

(Report of the Licensing Officer, Samantha Potts 7364)

Application – New Premises Licence

Premises – Jittermugs Coffee Shop, Preston Street, Faversham

Requested Licensable Activities	Days	Requested Hours	Agreed Hours	Comments
Supply of alcohol	Monday - Saturday	12:30-21:00		
	Sunday	12:30-16:30		

Background

Mr Green of Jittermugs, Faversham has applied for a new premises licence for Jittermugs Coffee Shop, Preston Street, Faversham. The premise is a former furniture shop situated in the town centre of Faversham. The shop is accessed directly from the street, to the rear is a small enclosed courtyard accessed through the shop. Above the shop is residential accommodation.

Mr Green is the owner of the business and if the licence is granted will be the Designated Supervisor. He is a personal licence holder, licensed by this Authority on 28th June 2011.

Consultation

The application was served by the applicant on Kent Police, Kent Fire and Rescue, the Councils Pollution Team, Planning, Child Protection Services and Weights and Measures.

The application was advertised in the local paper and on the premises for a period of 28 days, in line with the requirements of the Licensing Act 2003.

A site visit was carried out by the Police Licensing Officer and Swale's Licensing Supervisor on 9th June, there were no concerns over the suitability of the applicant or the intended running of the business and as such Swale Police have raised no objections to the licence being granted.

A letter was received from the resident of the flat above the premises (see attached) this letter cites (amongst other things) concerns over the lack of Planning consent, as members will be aware, **where other legislation exists that it better suited to tackle problems it must be used, therefore most issues in respect of Planning cannot be taken into account on a Licensing Application**, for this reason the Planning Department have not commented on this application.

The concerns that the resident has regarding noise can and should be considered by the Committee under the 'prevention of public nuisance' licensing objective. Environmental Pollution have also raised concerns over noise (see memo)

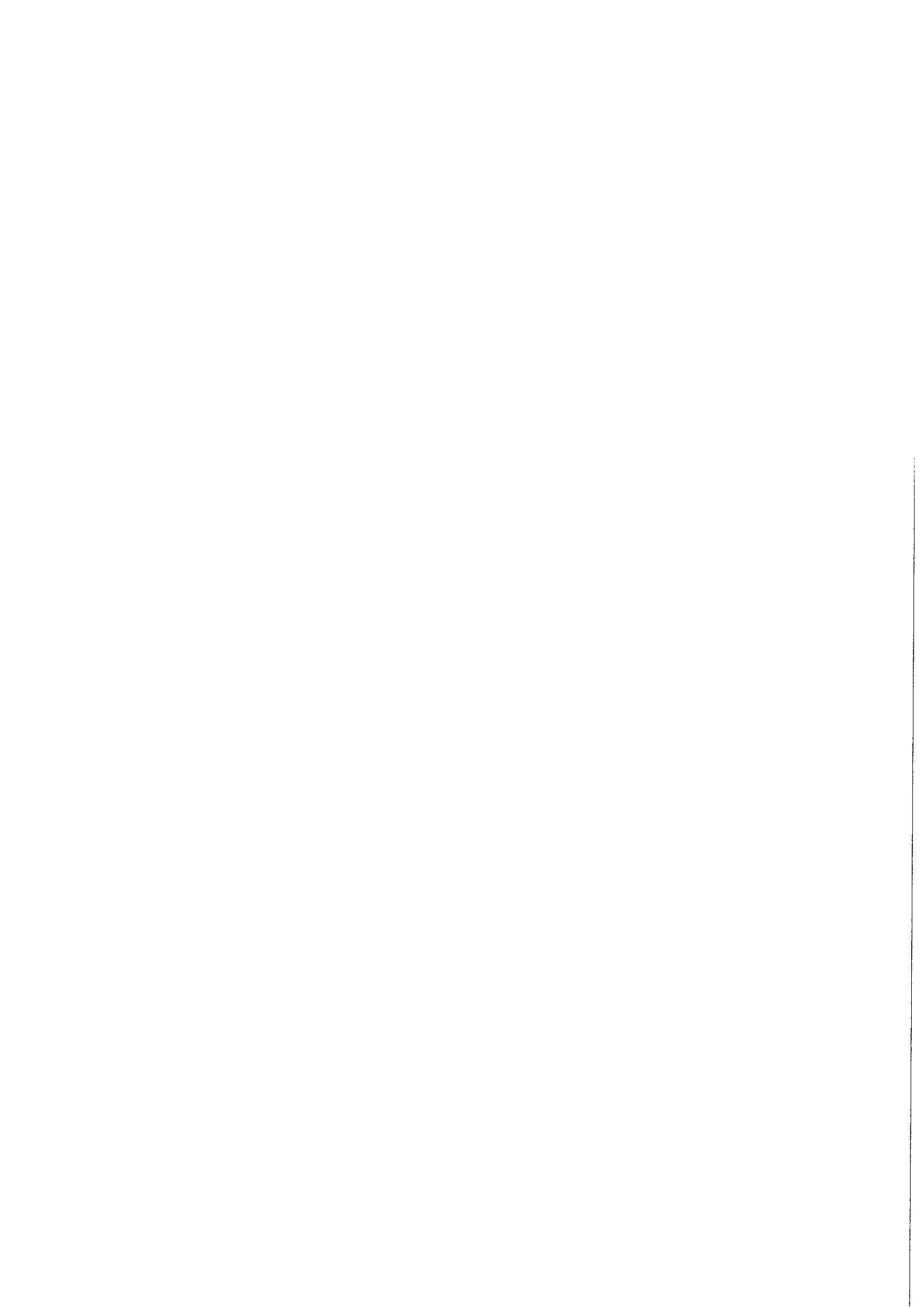
Conclusion

Mr Green has applied for a new premises licence for Jittermugs Coffee Shop. The resident above and the Environmental Pollution Team have raised objections. The issues in respect of Planning cannot be taken into account when considering this application however if members are mindful to grant the licence it could **not** be used until such time as all Planning consents were in place.

