

# Licensing Sub Committee Agenda

Thursday, 14 June 2018 at 10.00 am

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>		
<b>Councillors Edwards, Roberts and Sinden With Councillor Lee in reserve.</b>		
1.	Appointment of Chair for this Meeting	
2.	Apologies for absence	
3.	Minutes of previous meeting held on 23 April 2018	1 - 4
4.	Declarations of Interest	
5.	Notification of Additional Urgent Items	
6.	Application for a new Premises Licence: Cactus Hound, 33 Western Road, St. Leonards on Sea (Assistant Director, Environment & Place)	7 - 60
7.	Additional urgent items (if any)	

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# Agenda Item 3 Public Document Pack

## LICENSING SUB COMMITTEE

23 APRIL 2018

Present: Councillors Edwards, Patmore (Chair) and Roberts with Councillor Sinden in reserve. Also in attendance: Bob Brown, Licensing Manager; Cathie Wolfe, Police Licensing Officer, Sussex Police; PC Wilkes, Licensing Officer, Sussex Police; Rev Adelasoye and Rev. Dr. Chinnock.

### 7. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Roberts moved that Councillor Patmore should take the Chair. This was seconded by Councillor Edwards.

**RESOLVED (unanimously) that Councillor Patmore be appointed as Chair for the duration of the meeting.**

### 8. APOLOGIES FOR ABSENCE

None.

### 9. MINUTES OF PREVIOUS MEETING HELD ON 22 JANUARY 2018

**RESOLVED that the minutes of the meeting held on 22 January 2018 be approved and signed by the Chair as a true record.**

### 10. DECLARATIONS OF INTEREST

None.

### 11. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

### 12. APPLICATION FOR PREMISES LICENCE: 20 NORMAN ROAD, ST. LEONARDS ON SEA

Members of the Committee, Officers and the applicant introduced themselves. Councillor Patmore set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made on 26<sup>th</sup> February 2018 for a premises licence for 20 Norman Road, St. Leonards on Sea.

## LICENSING SUB COMMITTEE

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The premises does not hold a licence under the Licensing Act 2003 and currently operates as a convenience store.

The application requests the following hours:

- To have supply of alcohol for “Off” sales on Monday to Sunday from 09.00hrs to 20.00hrs.
- To have opening hours of the premises, Monday to Sunday from 07.00hrs to 23.00hrs.

Cathie Wolfe, Police Licensing Officer, made the police submission on the grounds of the ‘Prevention of Crime and Disorder’. She said their objection was based on two factors: 1<sup>st</sup> the applicants past criminal history (see representation letter dated 22.03.18 appended to the agenda) and 2<sup>nd</sup> their visit to the premises on 14.03.18. The purpose of the visit by Sussex Police Licensing Team was to discuss the application with Reverend Adelasoye and to check that no alcohol was stored/displayed at the premises. She confirmed there was no alcohol present. Her colleague asked to see the accommodation upstairs and asked Reverend Adelasoye whether anyone was living there. She said Reverend Adelasoye replied ‘No’. The application form states there will be no sale of alcohol; drunkenness on the premises and no sale of illegal drugs. These factors are against the law and cannot be placed on a licence as a condition. She said Sussex Police were not satisfied the application will promote the licensing objectives under the Act and in particular as this premise is in a Cumulative Impact Zone.

In his submission, Reverend Adelasoye said he was asked if he knew if anyone was living upstairs, he said that at the time he had replied ‘Not that I know of’. He told the committee that he believed he took the lease with vacant possession. He said it was his intention to work with the Authorities and welcomed their visit. When the premises was initially sold to him he said he could not enter the flat as the person who had the key was in Romania. When he gained entry he found 6 people in the building who were not supposed to be there. He told them they had to leave because he and the landlord needed to re-wire the property. Subsequently, the man the Police found on their visit on 14.03.18 resided at no 2 not 3. He said he did not know he was there.

Mr Brown asked what steps Reverend Adelasoye had taken to read the Council’s Licensing Policy. Reverend Adelasoye said he had taken a training course in Licensing and passed it. Mr Brown asked why he did not mention this in his application for a premises licence. Reverend Adelasoye said he went to the Council to ask if he was able to sell alcohol and was told the licence had been surrendered. He asked Reverend Adelasoye if he saw the licence when he bought the premises. Reverend Adelasoye said ‘No’. He said he was advised by the former owner that the premises did have a licence and was given a number of papers, furthermore he would be supported and assisted with staff. Mr Brown said the saturation zone and reduced strength alcohol were not mentioned in the application. He reiterated the point made by Sussex Police that the conditions stated by Reverend Adelasoye in his application are offences under the Act and cannot be considered.

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Councillor Roberts asked Reverend Adelasoye if he knew if anyone was living above the premises when he first brought it, despite not having access to it. Reverend Adelasoye said he did not have a key to the flat and didn't know anyone was living there before he took over the premises.

Councillor Patmore sought clarification on the opening hours. Reverend Adelasoye said the premises will open between 7am and 11pm Monday to Sunday and the sale of alcohol will take place between 9am and 8pm Monday to Sunday.

Mr Brown explained the premises was within the Central St Leonards Cumulative Impact Zone, also the matrix in our current licensing policy states that an off licence would not be the preferred type of premises. Within Central St. Leonards there is significant evidence of alcohol problems. Each application, he said, is dealt with on its own merits. Where representations are received in relation to the application for the grant of a premises licence, there will be a presumption against the grant of such licence unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence would undermine the licensing objectives. The onus is on the Applicant to demonstrate the premises will not add to the problems in the Cumulative Impact Zone. He said there was nothing in the application which mentions the Cumulative Impact Zone or selling of alcohol and single cans. The licence is not appropriate because of well known problems in area.

