

Thursday, 7 December 2017

at 4.00 pm

Town Hall, Eastbourne



## Licensing Act Sub-Committee

**MEMBERS:** Councillor Belsey (Chairman) Councillors Murdoch and Swansborough.

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### Agenda

- 1 Apologies for absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.**
- 3 New Premises Licence - Nelson Coffee Co, 4 Terminus Road, Eastbourne, BN21 3LP (Pages 1 - 28)**

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a

dispensation). If a member has a DPI he/she may not make representations first.

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



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## Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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**Body:** Licensing Sub Committee  
**Date:** 7<sup>th</sup> December 2017  
**Subject:** Application For a Premises Licence For:  
Nelson Coffee, 4 Terminus Road, Eastbourne, BN21 3LP  
**Report Of:** Murrae Hume, Specialist Advisor  
**Ward(s)** Devonshire Ward  
**Purpose** To determine an application for a new premises licence under the Licensing Act 2003.  
**Contact:** Murrae Hume 01323 415224.  
Murrae.hume@lewes-eastbourne.gov.uk

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## **1.0 Introduction & Background**

- 1.1 An application has been received by Eastbourne Borough Council as Licensing Authority, for a new premises licence at Nelson Coffee, 4 Terminus Road, Eastbourne BN21 3LP.
- 1.2 The Premises are an established 38 cover Café in Eastbourne Town Centre.

## **2.0 The Application**

- 2.1 An application for the grant of a new premises licence under the Licensing Act 2003 has been sought by Mr Benjamin Nicholson for the following activities:

### **Sale of Alcohol by retail, Recorded Music & Premises opening hours.**

0800 – 1730 Monday to Wednesday (inclusive)

0800 – 2300 Thursday to Sunday (inclusive)

- 2.2 The application is for background music only and therefore a licence is not required for the music aspect of the application.

A licence is also not required for Recorded music between the hours of 0800 and 2300hrs if it takes place at a premises licensed for the sale of alcohol on the premises, provided the audience is less than 500 people.

Therefore if the Alcohol licence is granted a licence will not be required for any form of recorded music.

## **3.0 Licensing Objectives**

- 3.1 When submitting an application for a premises licence under the Licensing Act 2003, the applicant is required to describe any steps they intend to take to promote the four Licensing Objectives as defined by the Licensing Act 2003. The Operating Schedule detailing these steps can be seen in the application form. This is included at **Appendix 1**.

#### **4.0 Consultation Process**

4.1 The Licensing Act 2003 requires applicants to advertise both on the premises, and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council's website. A number of "Responsible Authorities" have also been consulted as part of the process. There was a consultation period of 28 days for representations to be made.

4.2 In this instance, as a result of the consultation process, a representation has been received. The representations centres on the prevention of public nuisance (noise)  
Licensing Objective

The representation is detailed at **Appendix 2** of this report.

4.3 Sussex Police as a responsible authority have consulted with the applicant and agreed a number of conditions, these include the provision of CCTV, a refusal and Incident book, Staff Training, a challenge 25 Policy. and a reduction in hours Monday to Wednesday 0800 – 1700. Thursday to Sunday 0800 – 2230hrs.

A copy of the e-mail correspondence is shown at **Appendix 3**.

#### **5.0 The Decision Making Process - The Licensing Objectives**

5.1 In their decision making, the Licensing Sub Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

#### **6.0 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance Issued**

6.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.

6.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will act to promote the four licensing objectives and have due regard to:

- Eastbourne Borough Council's Statement of Licensing Policy 2014 – 2019 available via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

- Section 182 Guidance issued by the Department of Culture, Media and Sport, available via:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

6.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. An overview appears below.

#### 6.4 The Prevention Of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

#### 6.5 Public Safety

The Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

#### 6.6 Prevention of Public Nuisance

The Statement of Licensing Policy states that within the Operating Schedule, applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

#### 6.7 Protection of children from harm

The Statement of Licensing Policy requires that operating plans must specify the measures and management controls in place to protect children from harm. Conditions can be placed to restrict access to children to the premises during certain times or when certain licensable activities are taking place. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

### **7.0 Cumulative Impact**

7.1 The premises in question is located within the Cumulative Impact Zone. It is recognised that the impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises.

7.2 Cumulative Impact is defined as the "potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area," and is a proper matter for consideration by the Licensing Authority.

7.3 The Licensing Authority may receive representations from a Responsible Authority or 'Interested Party' that the cumulative effect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.

7.4 Where valid representations are received, the Cumulative Impact Policy creates a rebuttable presumption that the application will be refused.

It is for the applicant to address the Cumulative Impact Policy and produce evidence to demonstrate that the matter:

- (a) Will not add to the cumulative impact caused by licensed premises and challenges already experienced in the area;
- (b) Will not undermine the promotion of the Licensing Objectives.

