

Public Document Pack
Licensing Sub Committee Agenda

Wednesday, 15 June 2022 at 11.00 am

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Community Contact Centre entrance.

For further information, please contact Democratic Services on 01424 451719 or email
democraticservices@hastings.gov.uk

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6.	Variation of a premises licence with representations, The Forbidden Fruit, 22 Grand Parade, St Leonards on Sea <i>(Andrew Palmer, Assistant Director)</i>	9 - 60
7.	Additional urgent items (if any)	

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LICENSING SUB COMMITTEE

7 APRIL 2022

Present: Councillors Sinden (Chair), Roberts and Roark.

14. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the council solicitor invited nominations for the appointment of Chair for the duration of the meeting.

Councillor Roberts proposed that Councillor Sinden should take the Chair, seconded by Councillor Roark.

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

15. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Cox.

16. MINUTES OF PREVIOUS MEETING

RESOLVED – (Unanimously) that the minutes of the meeting held on 22nd December 2021 be approved as a true record.

17. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Roberts	18. Application for variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings	Personal – Knows Mr Brett McLean and has spoken to him on numerous occasions
Sinden	18. Application for variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings	Personal - Knows Mr Brett McLean and has spoken to him on numerous occasions

18. APPLICATION FOR VARIATION OF A PREMISES LICENCE WITH REPRESENTATIONS, CARIB DE L'AFRIQUE, YORK BUILDINGS, WELLINGTON PLACE, HASTINGS.

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The Licensing Lead Officer, Mr Bryant, gave an overview of his report to the Sub-Committee.

On the 18th February 2022 Hastings Borough Council received an application to vary the premises licence of 'Carib De L'Afrique' made under section 34 of the Licensing Act 2003. The application was referred to the Sub-Committee as a result of two representations received from responsible authorities. One from Mr Scrase, Senior Licensing Officer, Hastings Borough Council and one from Mr Ballam, Environmental Protection Officer, Hastings Borough Council.

The premises is located within Area 1A (Hastings Town Centre) of the Council Special Saturation Policy.

The Special Saturation Policy was reviewed and extended in 2022 and is contained within the council's Licensing Policy. The policy states that each application will be considered on its own merits and the council expects applicants to provide evidence to support the view that the application will not add to the existing problems of the area.

The application, which was submitted via an agent, makes no mention of the cumulative impact policy or the designated matrix.

Mr Scrase, Senior Licensing Officer, Hastings Borough Council gave a submission to the Sub-Committee regarding the application.

Mr Scrase said that although it would appear that the application for variation would only allow regulated entertainment from 23:00 hours, this could take place between 08:00 and 23:00 hours without requiring authorisation. Considering the activities being applied for it would be expected that certain conditions would have been asked to be removed. For example, the existing licence says that alcohol has to be sold ancillary to food, known as a restaurant condition. The application does not ask for this to be removed.

Mr Scrase said he had spoken to the applicant on a number of occasions and he advised that a planning application for change of use should be applied for before seeking a variation in the premises licence. It is understood that the applicant has not done this and the planning team have confirmed that planning consent would be required before any change of use could take place. The proposed use is not in accordance with the existing planning use of the premises. Enforcement action could be sought if no change in use is granted before the variation of licence is enacted.

The application for variation is asking for a considerable extension of hours, up to 03:00, and this is what puts the application in conflict with the council's Licensing Policy.

The Fire Service have inspected the premises but are unable to comment on the fire risk and safety measures as the required work on the basement has not taken place.

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Mr Scrase informed the Sub-Committee that page 2 of the council's Licensing Policy states that the council will generally not consider any premises application unless it can be demonstrated that the premises has either an appropriate planning application or certificate of lawful use. Exceptions will only be made where the applicant can offer compelling reasons as to why the application should be considered.

In conclusion Mr Scrase said he felt a representation was necessary as the application beaches the council's agreed Licensing Policy.

The Chair invited the applicant to ask questions of Mr Scrase. The applicant said that he now has his personal licence and has letters of support from the tenants of the building. There have been no issues raised by the police or neighbours in four years of trading.

Mr McLean, the applicant's representative, said no concerns had been raised by the police, ambulance service, Bar Watch or Hastings Business Improvement District (BID). Some of the concerns raised by the Licensing Officer have been addressed, and the applicant has a letter of support from the Hastings BID Manager.

Mr Scrase reiterated that if the variation is agreed the applicant would not be able to use the premises to its full extent until planning consent for a change of use had been granted.

The applicant, Mr Olujobi, made a submission to the Sub-Committee and said the application would enable a safe space for ethnic minority groups to come together. Mr Olujobi said he would submit a planning application for a change of use if the variation to the licence is granted as this is the most economical way to proceed. The restaurant has been operating for four years and has added a lot of value to the area, attracting people from out of town and becoming well regarded. Mr Olujobi said that the establishment will remain a restaurant, with alcohol served alongside meals. The restaurant offers a local alternative to traditional British food and attracts tourists from out of town into Hastings, enabling people to have a cultural experience.

Mr McLean said that the variation would give local residents the opportunity to experience good food late at night and will also provide a safe haven area in the town centre. This is the only local venue which is Caribbean and African based and the Sub-Committee needs to consider ethnic minority and diverse residents and visitors.

Mr Bryant clarified that the applicant did not have a personal licence from Hastings Borough Council. Further to this, the Sub-Committee were informed that two complaints were received regarding noise from the premises in 2019.

Mr Scrase asked the applicant why he needed a licence to operate until 03:00 hours. Mr Olujobi said he wanted to add value to the town by providing live music and a venue for older adults rather than younger people. The premises will give people choices in the town centre.

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Councillors asked questions of the applicant. The applicant confirmed that the basement area will have tables and chairs for dining. There will be door staff employed and people who are drunk will be denied entry.

The Licensing Officer summarised his report.

Mr Scrase summarised his representation.

The applicant and his representative summarised their representation.

The Sub-Committee retired to consider the application.

RESOLVED (unanimously):

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Consideration of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

On balance, the Sub-Committee accepts the evidence provided in support of the application and has decided to grant the variation of the licence.

In recognising the concerns raised about the specific issues under the Licensing Objectives, the licence is varied to include the following conditions:

1. The operating hours of the Premises are varied to be Monday to Sunday 07:00-00:00.
2. The hours for the supply of alcohol for consumption on the premises are to be Monday to Sunday 10:00 – 23:45.
3. The hours for late night refreshment are to be Monday to Sunday 23:00 – 00:00.
4. The hours for plays, films and performances of dance are varied to be Monday – Sunday 23:00 – 23:45.
5. The hours for live music are varied to be Monday – Sunday 23:00 – 23:45.
6. The hours for recorded music are varied to be Monday – Sunday 23:00 – 23:45.
7. No noise generated on the premises from music, patrons or any mechanical equipment, shall emanate from the premises, nor vibration be transmitted

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through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from opening until closing time.

