabinet Member signature of approval: Councillor Sally Haydon by email											
Date: 27/06/2019											

BRIEFING REPORT

1.0 INTRODUCTION

1.1 On the 29th April 2019 the licensing department received an application Lloyd Inwood for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of The Terrace Cafe situated at 74 Madeira Road, Plymouth. PLI 2JU

1.2 Details of variation

Current Licensable Activities	Variation Application
(e) <u>Live Music</u> Monday to Sunday 08:00am to 23:59pm	(Indoors and outdoors) Monday to Sunday 08:00am to 01:00am
(f) <u>Recorded Music</u> (Indoors) Monday to Sunday 08:00am to 23:59pm	(Indoors and outdoors) Monday to Sunday 08:00am to 01:00am
(i) <u>Late Night Refreshment</u>	(Indoors and outdoors) Monday to Sunday 11:00pm to 01:00am
(j) <u>Supply of Alcohol for consumption ON the premises.</u> Monday to Sunday 08:00am to 23:59pm	<u>(on and off the premises)</u> Monday to Sunday 08:00am to 01:00am
(l) <u>Hours premises are open to the public</u> Monday to Sunday 08:00am to 23:59pm	Monday to Sunday 08:00am to 01:00am

1.3 Variation application

The nature of the proposed variation is to vary the hours when the licensable activities may take place Monday to Sunday from 8am – 11.59pm to 8am – 01:00am. The existing Premises Licence is attached (Appendix 1). The applicant has also applied to add additional conditions to the licence (Appendix 2)

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 *Devon & Cornwall Police* – no representations

2.2 *Environmental Health* – Has made representation relating to public nuisance which have since been withdrawn as the applicant has agreed an additional condition (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 (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations

3.0 OTHER PARTIES

One letter on behalf of the residents association has been received that are attached to this report marked appendix 4.

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 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.15 – 2.19, 9.3, 9.11, 9.33 - 9.36, 9.37 – 9.40, 9.42 – 9.44,10.8 - 10.10 and 16.6. the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22,)
- the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps (if any) as it considers appropriate 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 appropriate in order to promote the licensing objectives.

Licensing Act 2003
Premises Licence

PA0728

Local Authority



Public Protection Service

Licensing Unit
 Plymouth City Council
 Windsor House
 Plymouth. PL6 5UF
 Tel: 01752 304141 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Terrace Cafe

Madeira Road, The Hoe, Plymouth, Devon, PL1 2NY.

Telephone 01752 603533

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Outdoors)	Monday to Sunday	08:00	23:59
F. Playing of recorded music (Outdoors)	Monday to Sunday	08:00	23:59
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	08:00	23:59

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	08:00	23:59

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Terrace Cafe (Plymouth) Ltd
lloydj.inwood@gmail.com

74 Madeira Road, Plymouth, Devon, PL1 2NJ.
 Telephone 01752 603533

Licensing Act 2003

Premises Licence**PA0728****Local Authority****Public Protection Service**

Licensing Unit
 Plymouth City Council
 Windsor House
 Plymouth. PL6 5UF
 Tel: 01752 304141 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Terrace Cafe (Plymouth) Ltd

11397554

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sean Roger LYNCH

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PL11447

Issued by Plymouth

ANNEXES**ANNEX 1 - 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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**Steps that have been taken to promote the four licensing objectives**

Staff are trained in-house and are aware of the Licensing Act 2003.
 We have good relations with the police and community officers.
 We are health and safety aware and hold a well equipped first aid box, a member of staff is trained in these matters.
 A risk assessment will be carried out before any function.
 The 'Look 21?' rule will apply

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING

Licensing Act 2003

Premises Licence

PA0728

Local Authority



Public Protection Service

Licensing Unit
Plymouth City Council
Windsor House
Plymouth. PL6 5UF
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

ANNEXES continued ...

AUTHORITY

None.

ANNEX 4 - PLANS

As Attached

The Terrace Café Bar – Proposed Conditions

a) General - all four licensing objectives (b,c,d,e)

Prevent the sale of alcohol to minors using methods such as Challenge 25, use of bio-degradable cups in replacement of glass for events. Keep noise pollution to a minimum where possible. Provide assistance to vulnerable customers where needed. Use of door staff at events to help maintain the safety of customers and ensure they leave the premises without causing unrest.

b) The prevention of crime and disorder

All staff shall 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.

All staff shall be trained in the requirements of the Challenge 21 or 25 policies (delete as appropriate).

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.

There shall be no admissions or re-admission to the premises after TBA.TBA hours.

All door staff shall be trained in the requirements of the Challenge 21 or 25 policies, (delete as appropriate), the identification & recognition of drunks and the correct procedures to be followed when refusing service.

The number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 100 thereafter.

The Premises Licence Holder and/or Designated Premises Supervisor shall ensure door supervisors are properly briefed and trained to manage queues in a safe and efficient manner.

The Premises Licence Holder and/or Designated Premises Supervisor shall arrange adequate supervision of any queue, which may form to gain entry to the premises.

All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

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

Images shall be retained for a minimum of 31 days

All drinks shall be served in plastic/paper/ toughened glass or polycarbonate containers during the following events or occasions (enter specified events).

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

The Premises Licence Holder or nominated person shall ensure that security arrangements are in place where toilet areas and other similar areas are regularly checked for evidence of drugs. The date and times of all checks to be recorded in a bound book kept for that purpose and be available on request from an authorised officer of the Licensing Authority or a police constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.

