

REPRESENTATION IN RESPECT OF LICENSING ACT 2003, SECTION 51 REVIEW OF A PREMISES LICENCE

**Premises: Caffeine Lounge, 14 Borehamgate Shopping Centre, Sudbury
CO10 2EG**

Premises Licence Holder: Caffeine Lounge Ltd

Babergh District Council's Environmental Protection team understands that a review application is called based on concerns relating to the licensing objectives of 'the prevention of crime and disorder' and 'the prevention of public nuisance'. As a Responsible Authority primarily concerned with the licensing objective of 'the prevention of public nuisance', Environmental Protection have the following comments.

Concerns were raised by Environmental Protection during the hearing for the original licence application concerning the potential for nuisance caused by noise during normal operation of a premises serving alcohol and having regulated entertainment between 23:00 hours and 03:30 hours the following day, seven days per week in close proximity to residential dwellings directly above the premises and the wider Borehamgate shopping precinct.

The licensing committee granted the licence as applied for following assurances from the applicant that the premises would not be operated as a late night drinking establishment and would primarily be for 'e-gaming', with alcohol sales being ancillary, which would make the control of noise from customers outside during access and egress (including smokers) achievable. Conditions were also proposed by the applicant and included in the licence that the applicant insisted would ensure that unreasonable disturbances to residents from noise would not occur.

At the related planning committee in November 2019, the licence holder gave further assurances and examples of how noise from the premises would be managed so as not to cause an unreasonable impact on nearby residential properties. This can be viewed via the planning committee Youtube channel
<https://www.youtube.com/watch?v=5dRq1GVcsio>

The caffeine lounge discussion starts 1 hour and 48 minutes into the video. The applicant makes multiple statements about the control of people outside the premises between 2 hours and 2 hours 37 minutes into the video.

When asked a specific question by a member of the planning committee the applicant makes a specific statement about not serving people who are only interested in drinking after the other pubs close at midnight and reiterates that it is not a vertical drinking establishment. This can be viewed at 2 hours and 35 minutes.

In January 2020 Environmental Protection received complaints from 3 residents of flats above or adjacent to Caffeine Lounge alleging that noise from customers of the premises in the precinct, by the bus station entrance to the precinct and the adjacent alleyway were causing them sleep disturbance after 23:00 hours. One of those residents also complained about noise from music and machinery inside the Caffeine

Lounge which was specifically affecting their flat and indicated insufficient sound insulation in the Caffeine Lounge. Two of the residents stated that they had already complained to the Caffeine Lounge directly, but the noise disturbance had continued.

An additional complaint was received in early February 2020 from the landlord of 3 additional flats above Borehamgate shopping centre, stating that his tenants and their families were complaining to him about noise from people using the Caffeine Lounge after 23:00 hours. The landlord also raised similar concerns with regards to the licensing and planning permissions granted, which were forwarded to the Licensing team.

Environmental Protection notified the licence holder of the noise complaints and discussions continued with regards to the various issues throughout February and March 2020. It was confirmed in February that noise from music (primarily bass beat) and hand dryers in the WCs was clearly audible inside one of the resident's flats indicating that there was a fault, defect or damage to the sound insulation that had been installed in the premises as a requirement of the conditions of the planning permission. In a meeting at the premises in February 2020, the licence holder was played audio recordings made by the Council inside the flat, confirming that the music and hand dryer could be clearly heard by the resident. The licence holder adjusted the bass volume of the music, which Environmental Protection Officers considered should reduce the audibility of the music noise in the flats above. Initial reports by the resident after this meeting was that the music noise was no longer a significant problem.

Reports of noise disturbance continued in March 2020 and included complaints that the music noise was again clearly audible and disturbing. It was also alleged that the premises was operating principally as a late night drinking establishment in the evenings and night-time, not as an e-gaming venue. Environmental Protection undertook further noise monitoring and recording which identified the continued audibility of noise from music, hand dryers, people outside the premises and doors banging and squealing. A summary of the recordings reviewed by Environmental Protection is provided for the Licensing Committee's information as document 'NNR Review 8.3.20'. Clearly audible noise was recorded after midnight on 6 out of 8 days of monitoring and at volumes sufficient to repeatedly wake the occupant of the flat above.

On 25 March 2020, the licence holder was notified of the noise witnessed/recorded. The premises had by this time closed due to the Covid-19 lockdown, although it was obviously not known how long the premises would have to remain closed

The same residents who had previously complained to the Council again very soon after the Caffeine Lounge re-opened for business in early July 2020 – complaining again about their sleep being disturbed by noise from the premises. The residents complained that the noise from customers was significantly worse than prior to the lockdown, with large numbers of people now drinking alcohol at the rear of the premises (this has been corroborated by a statement from a police officer) and in the street (Great Eastern Road) until after closing times, regularly continuing past 04:00 hours. Noise included loud laughing, shouting, screaming, arguments, fights and the general murmur of numerous people talking, often with raised voices. It was alleged

that the premises is operating principally as a bar and that the noise is what would be expected from a busy drinking establishment, not an e-gaming venue. It was also alleged that the hand dryers are still audible in the occupied flat immediately above the Caffeine Lounge.

I understand that drinking in the area outside the Great eastern Road doors is not permitted by the license or the relaxations introduced as part of the governments CoVid measures (only permitted until 23:00).

Additionally it was alleged that occasional loud noise from customers is still occurring in the precinct after midnight despite the gates to the main precinct being closed at all entrances – it was stated that this is because access/egress via the Caffeine Lounge's front entrance to the precinct is not being prohibited by the licence holder after 23:00 hours as required by the planning permission.

The Police Licensing Authority also contacted Environmental Protection after the weekend of 18 July 2020 to advise that they had received calls concerning activity at the Caffeine Lounge that included noise on Great Eastern Road and at a customer area created at the Great Eastern Road entrance to the premises. Environmental Protection requested some police officer comments concerning their observations of the premises - 2 police officer comments were received via email as follows.

"I attended at 03:00 hours on 18/07 after staff reported searching a male who had Class A on him. On arriving they were "kicking people out", this wasn't really being done to be honest as people were milling around both outside and inside. The noise wasn't excessive, however, for someone living at Borehamgate this would easily be heard, and I'm sure that prior to us arriving they would have been playing music loudly.

When I left around 03.40 hours, they had managed to get everyone out.

There were alcoholic drinks laying around the venue and so I assumed they must have still been serving for some time... not sure if the venue constitutes a pub/bar/nightclub. In my opinion I do not feel it's appropriate to have such a late closing time or serving time."

and

"Having just worked nights, Friday/Saturday last weekend, I can say that every time we drove by, there were an average of 15 or so people outside smoking on the Great Eastern Road side. Whilst relatively good natured, this would obviously contribute to external noise."

An additional complaint was received on 24 July 2020 from a resident in Cornard Road concerning 'noise from customers of the Caffeine Lounge'. Loud shouting, screeching, screaming, alcohol-fuelled rowdiness and constant noise until the licence time of 03:30 hours. The resident was extremely unhappy that the license hours had been approved, having been a license holder himself in the past.

Due to the closure of the premises caused by the Covid-19 measures, Environmental Protection needed to confirm the continuing state of affairs, as well as investigate the alleged exacerbation of noise disturbance compared to previous monitoring in March. Noise monitoring equipment was again deployed to confirm the allegations being made – it was installed in a flat immediately above Caffeine Lounge from 25th July to 4th August 2020. Environmental Protection Officers also attended the premises to witness the noise in person and the following observations made.

Environmental Protection Officers observed activity at the premises between 00:00 and 01:15 hours on 25 July 2020. At midnight there were approximately 6 people outside at the rear of the Caffeine Lounge premises inside a roped-off area. Noise was good natured, but likely to be audible within nearby bedrooms. From approximately 00:15 hours people individually and in small groups were coming from the direction of King Street to the Caffeine Lounge, sometimes congregating in the street meeting other groups before entering, some groups were loud, shouting to each other or people already on the premises.

By 00:45 hours there were approximately 15 to 20 people outside the rear entrance of the Caffeine Lounge and approximately 10 people in the street, some of whom were sitting on the raised flower beds below the flats fronting Great Eastern Road. Noise had increased by this time and although good natured, was rowdy as would be expected from large numbers of people under the influence of alcohol. This general source of people noise was punctuated with loud shouts and loud laughing. This noise would be clearly audible and likely to disturb sleep within the flats facing Great Eastern Road, particularly with windows open as would be desirable to the average person on a warm night such as 24th/25th July 2020.

No visible or audible attempts by staff to ask customers on or in the immediate vicinity of the Caffeine Lounge to reduce noise or move away from the premises was observed.

At 01:00 hours officers were inside one of the flats above Caffeine Lounge on the precinct side and so witnessed noise made in the precinct itself. A group of girls were seen walking around the precinct looking for a way out (all precinct doors/shutters were closed), joking and laughing about how to get out, before they returned inside the Caffeine Lounge via the double front doors of the premises. A young male, looking very unsteady on his feet then exited the Caffeine Lounge into the precinct and walked around smoking, occasionally sitting on the benches, before retuning inside after he had finished smoking. Another small group of girls came out of Caffeine Lounge into the precinct also looking for a way out, talking in loud voices before going back inside. Another male then exited the Caffeine Lounge and made a phone call talking so as to be audible at the facades of dwellings above the precinct.

Recordings from noise monitoring equipment deployed in the bedroom of a flat directly above the Caffeine Lounge between 25th July and 4th August 2020, and reviewed alongside records made by the resident, showed that noise from people sufficient to disturb sleep occurred between 00:00 and 04:00 hours on 10 of the 11 days of

monitoring. Noise ranged from small groups/individuals to the busy murmur of a large number of people. Conversations, singing, swearing, arguments.