8. To ensure that deliveries and emptying of bottle bins only happen between Monday – Friday 08:00 - 18:00, Saturday 08:00 – 13:00 and not on a Sunday or Bank Holiday.
9. All staff members at the premises must receive the following induction training prior to selling alcohol:
 - a. The lawful selling age of restricted products
 - b. Refusing the sale of alcohol to a person who is drunk

With the date and time of the induction training documented.

10. Further verbal reinforcement/refresher training covering the above must be carried out thereafter at intervals not exceeding three consecutive months with the date and time of the verbal reinforcement/refresher training documented.
11. Documentation of all induction and verbal reinforcement/refresher training undertaken by staff members must be signed by both the staff member and the DPS. All training records must be kept on the premises and made available to Sussex Police and/or officers of Hastings Borough Council and/or officers from Trading Standards upon request.
12. A list of all staff members who are authorised to sell alcohol on the premises must be kept on the premises and endorsed and dated by the DPS. The list must be made available to Sussex Police and/or officers of Hastings Borough Council and/or officers from Trading Standards upon request.
13. SIA Door Supervisor to be employed from 22:00 to 30 minutes after closing.
14. The volume of amplified sound used in connection with the entertainment provided must be operated at all times from a part of the Premises not accessible to the public.
15. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
16. A notice must be displayed in and at the entrance to the premises where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 years of age to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
17. Signage advertising the age verification or “Challenge 25” Policy will be displayed in prominent locations at the premises.

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These conditions take effect forthwith.

The reasons for granting this application are:

1. The Sub-Committee only grant part of the application as sufficient submissions were not made for the Sub-Committee to move away from the matrix in relation to the requested later opening time.
2. The Sub-Committee do however wish to provide the Applicant with the ability to expand the scope his business and put on entertainment in the evening.
3. The Sub-Committee were in favour of promoting culturally diverse restaurants in Hastings.
4. The early opening times have been given to provide the applicant the flexibility he requested where this does not conflict with the matrix.

(The Chair declared the meeting closed at 12.47pm)

Agenda Annex

Licensing Review Procedures

1. Introductions

- Chair introduce Members and Officers. Invite applicant / Licence Holder / representatives to table. Ask to introduce themselves.
- Chair explain procedure. Ask if Parties received report and ready to proceed.
- In the event that any Party to the hearing fails to attend Members consider whether to adjourn the hearing or to proceed in the Party's absence.

2. Summary of report by Licensing Manager / Officer.

3. Applicant / Representative (for eg Environmental Health, Police, Trading Standards) submissions on the application / call any witnesses.

Any Questions for Applicant / Representative

- Statutory Consultees?
- Licence holder?
- Officers?
- Members?

4. Statutory Consultees (for eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Licence holder?
- Officers?
- Members?

5. The Licence Holder's submission on the application.

Any questions for Licence Holder from

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

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

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Licence holder?
- Statutory Consultees?
- Members?

7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees summing up
- Licence Holder 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: 15th June 2022

Report Title: Variation of a premises licence with representations, The Forbidden Fruit, 22 Grand Parade, St Leonards on Sea

Report By: Andrew Palmer, Assistant Director, Environment and Place.

Purpose of Report

To consider the application for a new premises licence as a result two representation received. Responsible Authorities. One.

Recommendation(s)

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

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.

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 21st April 2022 Hastings Borough Council received an application to vary the premises licence of 'The Forbidden Fruit made under section 34 of the Licensing Act 2003. (Attached at Appendix A). The premises proposes to extend its operation into the basement area and make changes to the current hours of operation.
3. The premises formally operated under a licence granted in 2005 operating under sever different operators. A transfer to the current operation was undertaken in 2021. A Map of the Area is attached at Appendix B.
4. This premise holds a licence under the Licensing Act 2003. The premise is not located within the Council Special Saturation Policy (Cumulative Impact Zones).
5. This existing premises licence covers the use of the premises for.

The times the licence authorises the carrying out of licensable activities

FILMS:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
LIVE MUSIC:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
RECORDED MUSIC:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
PERFORM DANCE:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
DJ PERFORMANCE:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
DANCING:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
LATE NIGHT REF:	SUNDAY-WEDNESDAY:	23:00-00:30	THURSDAY-SATURDAY:	23:00-01:30
SUPPLY OF ALCOHOL:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00

6. The opening hours of the premises

SUNDAY-WEDNESDAY: 10:00-01:30

THURSDAY-SATURDAY: 10:00-02:30

7. At the 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 and reviewed in 2022. 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.
8. This matrix contained within the Statement of Licensing policy identifies that a pub type premises within a mixed commercial / residential area would normally be granted a licence until midnight (11pm if live music required).
9. The premises currently has a terminal hour of 01:30hrs Sunday to Weds, and 02:30hrs Thursday to Saturday.

10. 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 8 above.

2.0 Application

11. The application requests the following:

To have Plays and Films,

Mon to Wed 10.00hrs to 01.00 Thurs to Fri 10:00 to 02:00hrs Fri to Sun 09:00 to 02:00hrs

To have Live Music, Recorded Music,

Mon to Wed 10.00hrs to 01.00 Thurs to Fri 10:00 to 02:00hrs Fri to Sun 09:00 to 02:00hrs

To have Late night refreshment

Mon to Wed 23.00hrs to 01.00 Thurs to Sun 23.00hrs to 02.00hrs

To extend supply of Alcohol for sales On and Off the Premises

Mon to Wed 10.00hrs to 01.00 Thurs to Fri 10:00 to 02:00hrs Fri to Sun 09:00 to 02:00hrs

Performance of Dance

Mon to Wed 10.00hrs to 01.00 Thurs to Fri 10:00 to 02:00hrs Fri to Sun 09:00 to 02:00hrs

To extend opening hours of the premises

Mon to Wed 10.00hrs to 01.30 Thurs to Fri 10:00 to 02:30hrs Fri to Sun 09:00 to 02:30hrs

To add non-standard timings for all activiites

Christmas Eve and New Years Eve 10:00 – 03:00 hrs

As part of this variation the applicant wishes to extend the licensable area into the basement.

12. 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.

3.0 Consultation

13. 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.
14. 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.

15. As a result of this process a representation has been received from responsible authorities, Mr John Ballam, Environmental Protection officer relating to the Prevention of Crime and Disorder, and Prevention of Public Nuisance. He comments on the application and the suggests a change of wording on the main noise prevention condition and a further noise condition under the prevention of public nuisance. I consider this a valid representation under the licensing objectives in line with the Section 182 guidance. (Attached Appendix D).
16. The noise team have also received a recent noise complaint relating to the premises which is now under investigation.
17. Mr. Ballam has consulted with the applicant regarding these conditions; however, these have not been accepted by the application.

4.0 Legal Considerations

18. 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.
19. 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.
20. 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.
21. 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.
22. 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

23. Grant the variation in full.
24. Grant part of the variation.
25. Grant the variation with additional or alternative conditions relevant to the application.

26. Refuse the application.

Wards Affected

Central St Leonards Ward.