The Chief Legal Officer said the reviews of the policy on cumulative impact were considered on an evidence basis, not on any assumption and widely consulted upon.

In his summary Reverend Adelasoye said in hindsight he should have done more work before submitting the application and had relied on the ongoing business. He said his contribution will be positive, he was not looking to sell cheap or high strength alcohol.

Reverend Doctor Chinnock said he was an ex-nurse and had dealt with people with drug and alcohol issues. The shop he said will promote various foods from around the world, it will move the area forward. Having known Reverend Adelasoye for nearly ten years he said he had learnt from his mistakes and had helped people in a counselling role.

**RESOLVED** (unanimously) to **REFUSE** the licence as follows:

**The reason for this decision was:**

**The applicant has not met the legal test required. He needed to show within his operating schedule that the granting of his application would not undermine the Licensing objectives. He has failed to do so. Furthermore, he did not mention within his oral submission anything about Cumulative Impact. He did say that he understood the Council's Licensing Policy.**

**The Committee have no confidence that the applicant will uphold the Licensing Objectives.**

**LICENSING SUB COMMITTEE**

**23 APRIL 2018**

**13. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 10.49 am)

# Licensing Sub Committee Procedures

## Annex

### **1. The Chair's Introduction and Explanation of the Procedure, which will be followed**

- Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- Explain that the hearing will follow a procedure, and that is that the Officer will make his report, followed by the Consultees such as the Police and then the Objectors and finally the Applicant. There will be an opportunity for questions. Members may ask for clarification from the Licensing Officer and Summaries may be given if required.
- Ask if the Parties received the report and are ready to proceed.
- If any Party to the hearing fails to attend ask Members to consider whether to adjourn the hearing or to proceed in the Party's absence.

The Hearing of each application will then follow the order set out below:

### **2. Summary of report by Licensing Manager / Officer.**

### **3. Statutory Consultees (eg Police, Fire Service, Environmental Health) submissions on the application.**

Any questions for Statutory Consultees from

- Applicant / Representative?
- Objectors?
- Officers?
- Members?

### **4. Other Objectors each make submissions on the application.**

Any questions for Objectors from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

### **5. Applicant / Representative make submissions on the application / call any witnesses.**

Any Questions for Applicant / Representative / Witnesses from

- Statutory Consultees and Objectors?
- Officers?
- Members?

### **6. Do Members require any clarification from the Licensing Manager / Officer?**

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Statutory Consultees and Objectors?
- Members?

### **7. Summaries (if required)**

- Licensing Manager / Officer summing up
- Statutory Consultees and Objectors' summing up
- Applicant/Representative summing up

### **8. Decision Making**

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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# Agenda Item 6



**Report to: Licensing Sub Committee**

**Date of Meeting: 14.06.2018.**

**Report Title: Application for a new premises licence.**

**Cactus Hound, 33 Western Road, St Leonards on Sea.**

**Report By: Mike Hepworth, Assistant Director. Environment and Place.**

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## **Purpose of Report**

To consider the application for a new premises licence as a result of one representation received.

Responsible Authorities. One.

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## **Recommendation(s)**

- 1. Members consider the content of the report, options available and determine the application.**

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## **Reasons for Recommendations**

The Licensing Act 2003 requires a licensing sub-committee to consider such applications when appropriate representations have been made. The decision reached at the sub-committee can be subject to appeal by any party to the hearing that is aggrieved by the decision.

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## Introduction

### 1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 20<sup>th</sup> April 2018 Hastings Borough Council received an application for a new premises licence for Cactus Hound, 33-35 Western Road, St Leonards on Sea from Cactus Hound Ltd, 33 Western Road, St Leonards on Sea, TN37 6DJ made under section 17 the Licensing Act 2003. (Attached at Appendix A).
3. This premise already holds a licence under the Licensing Act 2003, and is currently called Roomz, it has now been transferred to new operators. Roomz has been operating on site for a number of years with a reduced operating schedule, a map of the location is attached as is a copy of the existing licence for Roomz. ( Attached as Appendix B). The premise is located within Area 3 (Central St Leonards) of the Council Special Saturation Policy (Cumulative Impact).
4. The Special Saturation Policy (Cumulative Impact) is contained within the Council's Licensing Policy, it states "Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premise licence, club premise certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives." Applicants are advised to seek legal advice if making an application for a licence in a Special Saturation Area.
5. In addition, at the latest statutory review of the Licensing Policy carried out at the end of 2015 and published in January 2016 a matrix was added to the policy. This matrix was published to help give clearer guidance to applicants for premises licenses as to how the Council would prefer the area to develop from a licensed premises perspective, and what type of application if applied for, would suit this best.
6. This matrix clearly shows that a "Night Club type" premises within a Saturation Area would be acceptable with a closing time of 2am or a Bar/Pub until midnight. Any applicant will need to demonstrate that the issue of such a licence will not cause problems to the area or add to any existing problems identified. This is in accord with the local policy details set out in paragraph 5 above.

### 2.0 Application

7. The application requests the following:

To have Plays and Films, Monday to Sunday, 12.00hrs to 23.59hrs.

To have Live Music, Recorded Music and Dance, Sunday to Wednesday 12.00hrs to 23.30hrs, Thursday to Saturday 12.00hrs to 02.30hrs.