The Premises Licence Holder provide contact details for any security personnel employed at the premises to an authorised officer of the Licensing Authority or a constable upon request.

c) Public safety

The Premises Licence Holder or nominated person shall ensure that the accommodation limit(s) specified on the licence is not exceeded and shall be aware of the number of the people on the premises at all reasonable times. This information shall be immediately available on the request of any responsible authority.

Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

In respect of temporary sanitary facilities the premises licence holder shall ensure that the servicing of sanitary accommodation takes place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.

In respect of temporary sanitary facilities the premises licence holder shall ensure that the removal of sewage takes place hygienically and appropriately at the conclusion of the event or as required.

Management lighting - In the absence of adequate daylight artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

d) The prevention of public nuisance

The Premises Licence Holder or nominated person shall ensure that during the final hour of trading appropriate announcements are made or images are projected to remind patrons of the need to leave the premises quietly without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.

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.

The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. 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 Premises Licence Holder or nominated person shall ensure that announcements are made (in a responsible manner) prior to closing requesting patron's co-operation in leaving the premises and vicinity as quickly and as quietly as possible.

The Premises Licence Holder or nominated person shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.

The Premises Licence Holder or nominated person shall ensure sufficient door staff are positioned at the exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.

The Premises Licence Holder or nominated person provides unhindered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place. In premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.

The Premises Licence Holder or nominated person shall be available at all times during regulated entertainment and who is responsible for cooperating and liaising with any relevant responsible authority.

The Premises Licence Holder or nominated person shall erect and maintain suitable and sufficient conspicuous signage at the entrance to the premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

The Premises Licence Holder or nominated person shall arrange supervision of any queue which may form to gain entry to the premises.

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

The Premises Licence Holder or nominated person shall ensure that suitable ash trays or similar vessels are available for smoking litter.

The Premises Licence Holder or nominated person shall ensure that the smoking area is regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.

The delivery of goods is restricted to between the hours of TBA hours and TBA hours.

All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

The licence holder shall ensure that sufficient measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. Where necessary, the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.

The premises licence holder shall ensure that adequate measures are in place to provide customers with a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.

The Premises Licence Holder, Designated Premises Supervisor or nominated person, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.

e) The protection of children from harm

Accompanied children (under 18) will only be allowed to remain on the premises between the hours of 08.00 hrs and 22.00 hrs

The Licence Holder or Designated Premises Supervisor shall ensure that new bar staff, supervisors and managers receive induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. Training shall be signed and documented and training records be made available to an enforcement officer on request.

Bradley, Nikki

From: Tomkins, Will
Sent: 14 May 2019 10:45
To: Licensing
Subject: FW: OFFICIAL: New Licence Application - The Terrace Ref:908417

Good morning,

Please see email trail and agreed condition for The Terrace.

If you require anything further please do not hesitate to contact me.

Regards

Will Tomkins
Environmental Health Officer
Public Protection Service
Windsor House
Tavistock Road
Plymouth
Devon
PL6 5UF

T +441752304740
M +447584407254
E will.tomkins@plymouth.gov.uk
www.plymouth.gov.uk

[REDACTED]

Sent: 14 May 2019 10:44
To: [REDACTED]
Subject: RE: OFFICIAL: New Licence Application - The Terrace Ref:908417

Dear Mr Inwood,

Thank you for your email. I will request that the following condition is added to the premises licence as stated below;

- Between the hours of 23:00 and 08:00 noise emanating from the Terrace must be inaudible at the nearest residential property.

If you require any further information please do not hesitate to contact me.

Regards

Will Tomkins
Environmental Health Officer
Public Protection Service
Windsor House
Tavistock Road

Gregory, Bev

From: [REDACTED]
Sent: 31 May 2019 11:22
To: Licensing
Cc: Penberthy, Chris
Subject: Hoe Neighbourhood Forum representations re. 072730 Terrace Cafe

Dear Sirs,

I would like to make representation regarding this application on behalf of the Hoe Neighbourhood Forum and its members, many of whom are residents living in properties in direct hearing distance of the Terrace Cafe.

We collectively consider that this application is excessive and should be rejected on the grounds that it will have an adverse effect upon residents due to the risk of public nuisance, crime and disorder and the risk to public safety of inebriated people next to the sea in the dark. Details as follows :-

1. Noise from music late at night, the bass particularly carries and is an issue from time to time.
2. Noise from Terrace clients leaving the venue in a rowdy manner late at night
3. Due to off-sales request it would encourage late night drinking and rowdy behaviour along the foreshore and in the park
4. It would change the character of the Hoe, a largely residential area. There are plenty of late night drinking venues in the Barbican and Union Street already.
5. It would potentially increase the volume of litter and anti-social behaviour in and around the foreshore and the park. This litter is known to be harmful to marine life and we have several areas of special scientific interest in the vicinity.
6. If this is a blanket application, just to cover ad hoc bookings, would it be more appropriate for them to apply for the relevant Temporary Events licence??

Positive comments were that it would create a European atmosphere if done properly - ie. not a nightclub.

Please could you let me know when the hearing will be so that we are able to send a representative.

I was unable to log this representation via the website, hence the delay in submission by email. Please confirm that you will accept this representation.

Kind regards - [REDACTED]
Chair, Hoe Neighbourhood Forum