Policy Implications

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

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Variation application.
Appendix B. Map of site.
Appendix C. Current licence.
Appendix D. Representation Environmental Health
Appendix E Representations from the Public x5

Officer to Contact

Stewart Bryant, Licensing Lead.
Stewart.bryant@hastings.gov.uk
01424 783232

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Charlie Colfield
The Forbidden Fruit
22 Grand Parade
St Leonard's On Sea
TN37 6DN

21st April 2022

To whom it may concern,

This is a letter to add to the brief description of the licence application to explain what our business plans are. We will primarily be a place that people will come for drinks and entertainment. We will start introducing food as we head into the summer so we will be more of a restaurant/bar in the day and more of a bar in the evenings. We have live music and cabaret at the weekends and quizzes and social events during the week.

The area in the basement will be primarily used at the weekend for dancing and drinks. We plan to have amplified music as well as live music in this space. We can then use this area to play music through to our closing time and we can have music at a quieter level on the ground floor of the bar.

The area would also be used for some social and corporate events throughout the week. Using the basement area will allow us to move some of the amplified music downstairs which will cause less of a potential inconvenience to the people living in the flats above the ground floor bar. We now occupy one of the flats above the bar and have a member of staff occupying another of the flats so we have already alleviated what may have been a potential problem. All that being said, we have been open almost 8 months and we have had no noise complaints from any of our neighbours.

The basement will be used for plays, films, live music, recorded music, performance of dance, entertainment similar to live, recorded music and dance in the form of DJ/disco. This will not be limited to the basement only and will still also take place on the ground floor bar level.

We potentially plan on having late night refreshment for customers in the form of hot food for consumption on the premises and for customers to takeaway hot food that drop in or that are passing. Although we have no immediate plans to provide late night refreshments currently, we would like to put it in the application so we are able to provide such a service if we later decide to.

Sincerely,

Charlie James Colfield

Application to vary a premises licence 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/We~~ CHARLIE COLFIELD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	HOP50304
-------------------------	----------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE FORBIDDEN FRUIT 22 GRAND PARADE			
Post town	ST LEONARDS ON SEA	Postcode	TN39 6DN

Telephone number at premises (if any)	01424 864160
Non-domestic rateable value of premises	£ 8,400

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED]
Post town	[REDACTED]

Part 3 - Variation

UK 202112219 Rec 22/04/22
Rec 30005324 22/04/22. Ends 20/05/22.

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note

2) THIS VARIATION IS BEING MADE TO INCLUDE THE BASEMENT AREA OF THE PREMISES. THIS AREA WILL MOSTLY BE USED AT THE WEEKENDS FOR LIVE MUSIC, DANCING AND DJ PERFORMANCE.

THERE WILL BE SOME SLIGHT CHANGES TO SOME OF THE LICENSABLE ACTIVITIES ALSO.

WE ARE A BAR + RESTAURANT WITH SEATING THROUGHOUT THE FRONT SECTION WITH EXTRA SEATING UP THE STAIRS TOWARDS THE BACK PAST THE TOILETS. KITCHEN AREA LOCATED THROUGH THE DOOR TO THE REAR OF THE SEATING AREA. STAFF AREA IS LOCATED ON THE UPPER MEZANINE LEVEL.

BASEMENT AREA TO BE USED AS A FUNCTION AREA WITH MORE TOILETS. BASEMENT ALSO USED FOR BEER STORE AND OTHER STORAGE AREAS.

CONSUMPTION OF OFF-SUPPLIES WILL BE IMMEDIATELY OUTSIDE THE GROUND FLOOR ENTRANCE TO THE PREMISES.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- 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)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- 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)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 5) PLAYS + PANTOMIMES USING A STAGE AND AMPLIFIED MUSIC		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur	10:00	01:00			
Fri	10:00	02:00	<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 7) CHRISTMAS EVE + NEW YEARS EVE 10:00 - 03:00		
Sat	09:00	02:00			
Sun	09:00	02:00			

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	10:00	01:00			
Tue	10:00	01:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed	10:00	01:00			
Thur	10:00	02:00	<u>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</u> (please read guidance note 7)		
Fri	10:00	02:00			
Sat	09:00	02:00	CHRISTMAS EVE + NEW YEARS EVE 10:00 - 03:00		
Sun	09:00	02:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>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</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:00	01:00			
			AMPLIFIED MUSIC		
Tue	10:00	01:00			
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	10:00	01:00			
Thur	10:00	02:00	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 (please read guidance note 7)		
Fri	10:00	02:00			
Sat	09:00	02:00	CHRISTMAS EVE + NEW YEARS EVE		
Sun	09:00	02:00	10:00 - 03:00		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	01:00	<u>Please give further details here</u> (please read guidance note 5) AMPLIFIED MUSIC		
Tue	10:00	01:00			
Wed	10:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	10:00	02:00			
Fri	10:00	02:00	<u>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</u> (please read guidance note 7) CHRISTMAS EVE + NEW YEARS EVE 10:00 – 03:00		
Sat	09:00	02:00			
Sun	09:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	10:00	02:00			
Fri	10:00	02:00	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 7)		
Sat	09:00	02:00			
Sun	09:00	02:00			

CHRISTMAS EVE + NEW YEARS EVE
10:00 - 03:00

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing <p style="text-align: center;">DJ PERFORMANCE DANCING</p>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	01:00		Outdoors	<input type="checkbox"/>
Tue	10:00	01:00	Please give further details here (please read guidance note 5) <p style="text-align: center;">AMPLIFIED MUSIC</p>	Both	<input type="checkbox"/>
Wed	10:00	01:00			
Thur	10:00	02:00			
Fri	10:00	02:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Sat	09:00	02:00	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 (please read guidance note 7)		
Sun	09:00	02:00	<p style="text-align: center;">CHRISTMAS EVE + NEW YEARS EVE 10:00 - 03:00</p>		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	01:00	Please give further details here (please read guidance note 5) HOT FOOD TO BE CONSUMED ON THE PREMISES BY CUSTOMERS AND OFF THE PREMISES BY PEOPLE THAT DRIP IN OR PASSING TRADE.		
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	02:00			
Fri	23:00	02:00	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 (please read guidance note 7) CHRISTMAS EVE + NEW YEARS EVE 10:00 - 03:00		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	<input checked="" type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	02:00		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 (please read guidance note 7)	
Fri	10:00	02:00			
Sat	09:00	02:00			
Sun	09:00	02:00			

CHRISTMAS EVE + NEW YEARS EVE
10:00 - 03:00

K

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 10).

WE CURRENTLY DO NOT HAVE ANY GAMING MACHINES BUT WE MAY GET SOME IN THE FUTURE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	23:00	<p><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> (please read guidance note 7)</p> <p>CHRISTMAS EVE + NEW YEARS EVE</p> <p>10:00 - 03:00</p>
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	02:00	
Sat	12:00	02:00	
Sun	12:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

I only HAVE ONE COPY OF THE LICENCE.

