

# Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Friday, 26 February 2016 at 10:00**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

## **Information for Members of the Public**

### **Access to information and meetings**

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. A complete agenda containing details of all the applications is available for inspection at the Customer Contact Centre, Angel Court. Dates of the meetings are available on the Council's website or from Committee Services (see details at the bottom of the page).

### **Private Sessions**

The Council will not record Licensing Sub-Committee Hearings due to their quasi judicial nature and in view of the personal and confidential information that may be disclosed as part of the proceedings which would not be appropriate to be published. The use of phones, tablets, laptops and other such devices is not permitted at Licensing Sub-Committee Hearings.

### **Mobile phones, pagers, cameras, audio recorders**

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

### **Access**

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or Tel: 282222 or textphone (01206) 282266, and we will try to provide a reading service, translation or other formats you may need.

### **Facilities**

Toilets are located on each floor of the Town Hall. A vending machine selling cold drinks is located on the ground floor.

### **Evacuation Procedures**

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester  
Tel 282222 or textphone (01206) 282266  
e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)  
**[www.colchester.gov.uk](http://www.colchester.gov.uk)**

## **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.



**COLCHESTER BOROUGH COUNCIL**  
**Licensing Sub-Committee Hearings**  
**Friday, 26 February 2016 at 10:00**

**Member:**

Margaret Fairley-Crowe - Member, Michael Lilley - Member, Ray Gamble - Member

**Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel.

**AGENDA - Part A**  
(open to the public including the press)

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**1 Appointment of Chairman**

To appoint a Chairman for the meeting.

**2 Welcome and Announcements**

a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

**3 Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

#### 4 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

#### 5 **Minutes**

To confirm as a correct record the minutes of the meetings held on 22 December 2015 and 15 January 2016.

**22 December 2015**

9 - 12

**15 January 2016**

13 - 16

See report by the Head of Professional Services

e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)



# **COLCHESTER BOROUGH COUNCIL**

## **LICENSING SUB-COMMITTEE**

**22 December 2015**

### **MINUTES OF PROCEEDINGS**

At a meeting of the Licensing Sub-Committee held on 22 December 2015 at 10.00am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope  
Councillor Harris for Councillor Lilley  
Councillor Martin

#### **1. Membership**

*RESOLVED* that Councillor Cope be appointed Chairman.

#### **2. Declarations of Interest**

There were no declarations of interest.

#### **3. Minutes**

*RESOLVED* that the minutes of the meetings held on 10 September and 16 October 2015 were approved as a correct record.

#### **4. Licensing Application**

The Head of Professional Services submitted a report in respect of the following application which had been made in accordance with the provisions of the Licensing Act 2003, for a new premises licence for -

- The Waiting Room, Old Bus Station, Queen's Street, Colchester

#### **In Attendance**

Mr M De'ath, applicant

Mr J Ruder, Licensing, Food Safety Manager

Mrs S White, Licensing & Committee Co-Ordinator

Mr Ruder outlined the application and informed the Sub-Committee that one objection had been received in respect of the application from a local resident living within the vicinity of the premises. A representation had been received from Environmental Protection but this had been withdrawn following a reduction in the hours sought and the applicant's agreement to a number of conditions. A letter in support of the application had been received from Councillor Hayes, one of the Ward Councillors for the area.

Mr De'ath, in presenting the application, explained that The Waiting Room was a not for profit community led project set up to celebrate and support the development of local

creative talent. The premises offered workshop facilities, a social space, and a performance venue. The project had taken a rundown building and brought new life to it and the area. It had been operating for the past two years with TENS in addition to providing events that did not require a licence. Following the receipt of the representation opposing the application a number of changes had been made and a licence was now only sought for licensable activities and the sale of alcohol on Friday and Saturday nights. Mr De'ath highlighted that the licence was required on these nights in order to raise funds to ensure the continued operation of the project. The additional hours were sought in order to compete with commercial venues in the town and it was hoped that by extending the hours they would keep people at the premises longer and thereby reduce disturbance from people migrating between premises. He considered that it would make a positive contribution to the town centre providing a different type of venue and one not modelled on high volume vertical drinking which would support the licensing objectives.