What sounded like an argument and fight (started in close proximity to the rear of the Caffeine Lounge before moving further into Great Eastern Road) between a number of individuals was recorded just after 03:00 hours on Thursday 30 July 2020.

The noise level from customers of Caffeine Lounge is at times extremely intrusive and no audible attempts to control noise by the licence holder were recorded.

Noise was considered sufficient to substantially interfere with the normal use and enjoyment of a residential property due to regular sleep disturbance.

The issue of internal noise transmission to the flat immediately above Caffeine Lounge was again observed in the recordings, with noise from a hand dryer, music and what appears to be a cooling fan were audible indicating that no successful measures had been employed to resolve the sound insulation problems.

It is understood that the Council's Planning Enforcement team are currently investigating breaches of the conditions of the planning permission which required the installation and validation of suitable sound insulation between the premises and flats, a scheme for the rear doors (Great Eastern Road) and closure of the front doors of the premises after 23:00 hours;

A summary of the recordings is provided for the Licensing Committee's consideration titled 'NNR Review 24.7.20', along with a calendar summary showing the days and times between which disturbances were alleged in writing by customer records and when recordings were captured. The calendar representation is provided for the committee titled, 'Caffeine Lounge Calendar Summary of dates and time July, August 20'.

Additionally, the council received Anti-Social behaviour forms concerning disturbances at (and in the vicinity of) the caffeine lounge from 5 different people, including noise nuisance, caused by the caffeine lounge were received by the council on the 21st August 2020. This included 2 additional household formally reporting being disturbed by noise. This makes 6 different households directly complaining to the council about nuisance. No other licensed premises in Sudbury has received complaints by as many different households as this.

The evidence supports the occurrence of a statutory nuisance caused by noise made by customers on the premises. Since this time the environmental protection team have not received details of sufficient measures that would give confidence that the nuisance will be abated. As required by the Environmental protection Act 1990 the council served a noise abatement notice on the 4th September 2020 specifically relating to customer noise using the external area of the premises and in areas under the control of the Caffeine lounge.

It should be noted however that this only applies to noise generated on the premises and will not include noise in the street which is also contributing to the nuisance and

causing significant disturbance of a number of residents including in Cornard Road. Noise in the street is an anti social behaviour and public order issue.

However, as part of the licensing aim 'prevention of public nuisance', the license holders responsibilities do include how it handles its customers in the immediate vicinity, which was acknowledged by the applicant during the premises licensing and planning application processes.

Environmental Protection as a Responsible Authority consider that the licensing objective of 'the prevention of public nuisance' is not being met between 23:00 and 04:00 hours the following day on most days of the week. It is clear that the extended hours granted on the licence are not being used only for occasional international e-gaming tournaments, as was intimated during the original licensing and planning application processes.

Despite the concerns raised with the licence holder prior to opening and following the receipt of complaints in January 2020, the licence holder has failed to address the problems being caused to local residents in very close proximity by its operation at unsociable hours, despite the conditions on the premises licence (and planning permission).

The noise from Caffeine Lounge is a new noise source at the location. Although close to the town centre, there are no other similar sources of noise at this location that are disturbing residents of the flats above.

The conditions of the premises licence (and the planning permission) were designed with the intent of allowing the business to operate principally as an e-gaming lounge with the supply of alcohol as ancillary. The manner in which the business is being operated demonstrates that the premises is not capable of being operated as a late night drinking venue.

Environmental Protection therefore recommends that the hours permitted by the licence should be amended to cease at 23:00 hours each day, which is widely accepted as being the time when the majority of the population would reasonably be expected to be asleep or preparing for sleep.

There is no indication that daytime and evening use is causing nuisance, although the licence holder will still be expected to control noise so as not cause nuisance to normal use of a living room or bedrooms where children can reasonably be expected to sleep prior to 23:00 hours.

Caffeine Lounge Trojan Recordings. SLM deployed between 15:00 5/3/20 to 15:00 16/3/20

Recording Summary

Microphone location: Client's bedroom, beside bed.

08/03/20 – Recording 2 – 01:35 – hand dryer wakes up male resident of flat.

08/03/20 – Recording 3 – 01:44 – lady complains of music it is barely audible not high bass, voices audible, may be music – not evidence of nuisance.

08/03/20 – Recording 4 – 02:00 Male resident clearly snoring – then hand dryer becomes audible and he presses the button.

08/03/20 - Recording 5 –03:16 a bang is audible then at 03:17 voices audible, some low banging, then what sounds like a slide door. Possible low music or low audibility voices. 03:18 slide door again, more voices a bit louder. 03:19 music voices some bangs very irritating continue to end of recording.

09/03/20 Recording 6 - 01:00 – hand dryer, wakes up male resident.

10/03/20 Recording 7 – 19:25 - banging audible while watching TV - not a nuisance.

12/03/20 - Recording 8 – 00:41 – bass low audibility thump, thump, thump early hours of a Thursday morning – low audibility (with inherent recording hiss) but should not be audible in bedroom at all at those hours; would be ok before 23:00. Bass beat change recognisable at 00:44 persistent.

12/03/20 - Recording 9 – 01:08 bass rumble audible; bang audible at 01:10, bass seems less audible but barely detectable music and occasional voice (unknown if person or on music) 01:11 low clunk, possibly a door.

13/03/20 - Recording 10 – 00:23 girl's voice wakes up male resident; unknown if inside or out. 00:24 girl's voice again with giggles, further talking then she shouts about turning the camera off, likely to be outside, a second girl says, "me too". Continues until 00:25:40. Male resident falls back to sleep. 00:26:40 male voice and a bang, girl's voice moaning possibly drunk. Snoring stops briefly and starts again. 00:27 girl shouts in frustration, another girl mentions something about being 18. Stops at 00:28 possibly walked off.

13/03/20 - Recording 11 – 00:29 button pressed again so although male resident is snoring through some of this after pressing button, clearly a very disturbed sleep – male and female voices, low audibility followed by loud bang, probably a door; voices stop.

13/03/20 - Recording 12 - 00:37- door bang then hand dryer; barely audible voices, possibly internal.

13/03/20 - Recording 13 – 01:05 - people outside, arguing by girls again, shouting and swearing, sounds like a young girl drunken argument, eventually moves away and then shouting from further away, possibly same.

13/03/20 – Recording 14 – 01:34 – unknown why nuisance recorder activated. Male resident has a drink and goes back to sleep.

13/03/20 – Recording 15 – 04:12 – alleged door bang, however pre-trigger recording masked by the sound of the chain on trigger fob while male resident trying to find the button and likely missed initial bang. Some low bangs/knocks audible at 04:13 but source unknown, footsteps at 04:14 likely to be in alleyway. It is alleged this is closing time.

14/03/20 – Recording 16 – 00:01 – 2 x low bangs followed by louder bang and door sliding wakes up male resident. 00:04 sliding door again. 00:06 dull thud. Some voices and other thuds, low audibility.

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14/03/20 – Recording 17 - 02:05 repetitive bass beat wakes up male resident. Male resident does begin snoring again, but bass beat continues clearly audible rhythm. Music continues to be low audible, hand dryer heard at 02:09 some barely audible voices.

14/03/20 - Recording 18 – 02:11 male resident presses button, music with clearly detectable bass drum rhythm continuing. Male resident is heard to get extremely agitated by situation. Music is more clearly audible including mid-range elements and voice. Male resident states he will call the Police at 03:30 if it is not off, but female resident says no point due to resources. Volume definitely increased and continues for the duration of recording.

15/03/20 – Recording 19 – 01:30 music, bass beat and clearly identifiable, quietens down a bit after a couple of minutes likely change in song as bass sounds are occasionally audible and the audibility and tempo increases.

15/03/20 – Recording 20 – 01:36 – music continues, male resident is snoring at times but clearly disturbed as finds the recorder trigger button again. Clearly audible tune such that different music tracks can be told apart.

15/03/20 – Recording 21 – 01:46 – music continues, mid-range audible and vocals slightly detectable.

15/03/20 – Recording 22 – 02:21 - metal door sliding, music continues. 02:24, 3 x bangs and voices quiet 02:25 to end of recording helicopter hovering.

15/03/20 – Recording 23 – 05:29 – footsteps and voices audible and then a bang (believed to be door bang) which wakes up male resident, alleged to be Caffeine Lounge closing.

15/03/20 – Recording 24 – 19:48 – music audibles as per previous recordings, TV low audible located in living room of complainant property, both are audible. Male resident is very angry and says that he might have to go and speak to them downstairs. Music does appear lower in volume, after a minute or two becoming barely audible.

Officer's Observations of Recordings

The bangs and thuds I would liken to someone slamming your own ground floor back door while you are in bed.

General bedroom noise is at or below 20dB (drops to as low as 18 which is the floor of the meter) when no snoring. Voices/music 22/26dB, bangs are upwards of this. However, all become the most audible noise when couple are sleeping and are clearly affecting sleep. Male resident more affected than female resident.

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

Officer Recording Summary

Microphone location: Client's bedroom.

NOTE 1: Officers observing from street/first floor walkway access to flats above precinct and Flat 18, 23:30 to 01:15 hours.

After midnight, venue gets much busier as groups of people continually coming down from main town centre direction and sometimes groups leaving and returning.

Noise levels increase after midnight. Before midnight there are still occasional shouts and raised voices that are clearly audible through an open window - was in living room at time, not a nuisance from there at the time, but would disturb sleep in a bedroom.