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)

EFFECTIVE AND RESPONSIBLE MANAGEMENT OF PREMISES.
TRAINING AND SUPERVISION OF STAFF.
PROVISION AND MONITORING OF CCTV.
ADOPTION OF BEST PRACTICE GUIDANCE
WORK CLOSELY WITH THE POLICE AND LICENSING AUTHORITY

b) The prevention of crime and disorder

ENSURING CCTV IS IN WORKING ORDER AND STORING FOOTAGE FOR A MINIMUM OF 28 DAYS.
EMPLOYMENT OF SIA LICENSED DOOR STAFF ON BUSY EVENTS.
ROBUST CLEANING PROCEDURES DONE HOURLY IN THE TOILETS AND THE USE OF "BLOCK IT" TO DEAL WITH POTENTIAL DRUG USE.
HAVING A THINK 25 POLICY IN PLACE AS WELL AS A REFUSAL LOG.

c) Public safety

SUITABLE RISK ASSESSMENTS IN REGARDS TO FIRE SAFETY + HEALTH AND SAFETY.
ENSURE ALL FIRE EQUIPMENT IS SERVICED REGULARLY AND WEEKLY TESTING OF ALARM SYSTEM.
ENSURE ALL FOOD SAFETY PAPERWORK IS UP TO DATE + PROCEDURES FOLLOWED.
APPROPRIATE INSTRUCTION, TRAINING AND SUPERVISION OF THOSE EMPLOYED.
PROVISION OF EFFECTIVE CCTV.

d) The prevention of public nuisance

MONITOR NOISE FROM CUSTOMERS OUTSIDE SMOKING AS WELL AS NOISE OF MUSIC + EXTRACTION EQUIPMENT.
OUTSIDE CCTV TO MONITOR CUSTOMERS ARRIVING + LEAVING THE PREMISES.
DISPLAYING A SIGN ASKING TO CONSIDER OUR NEIGHBOURS WHEN OUTSIDE AND WHEN LEAVING THE PREMISES.
APPROPRIATE INSTRUCTION, TRAINING AND SUPERVISION TO PREVENT - INCIDENTS OF PUBLIC NUISANCE + REFUSING ALCOHOL TO THOSE INTOXICATED.

e) The protection of children from harm

LIMITATIONS ON HOURS WHEN CHILDREN CAN BE IN THE PREMISES - NOT PAST 21:00.
ALL CHILDREN MUST BE ACCOMPANIED BY AN ADULT.
SUFFICIENT NUMBER OF STAFF TO SECURE THE PROTECTION OF CHILDREN FROM HARM.
ANY ENTERTAINMENT FOR AN AUDIENCE OVER 18 WILL HAVE STRONG SUPERVISION - ON PROOF OF AGE FOR ENTRY.
THREE MEMBERS OF OUR STAFF HAVE ENHANCED DBS CHECKS AND TWO OF THE THREE WORK WITH CHILDREN IN SCHOOLS. A CHILD SAFE GUARDING POLICY WILL BE IN PLACE.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**


Signature	
Date	22/4/2022
Capacity	OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

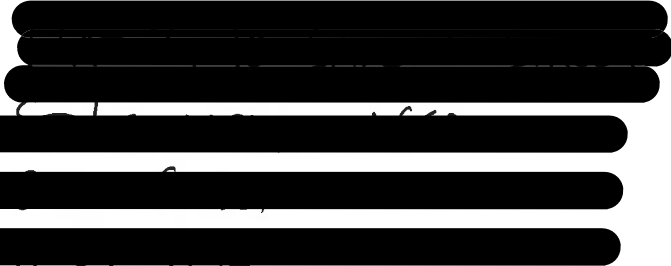
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

CHARLIE COLFIELD
THE FORBIDDEN FRUIT
22 GRAND PARADE

Post town	CESTON ST LEONARD ON SEA	Post code	TN37 6DN
Telephone number (if any)			

Consent of individual to being specified as premises supervisor

I CHARLIE JAMES COLFIELD
[full name of prospective premises supervisor]

of 

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENSE AT THE FORBIDDEN FRUIT
[type of application]

by CHARLIE JAMES COLFIELD
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for THE FORBIDDEN FRUIT
22 GRAND PARADE
ST LEONARDS ON SEA
TN37 6DN

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

CHARLIE JAMES COLFIELD
[name of applicant]

concerning the supply of alcohol at

THE FORBIDDEN FRUIT
22 GRAND PARADE
ST LEONARDS ON SEA
TN37 6DN

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

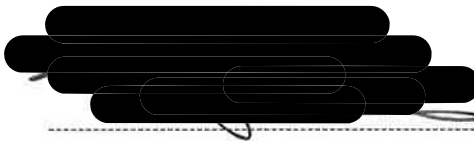
Personal licence number

H020 339
[insert personal licence number, if any]

Personal licence issuing authority

HASTINGS BOROUGH COUNCIL, MURIEL MATTERS HOUSE, BREEDS PL, HASTINGS, TN34 3WY
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



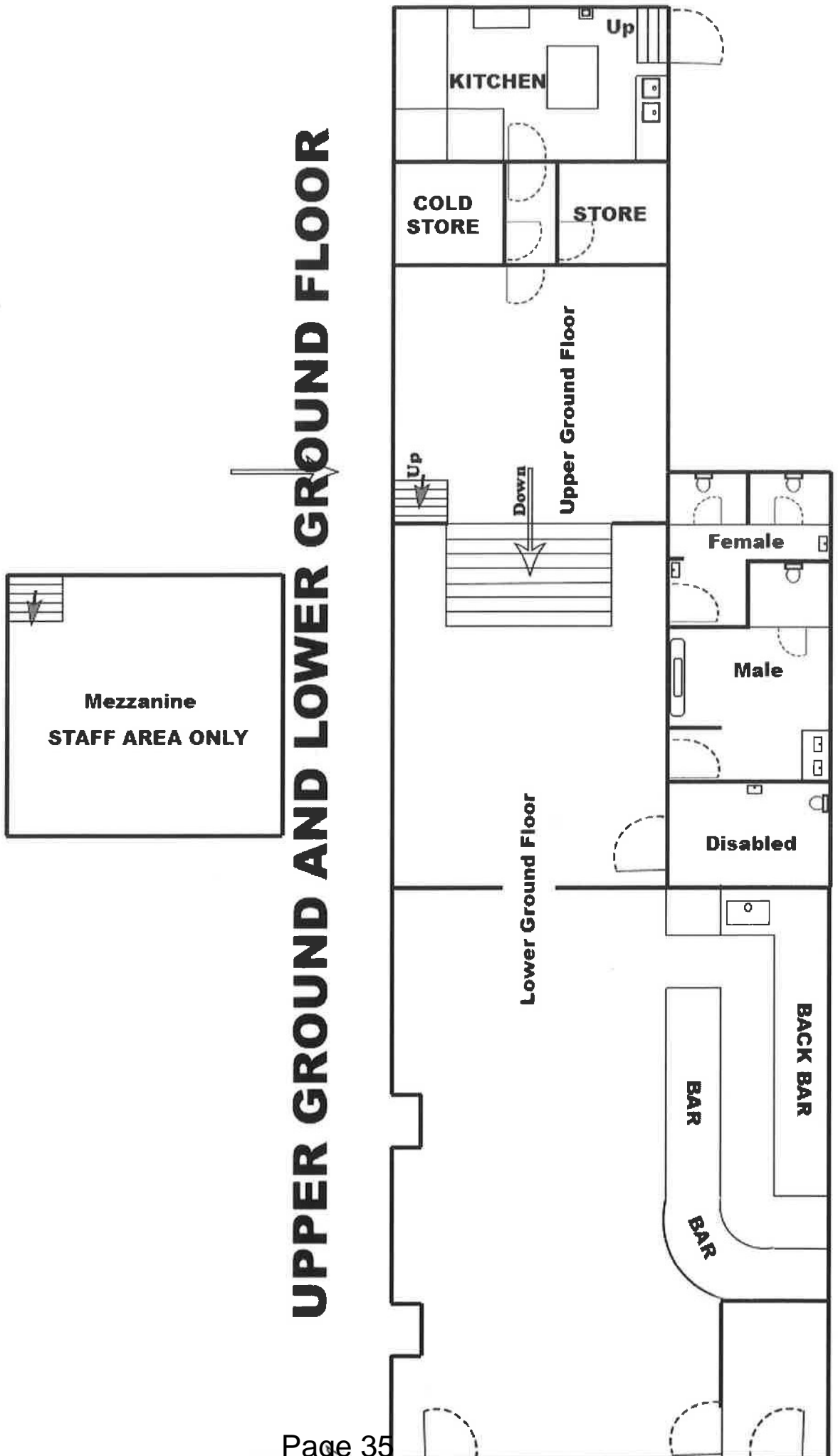
Name (please print)