- 7.5 The Cumulative Impact Policy clearly states that licence applications in the Zone should be refused, unless Members are satisfied that the applicant has provided evidence to show that premises will not exacerbate existing issues in the locality, or undermine the promotion of the Licensing Objectives.
- 7.6 It is stressed that the presumption to refuse an application does not relieve the Responsible Authority or “Interested Party” of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider the effect of the Cumulative Impact Policy.
- 7.7 The Cumulative Impact Policy can be found within the Council’s Statement of Licensing Policy 2014 – 2019.

**8.0 Representations**

- 8.1 A copy of the representations are included at **Appendix 2**, however a summary appears below.

<p><b>Interested Parties</b></p> <p>One representation has been received, from person living above the premises.</p> <p>The representation centres on the prevention of public nuisance (noise) Licensing Objective.</p>
<p><b>Representations from Responsible Authorities</b></p> <p>There have been no representations from responsible authorities: Sussex Police have mediated hours and conditions as above.</p>

- 8.2 The Sub Committee will need to have regard to any history or likelihood of noise, nuisance, crime and disorder at the site, or in the vicinity of the site. In addition, matters impacting upon public safety and strategies to protect children from harm will also need to be considered.
- 8.3 The Sub Committee may also consider any other matters that may negatively impact upon the Licensing Objectives and exercise their powers to impose conditions, or take the appropriate action as they see fit, in order to promote the Licensing Objectives.
- 8.4 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case by case basis.
- 8.5 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.

**9.0 Options open to the Sub Committee**

- 9.1 The Sub Committee must have regard to the following:
- Eastbourne’s Statement of Licensing Policy 2014-2019;
  - Statutory guidance, under Section 182 of the Licensing Act 2003;
  - Representations from any Responsible Authority;
  - Representations from “any person”;

- The application and supporting material.
- 9.2 The Licensing Sub Committee must take the steps it considers appropriate for the promotion of the Licensing Objections and may;
- Grant the application in full as requested
  - Grant the application but amend it as appropriate and proportionate
  - Reject the whole or part of the application.
- 9.3 The Sub Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 ( Hearing ) Regulations 2005 included at Appendix 4.

## **10.0 Legal Considerations**

- 10.1 Under section 18(3)(a) Licensing Act 2003 a person may apply for a premises licence. If relevant representations are received under section 17(5)(c) Licensing Act 2003 there must be a Sub Committee hearing to consider the application and the representations.
- 10.2 Under section 181 and Schedule 5 Licensing Act 2003 the applicant may appeal against the decision to refuse the application. Those who have made relevant representations may also appeal any decision made. Any appeal must be made within 21 days of receipt of the written decision notice.
- 10.3 The Legal Section has considered the contents of this Report IKEN 6900-EBC-MW on 21 November 2017

## **11.0 Human Rights**

- 11.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:
- Has a basis in law;
  - Is intended to pursue a legitimate purpose
  - Is necessary and proportionate; and
  - Is not discriminatory.

## **Background Material**

- Section 182 Statutory Guidance to the Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

## **APPENDICES**

- 1: Application for a premises licence under the Licensing Act 2003.
- 2: The Representation.
- 3: Correspondence between applicant and Sussex Police.
- 4: The Licensing Act 2003 ( Hearing ) Regulations 2005



**Eastbourne**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[customerfirst@eastbourne.gov.uk](mailto:customerfirst@eastbourne.gov.uk)  
 Telephone: 01323 410000

\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

**System reference**  This is the unique reference for this application generated by the system.

**Your reference**  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OSmap reference or description of the premises?

- Address     OSmap reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Director of Nelson Coffee Co. Limited

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number   
\* Date of birth  /  /   
dd mm yyyy  
\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy  
If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises  
For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

A coffee shop with a counter area, 38 seats and commercial kitchen.

*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start   
Start

End   
End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start   
Start

End   
End

WEDNESDAY

Start   
Start

End   
End

THURSDAY

Start   
Start

End   
End

FRIDAY

Start   
Start

End   
End

SATURDAY

Start   
Start

End   
End

SUNDAY

Start   
Start

End   
End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Recorded music (via Spotify application) to be played via an amplifier to 4 individual bookshelf speakers situated around the coffee shop. As it is background music only, it is not played at a loud volume.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

**TUESDAY**

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 08:00

End 17:30

Start

End

THURSDAY

Start 08:00

End 23:00

Start

End

FRIDAY

Start 08:00

End 23:00

Start

End

SATURDAY

Start 08:00

End 23:00

Start

End

SUNDAY

Start 08:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Post code

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None.

Continued from previous page...

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None.

Continued from previous page...