To have Late night refreshment Thursday to Saturday, 23.00hrs to 02.00hrs.

To have supply of Alcohol for "On" sales on Monday to Wednesday from 12.00hrs to 23.00hrs, Thursday to Saturday 12.00hrsto 02.00hrs, Sunday 12.00hrs to 22.00hrs.

To have opening hours of the premises, Monday to Wednesday from 09.00hrs to 23.59hrs, Friday and Saturday 09.00hrs to 03.00hrs, Sunday 09.00hrs to 11.00hrs.(This is believed to be an error and should read 23.00hrs).

In addition, extra hours are requested on specific dates, as follows; To play recorded and live music to 02.30hrs and have late night refreshment and Alcohol to 02.00hrs on;

Sunday and Monday of Easter Bank Holidays, Sunday and Monday of May Bank Holidays, Sunday and Monday of Spring Bank Holiday, Sunday and Monday of Summer Bank Holiday, Christmas Eve, Boxing Day, New Year's Eve, All Hallows Eve and Summer and Winter Solstices.

When submitting an application for a licence under the Licensing Act 2003 the applicant is asked to describe what steps they intend to take to promote the four licensing objectives:-

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance,
- protection of children from harm.

In this case, the applicant has made a separate declaration in their application together with the Business Plan.(See Appendix A).

### **3.0 Consultation**

8. The Licensing Act 2003 requires an applicant to advertise their application once in a local newspaper and on the premises by way of an approved notice for 28 days to allow for representations to be made, this has been done.
9. Copies of the application are required to be served on a list of responsible authorities at the same time as placing the application before the local authority, this has been done.
10. As a result of this process a representation has been received from Mr Stewart Bryant, Senior Environmental Health Officer, Hastings Borough Council, he comments on the application and the proposed activities, he comments on the potential for noise nuisance and suggests a series of 10 (ten) conditions should the sub-committee decide to recommend grant of a licence. Suggested condition 9 is a

recommendation to reduce the operating hours. I consider this a valid representation under the licensing objectives (Prevention of Public Nuisance) (Attached appendix C.)

11. In addition, a letter has been received from Mrs Botting, a Development Control Officer from Hastings Borough Council. She comments on the application and the current planning restrictions on the premises. She also comments that to operate in line with the application would require a full new planning application. (Attached Appendix C).

#### **4.0 Legal Considerations**

12. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
13. If a relevant representation to an application is made by either a responsible authority or an interested party and no compromise can be reached between the parties, a hearing must be held.
14. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
15. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
16. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the first protocol and article 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. Article 8 relates to the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done:-
  - Has its basis in law;
  - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
  - Is proportionate to the aims being pursued; and,
  - Is related to the prevention of crime; or, the protection of public order or health.

If members choose to refuse the application in full or in part, the applicant has a right of appeal to the Magistrates' Court. There is also a right of appeal to conditions imposed as a result of the hearing by any person affected by the decision.

#### **5.0 Options**

17. Grant the application in full

Grant part of the application

Grant the application with conditions relevant to the application

Refuse the application.

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### **Wards Affected**

Central St Leonards.

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### **Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17)

Risk Management

Environmental Issues

Economic/Financial Implications

Human Rights Act

Organisational Consequences

Local People's Views

Anti-Poverty

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### **Additional Information**

Appendix A. Application Pack.

Appendix B. Old Roomz licence and location plan.

Appendix c. Representation from Environmental Protection and letter from planning.

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### **Officer to Contact**

Bob Brown Licensing Manager.

bbrown@hastings.gov.uk

01424 783249

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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/** Cactus Hound LTD  
**We**

(Insert name(s) of applicant)

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

**Part 1 – Premises details**

33 Western Road St Leonards on sea East Sussex			
<b>Post town</b>	St Leonards on Sea	<b>Postcode</b>	TN37 6DJ

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£5700

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- a) an individual or individuals \*      please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership      please complete section (B)
  - ii as a partnership (other than limited liability)      please complete section (B)
  - iii as an unincorporated association or      please complete section (B)
  - iv other (for example a statutory corporation)      please complete section (B)
- c) a recognised club      please complete section (B)
- d) a charity      please complete section (B)
- e) the proprietor of an educational establishment      please complete section (B)

PREM 583  
HOP 50574  
WK 201800684



Recd 20/4/2018  
Gd 18/5/2018

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
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<b>Surname</b>		<b>First names</b>	
<b>Date of birth</b> over		I am 18 years old or	Please tick yes
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

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

Name: Cactus Hound LTD
Address c/o Collins and Co Suite 3 4th Floor Congress house Lyon Road Harrow HA1 2EN
Registered number (where applicable) 10567706
Description of applicant (for example, partnership, company, unincorporated association etc.) LTD Company
Telephone number (if any)
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

08 05 2018

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?