CHARLIE JAMES COLFIELD

Date

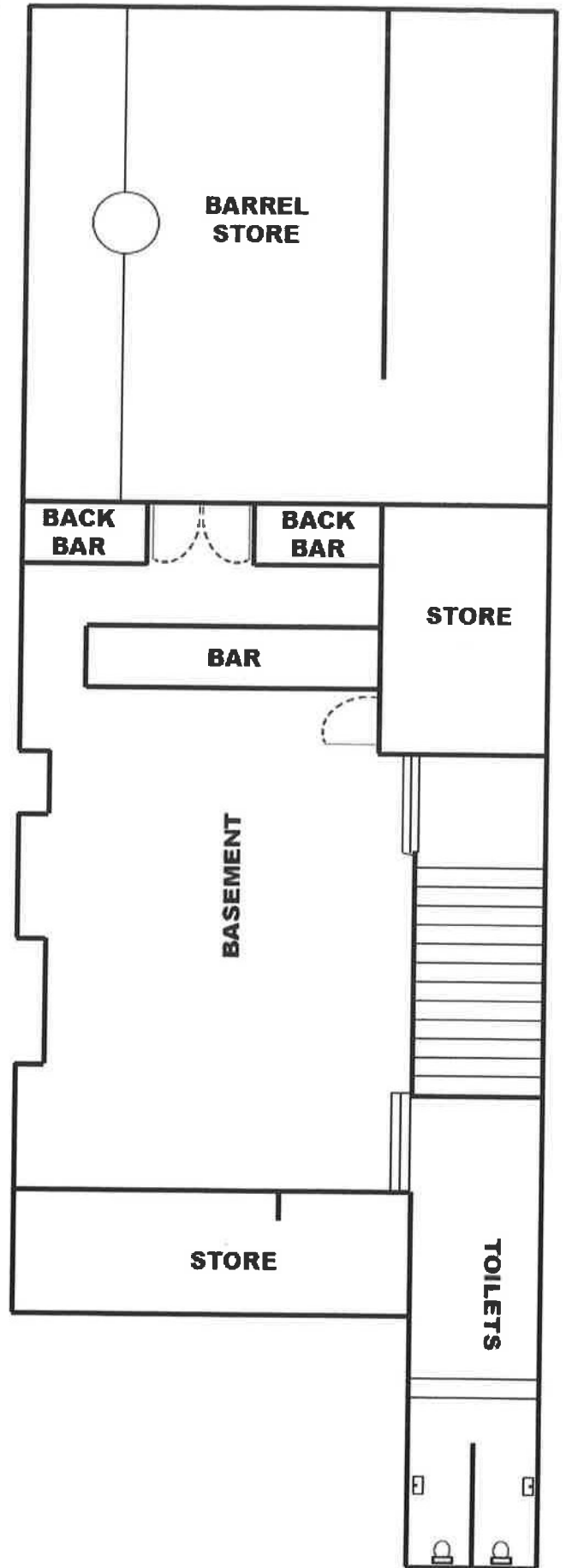
21/04/2022

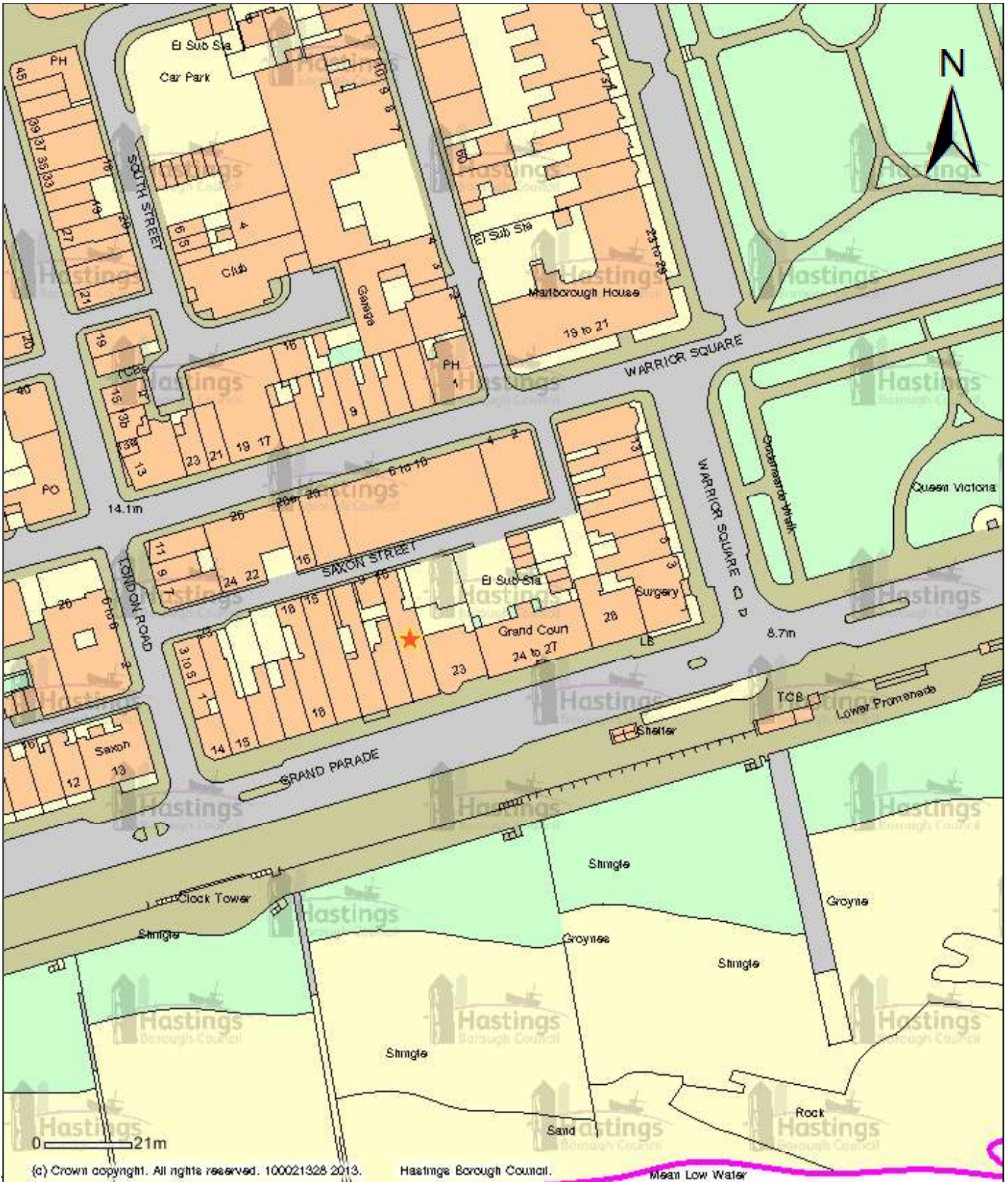
UPPER GROUND AND LOWER GROUND FLOOR





BASEMENT FLOOR





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Hastings Borough Council.

Mean Low Water



Title:

22 Grand Parade

Scale:

1:1250

Date:

26 / 5 / 2022

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PREMISES LICENCE

Premises licence number

HOP50304

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**FORBIDDEN FRUIT
22 GRAND PARADE**

**Post Town
ST LEONARDS ON SEA, EAST SUSSEX**

**Post Code
TN37 6DN**

Telephone number **01424 864160**

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence

FILMS; LIVE MUSIC; RECORDED MUSIC; PERFORMANCE OF DANCE; DJ PERFORMANCES; DANCING; LATE NIGHT REFRESHMENT; SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

FILMS:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
LIVE MUSIC:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
RECORDED MUSIC:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
PERFORM DANCE:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
DJ PERFORMANCE:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
DANCING:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00
LATE NIGHT REF:	SUNDAY-WEDNESDAY:	23:00-00:30	THURSDAY-SATURDAY:	23:00-01:30
SUPPLY OF ALCOHOL:	SUNDAY-WEDNESDAY:	10:00-01:00	THURSDAY-SATURDAY:	10:00-02:00

The opening hours of the premises

SUNDAY-WEDNESDAY: 10:00-01:30
THURSDAY-SATURDAY: 10:00-02:30

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

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION BOTH ON AND OFF THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

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

THE FORBIDDEN FRUIT BAR LTD
22 GRAND PARADE
ST. LEONARDS ON SEA
TN37 6DN

(Transfer and change of trading name on the 12th August 2021)
(Change of Regd Company Office address 20th January 2020)
