

Licensing Sub-Committee Hearings Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Friday, 30 September 2022 at 11:00

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003.

Information for Members of the Public

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Friday, 30 September 2022 at 11:00

The Licensing Sub-Committee Hearing Members are:

Jeremy Hagon - Member, Dave Harris - Member, Beverley Oxford - Member

The Licensing Sub-Committee Hearing Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 4 are normally dealt with briefly.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Application for a new premises licence

5 - 28

The Sub-Committee will determine an application, made under the Licensing Act 2003, for a premises licence for 59-61 High Street, Wivenhoe to permit the sale of alcohol off the premises.

Procedure at hearings - LA03

29 - 32

Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

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website: www.colchester.gov.uk

Licensing Sub-Committee	Item 5
59-61 High Street, Wivenhoe	FOR GENERAL RELEASE

Purpose of the Report	To determine an application, made under the Licensing Act 2003, for a premises licence for 59-61 High Street, Wivenhoe to permit the sale of alcohol off the premises.
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1. Application

Applicant and Premises	
Application Type	New premises licence
Applicant	Mrs Yogaratnam
Premises Address	59-61 High Street, Wivenhoe CO7 9AZ
Ward	Wivenhoe

Supply of alcohol							
Off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	23.00	23.00	23.00	23.00	23.00	23.00	23.00
Seasonal variations							
Non-standard timings							

2. Conditions

Set out on the Operating Schedule and agreed with the Applicant
<p>1. The premises must install, operate and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 31 days with the date and time stamping. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided. The images must be made available on request by a Police officer or an authorised</p>

officer of the Licensing Authority.

2. All customers will be asked to leave quietly and respectfully and have regard to the neighbours.

3. The licensee and staff will ask persons who appear under the age of 25 for photographic ID such as proof of age cards, the connections card and citizen card, photographic driving licence or passport, official ID card issued by HM Forces or an EU country, bearing the photograph and DOB of the bearer. All staff will be trained for underage sale prevention regularly.

Condition agreed with the Applicant

4. A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the Police or an authorised officer of Colchester Borough Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.

3. Representations

Local Residents		Appendix 2
Essex Police	No objection	

The matter for determination by the Sub-Committee concerns the application for a new premises licence for 59-61 High Street, Wivenhoe, to enable the sale of alcohol off the premises as part of its business as a convenience store.

A number of representations have been received and these have been accepted in so far as they relate to the impact on one or more of the four licensing objective which are

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Under the Licensing Act 2003, need for the premises and the impact on other businesses are not matters that can be considered when determining an application. The Revised Guidance issued under Section 182 of the Licensing Act 2003, and to which the Council must have regard, advises that need concerns commercial demand and is a matter for the planning authority and for the market.

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.

2.10 The Licensing Policy is applicable to all premises providing any licensable activity. Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

2.15 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly, they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind down or chill out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Off-licence	Yes until 22.00	Yes until midnight	Yes until midnight

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:
to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

#

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be

regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

3.26 Where the Licensing Authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the Licensing Authority may give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.

KF4 – Standards to promote the licensing objectives

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application and having regard to their comprehensive risk assessment of the operation of their premises. These measures are not exhaustive, and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only

those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

KF5 Off-sales of alcohol

3.34 The Council has a Public Space Protection Orders (PSPO) in place for the Town Centre to help address and prevent numerous problems caused by public consumption of alcohol which are having a detrimental impact on the quality of life of those in the locality. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale

3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.

3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00.

5. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

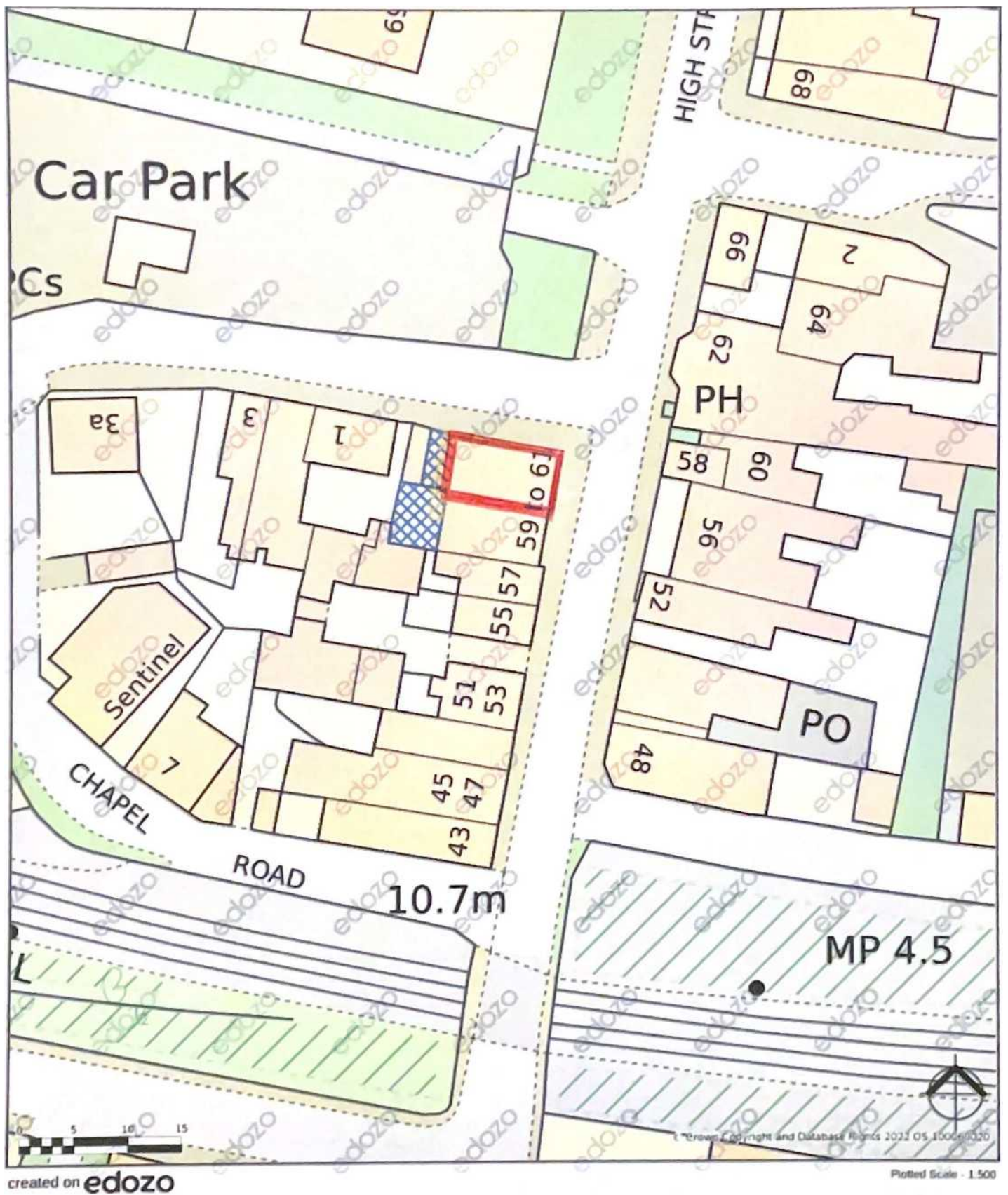
- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Location Plan
Appendix 2	Representations

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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High Street, Colchester

I note the Conditions the Licencing authority intend to impose on the granting of a licence however I would still object on the following grounds.

Firstly, although the concept of a High Street is usually one of retail outlets, entertainment etc, to a late hour, this is not so for Wivenhoe. It has, over the years become a quiet and mainly a residential area. I am aware that there is a Public House opposite the site, however, this is a very long-established business and as far as I know, does not sell alcohol for consumption off of the premises.

Although 'asking' customers to leave the premises quietly at up to 2300 at night (including Sundays) may work for the majority who are reasonable, the minority, will always ignore such suggestions. The flats above and adjacent to the premises are home to vulnerable people who will be disturbed by unreasonable people, as will the other local residents. How would 'disrespectful customers' be dealt with and by whom?

Secondly, the car park and King George's playing fields are ideally located adjacent to the application site for drinking off sales alcohol which may be encouraged by it's availability until late at night. We already have problems with alleged drug dealers at this end of Wivenhoe and this could add to the problems.

I look forward to receiving an acknowledgement to my objection.

High Street

There is already a problem with antisocial behaviour related to alcohol in lower Wivenhoe. Another business selling alcohol late into the evening is definitely not wanted. It would also be in direct competition with three small independent businesses in the immediate vicinity, and the Co-op which is very close by. Off- sales are more than adequately served by the existing businesses.

High Street

There is no need for another business on the high street to obtain a premises licence.