Please give a general description of the premises (please read guidance note 1)

See Business Plan (Appendix B)

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that  
apply (X)

- a) plays (if ticking yes, fill in box A) X
- b) films (if ticking yes, fill in box B) X
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) X
- f) recorded music (if ticking yes, fill in box F) X
- g) performances of dance (if ticking yes, fill in box G) X
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I) X

**Supply of alcohol** (if ticking yes, fill in box J) X

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	12:00	23:59	<u>Please give further details here</u> (please read guidance note 4)		
Tue	12:00	23:59			
Wed	12:00	23:59	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur	12:00	23:59			
Fri	12:00	23:59	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	12:00	23:59			
Sun	12:00	23:59			

**B**

Films Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	x
				Outdoors	
Day	Start	Finish		Both	
Mon	12:00	23:59	<b>Please give further details here</b> (please read guidance note 4)		
Tue	12:00	23:59			
Wed	12:00	23:59	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur	12:00	23:59			
Fri	12:00	23:59	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12:00	23:59			
Sun	12:00	23:59			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x
Day				Outdoors	
Start	Finish			Both	
Mon	12:00	23:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	12:00	23:30			
Wed	12:00	23:30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	12:00	23:59			
Fri	00:00	02:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	12:00	23:59		On the following days, we wish to be able to play live music until 02.30 hours.	
Sat	00:00	02:30	Sunday and Monday of easter bank holidays		
			Sunday and Monday of May bank holidays		
	12:00	23:59	Sunday and Monday of Spring bank holidays		
			Sunday and Monday of Summer bank holidays		
Sun	00:00	02:30	Christmas eve		
			Boxing day		
	12:00		New years eve		
		23:00	All hallows eve		
			Summer and winter solstices		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	x
Day	Start	Finish		Outdoors	
Mon	12:00	23:30	<b>Please give further details here</b> (please read guidance note 4)		
Tue	12:00	23:30			
Wed	12:00	23:30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	12:00	23:59			
Fri	00:00	02:30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
	12:00	23:59			
Sat	00:00	02:30	On the following days, we wish to be able to play recorded music until 02.30 hours. Sunday and Monday of easter bank holidays Sunday and Monday of May bank holidays Sunday and Monday of Spring bank holidays		
	12:00	23:59			
Sun	00:00	02:30	Sunday and Monday of Summer bank holidays Christmas eve Boxing day New years eve All hallows eve Summer and winter solstices		
	12:00	23:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x
Day	Start	Finish		Outdoors	
Mon	12:00	23:30	Please give further details here (please read guidance note 4)		
Tue	12:00	23:30			
Wed	12:00	23:30	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	12:00	23:30			
Fri	00:00	02:30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
	12:00	23:59			
Sat	00:00	02:30			
	12:00	23:59			
Sun	00:00	02:30			
	12:00	23:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x
Day	Start	Finish		Outdoors	
Mon	12:00	23:00	<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue	12:00	23:00			
Wed	12:00	23:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	12:00	23:59			
Fri	00:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)  On the following days, we wish to be able to provide late night refreshment until until 02.00 hours.  Sunday and Monday of easter bank holidays  Sunday and Monday of May bank holidays  Sunday and Monday of Spring bank holidays  Sunday and Monday of Summer bank holidays  Christmas eve  Boxing day  New years eve  All hallows eve  Summer and winter solstices		
Sat	12:00	23:59			
	00:00	02:00			
Sun	00:00	02:00			
	12:00	22:00			

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

**J**

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> – <u>please tick</u> (please read guidance note 8)	On the premises	x
Day	Start	Finish		Off the premises	
Mon	12:00	23:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:59	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)  On the following days, we wish to be able to supply alcohol until 02.00 hours. Sunday and Monday of easter bank holidays Sunday and Monday of May bank holidays Sunday and Monday of Spring bank holidays Sunday and Monday of Summer bank holidays Christmas eve Boxing day New years eve All hallows eve Summer and winter solstices		
Fri	12:00	23:59			
	00:00	02:00			
Sat	12:00	23:59			
	00:00	02:00			
Sun	00:00	02:00			
	12:00	22:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	██
Date of birth	██████████

Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) RDCLN/00018606	
Issuing licensing authority (if known) Rother District Council	

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</b></p> <p>N/A</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	23:59	
Tue	09:00	23:59	

Wed	09:00	23:59	
Thur	09:00	23:59	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p> <p>On the following days, we wish to be open to the public until 03.00 hours.</p> <p>Sunday and Monday of easter bank holidays</p>
Fri	00:00	03:00	Sunday and Monday of May bank holidays
	09:00	23:59	Sunday and Monday of Spring bank holidays
Sat	09:00	22:59	Sunday and Monday of Summer bank holidays
	00:00	03:00	Christmas eve
Sun	09:00	11:00	Boxing day
	00:00	03:00	New years eve
			All hallows eve
			Summer and winter solstices

**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 10)**

Please see attached Document (Appendix A)

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

**c) Public safety**

**d) The prevention of public nuisance**

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

**Checklist:**

**Please tick to indicate agreement**

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

**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.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)
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Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

1. Describe 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.
2. 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:
    - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.

- 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.
  - 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:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - 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;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please 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.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please 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 or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

**15. 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.
- 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 M: a

The management will have good control over the following points and ensure staff training on licensing law and objectives is carried out and recorded, Particular attention will be paid to -

- The prevention of underage drinking
- Vigilance and prevention of sale and use of illegal drugs
- Prevention of violence and disorderly behaviour
- Prevention of harm to Children, and protection of Children
- Challenge 25 being strictly enforced
- Care and maintenance of CCTV with recording facilities.

As a licensed premises we know that it is necessary to carry out our business and operate with a purpose of promoting these objectives. We promise to support these objectives throughout operations using all measures possible (including staff training and qualifications, policies, and strategic partnerships with other agencies).