(Transfer and change of trading name 20th December 2016)

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

12772167

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

CHARLIE COLFIELD

[REDACTED]
[REDACTED]
[REDACTED]

Change of DPS on 12th August 2021.

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: HO20339

ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d) 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.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

Ensure CCTV system is properly maintained and images recorded stored for 28 days and made available to police and the licensing authority at any reasonable time.

Ensure all staff are properly trained in their responsibilities towards serving alcohol to intoxicated persons.

Will review the need for SIA trained and authorised door staff for pre-planned events.

PUBLIC SAFETY

Ensure all fire exits, extinguishers and emergency lighting are properly maintained.

Ensure first aid equipment is available on site.

Ensure staff used for handing food are properly trained in food hygiene matters.

THE PREVENTION OF PUBLIC NUISANCE

Noise and music arising from the premises shall not be audible in any residential premises after 23:00 hrs. 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.

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 use of the external area will cease at 23:00 hrs and all seating will be removed and properly secured.

THE PROTECTION OF CHILDREN FROM HARM

No persons under 18yrs allowed on the premises.

Ensure staff promote a challenge 21 policy and accept only photographic evidence as proof of age.

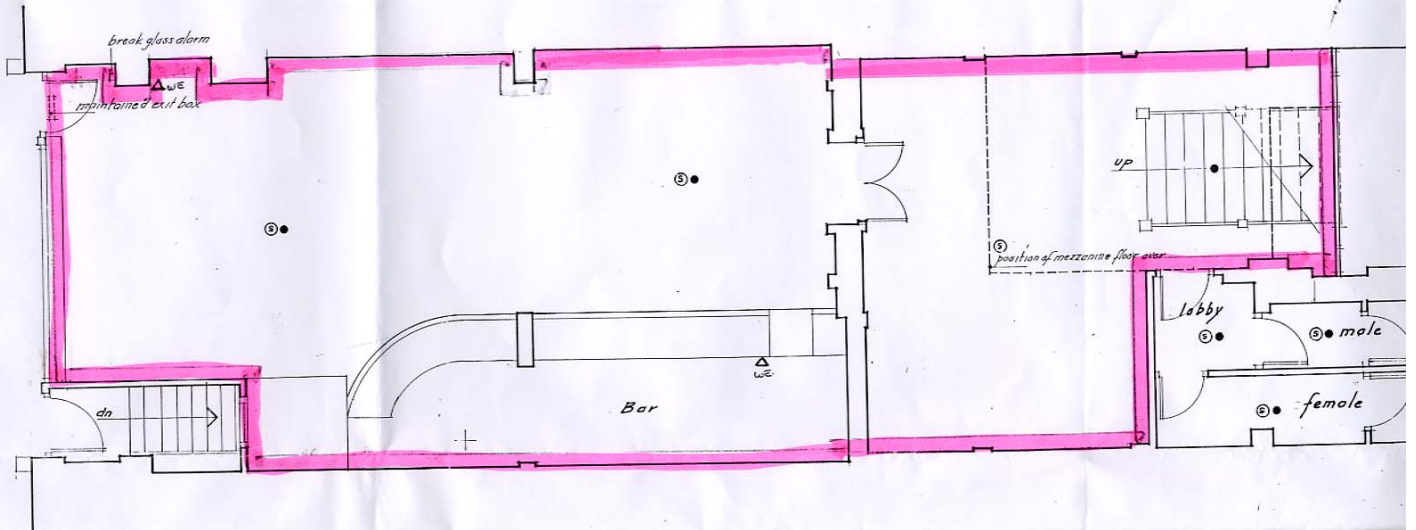
HASTINGS BOROUGH COUNCIL

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

NIL

Annex 4 – Plans

LOWER GROUND FLOOR



Upper Ground Floor Plan

PROPOSED LICENCED AREAS at
 BAR BLUE
 12. GRAND PARADE - ST LEONARDS-ON-SEA.