In response to questions from the Sub-Committee Mr De'ath informed the Sub-Committee that they had taken advice from the Arts Centre in relation to keeping the noise levels down. They had monitored the ambient noise level in the area at night and found that it was quite high but they would continue to monitor noise levels and make any adjustments required.

The Sub-Committee considered the representation made by a local resident and their proximity to The Waiting Room. It was noted that the resident concerned did not appear to have made any noise complaints to Environmental Protection during the period in which the premises had been operating.

Councillor Hayes addressed the Sub-Committee in support of the application and explained that she had helped to seed fund the project with her locality budget. The sale of alcohol and provision of entertainment was an essential part of the project's operation and helped to fund the other activities. It was a creative and positive venue which engaged with potentially problematic groups of individuals.

#### *RESOLVED -*

- To permit the sale of alcohol on and off the premises, the provision of films and anything of a similar description to live and recorded music and performance of dance as follows –
  - Mondays to Thursdays from 09.00 to 23.00
  - Fridays and Saturdays from 09.00 to 01.00
  - Sundays from 09.00 to 22.30
- Provision of plays, live music, recorded music, performance of dance as follows –
  - Fridays and Saturdays from 09.00 to 01.00
- Provision of late night refreshment as follows –
  - Fridays and Saturdays from 23.00 to 01.00
- The premises to be open to the public for the following hours-
  - Mondays to Thursdays from 08.00 to 23.00
  - Fridays and Saturdays from 08.00 to 01.00
  - Sundays from 08.00 to 22.30

Subject to the additional conditions agreed with Environmental Protection –

- No outside activity is permitted after 21.00.

- All internal amplified sound will be restricted by the installation and use of a noise limiting device.
- All doors allowing access and egress to the premises will be self-closing and will be maintained as such, and kept free from obstruction, at all times thereafter. All doors and windows to be kept closed after 21:00.
- A sheltered gated garden to the rear of the premises, between the Waiting Room and Firstsite, will be used as a smoking area after 21.00.

### **Reasons for the determination**

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and objector under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy. It noted that the application had been reduced considerably following the representation from a local resident and that as a result of the changes Environmental Protection had withdrawn its representation to the application.

The Sub-Committee also had regard to the fact that the premises had been operating for over two years and that the most recent noise complaint made to the Council was in the summer of 2014. The Sub-Committee noted the concerns of the objector but was satisfied with the measures proposed by the applicant to deal with these concerns and control the noise nuisance from the premises. It noted that there was an operating history which indicated that the premises was run without undermining the licensing objectives and it considered that in granting the licence the licensing objectives would not be undermined.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the conditions previously agreed with Environmental Protection.





# **COLCHESTER BOROUGH COUNCIL**

## **LICENSING SUB-COMMITTEE**

**15 January 2016**

### **MINUTES OF PROCEEDINGS**

At a meeting of the Licensing Sub Committee held on 15 January 2016 at 10.00 am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester.

Present: Councillor Harris  
Councillor Hazell  
Councillor Lilley

#### **1. Membership**

*RESOLVED* that Councillor Lilley be appointed Chairman

#### **2. Declarations of Interest**

**Councillor Harris (in respect of knowing Paul D'Angelis) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Lilley (in respect of having received legal advice from Mr Tawn in the past) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

#### **3. Minutes**

*RESOLVED* that the Minutes of the meeting held on 22 December 2015 be approved.

#### **4. Licensing Application**

The Head of Professional Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

- **Silk Road Variation Application**

The Sub-Committee considered a variation application in respect of The Silk Road, 4&5 St. Botolph's Street, Colchester to permit -

- The supply of alcohol on/off the premises for the following hours – Thursday to Saturdays 11.00-04.00.
- Provision of live music, recorded music, performance of dance, other music or dance entertainment for the following hours – Thursdays to Saturdays from 11.00 to 04.00.