Section M: b

In order to prevent crime and disorder on our premises we will -

- Install CCTV that records and provides an image where people are easily recognisable at the entrances and exits of the venue and clearly display notices that inform customers they are on CCTV
- Be vigilant and prevent the sale/use of illegal drugs
- Make sure an incident and log book is kept and available to be produced to any relevant authority on request
- The rear of the building will be protected by a high, locked, metal gate to ensure the complete prevention of Illegal drug use and loitering and to keep any bins and rubbish disposal containers away from the public, prevent fly tipping. CCTV will also be installed in this area.
- A qualified SIA doorman should be in place on the entrance to help enforce the four licensing objectives during busy and light night periods, and special events. Section M: c

Section M: c

In order to comply with the public safety licensing objective we will -

- Ensure all parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations will be maintained at all times in good order and in a safe condition
- Make sure there is sufficient, compliant internal and external lighting
- Train all staff on environmental health standards/requirements and how to implement them

Section M: d

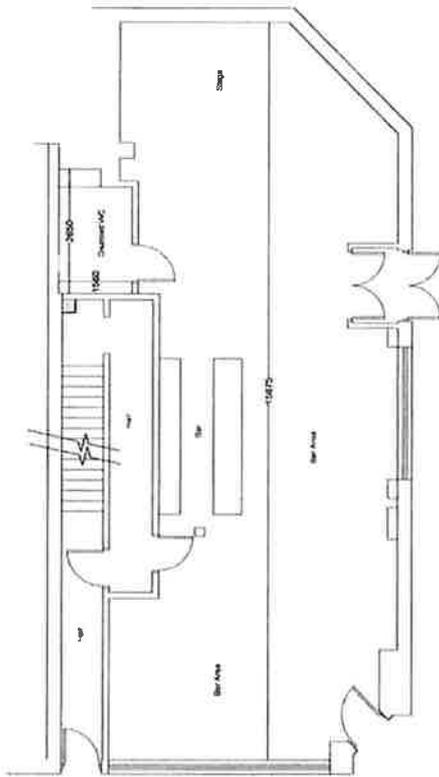
In order to prevent public nuisance we will -

- Display clear legible notices encouraging people to leave quickly and quietly and move on from the area immediately
- Ensure staff ask customers to leave quickly and quietly and move on immediately
- Prevent customers from leaving the premises with drinks, bottles or any containers of liquid, alcoholic or otherwise
- Not allow any customers on the premises outside of opening hours
- Ensure deliveries and movement of bins takes place at a reasonable time and causes no noise pollution or disruption to the locked storage area
- Ensure bins are contained in a locked area and regularly collected
- Ensure lighting outside does not cause a nuisance or light pollution to local residents

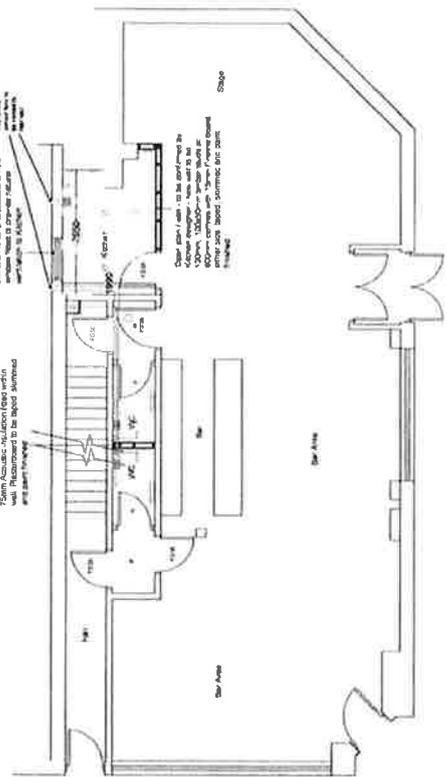
Section M: e

In order to protect children from harm we will -

- Clearly display Challenge 25 signs, a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
- Ensure staff are well trained about requirement for persons' identification, age etc
- All the details provided in Training Record Book available to relevant authorities immediately upon request
- Log Book will be kept upon the premises all the time.
- Insist all children are accompanied by a legal guardian or appropriate adult at all times
- Not allow children on the premises after 9pm
- Train staff to be aware of and regularly carry out ID checks



Existing Ground Floor Plan



Proposed Ground Floor Plan

**REQUIREMENTS - FIRE SAFETY**

1. Fire alarm system to be installed in accordance with the Fire Alarm Regulations 2002.
2. Fire alarm system to be installed in accordance with the Fire Alarm Regulations 2002.
3. Fire alarm system to be installed in accordance with the Fire Alarm Regulations 2002.
4. Fire alarm system to be installed in accordance with the Fire Alarm Regulations 2002.
5. Fire alarm system to be installed in accordance with the Fire Alarm Regulations 2002.

**REQUIREMENTS - SOUND INSULATION**

1. Internal partition walls to be constructed in accordance with the Building Regulations 2004.
2. Internal partition walls to be constructed in accordance with the Building Regulations 2004.
3. Internal partition walls to be constructed in accordance with the Building Regulations 2004.
4. Internal partition walls to be constructed in accordance with the Building Regulations 2004.
5. Internal partition walls to be constructed in accordance with the Building Regulations 2004.

**REQUIREMENTS - MEANS OF VENTILATION**

1. Means of ventilation to be provided in accordance with the Building Regulations 2004.
2. Means of ventilation to be provided in accordance with the Building Regulations 2004.
3. Means of ventilation to be provided in accordance with the Building Regulations 2004.
4. Means of ventilation to be provided in accordance with the Building Regulations 2004.
5. Means of ventilation to be provided in accordance with the Building Regulations 2004.