Caffeine Lounge was the destination and focus of the majority of groups of people on Great Eastern Road.

NOTE 2: A fan-type noise was not reported by resident but picked up clearly at between on recordings (difficult to pinpoint exact volume due to the external people noise). Tonal noise on 1/3 octave at 50/100 and 200Hz. Residents when questioned stated that they have a large floor fan at the rear entrance blowing in, but the noise from customers is more intrusive at the moment. This has been corroborated by the license holder and is due to the failure of the air conditioning system

| Recording Number | Date/Time | Officer comments |
|------------------|-------------------|---|
| 2 | 25.07.20 01:24 | Low audibility noise from customers, possibly internal, occasional louder shouts, laughs etc. likely to wake people up. Sometimes seems to have an echo (toilet area?). Not constant. |
| 3 | 25.07.20 01:39 | Multiple voices talking, raised shouts, hoots - wakes up resident. More voices and more regular hoots and laughs. Sufficient to wake up average person, main noise is audible internally. Continues throughout recording. Sound like being in close proximity to a busy pub beer garden. |
| 4 | 25.07.20 01:45 | As above. Resident is having disturbed sleep, occasional snores, but then wakes up again. Groups of people talking, and socialising is the main audible noise inside resident's bedroom - continues throughout recording. |
| 5 | 25.07.20 02:08 | Customer voices very audible, can hear the conversation clearly, girls moaning about it being hot in there. Noise from customers reduces to quieter murmur after a minute or two with occasional louder voices likely to disturb sleep. Possible that internal and external (round the corner by back door) audible. Also, a fan type noise audible (not noted by resident), 1/3 octave shows a frequency spike at 50/100 and 200Hz consistent with a 4-bladed fan. |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

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| 6 | 25.07.20 16:25 | Difficult to pick out with car wash operating which dominates the sound. No written record entry by resident. |
| 7 | 25.07.20 22:15 | An argument with raised male voices. Don't fucking run to the smoking area, lots of f■■s being thrown, client talks about calling Police. Last a couple of minutes |
| 8 | 25.07.20 22:39 | Male voices talking, laughing and shouting, audible despite a passing bus. Clearly audible in resident's bedroom along with passing road traffic. |
| 9 | 25.07.20 23:00 | Girl starts singing and male voice audible, wakes up resident, then says quick run but girl heard talking after, and then starts singing loudly, says she likes her voice in the alleyway then moves away and singing audible from further away, likely in Great Eastern Road. Resident puts TV on. |
| 10 | 26.07.20 00:10 | Voices, typical of a busy pub garden/High Street noise. Sounds like a lot of people, occasional shouts. All very intrusive even general mixed voices, Would prevent most sleeping. |
| 11 | 26.07.20 01:40 | Loud voices, girls screaming, man shouting something about the "left hand side as well". Sometimes drops to a murmur of voices but as you would expect with gatherings of many people drinking, louder voices, shouts, screams and laughs. Continues throughout. Would prevent sleep/wake people up. |
| 12 | 26.07.20 02:01 | Noise from customers still very intrusive. Screams, swearing - wakes up client who then presses record. Sounds like a window is opened in the bedroom Voices now much higher in volume and clearer. The fact that the window was closed during a hot humid night is a telling factor. Window closes after a couple of minutes. Noise from customers still sufficient to disturb sleep with windows closed. Constant people noise from multiple individuals. |
| 13 | 26.07.20 23:47 | Murmur of people and louder shouts, laughs etc. Sufficient to wake from sleep. Resident puts TV on. |
| 14 | 27.07.20 01:15 | A few voices talking, male voice more dominant. Female voice gets louder at points. Occasional "F■■s", "F■■g" audible. Sufficient to wake someone up. Not the high murmur of many people as per Saturday and Friday. |
| 15 | 27.07.20 01:58 | Some talking loudly about his "f■■g bike", wakes up resident. Stops after a couple of minutes |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

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| | | Background sound level in bedroom around 20dB, mainly from resident's own noise when moving/breathing. |
| 16 | 29.07.20 23:52 | Sounds like someone being sick and then talking. Resident disturbed, getting annoyed, and then finding the button to activate recording. Sounds like Great Eastern Road/rear of Caffeine Lounge. More voices audible outside getting louder, bigger group. Girls shouts "you kissed me". Occasional loud voices over the five minutes of recording. Windows open. |
| 17 | 30.07.20 00:45 | Loud male voices, girl shouting "Oi stop, stop". Girl talking as walking down the alleyway (clarity and rise and fall of sound distinguishes noise in alley); further away and around the corner more echoey and less clear (no line of sight). Very loud talking by multiple people laughs, etc. Sound of girl retching again, may be faking the noise (for fun?) |
| 18 | 30.07.20 00:50 | Voices, and girls run into alley talking about wiping dribble then has a loud conversation with a male about spit before moving away talking (likely back towards Great Eastern Road); it then goes quiet (back inside?) Some more voices audible, but quieter at 00:52. Possibly some internal voices/lower level voices from back entrance shielded by building structure. |
| 19 | 30.07.20 00:58 | Fan noise rumbling. Voices low audible drowned out by a very loud vehicle/possible aircraft Low voices outside, talking audible, fan seems very audible. Competing with talking. 01:00:30 voices get louder, more disturbing given the time of day and then gets quieter. Occasional audible voices for the rest of recording. |
| 20 | 30.07.20 03:08 | Fan still. Shouting loud, very loud, another voice "here, here, here, you know what happened", very slurred drunken male, difficult to understand. "Hey, you're going home in a f████g ambulance", responded by "F████ you". Voices start getting further away. Clear audible talking, but slurring makes unintelligible. Shouting at various volumes one close, one further away. Further away voice shouts "F████g mug"; closer voice shouts "F████g come on then". More voices audible shouting, door slams, vehicle drives away. Person shouts "Come on then, come on then, f████ off, f████ off. I will f████ you up". "C##t" said multiple times, multiple voices arguing and shouting. Continues for duration of recording. |
| 21 | 30.07.20 03:14 | Fan noise. Shouting, male and female voices, arguing, swearing. Resident says "It sound like their killing each other". |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

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| | | <p>Volume reduces, possibly further away on Gt Eastern Road.</p> <p>Talking nearby. Not arguing. 03:17 shout from a lot further away. More voices closer, talking, disturbing to sleep, continues for duration.</p> |
| 22 | 31.07.20 02:01 | <p>Loud voices shouting, sounds like an argument, "f███g c##t", call the f███g Police pal". Lots of swearing. Person says, "You got a problem with me?" Resident says "That's the f███g doorman". Argument continues. Resident says, "I can't be bothered to phone the Police to say there's another fight in progress".</p> <p>After another minute, male resident tells partner to get away from the window and if that worried ring Police.</p> <p>Argument outside continues, "I don't give a f███k, I've looked after you". Girl's voice involved.</p> |
| 23 | 31.07.20 02:08 | <p>Girls' voices raised as argument continues. Residents argue over activating the recording machine "I don't give a flying f███k, keep pressing the button, I'm f███g knackered, we had it all last night".</p> <p>Shouting stops, but talking still audible, some voices also heard further away. Voices on and off audible. 02:10 what sounds like a door closing, voices audible close and further away.</p> <p>Talking continues for duration sufficient to disturb sleep.</p> |
| 24 | 01.08.20 00:42 | <p>Lots of very loud shouting, male and female, very intrusive and would wake most people not just the average person.</p> <p>Loud talking of many voices, swearing but not arguing.</p> <p>Male voice in alley, "I'm going for a piss", voice then clearly under window or very near, including a female voice. Voices still audible from rear of Caffeine Lounge</p> <p>Occasional shouts, squeals at higher volume above the general chat, girl getting louder, sounds inebriated. Continues for duration.</p> |
| 25 | 01.08.20 00:57 | <p>Loud shouts, at rear, two male voices talking in 'low voice' like private conversation.</p> <p>Resident says to partner "They just said come here and we won't get seen on camera", then a male voice says "Yeah, yeah, I will go and put it back in the car".</p> <p>Loud gathering of people at rear of Caffeine Lounge, clearly various groups of customers. Noise sufficient to disturb sleep. Occasional voices down alleyway.</p> |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

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| | | <p>Possibly hand dryer - difficult to tell with fan and noise from customers.</p> <p>Shouts, laughs, hoots etc.</p> |
| 26 | 01.08.20 01:28 | <p>Loud voices, multiple groups.</p> <p>Laughs, shouts, very loud, now possibly in alleyway talking on phone: "Are you going to come here now?" "Yeah, they are just letting people in who just turn up."</p> <p>Rowdy, but not bad natured.</p> <p>Would disturb sleep.</p> <p>Loud female screams (drunken, not distressed) and then males chanting briefly.</p> <p>Rowdy general noise continues audible above loud chugging engine noise.</p> <p>People in alley talking very loudly.</p> <p>Continues throughout.</p> <p>Clear material effect on resident's use and enjoyment of their property, as per other nights</p> |
| 27 | 01.08.20 01:39 | <p>Loud vibration/humming - fan? (seems louder, touching door frame or wall?)</p> <p>Loud noise of multiple groups of customers continues.</p> <p>Very intrusive levels between 45 to 50 dB inside resident's property for extended periods and above 40 for the majority of the time.</p> <p>Lots of swearing and snippets of conversation clearly audible.</p> <p>People in alleyway, male says "Oh hello darling, how have you been mate?"</p> <p>Overall noise level from customers increase above 60dB (resting bedroom noise below 25dB); large group of people, some in alleyway.</p> <p>Continues throughout.</p> <p>Note: normal 15-minute background noise level measurements on a Friday <u>outside</u> were between 30 and 35dBA between 00:00 and 04:00 hours.</p> |
| 28 | 01.08.20 02:00 | <p>People noise continues, people likely to be in alley. Person says, "Spot on mate"; slurred voices, giggles; says "Where did they go, have they got 30 quid have they?" Giggles, goes quiet.</p> <p>Loud voices not quite as loud but very disturbing between 40 and 45dB occasional up to 50dB. Girl having an argument about "Liverpool smashing Man United".</p> |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