Councillors must decide if any of the following are appropriate:

- *Grant the licence as applied for.*
- *Grant the licence with conditions and/or changes.*
- *Refuse the licence.*

Licence application and maps
Letter from resident
Environmental Services memo
Plan of the area.



FIAN / SWALE / 189 / 0554

1000
1102 MAY 10
70831

[Insert name and address of relevant licensing authority and its reference number (optional)]

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/we NICHOLAS GREEN apply for a premises licence under section 17 of
(Insert name(s) of applicant)
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

Postal address of premises or, if none, ordnance survey map reference or description	
18A PRESBYTERIAN ST - TITHEMUGS CORNER FAVELSWAM SWALE	
Post town	Post code
FAVELSWAM	ME13 8NZ

Telephone number at premises (if any)	01795 533121
Non-domestic rateable value of premises	£3,200

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership 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)
- 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 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:

Please tick yes

- 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)

Surname
GREEN

First names
NICHOLAS DANLON

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

1 DORSET PLACE,
FAVERSHAM
KENT

Post Town

FAVERSHAM

Postcode

ME13 8PP

Daytime contact telephone number

01795 588121

E-mail address (optional)

NICK@JIFFERMURKS.CO.UK

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick
✓ yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
23	05	2011

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

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

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

WE ARE A SMALL COFFEE SHOP WITH 20 COVERS INSIDE + APPROXIMATELY 10 COVERS OUTSIDE (SMALL COURTYARD + TABLES IN FRONT OF SHOP). WE CAN BE DESCRIBED AS A 'STYLISH COFFEE/THEATRE SHOP AND HAVE A REPUTATION AS A FASHIONABLE. MANY OF OUR REGULAR CUSTOMERS ARE SUFFERERS OF US DRINKING often coffee + serving a small range of wine + beer if permitted. WE ARE DELICIOUS OF COFFEE CULTURE WITHIN BUCKINGHAM + HAVE MANY LOTS OF POSITIVE REVIEWS. WE RETAIL BOOKS, PENGUIN MEMORANDUMS, COFFEE + TEA. WE SERVE A SELECTION FOOD MENU WHICH INCLUDES TAPAS, SANDWICHES + PASTAS. WE BELIEVE GIVING CUSTOMERS A CHOICE OF WINE WITH THEIR LOAN WILL BENEFIT US + INCREASE FOOTFALL TO BUCKINGHAM TOWN.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓ yes

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				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 (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				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 (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			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 (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		Please give further details here (please read guidance note 3)
Tue					State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Wed					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 (please read guidance note 5)
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed			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 5)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
Mon					Outdoor
			Both		
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri					

Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of 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 5)</p>
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing					
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)		
			Indoors		
			Outdoors		
			Both		
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri				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 5)		
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises		
Mon	12.30 9PM 12.30	9PM 21.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both		
Tue	12.30 9PM 12.30	9PM 21.00				
Wed	12.30 9PM 12.30	9PM 21.00				
Thur	12.30 9PM 12.30	9PM 21.00		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 5)		
Fri	12.30 9PM 12.30	9PM 21.00				
Sat	12.30 9PM 12.30	9PM 21.00				

Sun	12.30	4.30 PM
	12.30	16.30

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

Name..... NICK GREEN (PROMOTOR of SHOP)

Address..... 1 DOLIST PLACE

..... FAVELHAM

Postcode..... ME13 8PP

Personal Licence number (if known)..... Swale-pl-1301

Issuing licensing authority (if known)..... Swale

N

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 8)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)	
Day	Start	Finish		
Mon	8.30 AM	9.15 PM		
	08.30	21.15		
Tue	8.30 AM	9.15 PM		
	08.30	21.15		
Wed	8.30 AM	9.15 PM		
	08.30	21.15		
Thur	8.30 AM	9.15 PM		Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
	08.30	21.15		
Fri	8.30 AM	9.15 PM		
	08.30	21.15		
Sat	8.30 AM	9.15 PM		
	08.30	21.15		
Sun	10 AM	5.00 PM		
	10.00	17.00		

P

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

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

- (i) ID required by persons attempting under 21 yrs.
- (ii) The refusal of serving alcohol to anyone who is aggressive - verbally / physically.
- (iii) No sale of alcohol promotional drinks.
- (iv) No loud music & no alcoholic drinks served after 9 PM.
- (v) All staff will be trained in accordance with meeting these objectives.

b) The prevention of crime and disorder

Any customer showing any kind of disorderly behaviour will be approached & asked to leave. There will be no sale of any promotional drinks that could encourage disorder.

c) Public safety

There will be only a minimum of customers to the number of seats available. No alcohol will be served to anyone who is intoxicated. Staff have also been fully briefed on health & safety, new fire alarm warning installed & certified.

d) The prevention of public nuisance

Customers shall only buy & consume drinks on the premises. There will be no loud music played and service will stop at 9 PM ready for closure at 9.15 PM.

e) The protection of children from harm

No children will be sold alcohol & shall not be permitted to drink any alcoholic beverage on premises. Any overly intoxicated customers shall not be served alcohol & will be politely asked to leave premises if necessary.