**REQUIREMENTS - HOT WATER SUPPLY**

1. Hot water supply to be provided in accordance with the Building Regulations 2004.
2. Hot water supply to be provided in accordance with the Building Regulations 2004.
3. Hot water supply to be provided in accordance with the Building Regulations 2004.
4. Hot water supply to be provided in accordance with the Building Regulations 2004.
5. Hot water supply to be provided in accordance with the Building Regulations 2004.

**REQUIREMENTS - DAMAGED & REMOTE EXPOSURE**

1. Damaged & remote exposure to be provided in accordance with the Building Regulations 2004.
2. Damaged & remote exposure to be provided in accordance with the Building Regulations 2004.
3. Damaged & remote exposure to be provided in accordance with the Building Regulations 2004.
4. Damaged & remote exposure to be provided in accordance with the Building Regulations 2004.
5. Damaged & remote exposure to be provided in accordance with the Building Regulations 2004.

**REQUIREMENTS - ELECTRICAL SAFETY**

1. Electrical safety to be provided in accordance with the Building Regulations 2004.
2. Electrical safety to be provided in accordance with the Building Regulations 2004.
3. Electrical safety to be provided in accordance with the Building Regulations 2004.
4. Electrical safety to be provided in accordance with the Building Regulations 2004.
5. Electrical safety to be provided in accordance with the Building Regulations 2004.

**REQUIREMENTS - MEANS OF ESCAPE**

1. Means of escape to be provided in accordance with the Building Regulations 2004.
2. Means of escape to be provided in accordance with the Building Regulations 2004.
3. Means of escape to be provided in accordance with the Building Regulations 2004.
4. Means of escape to be provided in accordance with the Building Regulations 2004.
5. Means of escape to be provided in accordance with the Building Regulations 2004.

**LGSD**  
PLAN-DESIGN-CONSTRUCT

Sophie Muller  
33 Western Road  
St Leonards-on-Sea  
Ground Floor Alterations

Scale 1:50 @ A1  
Date: March 2018  
Dwg No. SL133WR002  
Rev.





**Business Plan for: Cactus Hound**

## 1 Executive summary

Cactus Hound is an upmarket bar, venue, creative space, studio and beacon of musical excellency and services. It's a place you can hold meetings, have coffee and enjoy lunch by day, and return in the evening to enjoy a cocktail and live music. The space is creative, diverse, energetic and upmarket without being pretentious. Over time Cactus Hound could become one of the most iconic venues outside of major cities in the UK.

The Bar will be centred around cocktails, craft beer and premium tequila's making it unique in the area and in keeping with current market trends which show that Gin is out, and Tequila is in.

The Kitchen will serve a unique forward thinking menu devised of small plates that draw inspiration primarily from Mexican, South American and Asian cuisine.

The Venue will provide space for local musicians to work and showcase and be one of the top local venues to enjoy a wide variety of live music, from new up and coming artists as well as established well known musicians.

The Recording studio, western and warrior, will work alongside the creative aspect of the space, offering affordable recording and rehearsal time to local musicians and creatives, with top quality equipment and expertise.

Over time we aim to convert the flats on top of the building into "Artist accommodation" for musicians and creatives utilising the facilities and studio. The view is to create a musical residency programme that would incorporate the venue, studio and accommodation to create a unique space and experience to record, create and showcase musicians.

Our target market would be 25+ working professionals and creatives. This a broad and inclusive market, Cactus Hound would easily appeal to a range of ages and lifestyles. Our vision would be easily adaptable to suit demand and we intend to develop and be flexible with our vision.

**2 Business details**

**Company name:**

**Cactus Hound**

**Address:**

33 Western Road

St Leonards on Sea

TN37 6DJ

**Telephone number:**

██████████

██████████

**Legal status:**

LTD Company

## Key personnel

### Details of owner(s):

Name: [REDACTED]

Position/main responsibilities: Owner

### Experience and knowledge of our industry:

[REDACTED] is an English music video director, noted for her long-time collaborations with such artists as Beyoncé, Coldplay, No Doubt, Gwen Stefani, Johnny Bravo, Sade, Shakira, Sugababes, Shakespears Sister, Garbage, The Killers, Sophie Ellis-Bextor, Annie Lennox, Leona Lewis, Eurythmics, Pink, Sarah McLachlan and Blur.

[REDACTED] attended Central St Martin's, gaining a Foundation Diploma in Art. Following her graduation, [REDACTED] went to the Royal College of Art to study for her Masters in Film and Television, where she made "Interlude" and "In Excelsis Deo (In Adoration of God)." The latter won the J Walter Thompson Prize for creativity.

Key skills brought to the business: Music production, Artist liaison, Artistic skill, Creative vision, Business experience.

### Other key personnel (including shareholders):

Name: [REDACTED]

Position/main responsibilities: Manager and Consultant

Experience and knowledge of industry: Originally a model from the early 2000's [REDACTED] gained her business experience by running the mens board and new faces board at Strike model management (Now First models LTD) and moved into hospitality and consultation working for companies such as Novus Leisure (marketing) Bar55 Camden (management) London cocktail club (development) and The Beatrice Camden (re-brand development and consultation) Nico's Kitchen (owner) and Temperance bar and restaurant (owner) in st leonards on sea meaning she has a strong understanding of the local market and environment.

Key skills brought to the business: Hospitality development, Consultation, Hospitality management, Business skills, Creative vision, Product Knowledge.