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|----|-------------------|--|
| | | <p>Fan sounds like previous nights now.</p> <p>Male voice in alley, "Cheers mate, smells nice".</p> |
| 29 | 01:08.20 03:07 | <p>Loud voices again; "Every single f████g time mate, you're a p████y".</p> <p>Resident says "They're pissing up the alley". Male and female voices laughing "Look like you f████g ready for it". Really drunk girl says "I'm not going to chunder".</p> <p>Difficult to understand due to slurring, but "Mothers, sisters and w████s" mentioned; voices hitting 45 to 65dB <u>Inside bedroom</u>.</p> <p>Rowdy at rear of Caffeine Lounge.</p> <p>Neighbour says it f████g stinks of piss don't it. What f████g time do they shut..... half 3..... Shouting in alleyway "You motherf████g drunk I want to come" Noise level = 75dB.</p> <p>Person says, "Watch out because the camera".</p> <p>Noise of water running audible 03:11:15. Resident says, "I am going to shout out of the window". Resident's partner says, "No don't, it's recording. He says, "I will get some f████g water then".</p> |
| 30 | 01.08.20 03:13 | <p>Rowdy noise from customers continues.</p> <p>People in alley, sound of retching, "It's ok I'm not going to throw up".</p> <p>Shouts from multiple groups, some appear to be moving away.</p> |
| 31 | 01:08:20 03:21 | <p>Not as generally rowdy, still voices clearly audible and a couple in alley chatting asking someone to "Keep an eye out for a phone".</p> <p>Resident says, "Even girls are pissing in the alley".</p> <p>Drunken conversations.</p> <p>Loud shouts of "Yeeeeesssss" by multiple males 03:22; 55dB.</p> <p>Passing lorry (from the sound of it), 52dB.</p> <p>Voices still audible from multiple conversations, overall quieter, 30 to 40dB but would still disturb sleep.</p> <p>Continues.</p> |
| 32 | 01.08.20 23:25 | <p>Multiple people noise 40 to 45dB.</p> <p>Quieter at 23:27, voices still audible.</p> <p>Loud shout about "Your mum" discussion between male and female, she wants a lighter.</p> |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

| | | |
|----|-------------------|---|
| 33 | 02:08:20 00:42 | <p>Fan noise. Multiple groups talking loudly and shouting outside, 35 to 48 dB.</p> <p>Sounds like a busy bar/beer garden.</p> <p>A male mentions Playstation.</p> <p>Window opens in resident's flat. Levels increase 40 to 55 dB.</p> <p>Heavy bass beat becomes audible briefly (passing car, not sure didn't seem to sync with car movement), resident written record states that music was turned up and down.</p> <p>People noise continues for duration.</p> |
| 34 | 02:08:20 00:48 | <p>People noise continues as previous.</p> <p>Loud shouts, laughs, hoots, swearing, very intrusive.</p> <p>Sound like a lot of people, many voices audible, clearly in different groups, mostly 45 to 50+ dB.</p> <p>Music – bass beat for a couple of seconds, stopped quicker than the passing vehicle noise, not in sync with traffic movements.</p> <p>Voices really rowdy, mostly in excess 50dB at 00:51 hours. Bass beat just audible below the loud voices.</p> |
| 35 | 03.08.20 01:02 | <p>Bass beat audible, not loud but audible as internal bedroom quietens down, music more identifiable. Bass beat clear. Rest level in bedroom is 20dB. Music at 24dB.</p> <p>Some voices also audible, sound like it could be internal, low audibility.</p> <p>01:05:07 A hand dryer clearly audible; 24-25 dB again, 01:06:00.</p> |
| 36 | 04.08.20 01:53 | <p>Voices and some bangs (door?), voices much quieter than previous nights; only a few people but audible.</p> <p>Quite periods as low as 18dB with no external influence.</p> <p>Hand dryers, bangs, occasional voices possibly in a toilet/coming out of a toilet and outside.</p> <p>Raised voice outside 01:56 then girl's voice, male responds loudly, "Thank you my Dear".</p> |
| 37 | 04.08.20 02:14 | <p>Shouting, males, up to 51dB.</p> <p>Resident shuts window. Voices still audible, especially the louder shouts.</p> <p>Continues for duration.</p> |

Caffeine Lounge Trojan Recordings. SLM deployed between 21:00 24/7/20 to 17:00 4/8/20

| | | |
|--|--|---------------------------------------|
| | | Note: weather was very hot and muggy. |
|--|--|---------------------------------------|

July

August 2020

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|----------------------|---|---------|----------------------|----------------------|--|-------------------------------|
| 28 | 29 | 30 | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 Battle of the Boyne Holiday (NIR) | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | | | | 1. | Officers witnessed noise outside 23:30 to 23:59 | 00:00-03:30 22:35 to 23:59 |
| 26 00:00 to 03:00 | 27 00:00 to 02:03 | 28 | 29 23:15 to 23:59 | 30 00:00 to 03:50 | 31 01:00 to 02:13 | 1 |

August

September 2020

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--|-------------------------------------|----------------------------|-----------|-----------|-----------|----------------------------|
| 26 | 27 | 28 | 29 | 30 | 31 | 1 23:30 to 23:59 |
| 2 00:00 to 04:00 23:00 to 23:59 | 3 00:00 to 03:30 | 4 00:00 to 03:30 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 Summer Bank Holiday | 1 | 2 | 3 | 4 | 5 |

BMSDC Licensing Team

From: Simon Bailey
Sent: 03 September 2020 16:14
To: BMSDC Licensing Team
Subject: OFFICIAL-SENSITIVE S51 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
- Caffeine Lounge, 14 Borehamgate Shopping Centre, Sudbury CO10 2EG

LICENSING ACT 2003: Application notification

Reference/Type: Section 51 Review of a Premises Licence
Premises: Caffeine Lounge, 14 Borehamgate Shopping Centre,
Sudbury CO10 2EG
Premises Licence Holder: Caffeine Lounge Ltd
Consultation received/ends: 11 August 2020 (starts) **7 September 2020** (ends)

The Planning Enforcement team has received a number of complaints from members of the community local to the licensed premises, raising concerns about the operation of the premises and the behaviours exhibited by patrons.

The concerns raised relate to the congregation of patrons – and others – outside the rear access of the premises. The rear access is used as an alternative to the main front entrance of the premises after 11pm, as required by a planning condition. However, the control exerted by the management of the premises has, according to those reporting concerns to us, resulted in public nuisance issues, particularly around noise but also relating to odours – from patrons vomiting and urinating in the street and alleyways adjacent to the premises. Our complainants have also alleged occurrences of sex acts contrary to public decency.

Further concerns raised by complainants refer to the attendance at the premises of the police. The concerns raised by the complainants relate to drug- and assault-related calls to the police, and the frequency of attendance by the police.

Planning Enforcement has had to refer these concerns on to colleagues within the Council as we have no direct influence over the specifics. There are, however, some related planning conditions which have some relevance.

In particular, we have raised concerns with the licensee regarding:

1. The operation of the establishment accords, in all respects, with the particulars of the Noise Management & Dispersal Policy, required by Condition 4 of planning permission ref. DC/19/01721, and approved under 'discharge of conditions' application ref. DC/19/05764;
2. The use of the main entrance doors is restricted to emergency use only between the hours of 11pm and 8am, in accordance with Condition 9 of planning permission ref. DC/19/01721; and,
3. The use of the premises as an "e-games lounge bar" is restricted to the hours provided for under Condition 11 of planning permission ref. DC/19/01721.

In addition, we expressed concern that pre-commencement conditions attached to the principal planning permission, ref. DC/19/01721, had not been appropriately discharged as required, prior to opening of the facility. Whilst we acknowledge the licensee had sought to discharge the conditions, the Local Planning Authority ("LPA") had refused, in part, discharge of conditions application ref. DC/19/05764 – specifically in relation to Conditions 5 (sound insulation) and 10 (acoustic validation report) of planning permission ref. DC/19/01721. We are experiencing some reluctance on behalf of the licensee to engage effectively with us on these points.

In conclusion, we remain concerned that the facility is not being operated in accordance with the approved Noise Management and Dispersal Policy, and this is reflected in the congregations of patrons and other people outside the rear access of the property. We believe this to be an operational management issue falling within the responsibility of the business occupying the premises, and is giving rise to public nuisance.

We are also concerned that there is “creep” in the use of the premises, specifically away from being primarily a premises used for e-gaming with an ancillary bar facility, and towards principally a drinking establishment with ancillary e-gaming element. That drift in the use is contrary to the terms of the conditions of the principal planning permission, and we suspect it is leading to disorder as a result of excessive consumption of alcohol by patrons.

If any further information is required in relation to the above, please do not hesitate to contact me directly.

Regards,

Simon Bailey BA MSc

Team Leader – Heritage & Planning Compliance

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Thank you for contacting us and for your patience, while we work hard to protect our staff, residents, communities and businesses and keep essential services running during the coronavirus outbreak.

During this time, we may have to reduce or suspend services, but we aim to respond to your query as soon as possible. In some cases we may not be able to deal with your request until business as usual is resumed.