- The provision of late night refreshment for the following hours – Thursdays to Saturdays from 23.00 – 04.00.
- The premises to be open to the public for the following hours – Thursdays to Saturdays from 11.00 to 04.30.

## **In Attendance**

On behalf of Applicant: Mr Tawn, Solicitor  
Mr D'Angelis, Regency Security  
Mr Rasih, Owner of Silk Road

Objector: Councillor Frame  
Councillor Hayes

Licensing Authority: Mrs Harrington, Licensing, Professional Services Manager  
Mr Ruder, Licensing, Food and Safety Manager  
Mrs Ozono, Legal Services  
Mr Baker, Democratic Services Officer

Mr Ruder gave a brief summary of the application. Representations had been received by Councillor Frame and Councillor Hayes. The Councillors expressed concern that, in the event that extension of the opening hours was granted, it would go against the new Licensing Policy and exacerbate both public nuisance and crime and disorder in the area.

Two representations had been received from ward councillors for the area opposing the application. Information had been received in advance of the hearing from Councillor Hayes concerning case law that indicated the application should be considered having regard to the Council's 2016 Licensing Policy which was now in force and not the previous policy that had been in force when the application had been submitted.

The applicant and his representatives addressed the Sub-Committee on the application. The applicant outlined that the application had been submitted following work with Regency Security and having held twelve Temporary Event Notices with extended operating hours. Mr D'Angelis, Regency Security, informed the Sub-Committee that the venue had significantly improved its security measures, with CSAS accredited door staffing, and improved use of CCTV to cover the street scene and first aid training. The applicant believed that increasing the opening hours would help to assist the level of trade and recompense for the extra security measures installed. Mr D'Angelis highlighted that the twelve Temporary Event Notices, operating on the extended opening hours were successful and did not cause any issues inside or directly outside the venue. The applicant informed the Sub-Committee that they were fully behind the purple flag scheme.

In response to a question from Councillor Lilley, the applicant and representatives stated that they did not believe that increasing the opening hours would cause more public nuisance or crime and disorder as it would stagger closing times in this part of the Town Centre. The applicants believed that this would reduce the likelihood of stress points occurring in the Town Centre.

In response to questions from Councillor Harris, the applicant confirmed that that direct conversations had not been had with neighbours, but that a high number of local residents were clients of the venue and they had not received any complaints. In addition the applicant had also liaised with the Police and the Licensing Authority to help install measures to reduce the level of crime. The applicant also stated that following the 2014 review of the Silk Road Licence the premises has a new management structure, with a new security team in place, which had led to the venue being serious incident free.

Councillor Hazell questioned whether the extension of opening times would set a precedent for other licenced venues, and therefore cause stress points to move later into the night. The applicant acknowledged that stress points can move, but that late night opening with the correct security measures, such as walkthroughs and talking to customers can be implemented successfully. The applicant added that whilst he could not speak for other venues, the application for Silk Road was submitted in October prior to the introduction of the new Licensing Policy. The applicant also confirmed that the latest entrance time to the venue would remain at 2.45am.

Mrs Ozono, Legal Services, confirmed that the application would be heard under the new Licensing Policy.

Councillor Frame attended the meeting to object to the application for extended hours. Councillor Frame objected on the grounds of prevention of crime and disorder as well as public nuisance. Granting the application could see a significant amount of applications being submitted to vary opening hours, and increase the amount of late night drinking in the town centre. Councillor Frame stated that he was disappointed that the Police had not submitted any evidence to the Licensing Authority regarding the application. Councillor Frame also questioned the publication of the Temporary Event Notices as to whether members of the public were aware of the extended opening hours.

Councillor Hayes attended the meeting to object the application for extended hours. Councillor Hayes cited the new Licensing Policy and the requirement for venues to provide exceptional circumstances to justify a departure, which would not include the quality of management. Councillor Hayes also highlighted the impact on the street cleaning routine that is currently in place in central Colchester which may have to be delayed, impacting on the Borough Council employees.