Name: [REDACTED]

Position / responsibilities: Studio Manager / Shareholder

Experience and knowledge of industry: [REDACTED] is a musician, producer and songwriter with extensive knowledge of the music industry and is known for his work with Shakespeare sister, Eurythmics, Siobhan Fahey and Steve Austin.

Key skills brought to the business: Musical knowledge, Technical musical Knowledge, Studio Management.

## Local economics

Cactus Hound would be an asset to the local community providing employment, training, cultural enrichment and contributing towards the regeneration of the area and the tourism industry.

We would be making use of and restoring existing venue that has fallen into disrepair and been closed for the past few years, providing another creative centre and outlet for some of the many talented individuals as well as showcasing more established artists, which would benefit the entire town in terms of tourism.

Cactus Hound would also be a welcome and appropriate addition to the ever increasing selection of Bars and Restaurants that have popped up in the area, catering to tourists, locals, providing employment and making the area an overall nicer place to live.



Licensing Act 2003

PREMISES LICENCE

Premises licence number

HOP50307

Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> ROOMZ 33-35 WESTERN ROAD	
<b>Post Town</b> ST LEONARDS ON SEA, EAST SUSSEX	<b>Post Code</b> TN37 6DJ
<b>Telephone number</b>	

**Where the licence is time limited the dates**  
NOT APPLICABLE

**Licensable activities authorised by the licence**

LIVE MUSIC

RECORDED MUSIC

SUPPLY OF ALCOHOL                      No DPS nominated.

**The times the licence authorises the carrying out of licensable activities**

LIVE MUSIC:	TUESDAY, THURSDAY-SATURDAY:	19:00-23:00
	SUNDAY:	13:00-15:00
RECORDED MUSIC:	FRIDAY:	19:00-23:00
SUPPLY OF ALCOHOL:	MONDAY-TUESDAY, THURSDAY-SATURDAY:	12:00-23:00
	SUNDAY:	12:00-22:30

**The opening hours of the premises**

MONDAY-SATURDAY: 12:00-23:30

SUNDAY:                      12:00-23:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

**HASTINGS BOROUGH COUNCIL**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

SOPHIE MULLER



(Transfer on 13th April 2018)  
(Transfer & change of DPS 18<sup>th</sup> February 2011)

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

NO CURRENT DPS NOMINATED. NO ALCOHOL CAN BE SOLD OR DISPLAYED FOR SALE.

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

PERSONAL LICENCE NUMBER:

ISSUING AUTHORITY:

**HASTINGS BOROUGH COUNCIL**

**Annex 1 – Mandatory Conditions**

- 1) If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
  - (i) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  - (ii) Every supply/sale of alcohol under the premises licence must be made to authorised by a person who holds a personal licence
  
- 2) If this premises licence authorises the exhibition of films the admission of children to the exhibition of any film must be restricted in accordance with this section.

Hastings Borough Council will expect the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984 to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with the appropriate safeguards

- 3) If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

**Special licence condition.**

**The sale of intoxicating liquor and other beverages shall be waiter or waitress service to persons seated at tables.**

**Substantial refreshment shall be available at all times.**

**HASTINGS BOROUGH COUNCIL**

**Annex 1A – Additional mandatory licensing conditions**

In relation to an existing or future relevant premises licence, the conditions specified for the purposes of section 19(4)(b) of the Act (mandatory conditions where licence authorises supply of alcohol for consumption on the premises).

In relation to an existing or future relevant club premises certificate, the conditions specified for the purposes of section 73A(c) of the Act (mandatory conditions relating to the supply of alcohol to members or guests, for consumption on the premises).

**Paragraphs 1, 2 & 3 effective from 6<sup>th</sup> April 2010.**

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**HASTINGS BOROUGH COUNCIL**

**Annex 1A – Additional mandatory licensing conditions - continued**

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Paragraphs 4 & 5 – effective from 1<sup>st</sup> October 2010.**

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**HASTINGS BOROUGH COUNCIL**

**Annex 2 – Conditions consistent with the operating schedule**

**GENERAL**

Comply with the requirements of the Licensing Act 2003.

**THE PREVENTION OF CRIME AND DISORDER**

**PUBLIC SAFETY**

Ensure all fire exits, extinguishers and emergency lighting is properly maintained at all times.

**THE PREVENTION OF PUBLIC NUISANCE**

Noise and music arising from the premises shall not be audible in any residential premises. For the avoidance of doubt noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises.

Comply at all times with the noise restriction of 50 deciBels.

Ensure clear and prominent notices requesting patrons to “Please consider our neighbours and leave the area quietly and quickly” shall be maintained at each exit.

**THE PROTECTION OF CHILDREN FROM HARM**

Ensure staff operate a “No ID No sale” policy in respect of age sensitive goods, and accept only photographic evidence as proof of age.

**HASTINGS BOROUGH COUNCIL**

**Annex 3 – Conditions attached after a hearing by the licensing authority**

NIL





Title:

Appendix B

Scale: 1:2500

Date: 30 / 5 / 2018

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# MEMORANDUM



Date: 10<sup>th</sup> May 2018  
 From: Environmental Protection  
 To: Licensing  
 My Ref: SEB  
 Your Ref: WK/201800648

Application Number: **WK/201800648**

Address **Cactus Hound, 33 – 35 Western Road, St. Leonards on Sea, East Sussex, TN37 6DJ**

Proposal: **Application for a premises license under section 17 of the Licensing Act 2003  
 An application for an existing premises, for regulated entertainment, as a creative space and studio  
 and the sale by retail of alcohol for consumption on the premises.**

Under the new licensing regime the role of the Environmental Protection team is to avoid the creation of situations where new licenses, by virtue of their proposed activities, their locations, or times of operation, give rise to a justifiable nuisance to local residents. In this respect the provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance, however, as the DCMS guidance recognises these may not, by themselves, be sufficient to protect local residents.