The licence to sell alcohol between the hours of 6am - 11pm is going to cause even more anti social behaviour in the immediate area. There is already a massive problem with underage drinking in the fields next to the high street without another place to serve underage children alcohol. For the safety of the public and local residents another premises licence will not bring any positives to the local community just more crime and disorder.

There are many other reasons including the fact there is double yellows on the high street and people will be abusing that and just pulling up on the street as they already do causing delays to buses and other traffic on the high street.

This licence has more negatives than positives and I'm sure that will be reflected in the number of objections you will receive I just hope you make the right decision to upset one shop owner than a whole community.

High Street

This is a threat to our existing businesses. We do not need another alcohol selling source in this small area. We already have several within a short distance plus pub and wine bar. It is also a threat to our village post office. The proposed opening hours are excessive. The village is already suffering enough from vandalism, much caused by excessive consumption of alcohol in public spaces, bottles and broken glass left causing a danger to us and animals. Please do not approve this application.

Thank you for your email. I am very disappointed by your request for evidence. As someone who observes this appalling behaviour late at night when taking my dog for a final walk around the block, I'm not inclined to take photos and put myself at risk. I will however try to take some of the debris left behind early in the morning, before our wonderful council team have had the chance to clean up. You will no doubt also be aware of the burnt table tennis table in the King George Fields, damaged by youngsters out of control. They were on CCTV but Below a photo from one of the kind dog walkers who clean up regularly after parties on the fields around Wivenhoe. As you can see alcohol is definitely involved and not consumed on licensed premises or with due care and attention.

For further evidence I would also suggest that the Licensing Team look at the Wivenhoe Forum and Wivenhoe Wombles website where plenty of evidence is posted.

I am copying in local councillors who are well aware of the difficulties we face and hope that they will support and provide further evidence. If I can take more photos I will certainly send them. In the meantime please do not reject my objection or those from others simply because we are not in a position to provide it. (This should have been clearly stated on the submission form.)

(photo 1)



Some more images prior to your deadline of Monday.

The burnt table tennis, done by out of had teenagers I understand
(photo 2)



Broken branches on seating area as someone disturbed youngsters collecting wood for a fire?

(photo 3)



I wish I could provide more. But it's not that simple

Some more data from this afternoon

Broken glass beer bottle and fire in a very dry area and under a tree, fortunately I walked on the glass before my barefoot dog (photo 4)



Two empty wine boxes and wrappers strewn on the grass close to a bench, near the area now marked as police surveillance . (I don't think so!)

(photo 5)



Queens Road

It is with dismay that I read of this application for a licensed premises for the following reasons:

1. This new business would jeopardise all the existing shops in the vicinity as it proposes to sell the same range of products, that is: the Greyhound Pub, 6 Beer Bottles, the Post Office, Battles Newsagents, the Delicatessen.
2. The location would encourage more parking on double yellow lines and so be a traffic hazard.

3. The opening hours till 23.00 at night would encourage after hours drinking and rowdyism.

I see no need for such a business in this position in Wivenhoe, especially since it will put other existing businesses at risk of closing. Therefore, there would be more empty shops in this area.

High Street

I am objecting to the granting of this alcohol sales licence as I feel it is totally unnecessary as

currently The Post Office opposite sells alcohol as obviously does The Greyhound public house also opposite and, The Beer Shop, almost next door. Also selling take away alcohol up to 11.pm could well encourage more night time drinking in the Summer months in King Georges Park and on The Quay and the anti social behaviour,. that can go with it.

Secondly the shop is advertising its self as a convenience store open 17 hours a day and will obviously be in direct competition to the Post Office which relies on its general sales to support the running of the Post Office. If this is allowed to go ahead we could easily lose our Post Office.

High Street

I object very strongly to the proposed new convenience store on 2 points

1.Our Post Office opposite this proposed new store survives due to the fact that it is also a general convenience store offering us all we need plus most importantly all the necessary services we enjoy as a Post Office .IF you allow this new store to open it would take away customers from The Post Office -its life blood- and could not afford to continue functioning.

2 The proposed new Convenience store plans to sell alcohol from 10am -11pm !!!It will encourage many to drink more.It will take away trade from The Post Office and The Greyhound.Youth will be able to party more in the park ,church yard ,river front,woods etc,possibly and probably causing anti social behaviour .

To conclude:We do NOT want We do NOT need another convenience store

We DO NEED and WANT our Post Office

Manor Road

There are already several stores close by selling the same items and open until late, so there is no need for another.

There have been several instances of vandalism in that area including setting a table tennis table alight.