Alcohol

ID will be asked if anyone appears to be under 21 yrs.

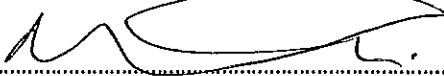
Please tick ✓ yes

- 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 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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature 
 Date..... 22ND MAY 2011
 Capacity Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) 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 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

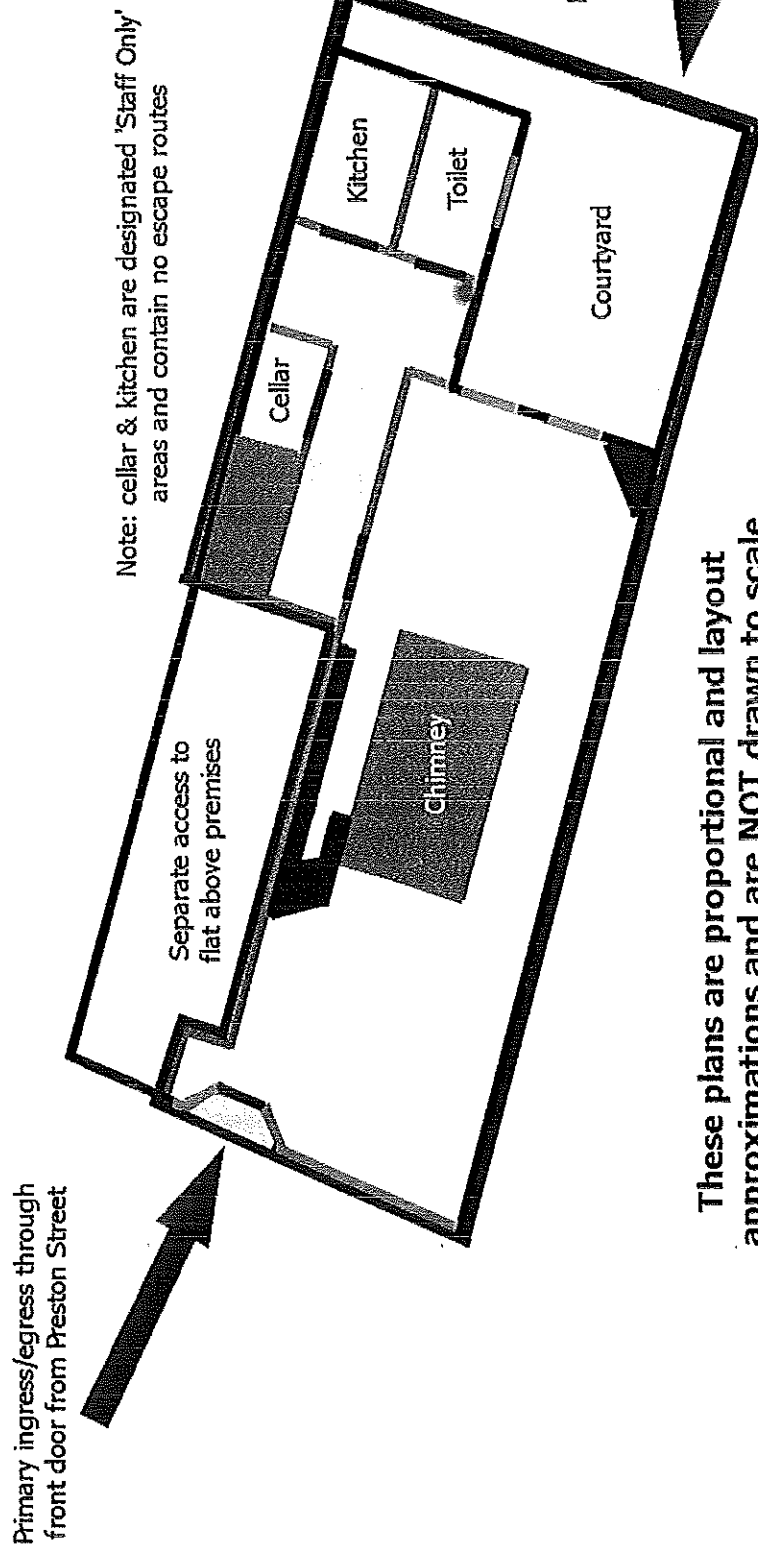
Notes for Guidance

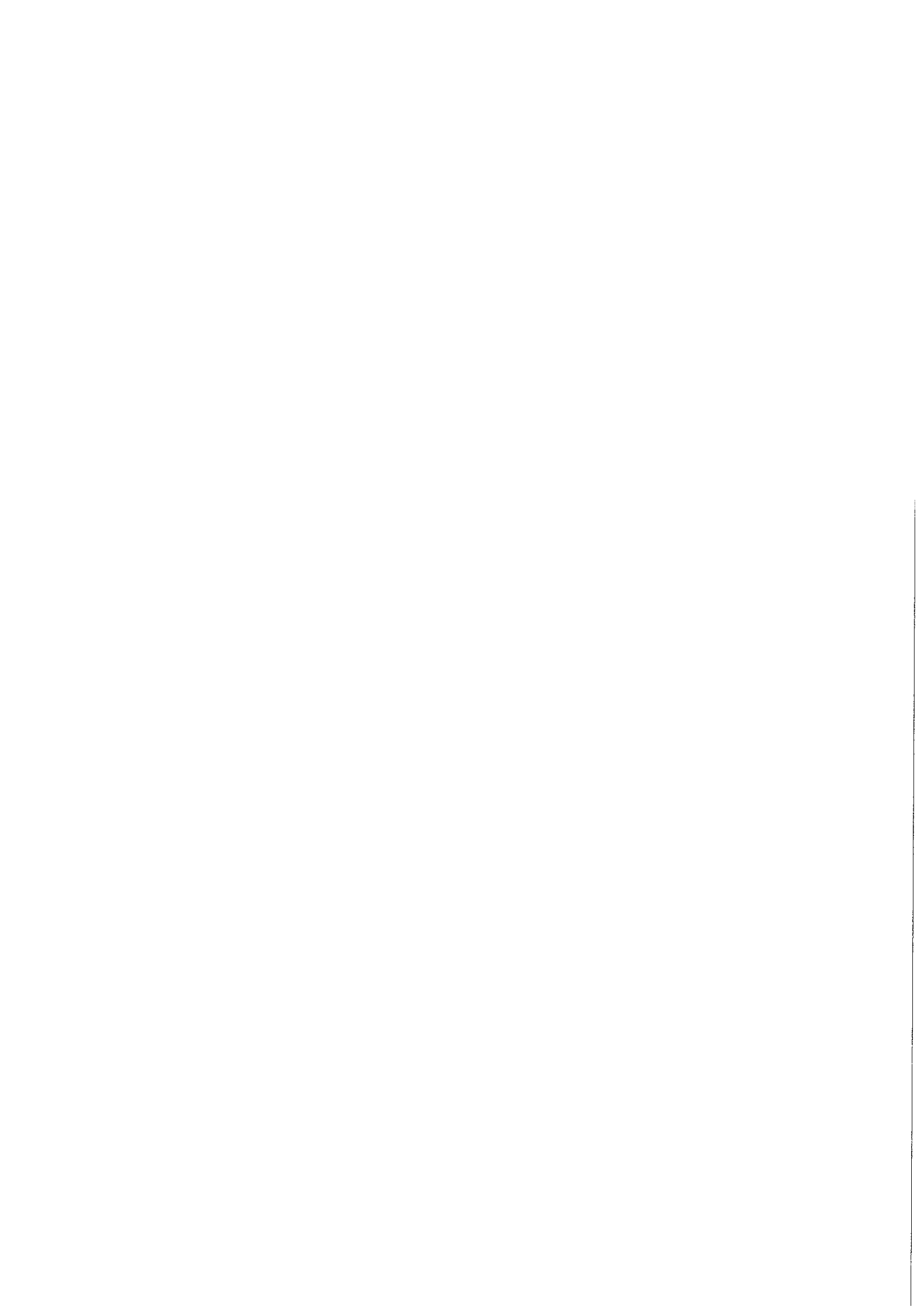
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Jittermugs structural plan,
access, and fire equipment

