

SWALE BOROUGH COUNCIL

Licensing Sub-Committee

Thursday 24th April 2014

Application by Mr Nicholas Green to vary the existing Premises Licence relating to Jittermugs Coffee Shop, 18a Preston Street, Faversham, Kent

DECISION

Sub-committee: Cllr. Colin Prescott (Chairman)
Cllr. George Bobbin
Cllr. Mike Whiting

The Applicant has applied to the Council to vary the already existing premises licence for Jittermugs, which is a commercial premises operating primarily as a coffee shop. The application seeks the removal of two conditions and an extension of trading hours to bring the licence in line with the recently granted planning consent.

Representations on Licence Applications must be based on one or more of the four Licensing Objectives in the Licensing Act 2003, which are:-

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm.

In this instance representations were received from the resident in the flat above the premises and the Environmental Protection Department, these representations link to Objective 3.

The Applicant presented his case, with additional information provided by his builder.

David Ledger and Kevin Tucker (Environmental Protection) spoke on behalf of the resident, on the matter of noise. In their representation they stated that there was not enough adequate noise insulation between the premises and that whilst the resident above accepted daytime noise there were potential issues if the hours of operation extended into the evening. Mr Leahy (the upstairs resident) was also in attendance and spoke of the noise he can hear in his premises and recordings that he had taken. The noise recordings were not heard by the Committee as they were deemed inadmissible due to the nature of how they were taken. There was general discussion around the level of works that have already been carried out and the amount of noise monitoring that has already taken place. Some consideration was given to planning as this application has a direct impact on the recently granted planning consent.

In making our decision today, we have read the Licensing Officer's report. We have considered all the papers before us and we have heard from both the applicant, objector and Environmental Protection. We have spoken with our Legal advisor and we have considered the provisions of the Licensing Act 2003, the Guidance given under it and the Council's published Licensing Policy.

We have agreed to grant the licence as applied for:

Monday – Thursday 12.00 – 22.00

Friday – Saturday 12.00 – 22.30

Sunday 10.00 – 17.00

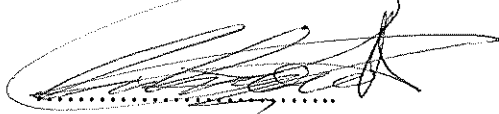
Condition 2 in Part 5 of the licence will be removed entirely.

Condition 1 will be re-worded, we are happy to allow spirits to be sold alongside beer and wine but alcohol must be in conjunction with meals (as per application)

This licence will be reviewed and re-considered by the Licensing Committee in February 2015 **IF** planning consent is retracted when the trial period comes to an end. All the time that planning allows the above hours of operation, the premises licence will run in tandem with them.

We point out that, should issues arise from the grant of this licence, the matter will return to a sub-committee under Section 53 of the Licensing Act 2003 for review.

The applicant, resident, and the Councils Environmental Protection Department all have the right of appeal, any appeal must be lodged within **21** days of today's date (**14th May 2014**) direct to the Magistrates Court.



Cllr Colin Prescott (Chairman)