In a closing statement the applicant highlighted the measures that the venue had now put in place, and the stress test of Temporary Event Notices which have occurred without incident. The Sub-Committee was informed with regard to the new Licensing Policy that as the venue already exists, this would be a variation to the existing licensing agreement rather than the granting of a new licence.

*RESOLVED* that the application be refused.

### **Reasons for the Determination**

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the presentations made at the hearing by the applicant and objectors under the Licensing Act 2003 and had regard to the Section 182 Guidance.

The Sub-Committee considered the application in the light of the Licensing Policy which had come into force on 1 January 2016. The premises was located within the Old Town Zone and regard was therefore given to the Special Policy for this area which stated that there would be a strong presumption against granting an application in relation to a nightclub. Each application would be considered on its own merits; however, a genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule and must demonstrate that there would be no derogation in the licensing objectives, including from departing customers. Exceptional circumstances would not include the quality of the management or size of venue.

The Sub-Committee had regard to the evidence presented by Mr D'Angelis concerning the operation of the club and the work it had carried out to raise its standards of operation. The Sub-Committee noted that some of these actions had been as a result of an earlier Review which had been called following Police concerns relating to crime and disorder within the premises. Having considered all the evidence the Sub-Committee determined that notwithstanding the considerable improvements in management, an exceptional case justifying departure from the policy had not been demonstrated and the application should be refused.

The applicant was informed that they have the right to appeal the decision if they wish to do so.

**Chairman:**

<b>Licensing Sub-Committee</b>	<b>26 February 2016</b>
<b>The Pavilion</b>	<b>FOR GENERAL RELEASE</b>

<b>Purpose of the Report</b>	To determine an application for a new premises licence, under the Licensing Act 2003, for The Pavilion.
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## 1. Application

<b>Applicant and Premises</b>	
Application Type	New Premises (ref M087819)
Applicant	Elysium Leisure Ltd
Premises	The Pavilion
Premises Address	20-21 Middleborough, Colchester
Premises description	Proposed Restaurant/Bar
Ward	Castle

## Proposed licensable activities and hours

<b>Provision of films</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.00				

<b>Performance of Live Music</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.00				

<b>Performance of Recorded Music</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.00				

<b>Performances of Dance</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.00				

<b>Provision of late night refreshment</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	23.00	23.00	23.00	23.00	23.00	23.00	23.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 23.00 to 03.00				

<b>Supply of alcohol</b>							
<b>On / Off the premises or both</b>			<b>On sales</b>		<b>Off sales</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.00	02.00	02.00	03.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.00				

<b>Hours the premises are open to the public</b>							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	02.30	02.30	02.30	03.30	03.30	03.30	02.30
Seasonal variations							
Non-standard timings			Sundays preceding Bank Holiday Mondays, Christmas Eve, New Year's Eve, Good Friday 07.00 to 03.30				

## 2. Conditions

### Offered on the operating schedule

1. Training will be given to all staff to ensure that drunken and anti-social guests are appropriately dealt with.
2. A high quality CCTV system will be fitted with cameras throughout the premises. Tapes/discs will be kept for 31 days.
3. Sufficient staff will be trained in the use of the CCTV system.
4. The premises have been fitted out in line with current and up to date British Building Regulation Standards for fire safety.
5. The perimeter of the building will be well illuminated.
6. Polite signs to be placed at all exits from the premises encouraging customers to be quite on leaving the premises and area and to respect the rights of people living nearby and on the route home. The same encouragement to be given to the bar and door staff at the end of the evening
7. A noise limiting device shall be installed, fitted and maintained in such a manner as to control the source of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains and power sockets within the area of the music equipment. Once set such a device should be inaccessible to the staff.
8. Amplified sound shall not be audible at the boundary of any noise sensitive premises.
9. Customers shall not be permitted to congregate and consume alcohol sold or supplied by the premises within the vicinity of the premises. The removal of alcohol shall be prevented if it is intended for such purpose.
10. All young children will be accompanied by an adult at all times.