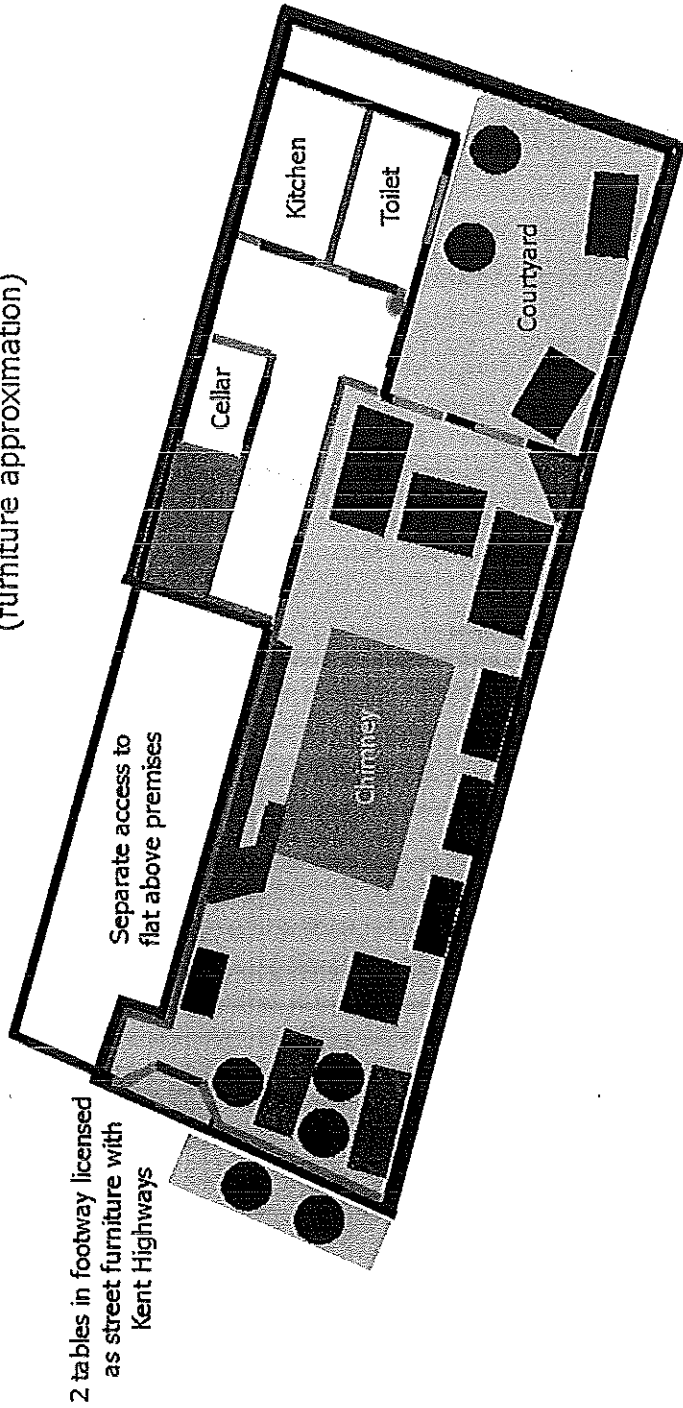
Key

- Premises Boundary
- Exterior Wall
- Interior Wall
- Doorway
- Window
- Steps (3 Maximum)
- Fixed Furniture
- Extinguisher (Powder)









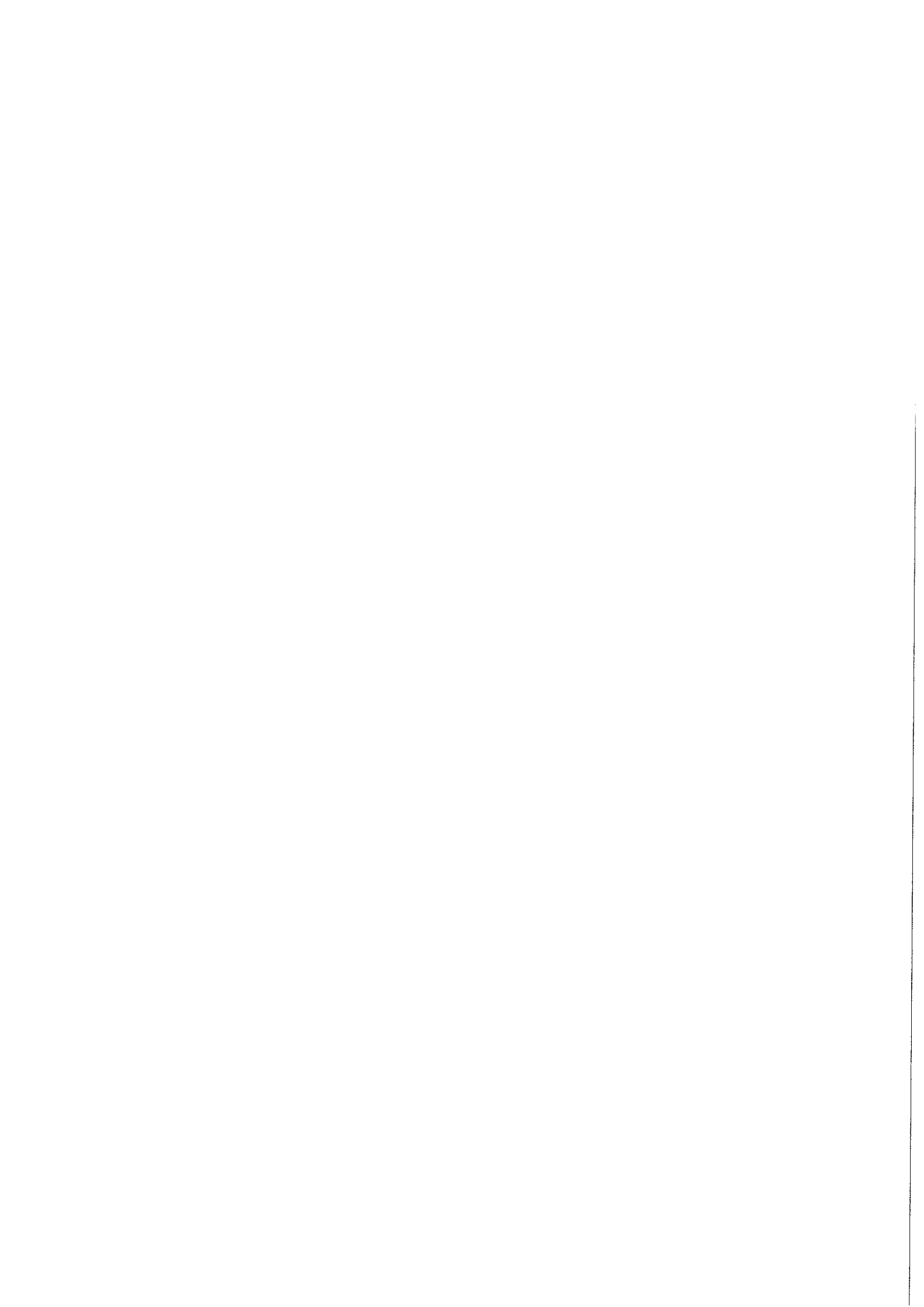
Jittermugs layout plan
(furniture approximation)