Scale - 1:50

Dennis Ball, AADipl, ARIBA, MCSP.

May 2004

- Ⓢ sensors switched between heat and smoke
- non maintained emergency lights

UPPER GROUND FLOOR

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MEMORANDUM



Date: 19th May 2022
From: John Ballam
To: Licensing
My Ref: JBA/19/05/22
Your Ref:

Application Number: WK202112221

Address: Forbidden Fruit, 22 Grand Parade, St. Leonards-On-Sea, East Sussex, TN3

Proposal: Variation Application

Dear Claire

Having looked at this application, I acknowledge the conditions under the section on Prevention of Public Nuisance, in relation to signage and outside seating and would expect these to be continued to be adhered too for the whole premises. However, I would suggest a change of wording for the noise condition in this section, to read:

No noise generated on the premises from music, patrons or any mechanical equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from opening until closing time.

In addition, I would also look to add the following conditions:

Before any live music or events take place on the premises, the DPS will ensure that all windows and doors are kept closed apart from allowing ingress or egress, in order to minimise potential noise outbreak.

The designated premises supervisor or a responsible member of staff shall monitor the impact of possible noise outbreak on neighbouring properties along Grand Parade and take action to reduce noise levels if they are found to be clearly heard at the nearest noise sensitive receptor. A log of the monitoring information should be kept available for the Local Authority to view on request.

Please do not hesitate to contact me if you require any further information or clarification.

Kind regards

John Ballam
Environmental Protection Officer
Environmental Health

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Sent: 12 May 2022 16:50

To: Licensing <Licensing@hastings.gov.uk>

Subject: Licensing Change Application for the Forbidden Fruit, 22 Grand Parade, St Leonards

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Whom It May Concern,

My name is [REDACTED] and I'm a resident of [REDACTED]. I'm writing in response to the application submitted on behalf of The Forbidden Fruit, 22 Grand Parade for a full variation to the premises to extend opening hours until 2 am, etc. made on 22 April, 2022.

My flat is in [REDACTED]. Since the bar re-opened, I have on several occasions been disturbed by both the music within the building and the noise from the patrons sitting or standing outside of it. Music played in the venue is often of such a volume that I am unable to have my windows open, and even if they are closed it sometimes makes it impossible to watch television or listen to music in my own apartment.

Aside from the music volume, patrons at the bar are often quite loud in their conversations as they drink outside, or enter or exit its premises. This will, I suspect, only increase as the weather improves and the longer evenings make sitting outside a more attractive possibility. There are other hospitality businesses in the adjacent buildings on Grand Parade, but as these are more focused on daytime custom there is no issue with noise into the evening and later at night. The Forbidden Fruit is the only venue of its kind on this stretch of Grand Parade, which may well be why its owners believe there to be a market opportunity for a later licence, but for that reason I would ask that its application be declined.

I recognise that some noise is only to be expected from a bar or café, and the existing hours for the bar's licence, although sometimes annoying, are just about tolerable on the grounds that there is still an obligation on the part of its owners to finish at a reasonable hour. An extension to 2am, however, would represent a significant change to this situation and would, I believe, prove unpleasant and arguably intolerable to those of us who live directly next door to the venue. Both my wife and I work full time with a taxing commute, and living next door to a bar that multiple times a week is opened and serving to the early hours of the morning would have a significantly detrimental impact on our quality of life, our health, and our well-being. I appreciate that businesses are a valuable part of the life of St Leonards, and particularly so as in-person socialising returns after

pandemic-related closures. In view of the proximity of this business to several residential properties, however, I'm requesting that Hastings Borough Council turn down this application.

Yours sincerely,

[REDACTED]

Sent: 11 May 2022 11:31

To: Licensing <Licensing@hastings.gov.uk>

Subject: Licensing change for The Forbidden Fruit, 22 Grand Parade St Leonards

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Whom It May Concern,

My name is [REDACTED] and I'm a resident of [REDACTED]
[REDACTED] I'm writing in response to the application submitted on behalf of The Forbidden Fruit, 22 Grand Parade for a full variation to the premises to extend opening hours until 2 am, etc. made on 22 April, 2022.

As someone living [REDACTED] to this business operating under its current license, I am already well aware of and perhaps too familiar with the noise levels both from within the bar and from patrons outside. On nights where The Forbidden Fruit has music on offer (not sure if it's an open mic night or karaoke), it's loud enough and the nature of the buildings are such that I can hear clearly what is being played, even though my flat is [REDACTED] and I have all my windows closed. It's not a game of name that tune that I enjoy.

Also, patrons often congregate outside the bar, especially near closing, and at the end of an evening they can be loud and disruptive. My husband and I have coined the term "a Hastings shout" for those who like to end their evenings yelling profanities at each other while they hail a cab. As the bar provides patrons with outdoor seating, I can only anticipate that with the warmer weather the anti-social behaviour that often happens at a bar's closing time will increase. The Forbidden Fruit has also had some club nights, perhaps most memorably their opening night, where the bass reverberates so loudly and thoroughly, I can hear it in my flat and feel it through the floor. Little has been done to date by the bar to manage these issues, and to my knowledge they have never consulted with their

residential neighbours regarding what negative impact they are having on our daily lives. Currently, when the noise from the bar is excessive on a Friday or a Saturday night, we've had to give up trying to watch a movie in our living room [REDACTED] because it's simply too loud, and retreat to the back rooms of our flat.

This current situation is just about tolerable, as it happens once or twice a week and finishes at a reasonable hour in compliance with The Forbidden Fruit's current license. However, to extend this bar's license to allow for a 2 am opening would make it intolerable for those of us who live next door. Both my husband and I work full time with a taxing commute and living [REDACTED] to a bar that multiple times a week is opened and serving to that hour and potentially hosting club nights and other kinds of entertainment events until 2 am would significantly negatively impact on our quality of life, our health, and our well-being. While I can understand that businesses are a significant part of the atmosphere in Central St Leonards so too are its residents and the lives we lead here. I'm asking that Hastings Borough Council refuse this application.

Sincerely,

[REDACTED]

Sent: 16 May 2022 22:52

To: Licensing <Licensing@hastings.gov.uk>

Subject: My Objection to The Forbidden Fruit application to vary a Premises Licence

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Licensing Department

Also

Assistant Director

Environment and Place

Hastings Borough Council

Muriel Matters House

Breeds Place

Hastings

TN34 3UY

16 May 2022

Dear sir

Re: The Application to vary a Premises Licence by Charlie Colfield, The Forbidden Fruit, 22 Grand Parade, St. Leonards-on-Sea, TN37 6DN.

Living on the busy St. Leonards seafront, local residents are used to coping with the constant through traffic and the to-and-fro of pedestrians. The positive aspects of living here are, of course, the wonderful sea views and the camaraderie of local residents. It is also good to see that many of the nearby businesses are obviously thriving. This, however, should not be at the expense and discomfort to local residents.