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

List here steps you will take to promote all four licensing objectives together.

We will install and diligently operate strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to: a/ no selling of alcohol to underage people b/ no drunk and disorderly behaviour on the premises area c/ vigilance in preventing the use and sale of illegal drugs d/ no violent and anti-social behaviour. To further promote these licensing objectives no vertical drinking will be permitted on the premises. All drinks must be consumed seated at a table after they have been delivered to them by a member of staff.

The designated premises supervisor is obligated and committed to be in day-to-day control of the premises, to provide good training for all staff on the Licensing Act (Training Record), to make or authorise each sale, to effectively operate and train others in the 'Challenge 25' policy to prevent the supply of alcohol to under-age drinkers.

The premises will also be sufficiently equipped to meet the four licensing objectives. A CCTV system, fire alarm and emergency lighting are all installed and regularly maintained. Documentation will ensure compliance with the objectives by logging sales refusals, health & safety incidents and accidents.

We know that it is necessary to carry out our functions with the purpose of promoting these four objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

The coffee shop is fitted with CCTV cameras with a record function that covers all main public areas (shop floor & outside tables).

As drinking will only be permitted whilst seated there will not be an opportunity for groups of people to loiter. A set of clear and legible notice will also advise customers:

- that any offensive language or violent behaviour will not be tolerated.
- warning of potential criminal activity, such as theft, that may target customers will be displayed
- Not selling of alcohol to drunk or intoxicated customers.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner. Staff will also receive conflict resolution training to diffuse any potential issues with intoxicated customers as quickly as possible.

The cafe will not offer any irresponsible drinking promotions such as BOGOF. Drinking water will be provided and made easily available for all customers. There will be no vertical drinking permitted. All drinks must be consumed sitting down at a table. All drinks are delivered to customer's tables.

c) Public safety

The coffee shop is fitted with a fire alarm and emergency lighting system throughout the premises that is regularly tested and maintained.

*Continued from previous page...*

A fire risk assessment (FRA) was completed in January 2017 and the findings acted upon. If any significant changes are made to the building, a new FRA will be immediately sought. In any case, the FRA will be reviewed annually by the company Directors who are familiar with the original FRA. The coffee shop also has a fire emergency plan that all staff receive training on and are familiar with.

The coffee shop has a health & safety policy that is regularly reviewed and updated where necessary.

An accident register will be kept on the premises to record any incidents that resulted in the public or staff being hurt or nearly hurt. Each incident will be acted upon to reduce the risk of it reoccurring.

All key parts of the premises and all fittings are regularly checked and maintained to ensure that they are in a good order at all times and in a safe condition.

**d) The prevention of public nuisance**

A Prominent, clear and legible notice will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly. Customers will be asked not to stand around loudly talking in the street outside the premises

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

We will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.

The music in the café will always be kept at a reasonable volume. As the music is for background purposes only it will never reach a loud volume. However, to prevent music and chatter escaping the premises, the café's entrance door and windows will not be left open. Furthermore, outside seating will be removed after 9pm to prevent customers from making noise outside the café after this time.

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

All staff will receive training on and operate the 'Challenge 25' policy. The 'Challenge 25' sign will be clearly displayed within the café. Staff will only accept the following forms of genuine identification as proof of age:

- Passport;
- European Union photocard driving licence
- Photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram
- National identity card issued by a European Union member state (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland.
- Biometric Immigration Document.

A refusal of sale log book will also be kept to record all the instances where persons were refused alcohol by a member of staff because they did not meet the 'Challenge 25' policy requirements.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee according to the Licensing Fees table. <http://www.eastbourne.gov.uk/health/environmental/fees>

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£)

#### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/eastbourne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >

19 OCT 2017  
EASTBOURNE BOROUGH COUNCIL

Flat 1

2 Terminus Road  
Eastbourne  
BN21 3LP

19/10/2017

Dear Sir/Madam,

I understand that Nelsons Coffee shop at 4 Terminus Road, which is directly below me, is applying for an alcohol license to serve their customers inside and outside!

As a tenant living above I strongly protest and trust they will be denied a license. If you would like me to discuss the matter with you further, please call me on ~~07520 538 765~~

Yours sincerely

William A. Gault

EASTBOURNE BOROUGH COUNCIL  
20 OCT 2017  
ORIGINAL AUTHENTICATED POST ROOM

DATE 19 OCT 2017

DATE 19 OCT 2017  
EASTBOURNE BOROUGH COUNCIL

EASTBOURNE BOROUGH  
COUNCIL

27 OCT 2017

ORIGINAL AUTHENTICATED  
POST ROOM

23/10/2017

DATE RECEIVED

26 OCT 2017

EASTBOURNE BOROUGH COUNCIL

Flats 1,  
2 Terminus Road,  
Eastbourne  
BN21 3LP.