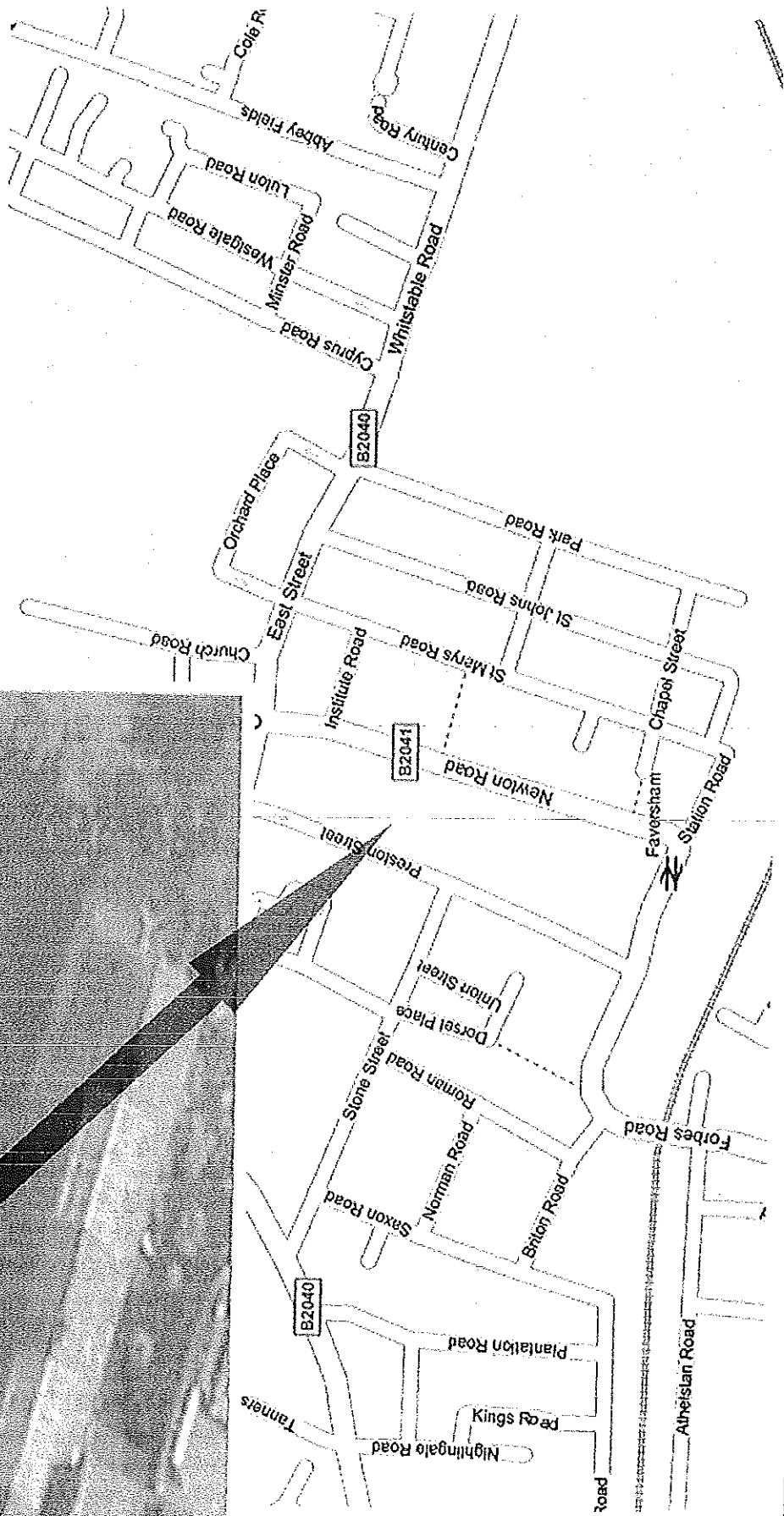
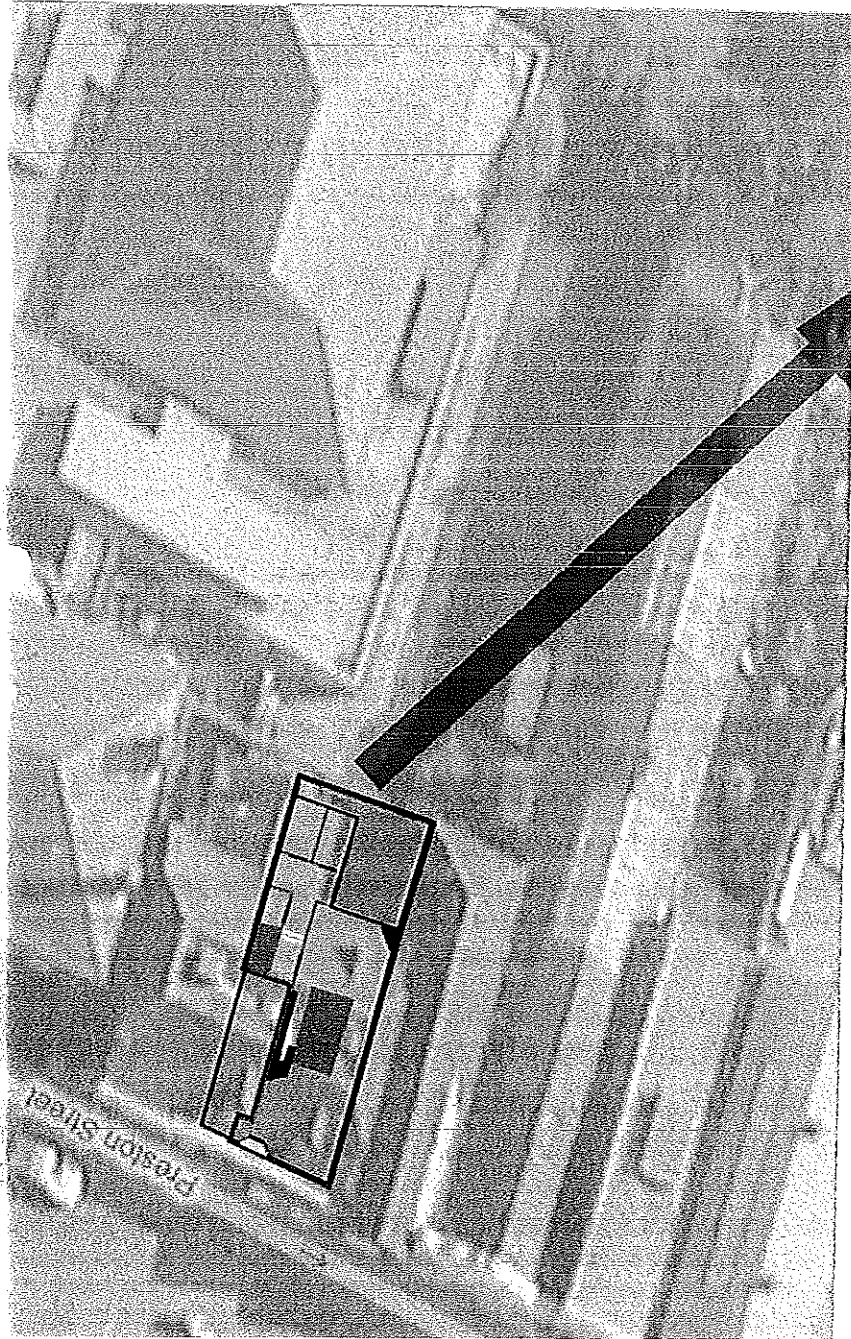
Key