Licensing Officer, Western Area Command, Police Station, Acton
Lane, Sudbury, Suffolk, CO10 1QN. Tel: 01284 774330
PoliceAlcoholLicensing@suffolk.pnn.police.uk

Licensing Team
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Date: 04/09/2020

Police Representation under the Licensing Act 2003

Caffeine Lounge, 14 Borehamgate Shopping Centre, Sudbury, Suffolk CO10 2EG

As a Responsible Authority under the Licensing Act 2003, Suffolk Constabulary Police make the following representation in respect of the Section 51 Review of a Premises Licence announced by Council (consultation ends 7th Sept 2020) where the licenced premises are given as Caffeine Lounge, 14 Borehamgate Shopping Centre, Sudbury CO10 2EG. The police representation is made on the grounds that the Licensing Act 2003 Objectives of "Prevention of Crime and Disorder", and "Prevention of Public Nuisance" are not being met under the current operation of the premises, as the following submission and associated support material will show.

The Premises

The Caffeine Lounge commenced operation in early December 2019. In its application, and throughout the application hearing, it was presented as an e-gaming lounge and not a bar. The applicant made the point to Police and Council that the sale of alcohol would be ancillary to its primary operation as a gaming lounge. This point was made clear in the Licence in "ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY":

"3.2 - The primary business of the premise is an e-gaming centre/e-Sports Lounge."

"3.4 - The premises shall not be used as a vertical drinking establishment."

(See attachment 1)

Further, while the hours of licensable operation sought and granted were Monday to Sunday 09:00 until 03:30, it was presented that the late hours were to allow for the occasional gaming contest that might be held on other international time zones. The picture clearly conveyed by the applicant to police during the application process was that the opening hours would vary according to gaming competitions, and that any late operation would be by exception and not the rule. In "Part 3 Operating Schedule" of the premises licence application the applicant stated:

"Opening times will vary according to occasionally hosting international competitions in different time zones e.g. the USA/FarEast." (See attachment 2)

Police data relating to the period of operation (1 December 2019 to 31 August 2020)

Incidents

Since opening, and accounting for the lockdown closure (from 21/03/2020 – 06/07/2020), the Caffeine Lounge has been open for operations for just under 6 months, yet during this time, between 01/12/2019 and 31/08/2020, Police Licensing systems have recorded 39 'Incidents' related to the premises. 'Incidents' are best defined as an incident which has come to the attention of, or has directly involved police, and which directly or indirectly involves operation of the licenced premises.

For comparison, see the chart below showing the 5 premises in Suffolk with the highest numbers of 'Incidents' during this period.

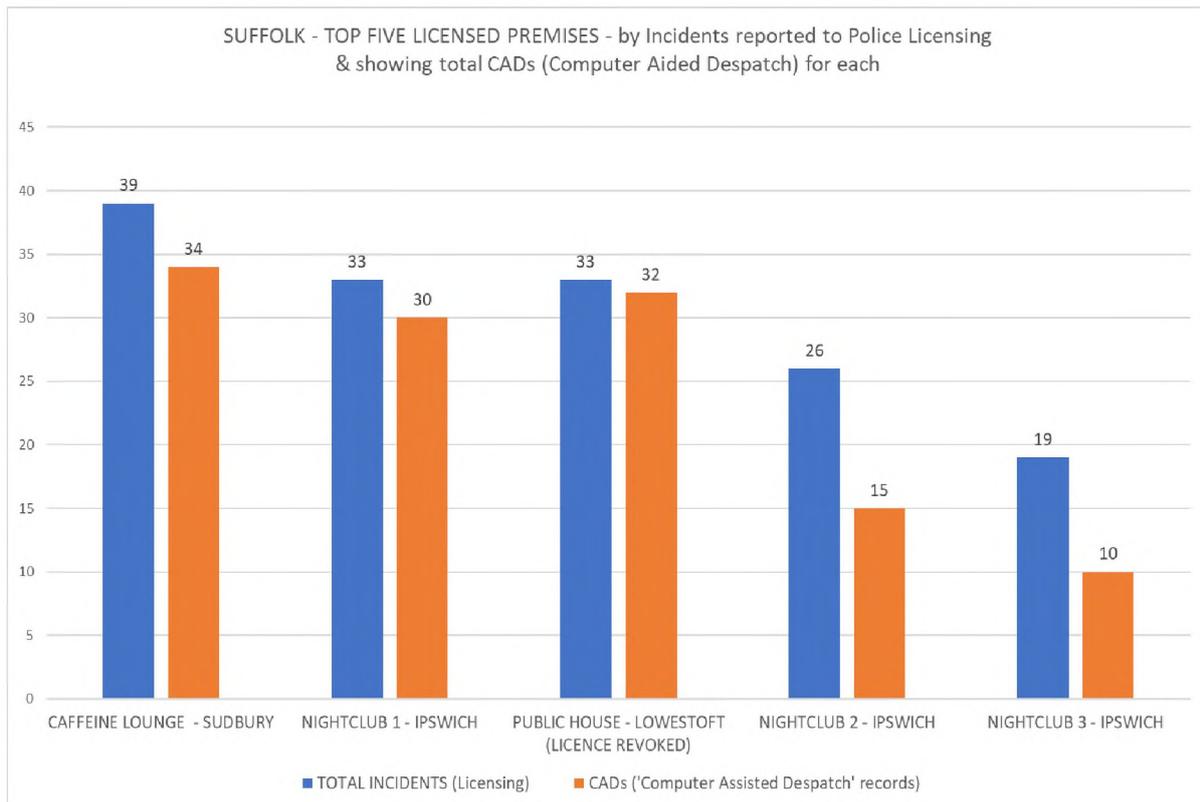
The Caffeine Lounge has the highest number of incidents in Suffolk. Of the next four premises, three are nightclubs in Ipswich (33, 26, and 19 'Incidents' respectively), and one is a public house in Lowestoft (33 Incidents), which has since had its licence revoked.

Calls to police (via 999 or 101) or online crime reports to police, generate a unique CAD (Computer Aided Despatch) reference. A listing of all CADS from 01/12/2019 to 31/08/2020 where the location is given as the Caffeine Lounge returns a total of 34 CADs. Comparative numbers of CADs are also shown on the chart below.

In summary the CADS for the Caffeine lounge are categorised by type in the table below:

| <u>CAD DESCRIPTION CATEGORY</u> | <u>COUNT</u> |
|--|---------------------|
| DRUGS | 7 |
| VIOLENCE AGAINST PERSON | 6 |
| CRIMINAL DAMAGE | 4 |
| PUBLIC ORDER | 4 |
| THEFT - OTHER | 4 |
| SUS CIRCS/INSECURE PREM/VEH | 3 |
| HARASSMENT | 2 |
| NUISANCE - ASB-N | 2 |
| CRIME OTHER | 1 |
| SEXUAL OFFENCE | 1 |
| TOTAL CADS | 34 |

Importantly, an analysis of the CADS by time of day (that the reported event is believed to have to have occurred), shows that of the total of 34 CADS, 23 (68%) of them referred to events that occurred between the hours of 23:00 and 07:00.



Investigations

Where police decide that an offence has been identified, and that a CAD should progress to an investigation (which may or may not lead to a charge and prosecution), they are initiated and recorded on a separate police system.

During its period of operation, the Caffeine Lounge is given as the location for 26 investigations. A table of these investigations is attached (see attachment 3 - note it is 'OFFICIAL SENSITIVE' and not to be disclosed publicly). The table shows the date and 'primary classification' of the offence, as well as a flag showing whether the suspect and/or victim were shown to be intoxicated.

In 13 (50%) of the 26 investigations, the suspect and/or the victim were found to be intoxicated. Additionally, in 5 of the investigations the suspect was charged with possession of drugs.

It should also be noted that 17 (65%) of the investigations relate to offences that have occurred since the premises re-opened on 7th July. In other words, about two thirds of offences have taken place in the last one third of the period of operation of the premises.

Intelligence reports

The Caffeine Lounge is currently linked to 12 separate intelligence reports. 5 of these relate to 'drugs supply', 2 to 'ASB', 1 to 'drugs possession', 1 to 'possession of a knife', and 3 to 'other'.

Observations

Hours of Operation

Soon after opening, it became clear that the hours of operation were different from those anticipated by the application. On the 21st January they were advertised as ***“Mon-Wed 5pm Until Late, Thursday-Sunday Midday Until Late”***. (see attachment 4, image 1)

The most recent “New Opening Times” advertised on the 4th August are: ***“Monday-Wednesday 1700 – Late, Thursday & Friday 1500- Late, Saturday and Sunday 1200 - Late.”*** (see attachment 4 image 2)

Given the majority of incidents that police are attending or investigating are occurring after 23:00, there is a clear link between the level of crime and disorder, public nuisance, and the late opening hours, particularly those after 23:00.

These hours of operation contradict the original stated intention to operate an e-gaming lounge where late hours would only be used to ‘occasionally’ host international gaming competitions in differing time zones. The current hours of operation are those of a late-night bar or nightclub.

No other Licensed premises in Sudbury is operating these hours and this fact is a major source of the problems at the premises. Drinkers from other premises are gravitating in the late night/early hours to the Caffeine Lounge, as the one place that is still serving alcohol and are bringing drunk and disorderly behaviour with them as they do so. Some of this behaviour has escalated into more serious violence, as evidenced by the record of CADs and Investigations.

This late-night attraction of drunk and disorderly behaviour is also the source of much of the noise and ASB that has been complained of by nearby residents that Environmental Health are also dealing with.