Dear Sir

With reference to my previous letter and our telephone conversation. I'm opposed to the coffee shop from obtaining an alcohol licence for the following reasons: As I pointed out I am a tenant and my bedroom/flat is directly above the coffee shop. I am 76 years old and in a month or two will be convalescing at home following heart surgery. With more people downstairs and outside drinking alcohol till late, it is going to become much more noisy. At the moment, some people before going into the coffee shop, throw their cigarette butts and chewing gum outside my front door, this can only get worse. I am actually woken up at night by inconsiderate people in the coffee shop moving furniture around outside. I have written to environmental health about this, so I can do without the noise and drinkers hanging around my front door, especially at night. Should a licence be granted, I would strongly consider moving, as the last thing I need is to live above a noisy bar.

Yours sincerely  
William A. S. Smith

## Murrae Hume

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**From:** Ben Nicholson <ben@nelsoncoffee.co.uk>  
**Sent:** 27 October 2017 13:47  
**To:** Wolfe, Catherine  
**Cc:** Danielle Ball; Murrae Hume; Denham.vokins@sussex.pnn.police.uk; Wilkes, Richard  
**Subject:** Re: Nelson Coffee, 4 Terminus Road, Eastbourne BN21 3LP

Dear Cathie,

Thank you for your email.

I confirm that I agree to all conditions and the amended times for the supply of alcohol.

Best wishes,  
Ben

Ben Nicholson  
Co-Owner, Nelson Coffee Co.

Address: 4 Terminus Road, BN21 3LP  
Tel: 07710 989340  
Web: [nelsoncoffee.co.uk](http://nelsoncoffee.co.uk)  
Email: [ben@nelsoncoffee.co.uk](mailto:ben@nelsoncoffee.co.uk)

On 27 Oct 2017, at 10:32, <[Catherine.Wolfe@sussex.pnn.police.uk](mailto:Catherine.Wolfe@sussex.pnn.police.uk)>  
<[Catherine.Wolfe@sussex.pnn.police.uk](mailto:Catherine.Wolfe@sussex.pnn.police.uk)> wrote:

Dear Mr. Nicholson,

I am in receipt of your application for a new premises licence at the above address. From our telephone conversation yesterday I understand that the premises is a coffee shop with a counter area and 38 covers. I further understand that if a premises licence is granted the coffee shop will be run as a café/bar. I note the steps you have offered to promote the four licensing objectives and the hours requested for the supply of alcohol, recorded music and opening to the public.

Requested Hours: Supply of alcohol, recorded music and times the premises will be open to the public:

Monday to Wednesday: 08:00hrs – 17:30hrs  
Thursday to Sunday: 08:00hrs – 23:00hrs

We discussed the fact that the hours you have requested are the same as the opening times and I pointed out to you that the terminal hour for the supply of alcohol needs to be less than the opening times. This is to allow customers, who have perhaps ordered a drink at 22:50hrs, the time to finish it without having to rush because they must vacate the premises no later than 23:00hrs.

In light of that you have agreed to amend the hours for the supply of alcohol as follows:-

Monday to Wednesday: 08:00hrs – 17:00hrs  
Thursday to Sunday: 08:00hrs – 22:30hrs

The following is a list of conditions I require to be attached to your licence when/if granted:-

Substantial food and non-intoxicating beverages (including drinking water) shall be available during licensing hours in all parts of the premises where liquor is sold. The supply of alcohol for consumption on the premises shall only be by waiter/waitress service to persons seated at tables or similar.

CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- a) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- b) CCTV footage will be stored for a minimum of 28 days
- c) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- d) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- e) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- f) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request. Refresher training will be given to all staff at least every six months by the DPS or an accredited trainer.

An incident book will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.

A refusals register will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request.

All staff shall have written authorisations from the Designated Premises Supervisor to permit them to sell alcohol.

A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy. The only form of ID that will be accepted are a passport, a photographic driving licence or a Proof of Age card bearing the 'PASS' hologram.

I would be grateful if you would respond to this email using the Reply All button no later than Wednesday 1<sup>st</sup> November 2017. You will need to state your agreement, or otherwise, to the conditions and the amended times for the supply of alcohol in your email.

Kind regards,

Cathie Wolfe ABII

Eastbourne, Lewes, Wealden, Hastings & Rother District Licensing Officer  
Local Policing Support Team, Bexhill Police Station  
Terminus Road, Bexhill, East Sussex TN39 3NR

**Telephone 101 Ext. 564241**

[www.sussex.police.uk](http://www.sussex.police.uk)

**Sussex Police – Serving Sussex**

The information contained in this communication is intended solely for the person and organisation to whom it is addressed. If you have received this message in error, please contact the sender as soon