-  Zones designated for the serving of alcohol
-  Tables (each with 2 - 4 chairs)
-  Sofas
-  Ancilliary Furniture

These plans are proportional and layout approximations and are NOT drawn to scale



Jittermugs plan geographic location reference





1
24 JUN 2011
DEPT

Subject : Representation under the Licensing Act 2003. Jittermugs,
18a Preston Street, Faversham, ME13 8NZ

Dear Sir/Madam

I wish to make a representation regarding the application for the above premises. My family and I live directly above the premises and I am therefore an interested party as defined under Section 13(3)(a).

Since the shop started trading as a café in November 2010 my family and I have been acutely aware of noise from below. I have not raised this previously because I was not aware how to and as the premises were mainly open during the day. However the fact that we can hear conversations, the telephone ringing, music and grinding of coffee indicates the sound insulation between the ground and first floor is not fit for purpose. This defect causes nuisance to us.

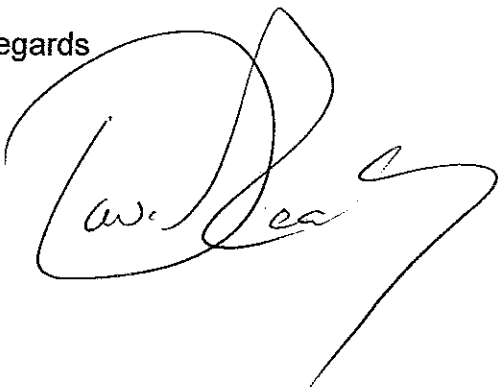
Ideally the lack of sound insulation and fire separation would have been raised via a planning application. However no application was submitted for change of use (from a furniture shop to a café) and as such the premises does not have permission to operate in it's current use.