The adjoining King George Fifth playing field is often left littered with the detritus of evening drinking sessions which has included broken glass and drug paraphernalia.

There have been accidents in the immediate area where the traffic becomes concentrated by the Queens Road junction, people stopping for the Post Office and entering or leaving the car park. An additional convenience store will exacerbate the situation, especially if there happens to be a bus trying to make its way along the high st.

There is no demonstrable need for any such facility in the town.

Manor Road

There has been an some antisocial behaviour recently with fires and vandalism in this area of the town. Having a new shop selling alcohol in this location and for the long hours stated does not feel as if it adds any benefit and It is a concern that the situation will worsen rather than improve

Palmer Gardens

There seems no point in another shop selling alcohol when the co-op and existing shops also sell alcohol. A shop selling beer, wine and spirits so close to the riverside late into the night is surely inviting problems for residents long after pubs have closed. There is also the issue of double yellow lines and parking...

Clifton Terrace

I am writing to object very strongly to this application for a convenience store at the end of our road, Clifton Terrace. The goods they are planning to sell are very much the same as the Post Office just across the road. The Post Office has to make sales to keep open since the Government stopped paying Post Office staff. If they lose sales they will almost certainly have to close which would be a huge loss to everyone living at the lower end of Wivenhoe.

There are also other shops such as the new coffee shop and the Deli and the Bookshop which sell some of the same things as this convenience store is planning to stock and all struggle to make a living. We do not need another similar shop but rather one selling different goods.

My final objection is to the very long hours this shop is planning to be open: 6am till 11pm which will cause noise nuisance and traffic nuisance in our relatively quiet lane.

I hope the Borough will refuse this application.

The Wivenhoe Society objects to the granting of a licence to sell alcohol at this location. The application appears to be associated with the potential opening of a convenience store. This would be almost directly opposite the Post Office which already serves as a convenience store and sells alcoholic drinks. The residents of lower Wivenhoe greatly value having a Post Office. It relies on revenue from its retail activities for its financial viability. There are two other retail outlets for alcoholic drinks in the immediate neighbourhood so an additional outlet would be overprovision.

The opening hours seem to be until 23.00 hours. The site is very near the King George V playing fields and there could be a danger of antisocial behaviour from groups of young drinkers if off licence purchases are easily obtainable in the area. The other nearby outlets do not stay open so late.

With regard to antisocial behaviour there have been several incidents of vandalism on the King George V fields though there is no direct evidence (apart from empty cans/bottles) that this was alcohol related. 59-61 The High Street is very close to the King George V, see attached map. The Wivenhoe Society's worry is that easy access to off licence alcohol in the evening could exacerbate the problem.

(Wivenhoe Society map)



The Vines

We object to the application for licensing this premise in the heart of Wivenhoe - 6 am - 11 pm for alcohol and food sales.

It is completely unsuitable and should be rejected out of the question, surrounded by residential housing, childrens playground and prominent corner.

It is unsuitable for this village and will undoubtedly cause disturbance and likely mess around and noise late at night.

The Post Office will suffer, they rely on their small grocery store, the Greyhound Pub is opposite and will be affected.

Please reject.

[REDACTED]

23rd August, 2022

Colchester Borough Council
Licensing Team,
33, Sheepen Road,
Colchester, CO3 3WG.

Dear Sir,

APPLICATION FOR A PREMISES LICENSE AT
PROPOSED CONVENIENCE STORE, WIVENHOE

I am writing as a local resident to voice my concerns about a Premises License for the above store.

There is already a pub and the licensed Post Office opposite the proposed store in the High Street. The opening hours for the new premises would be 6 am - 11 pm.

I fear that as well as being a competitor to the existing businesses it would add to the traffic congestion, late night noise and litter in an area with double yellow lines on both sides of the road, which is already a bottle-neck, with a regular bus service stopping outside the Post Office.

There is a car park but customers 'just popping in for a bottle' may well not bother to drive into it.

The Post Office in lower Wivenhoe depends on its shop sales, and especially alcohol, rather than its post office activities, to make it financially viable. The loss of it would be a severe blow for residents - not worth the convenience of being able to buy a bottle first thing in the morning or late at night.

Yours Faithfully

[REDACTED]

Schedule A

Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
 - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
 - (b) orally at the Hearing.

(7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.

(8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:

(a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and

(b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.

(9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.

(10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:

(a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date (notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or

(b) hold the Hearing in the party's absence Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other persons or their representatives and from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or other parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

The Licensing Sub-Committee Hearings Process