An argument has been made that the management of the Caffeine Lounge cannot be held responsible for the behaviour of persons who are in the street on their way to or from the Lounge and to a degree this is true. It is however clear that if the Caffeine Lounge were not offering itself as a late-night bar/nightclub operating into the early hours, the area would not be attracting the problems it is.

Additionally, the premises appear to have become a location for drug possession and dealing. The management have been supportive of police in this regard and have reported a number of drug related incidents, however drugs continue to be found in the premises and it is police contention that as long as the premises remain the only licensed premises open late in Sudbury the drug problem along with other crime and disorder will persist, regardless of any anti-drugs policy maintained by the premises.

Gaming Lounge or Bar/Nightclub

While the current opening hours are not as originally proposed, nor is the use of the premises. Officers attending the premises have routinely noted that few if any people are gaming and the vast majority are simply drinking and socialising. On the occasion of the latest violent incident at 01:20 on the 29th August, CCTV shows only two people using gaming consoles while approximately 25-30 people are seen drinking and socialising in the lounge and bar area.

It is worth noting that the scale of the violent incident on the 29th August, caused the Duty Inspector to authorise the issuing of a Section 35 Dispersal Order under the 'Anti-social Behaviour, Crime and Policing Act 2014'.

This order directs all those on site and covered by the order to leave the designated area immediately and not return for a set period (usually 24 hours). If they do return they are subject to immediate arrest.

This is not an order used lightly and it is extraordinary to see it used in relation to premises describing itself as an e-gaming lounge.

(NOTE – the incident referred to above is in early stages of investigation, and CCTV excerpts will be provided in due course to support this representation)

It is clear to police that the premises are operating primarily as a bar/nightclub, and any e-gaming that is occurring is ancillary to its operation as a bar/nightclub. This appears to directly contravene Condition 3.2 of the premises licence ("**3.2 - The primary business of the premise is an e-gaming centre/e-Sports Lounge**"), and it certainly undermines the intent, if not the wording, of Condition 3.4 ("**3.4 - The premises shall not be used as a vertical drinking establishment.**").

Conclusion and recommendations

The Caffeine Lounge was intended to be an e-gaming lounge operating late only by exception. However, it is actually operating as a nightclub/bar in both character and hours of operation.

It is doing so 7 days a week in a small market town and in a location where continued nuisance to nearby residents will be an inevitable result if such operation continues, thus continuing to undermine the 'Prevent Public Nuisance' objective under the Licencing act 2003.

Further, since it opened in December 2019, the premise has attracted more incidents and Police attention than any other licenced premises in Suffolk. Again, Police believe that if the premises continue to operate as a late-night bar/nightclub, such incidents will continue, and the 'Prevent Crime and Disorder' objective under the Licencing Act 2003 will continue to be undermined.

Police believe that in order to support the licensing objectives action needs to be taken to stop the premises operating as a late-night bar and to ensure that the premises operates in future as Council and Police originally understood it would operate.

Given that two thirds of incidents reported to police are occurring after 23:00, police believe a reasonable remedy would be to restrict its licensable hours for sale/service of alcohol to 09:00–22:30, Monday to Sunday. This would allow a half hour period for drink up and dispersal of any drinkers by 23:00.

Where, in line with its original application, the premises have a bona fide 'e-gaming' reason to operate beyond those hours, a Temporary Event Notice (TEN) may be given, however Police would wish to see evidence of such a bona fide reason provided with any TEN, and would wish to ensure that SIA registered door staff are employed on any such occasion.

Given the business's character, its location in a small market town, and its proximity to local residents, police strongly believe that anything short of these measures will lead to persisting

crime, disorder and public nuisance and hence those Licensing Objectives continuing to be undermined.

If the licence holder wishes to operate as a late-night bar/nightclub, then Police request that a new premises licence application should be made, as this was not the business that the original application described.

Note – As mentioned above, video excerpts from CCTV of incident of 29/08/2020 (which will be marked (OFFICIAL-SENSITIVE/NOT TO BE PUBLICLY DISCLOSED) will be provided in due course, along with any further material supporting the police representation that becomes available prior to the hearing of the licence review.

Please accept this as our formal representation.

Yours sincerely,

Malcolm McKessar
Licensing Officer
Suffolk Constabulary



Babergh District Council

Licensing Authority

You are here » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 10:57 on 5 August 2020

Caffeine Lounge

14 Borehamgate Shopping Centre, King Street, SUDBURY, Suffolk, CO10 2EG

Premises Licence BPL0463 from from 14/06/2019 to indefinite

Licence holder(s)

| | |
|-------------------|---------------------|
| Full Name: | Caffeine Lounge Ltd |
|-------------------|---------------------|

Designated Premises Supervisor

| | |
|-------------------|-----------------|
| Full Name: | Mr William Ward |
|-------------------|-----------------|

Permitted Activities

- an exhibition of a film
- an indoor sporting event
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

Premises Open Hours Granted

| | Time From | Time To |
|-------------------|------------------|----------------|
| Monday to Sunday | 09:00 | 03:30 |
| All bank holidays | 23:00 | 06:00 |
| Christmas Day | 23:00 | 06:00 |
| New Years Eve | 23:00 | 06:00 |
| Christmas Eve | 23:00 | 06:00 |
| New Years Day | 23:00 | 06:00 |

Activities - Times Granted

| | Time From | Time To |
|---|------------------|----------------|
| B. Exhibition of films (Indoors) | | |
| Monday to Sunday | 09:00 | 03:30 |
| All bank holidays | 09:00 | 06:00 |
| Christmas Day | 09:00 | 06:00 |
| New Years Day | 09:00 | 06:00 |
| New Years Eve | 09:00 | 06:00 |
| Christmas Eve | 09:00 | 06:00 |
| C. Indoor sporting event | | |
| Monday to Sunday | 09:00 | 03:30 |
| All bank holidays | 09:00 | 06:00 |
| Christmas Day | 09:00 | 06:00 |
| Christmas Eve | 09:00 | 06:00 |
| New Years Day | 09:00 | 06:00 |
| New Years Eve | 09:00 | 06:00 |

F. Playing of recorded music (Indoors)

| | | |
|-------------------|-------|-------|
| Monday to Sunday | 09:00 | 03:30 |
| New Years Day | 09:00 | 06:00 |
| New Years Eve | 09:00 | 06:00 |
| Christmas Day | 09:00 | 06:00 |
| Christmas Eve | 09:00 | 06:00 |
| All bank holidays | 09:00 | 06:00 |

I. Late night refreshment (Indoors)

| | | |
|-------------------|-------|-------|
| Monday to Sunday | 23:00 | 03:00 |
| All bank holidays | 23:00 | 05:00 |
| Christmas Day | 23:00 | 05:00 |
| Christmas Eve | 23:00 | 05:00 |
| New Years Day | 23:00 | 05:00 |
| New Years Eve | 23:00 | 05:00 |

J. Supply of alcohol for consumption ON the premises only

| | | |
|-------------------|-------|-------|
| Monday to Sunday | 11:00 | 03:00 |
| All bank holidays | 09:00 | 06:00 |
| Christmas Day | 09:00 | 06:00 |
| Christmas Eve | 09:00 | 06:00 |
| New Years Day | 09:00 | 06:00 |
| New Years Eve | 09:00 | 06:00 |

Additional Conditions**ANNEX 1 - MANDATORY CONDITIONS**

The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:

- 1.1 No supply of alcohol may be made under the premises licence:
- (a) At any time when there is no designated premises supervisor in respect of the premises licence; or
- (b) At any time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 1.2 Every sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 (a) 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.
- (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (c) 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 -

- (i) a holographic mark, or
- (ii) an ultraviolet feature.

1.4 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) 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.

For the purposes of this condition "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979, "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 rate 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; ["value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994]

1.5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

1.6 The responsible person must 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: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(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.

1.7 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.

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).

HORISED

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ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The following conditions in Annex 2 are conditions consistent with the operating schedule submitted by the applicant within the application:

2.1 The premises licence holder shall take all reasonable steps and precautions to minimise the risk of disturbance or nuisance to local residents caused by events or attendees at the licensed premises (whether through people noise, entertainment noise, vehicular noise, waste disposal, event set-up or breakdown, littering or noxious odour).

2.2 Staff on duty shall monitor the activity of patrons leaving the premises and assist with a managed departure. Persons leaving shall be reminded to act in a responsible manner and leave the immediate area with consideration to the needs of the local community.

2.3 No illegal drugs shall be permitted on the premises, and all hirers/users made aware of a zero tolerance to drugs on the premises. Notices shall be prominently displayed and maintained in respect of this matter.

2.4 Patrons shall not be permitted to leave the premises with opened bottles or glassware. The premises licence holder shall ensure that customers are not permitted to consume alcoholic drinks outside the premises - which includes whilst they are observing smokefree regulations.

2.5 The premises licence holder shall ensure that notices detailing emergency evacuation procedures shall be prominently displayed and maintained on the licensed premises. Adequate arrangements shall be in place to ensure the safe evacuation of any disabled persons on the premises.

2.6 The premises licence holders shall ensure that relevant members of staff receive and complete suitable and sufficient training to include licensing law, offences in relation to prohibited sales and good practice in relation to promotion of the licensing objection, with written records retained of training undertaken and made available for inspection by the Police or an authorised officer of the Licensing Authority upon reasonable request. An appropriate training manual shall be operated and retained at the licensed premises. Refresher training shall be undertaken at least once every 12 months, with any new member of staff to be trained within six weeks of taking their position and prior to undertaking any direct duties. For the avoidance of doubt this training may be administered in-house/on-line in accordance with the relevant criteria.