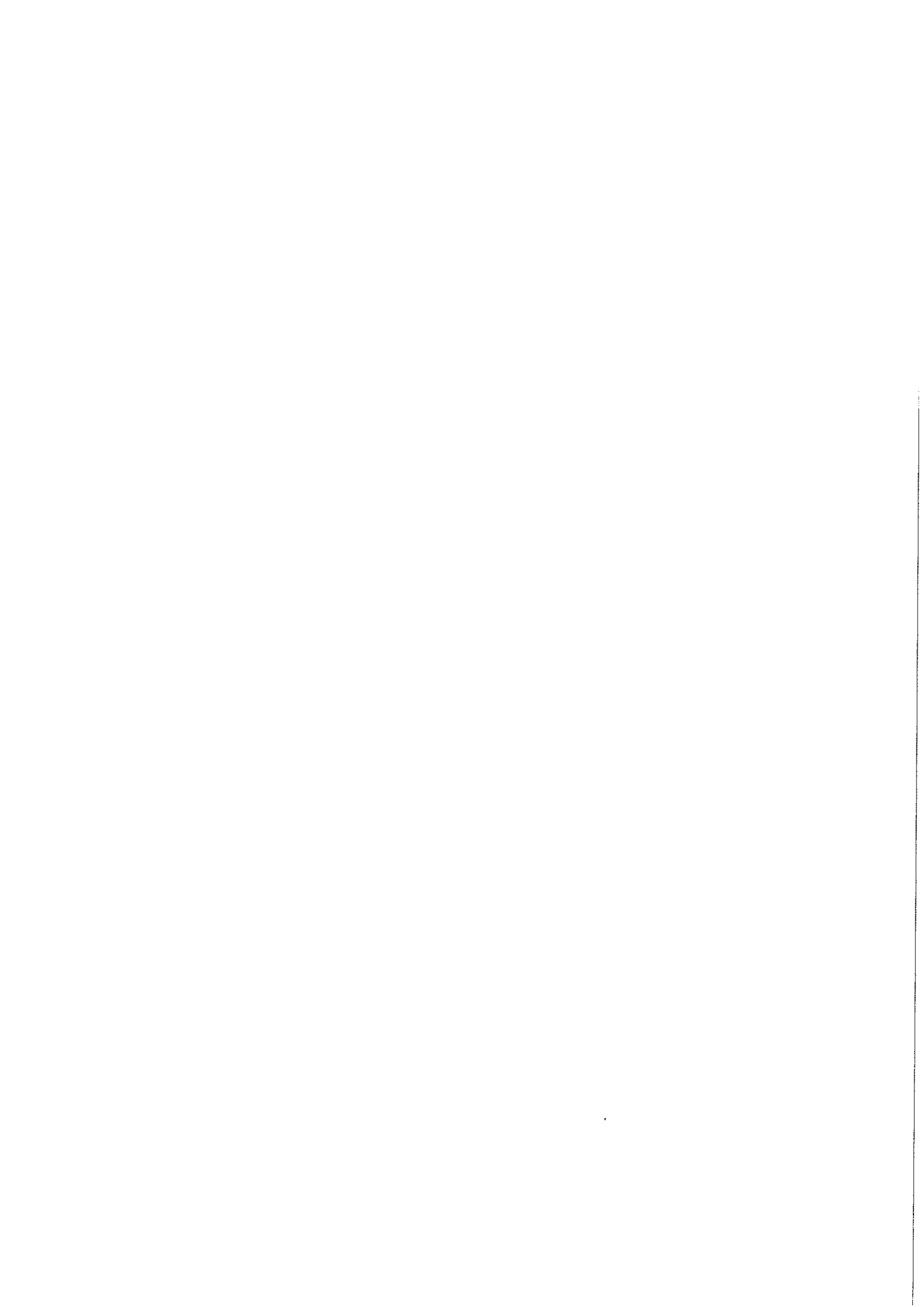
I am concerned that should the sale of alcohol and associated extended hours be granted then the noise levels will increase. This will expose my family to noise 7 days a week and for up to 13 hours a day. This estimate does not take into account noise from opening up and closing down. After a few glasses of wine people become more boisterous and raise their voices. As stated, I can already hear low level noise from the premises and fear this will increase markedly with the consumption of alcohol. I would also add that the background noise level decreases in the evening making any noise from the premises seem louder. If the rear yard of the premises were to be used then there is nothing to stop the noise travelling up to the windows of our bedrooms. It is difficult to get a 3 year old to sleep at the best of times, doubly so if he is distracted by hubbub and laughter directly below his window. I would add that the rear yard is made up of acoustically reflective surfaces (brick and concrete) so the noise would bounce around causing nuisance to myself and other people living in the area.

I therefore wish to oppose the granting of the license for the sale of alcohol and associated extended hours under the prevention of public nuisance objective.

I would be grateful if you could confirm receipt of this message ([lemail.com](mailto:)).

Regards





Internal Memorandum

To: Clare Thornby/Sam Potts
From: Sharon Honey
Date: 27th June 2011
Location: Jittermugs Coffee Shop, 18a Preston Street, Faversham

Thank you for your notification of a licence application for the above premises.

This premise does not currently have the benefit of planning permission for a café/food premises. There is a residential flat above the shop premises and there will be implications for the occupants of this flat if the premises opens into the evening to sell alcohol.

Owing to the lack of planning permission it is unlikely that the nuisance implications for such a use have been considered or addressed, this is an older premises and it is likely that the quality of insulation between the residential and commercial properties is inadequate. Nuisance from the behavioural noise of customers and staff and the general use of equipment within the kitchen may well cause a nuisance to the neighbouring premises.

We would object to a licence that allows for the further intensification of use of the premises as a café.

Sharon Honey
Assistant Environmental Health Officer
Environmental Protection Team