These premises appear to have residential properties to either side.

The premise also falls within the cumulative impact / saturation policy area which offer the potential to positively change the ambience of parts of the borough, which in turn can reduce the public fear of crime and boost the number of evening visitors to the town centre. Too many single type licenses in a confined area, with their customers turning out onto the street at around the same time, can create opportunities for violent crime and disorder.

I consider the hours of operation both standard and non-standard to be excessive and inappropriate for the location of the premise, this being that the later hours suggested are likely to attract unwanted attention from those in the area unable to purchase alcohol due to earlier closing hours of other premises or being refused alcohol in general.

To ensure that no nuisance is caused to their residents care will, therefore, be required in the operation of the establishment. I welcome the comments made regarding the prevention of public nuisance and the improvement to the local economics. Nevertheless, I suggest that it would be reasonable to make any licence granted subject to the following conditions:-

- 1) Noise and music arising from the premises shall be barely audible at any noise sensitive premises before 23:00 and inaudible after 23:00 until close. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises.
- 2) Clear and prominent notices requesting patrons to "Please consider our neighbours and leave the area quietly and quickly" shall be maintained at the exits onto Western Road.

- 3) A responsible member of staff shall be in attendance in the vicinity of the main exit onto Western Road from 23.00 hrs until close of business each evening to ensure that patrons disperse quietly and quickly.
- 4) Suitably trained staff are to monitor external noise levels and ensure customers comply with condition 3
- 5) Responsible member of staff to monitor the external frontage to ensure that patrons do not take drinks outside after 22:00 hrs and that no more than five persons are permitted to smoke on the frontage at any time after 22:00 hrs.
- 6) Tables and chairs or other such furniture providing seating for no more than 10 people only to be used in the external frontage between 10:00 and 22:00; and any such furniture taken out of use after that time.
- 7) The doors and windows are to be provided with a suitable acoustic protection to prevent noise escape into Western Road / Warrior Gardens / Kings Road.
- 8) To ensure the bottle bins are only emptied between 09:30 and 21.30 Monday to Friday, 10:00 and 13:00 Saturday and not on a Sunday or Public/Bank holiday.
- 9) Standard Hours of operation should be restricted to a terminal hour of 00:30hrs on Friday / Saturday and 23:30 hrs, Sunday through Thursday to ensure the protection of residents from unwanted noise in a noise sensitive area. This will also apply to the non-standard hours specified due to the likelihood of noise disturbance outside of the usual business hours.
- 10) Glass or waste collection by external waste/recycling contractor between the hours of 08:00 and 18:00 Monday to Friday, 08:00-13:00 Saturday and not on a Sunday or Public/Bank Holiday.

Kind regards

Stewart Bryant BSc (Hons) Environmental Health MCIEH FRSPH  
Senior Environmental Health Officer  
Environmental Protection  
Hastings Borough Council  
Muriel Matters House, Breeds Place  
Hastings, East Sussex  
TN34 3UY  
Tel. 01424 783289  
[www.hastings.gov.uk](http://www.hastings.gov.uk)

**Please quote:** DCQ/18/00093 /MJ  
**Your Reference:**  
**Date:** 15 May 2018  
**Please ask for:** Mrs M Botting  
**Telephone direct:** (01424) 783252  
**Email:** mbotting@hastings.gov.uk  
**Web:** www.hastings.gov.uk/planning



**Development Management**  
Muriel Matters House, Breeds Place  
Hastings, TN 3UY

Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
TN 3UY

For the attention of: Trevor Scrase,  
Dear Sir/Madam,

**Enquiry Number:** DCQ/18/00093  
**Subject:** Comments on premises licence application  
**Location:** 33-35 Western Road, St Leonards-on-sea, TN37 6DJ

Thank you for consulting us on the above licence application.

The last planning use we have on record for this premise was under application HS/FA/04/01068 , for ground floor change of use from A1 to A3 and basement change of use to recording studio.

The following hours conditions was attached to the permission:

**Condition 2**

The use shall not commence until a scheme for the soundproofing of the ground and basement floors of the property to which this permission relates has been implemented, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works commence.

**Condition 3**

The premises shall not be used, other than for maintenance or cleaning purposes, except between the following hours:-

9.00am - 11.30pm Monday - Saturday  
9.00am - 10.30pm Sundays

Having looked at the history I cannot see any compliance of condition 2.

It is considered that a full planning application would be required to vary the opening hours of the premises to allow for the proposed hours. In addition to this, the permission on this premises is for a cafe serving and recording studio. The proposed use could be considered a material change or mixed use to A3/A4/D2, and would advise the applicant that they should seek pre application advice before commencing works to avoid enforcement action for possible unlawful use.

The area is within a saturation zone so comments from the police will be able to provide advice on whether the use would result in anti-social activities.

The views expressed above represent my opinion only based upon the information currently available to me. It is made without prejudice to any decision which the Council may make on a subsequently submitted

formal planning application. This view may also change in the light of representations made, consultation response or any other information which is revealed in the course of the processing of an application for planning permission.

Yours faithfully,



M Botting  
Development Control Officer