2.7 Policies and logs will be written for the premises relating to the following categories:

- Emergency procedures
- Fire safety/evacuation plan
- Refusals/banning policy
- Prohibited items policy
- Dispersal policy
- Door policy
- ID checks policy
- Search policy
- Hiring vetting policy
- Smoking area policy
- Disorder and ejection policy
- Alcohol & social responsibility policy
- CCTV policy and procedure
- Special events policy
- Customer complaints policy
- Incident report form
- Capacity log
- Refusals log
- Banned log
- CCTV log

- Ladies toilet check log
- Gents toilet check log

These policies and logs shall be maintained so as up-to-date, accurate, relevant and subject to annual review. A copy of each policy shall be submitted to and approved by the police and licensing authority prior to its implementation. Each policy shall be fully implemented and in operation within 6 (six) months of **(14 June 2019)**.

2.8 A CCTV system shall be installed and maintained on the licensed premises, with a minimum of six cameras covering the licensed premises. Recordings shall be accurately timed and dated and shall be retained for a minimum period of 31 days. Recordings shall be made available to an authorised officer of the Police or Licensing Authority upon request, and a member of staff competent at downloading/accessing images shall be on duty at the premises whilst it is open to the public. Notices specifying CCTV surveillance is operating shall be displayed prominently at the premises. It should be noted that any retention, use or disclosure of personal information caught on CCTV must be carried out in line with the data protection principles which shall override any conflicting element of this condition.

2.9 An incident book(s)/refusals register shall be kept and maintained on the premises at all times. The book(s) shall detail all incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to police or an authorised officer of the licensing authority on demand.

2.10 The Premises Licence Holder shall ensure that at all times whilst the public are present there is at least one competent person able to administer first aid, and that an adequate and appropriate supply of first aid equipment and materials is available on the premises. Adequate records shall be maintained in relation to the supply of any first aid treatment.

2.11 The premises licence holder shall operate a zero tolerance approach to any illegal or unlawful activities or behaviour occurring or suspected at the licensed premises and the Police shall be promptly notified in respect of any such matters.

2.12 A dispersal policy shall be implemented. There shall be an appropriate wind-down, drinking up and dispersal period at the licensed premises between the last supply of alcohol and closure of the premises.

2.13 The premises licence holder shall adopt a 'Challenge 25' proof of age scheme. The premises licence holder shall operate a requirement for the production of a passport, driving licence or other bona fide form of identity carrying a photographic image, where the individual requesting the supply of alcohol appears to be under the age of 25.

2.14 There shall be no 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.

2.15 Monitoring shall take place both inside and outside of the licensed premises and due regard shall be had to whether the activities may lead to excessive noise at

neighbouring properties. Appropriate remedial steps shall be taken, and recorded, in the event of any excessive noise levels being experienced.

2.16 Notices shall be prominently displayed and maintained on the premises requesting that attendees/ users of the licensed premises leave the premises and the vicinity quietly and with respect to the needs of neighbouring properties.

2.17 Lighting and emergency lighting shall be installed and maintained so as to ensure that good levels of visibility are maintained whilst the premises are being used for licensable activities and the public are on the premises. External lighting should be of such specification and positioning so as to meet this objective without causing any public nuisance by light pollution.

2.18 The premises licence holder shall ensure that suitable and satisfactory public safety risk assessments are undertaken with outcomes to be legibly recorded in a log-book maintained for that purpose.

2.19 Children shall only be permitted on the licensed premises during licensed activities or events where accompanied and/or under the supervision of an adult.

2.20 If the majority of the audience/attendees for an event are under 16 years of age, the number of attendants shall not be less than 1 (one) attendant per 25 (twenty-five) children (or part thereof) present.

2.21 Notices shall be prominently displayed and maintained on the licensed premises advising of the maximum safe occupancy limit for the building. The capacity of persons on the premises shall be monitored and controlled to ensure compliance.

2.22 A burglar alarm shall be installed and maintained at the licensed premises in order to promote the prevention of crime and disorder.

2.23 The premises licence holder shall have in place a Child and Vulnerable Adult Policy which shall require all relevant volunteers to have been suitability vetted for criminal records and barring from working with children or vulnerable adults.

2.24 Where machines/devices are rated for used by over 18s only and are used on the licensed premises, the premises licence holder shall ensure that: they provide a segregated area for over 18s from the rest of the premises. This shall be completed to maintain a physical barrier which is effective to prevent access between areas other than by an entrance designed for that purpose; notices shall be prominently displayed at the entrance to the area stating that no person under the age of 18 is permitted to enter the area; and supervision at all times to ensure that under 18s do not enter the area. For avoidance of doubt the physical barrier may be of temporary structure whilst the over 18's area is in use.

2.25 The premises licence holder shall ensure that a proof of age scheme is adopted to challenge patrons under the age of 18 where the relevant game is over 18 and those under the age of 16 in relation to energy drinks.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

3.1 The premises licence holder shall ensure that a member of staff regularly checks on outside areas where patrons are observing the smoke-free legislation in the designated smoking-areas for the licensed premises. A detailed logbook shall be kept of these occasions.

3.2 The primary business of the premise is an e-gaming centre/e-Sports Lounge.

3.3 The internal layout of the premises cannot be altered without the consent of the Licensing Authority.

3.4 The premises shall not be used as a vertical drinking establishment.

3.5 There shall be no live music at the premises.

3.6 All windows and external doors shall be kept closed between 23:00 hours and 06:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

3.7 No under 18's shall be allowed on the premises after 23:00hrs.

**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/ Caffeine Lounge Ltd
We

(Insert name(s) of applicant)

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

Part 1 – Premises details

| | | | |
|---|---------|-----------------|-----------------|
| Postal address of premises or, if none, ordnance survey map reference or description Caffeine Lounge 14 Borehamgate Shopping Centre Sudbury CO102EG | | | |
| Post town | Sudbury | Postcode | CO10 2EG |

| | |
|---|-------------------|
| Telephone number at premises (if any) | [REDACTED] |
| Non-domestic rateable value of premises | £ £8183.74 |

Part 2 - Applicant details

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

- | | |
|---|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |

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

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

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|--|-----------------------------|---|--|
| <input checked="" type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Miss | <input type="checkbox"/> Ms | <input type="checkbox"/> Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | | | Please tick yes | |
| Nationality | | <input checked="" type="checkbox"/> British | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |

| | |
|----------------------------------|--|
| E-mail address (optional) | |
|----------------------------------|--|

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|---|-----|----------------------|--------------------|--------------------------------|--|
| Mr | Mrs | Miss | Ms | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth over | | I am 18 years old or | | Please tick yes | |
| Nationality | | | | | |
| 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 Caffeine Lounge Ltd |
| Address Foxborough Hills Farm Halstead Road Sible Hedingham Essex CO93AN |
| Registered number (where applicable) 11745088 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) LTD company |

| |
|---|
| Telephone number (if any) [REDACTED] |
| E-mail address (optional) [REDACTED] |

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY
01/05/2019

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

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

The premises which is situated in the Borehamgate Precinct will be used primarily as an esports lounge. It will have Gaming PCs & Consoles set up for people to come and game. The premises will have 1Gb per second of internet speed. This will enable players in the gaming community as either individuals or teams to participate in various competitions to be run locally, nationally and internationally. Universities/educational establishments will run game design workshops. There will be gaming days for the disabled with the aid of a Charity like Special Effects using modified equipment.

TV screens will also be live streaming gaming events from around the world.

Opening times will vary according to occasionally hosting international competitions in different time zones eg the USA/FarEast. The atmosphere we want is that of a fun and relaxing place for customers to hang out on the sofas or chairs and tables and enjoy a new and exciting experience.

The venue will include a bar serving a variety of hot and cold drinks and alcohol.

There will be recorded music played in the background.

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

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

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

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply
- 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 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place in- doors or outdoors or both – please tick (please read guidance note 3) | Indoors | X |
|--|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | 0900 | 0330 | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | | | |
| Tue | 0900 | 0330 | | | |
| | | | | | |
| Wed | 0900 | 0330 | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | 0900 | 0330 | | | |
| | | | | | |
| Fri | 0900 | 0330 | <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 6) | | |
| | | | | | |
| Sat | 0900 | 0330 | Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 0900-0600 | | |
| | | | | | |
| Sun | 0900 | 0330 | | | |
| | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 0900 | 0330 | |
| | | | |
| Tue | 0900 | 0330 | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| Wed | 0900 | 0330 | |
| | | | |
| Thur | 0900 | 0330 | <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 6) |
| | | | |
| Fri | 0900 | 0330 | Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 0900-0600 |
| | | | |
| Sat | 0900 | 0330 | |
| | | | |
| Sun | 0900 | 0330 | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

E

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

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | X |
|---|-------|--------|---|----------|---|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | 0900 | 0330 | <u>Please give further details here</u> (please read guidance note 4) Background music to be played most of the time. Amped music | | |
| Tue | 0900 | 0330 | | | |
| Wed | 0900 | 0330 | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) | | |
| Thur | 0900 | 0330 | | | |
| Fri | 0900 | 0330 | <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 6) Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 0900-0600 | | |
| Sat | 0900 | 0330 | | | |
| Sun | 0900 | 0330 | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>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</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

H

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

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | X |
|---|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | 2300 | 0300 | <u>Please give further details here</u> (please read guidance note 4) Late night refreshments to be served after 2300 -0500 | | |
| Tue | 2300 | 0300 | | | |
| Wed | 2300 | 0300 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | |
| Thur | 2300 | 0300 | | | |
| Fri | 2300 | 0300 | <u>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</u> (please read guidance note 6) Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 2300-0600 | | |
| Sat | 2300 | 0300 | | | |
| Sun | 2300 | 0300 | | | |



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 9).