I have lived at [REDACTED] since March 2003. In these 19 years I have had occasion to write to the Council when the Bar Blue was in operation at 22 Grand Parade. This was always due to the excessive noise throughout some days and nights (mainly at weekends) as external seating was available and the outflow of drinkers and smokers, plus their noise, onto the pavement was often unbearable from my flat. The outflow of customers meant that the Adelaide House frontage was always "taken over" as a place to drink and smoke (often illegal substances). The front door area of Adelaide House was often used as a toilet and I had to clean up vomit on several occasions. The following morning there would always be bottles and glasses left outside Adelaide House. This is also the case now.

Whenever I ventured down to inform the late-night customers that this is a residential property with 11 flats occupied by old, retired folk and younger professional people, they would sometimes move away but on other occasions they would become verbally abusive and threatening.

Currently, noise from The Forbidden Fruit is excessive at weekends, especially with the door of the premises being constantly open. I have all my first-floor windows closed yet I can still hear the loud music and the noisy, external clientele. My flat is [REDACTED] so my neighbours [REDACTED] obviously get the worst of all this antisocial noise pollution.

Staying open late means that taxis regularly turn up both to drop off and to pick up - this is also very noisy. Staying open until 2 am would mean a lot more noise from both inside the bar and out on the pavement in front of and adjacent to Adelaide House. The inclusion of the following nine items within the application would, most definitely, have further negative effects on the residential and domestic situation for adjacent and other local residents:

1. Basement area: (H&S: where are the access and exits situated?)
2. Films
3. Live music
4. Recorded music
5. Performance of dance
6. DJ performance
7. Dancing
8. Late night refreshments
9. Supply of alcohol

Although seafront residents are pleased to see local businesses flourish it should not be at the expense, and to the detriment, of their neighbours - the local residential population. I have described the recent history generated by a previous business located at 22 Grand Parade and I would deeply regret a similar, or worse, intrusion of inappropriate noise and late-night antisocial behaviour. I am 77 years old and my hearing is excellent, such that I could sing along (from within my flat with all windows closed) to the songs played within The Forbidden Fruit - if I knew the lyrics! I am truly fearful of what might happen here if the proposed extensions are granted:

1. Noise pollution
2. Public disorder
3. Antisocial behaviour
4. Drunk and disorderly behaviour
5. Affray
6. Violent disorder
7. Breach of the peace
8. Fear or provocation of violence

9. Harassment or the causing of alarm or distress

I would appreciate your views on this already increasingly loud, late night negative situation.

Licensed Property Noise Control: Effective Management of Noise from Licensed Premises - Produced by the British Beer & Pub Association

<http://beerandpub.com/wp-content/uploads/2017/LicenseeGuidance/Licensed-Property-Noise-Control.pdf>

Kind regards

██████████

Subject: Representation : Forbidden Fruit, 22 Grand Parade, St. Leonards on Sea.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Hastings Council

Please confirm receipt of this email:

I wish to make an objection to the application for the licence application of Forbidden Fruit, 22 Grand Parade, St. Leonards on Sea.

I wish to comment on several aspects:

1) Licence for drinking on and off the premises

- Grand Parade is a residential street, and the bar is nestled in between several residential buildings, some that are of Listed nature. By allowing drinking off the premises until 2am at weekend and 1 am earlier in the week, the pavement area in front of the premises will become an extension of the bar creating noise nuisance, anti social behaviour and potential queues not to mention car traffic and taxis at closing times, operating through the opening hours.

St Leonards is already seeing an exodus of residents for holiday lets / airbnb. Allowing unregulated licensing along these residential streets will only accelerate the exodus of residents and accelerate a temporary weekend population that will impact the long term development of the town and community.

I strongly object to any licence that permits drinking after 11pm outside on the pavement of the premises.

Late licence for inside drinking: This technically would be fine, on the following assumptions and restrictions to be made on any licence:

- i) sufficient noise insulation is installed so that no noise carries to the neighboring buildings or to outside on the street.
- ii) Entrance to the venue is not permitted after 11:00pm. This will limit the issues that arise when venues are open late in the evening, creating crowds forming to queue when other licenced premises close at 11pm
- iii) access to smoking area outside is limited to maximum of 5 people (with no licence for any drinking outside after 11:00PM to ensure that noise pollution does not impact the wellbeing of local residents.
- iv) the venue provides sufficient door security personnel to ensure at closing times clients leaving the premises do so without disturbing the local residential areas with noise, traffic (taxi etc) and possible late night disturbances or anti-social behaviour.
- v) CCTV cameras are in operation at all times along the area in front of the venue, so noise and disturbances can be monitored.

2) I do not have objections to the use of the premises for cinema and other cultural aspects, as long as the impact of noise and disturbance for the residents of the neighboring flats are maintained. As well as restrictions described above are enforced.

Please confirm receipt of this email and that it has been linked to the licence application as indicated.

██████████
██████████
██████████████████
██████████

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18th May 2022

Ref: Application for a premises licence: Forbidden Fruit

To whom it may concern

Whilst many of us have written with our individual concerns, we also wanted to share our collective thoughts as the Freeholds of Adelaide House.

The past few years have seen a positive turn for the hospitality sector in St Leonards on Sea. As several of us work in that sector, and see it as improving the area, it's been something we are all keen to support. The opening of Forbidden Fruit is another positive step, as for many years the bar has been sat empty.

Its reopening last year was attended by some of us, and we have tried to introduce ourselves to the management (without success). We hoped to have a good relationship with the team there.

Since its opening there have been many issues that have been challenging for the residents of Adelaide House. These are listed below. We hope that the fact that we did not make a fuss about these shows our willingness to not be difficult neighbours and to support local business. We very much had the attitude that things may improve as the business became more established, and any lingering concerns could be discussed on a direct and personal basis.

However we feel that if a late licence is granted, it will exasperate these issues and cause real and ongoing distress for the residents of Adelaide House. Already the licencing hours are being flaunted, noise levels are high, there is little concern for neighbours and alcohol fuelled anti-social behaviour is a regular occurrence. As there are few premises with late licences in St Leonards, it is clear that these issues would be magnified by the increased footfall after other bars and pubs shut.

We are keen to find answers that suit all, with the hope that Forbidden Fruit will be able to run a successful business while also avoiding distress for nearby residents.

We appreciate you taking the time to listen to our concerns and are of course happy to discuss further.

The Freeholders and Residents of Adelaide House

[Redacted signature block containing multiple lines of blacked-out text]

Concerns:

Live events use very loud PA systems and with no soundproofing, mean neighbouring flats have to deal with noise that makes it impossible to sleep, watch television etc. This is only at weekends.

No attempt to keep doors shut, so noise on street also loud. After closing time people outside, often for an hour in loud discussion and occasional verbal arguments.

Ground floor flats have to keep windows shut to avoid anti-social behaviour (including drinks on windowsill, which have been spilt into flat, smoke and noise).

Bottles/glasses left at doorway and on windowsills

Urination on doorway