18+ Rated games. - ID will be required to check the age to play these.

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variations</u> (please read guidance note 5) |
|---|-------|--------|--|
| Day | Start | Finish | Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 2300-0500 |
| Mon | 0900 | 0330 | |
| Tue | 0900 | 0330 | <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 6) |
| Wed | 0900 | 0330 | |
| Thur | 0900 | 0330 | Bank Holidays / Xmas Eve / Christmas / NYE/ New Year 2300-0600 |
| Fri | 0900 | 0330 | |
| Sat | 0900 | 0330 | |

| | | |
|-----|------|------|
| | | |
| Sun | 0900 | 0330 |
| | | |

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)

Follow health and safety / fire safety guidelines
 ID checks where necessary for 18+ games and alcohol. 16+ for Energy Drinks
 Staff training to help create a friendly environment and to be able to deal with any issues that may arise.

b) The prevention of crime and disorder

The premises licence holder shall take all reasonable steps and precautions to minimise the risk of disturbance or nuisance to local residents caused by events or attendees at the licensed premises (whether through people noise, entertainment noise, vehicular noise, waste disposal, event set-up or breakdown, littering or noxious odour).

Staff on duty shall monitor the activity of patrons leaving the premises and assist with a managed departure. Persons leaving shall be reminded to act in a responsible manner and leave the immediate area with consideration to the needs of the local community.

No illegal drugs shall be permitted on the premises, and all hirers/users made aware of a zero tolerance to drugs on the premises. Notices shall be prominently displayed and maintained in respect of this matter.

c) Public safety

Health and Safety / Fire safety standards to be met.

Patrons shall not be permitted to leave the premises with opened bottles or glassware. The premises licence holder shall ensure that customers are not permitted to consume alcoholic drinks outside the premises – which includes whilst they are observing smokefree regulations.

The premises licence holder shall ensure that notices detailing emergency evacuation procedures shall be prominently displayed and maintained on the licensed premises. Adequate arrangements shall be in place to ensure the safe evacuation of any disabled persons on the premises.

The premises licence holders shall ensure that relevant members of staff receive and complete suitable and sufficient training to include licensing law, offences in relation to prohibited sales and good practice in relation to promotion of the licensing objection, with written records retained of training undertaken and made available for inspection by the Police or an authorised officer of the Licensing Authority upon reasonable request. An appropriate training manual shall be operated and retained at the licensed premises. Refresher training shall be undertaken at least once every 12 months, with any new member of staff to be trained within six weeks of taking their position and prior to undertaking any direct duties. For the avoidance of doubt this training may be administered in-house/on-line in accordance with the relevant criteria.

Policies and logs will be written for the premises relating to the following categories:

- Emergency procedures
- Fire safety/evacuation plan
- Refusals/banning policy
- Prohibited items policy
- Dispersal policy
- Door policy
- ID checks policy
- Search policy
- Hiring vetting policy
- Smoking area policy
- Disorder and ejection policy
- Alcohol & social responsibility policy
- CCTV policy and procedure
- Special events policy
- Customer complaints policy
- Incident report form
- Capacity log
- Refusals log
- Banned log
- CCTV log
- Ladies toilet check log
- Gents toilet check log

These policies and logs shall be maintained so as up-to-date, accurate, relevant and subject to annual review. A copy of each policy shall be submitted to and approved by the police and licensing authority prior to its implementation. Each policy shall be fully implemented and in operation within 6 (six) months of **(Licence effective date)**.

d) The prevention of public nuisance

A CCTV system shall be installed and maintained on the licensed premises, with a minimum of six cameras covering the licensed premises. Recordings shall be accurately timed and dated and shall be retained for a minimum period of 31 days. Recordings shall be made available to an authorised officer of the Police or Licensing Authority upon request, and a member of staff competent at downloading/accessing images shall be on duty at the premises whilst it is open to the public. Notices specifying CCTV surveillance is operating shall be displayed prominently at the premises. It should be noted that any retention, use or disclosure of personal information caught on CCTV must be carried out in line with the data protection principles which shall override any conflicting element of this condition.

An incident book(s)/refusals register shall be kept and maintained on the premises at all times. The book(s) shall detail all incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to police or an authorised officer of the licensing authority on demand.

The Premises Licence Holder shall ensure that at all times whilst the public are present there is at least one competent person able to administer first aid, and that an adequate and appropriate supply of first aid equipment and materials is available on the premises. Adequate records shall be maintained in relation to the supply of any first aid treatment.

The premises licence holder shall operate a zero tolerance approach to any illegal or unlawful activities or behaviour occurring or suspected at the licensed premises and the Police shall be promptly notified in respect of any such matters.

A dispersal policy shall be implemented. There shall be an appropriate wind-down, drinking up and dispersal period at the licensed premises between the last supply of alcohol and closure of the premises.

e) The protection of children from harm

The premises licence holder shall adopt a 'Challenge 25' proof of age scheme. The premises licence holder shall operate a requirement for the production of a passport, driving licence or other bona fide form of identity carrying a photographic image, where the individual requesting the supply of alcohol appears to be under the age of 25.

There shall be no 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. Monitoring shall take place both inside and outside of the licensed premises and due regard shall be had to whether the activities may lead to excessive noise at neighbouring properties. Appropriate remedial steps shall be taken, and recorded, in the event of any excessive noise levels being experienced. Notices shall be prominently displayed and maintained on the premises requesting that attendees/users of the licensed premises leave the premises and the vicinity quietly and with respect to the needs of neighbouring properties.

Lighting and emergency lighting shall be installed and maintained so as to ensure that good levels of visibility are maintained whilst the premises are being used for licensable activities and the public are on the premises. External lighting should be of such specification and positioning so as to meet this objective without causing any public nuisance by light pollution.

The premises licence holder shall ensure that suitable and satisfactory public safety risk assessments are undertaken with outcomes to be legibly recorded in a log-book maintained for that purpose.

Children shall only be permitted on the licensed premises during licensed activities or events where accompanied and/or under the supervision of an adult.

If the majority of the audience/attendees for an event are under 16 years of age, the number of attendants shall not be less than 1 (one) attendant per 25 (twenty-five) children (or part thereof) present.

Notices shall be prominently displayed and maintained on the licensed premises advising of the maximum safe occupancy limit for the building. The capacity of persons on the premises shall be monitored and controlled to ensure compliance.

A burglar alarm shall be installed and maintained at the licensed premises in order to promote the prevention of crime and disorder.

The premises licence holder shall have in place a Child and Vulnerable Adult Policy which shall require all relevant volunteers to have been suitability vetted for criminal records and barring from working with children or vulnerable adults.

Where machines/devices are rated for use by over 18s only and are used on the licensed premises, the premises licence holder shall ensure that:

they provide a segregated area for over 18s from the rest of the premises. This shall be completed to maintain a physical barrier which is effective to prevent access between areas other than by an entrance designed for that purpose; notices shall be prominently displayed at the entrance to the area stating that no person under the age of 18 is permitted to enter the area; and supervision at all times to ensure that under 18s do not enter the area. For avoidance of doubt the physical barrier may be of temporary structure whilst the over 18s area is in use.

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

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

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

I understand that I must now advertise my application.

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

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

| | |
|----------|----------|
| Date | 29/11/18 |
| Capacity | Owner |

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

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Image 1

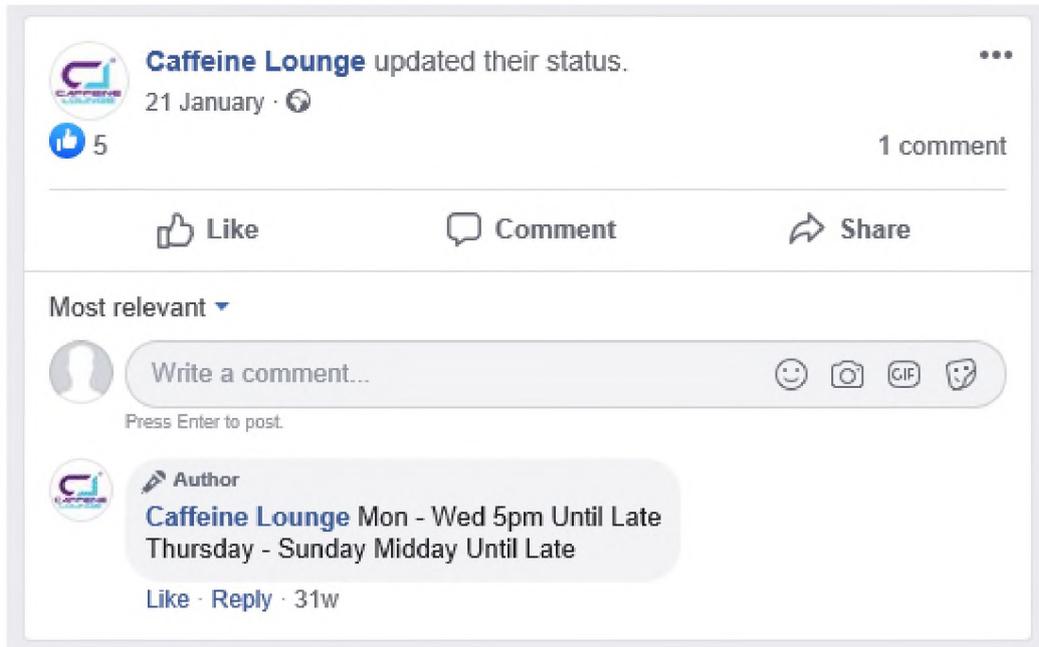


Image 2