## 2. Representations

Licensing Authority	Sally Harrington, Licensing Service Manager	Appendix 3a
Environmental Protection	Rita Parkin/Sam Riley, Environmental Protection Officer	Appendix 3b
Local Residents		Appendix 3c
Colchester Civic Society	Austin Baines, Secretary to Colchester Civic Society	Appendix 3d

### 3. 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

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

#### **Special Policy for Colchester's Old Town Zone**

The application is in an area where the Council has adopted a special policy, known as the Old Town Zone Policy. This means that in the area in which the premises is situated, there is evidence of problems associated with operation of licensed premises and the promotion of the licensing objectives is being undermined. Regard must therefore be given to Section 9 of the Policy.

#### **Departures from Policy**

2.17 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the standards expected in order to ensure the promotion of the licensing objectives. The Licensing Authority may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. However, it is expected that any such departure would only be in exceptional circumstances.

9.11 Exceptional circumstances will not include the quality of management or size of venue.

### 4. Background Information

Information relevant to the licensing and/or operation of the premises

The premises, known as the River Lodge, is currently operating under premises licence M004188. A copy of this licence is shown at Appendix 4.



## 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	Application
Appendix 2	Premises plans and location plan
Appendix 3	Responsible authorities/other bodies representations and supporting documentation
Appendix 4	Premises Licence for River Lodge

## Report Author

John Ruder, Licensing Manager	email <a href="mailto:jon.ruder@colchester.gov.uk">jon.ruder@colchester.gov.uk</a> telephone 01206 282840
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[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Elysium Leisure Limited

*(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 <b>Pavilion Restaurant</b> <b>20-22 Middleborough</b> <b>Colchester</b>			
<b>Post town</b>	Colchester	<b>Postcode</b>	CO1 1QX

Telephone number at premises (if any)	<b>01206 368369</b>
Non-domestic rateable value of premises	<b>£40,000</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | 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:

Please tick yes

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
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 Elysium Leisure Limited
Address 7 The Centre Colchester Business Park Colchester CO4 9QQ
Registered number (where applicable) 07493972
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited 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			
1	1	0	1	2	0	1	6

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**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**

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

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) Promotional material for example		
Mon	0700	0200			
Tue	0700	0200			
Wed	0700	0200	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	0700	0300			
Fri	0700	0300	<b>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</b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0300.		
Sat	0700	0300			
Sun	0700	0200			



C

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

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon				
Tue				
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0700	0200			
Tue	0700	0200			
Wed	0700	0200	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	0700	0300			
Fri	0700	0300	<b>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</b> (please read guidance note 5)		
Sat	0700	0300	Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0300.		
Sun	0700	0200			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0700	0200			
Tue	0700	0200	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	0700	0200	<b>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</b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0300.		
Thur	0700	0300			
Fri	0700	0300			
Sat	0700	0300			
Sun	0700	0200			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0700	0200			
Tue	0700	0200			
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed	0700	0200			
Thur	0700	0300			
			<b><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></b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0300.		
Fri	0700	0300			
Sat	0700	0300			
Sun	0700	0200			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

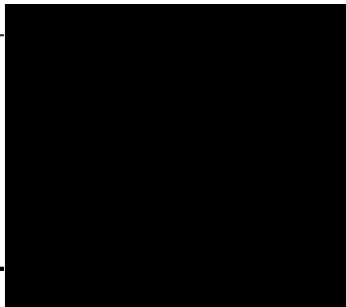
I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	2300	0200			
Tue	2300	0200	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed	2300	0200			
Thur	2300	0300			
Fri	2300	0300	<b>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</b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 2300 – 0300.		
Sat	2300	0300			
Sun	2300	0200			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	0700	0200			
Tue	0700	0200			
Wed	0700	0200			
Thur	0700	0300	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0300.		
Fri	0700	0300			
Sat	0700	0300			
Sun	0700	0200			

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

Name	
	
Personal licence number (if known) 4498	
Issuing licensing authority (if known) Colchester Borough Council	



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 8).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	0700	0230	
Tue	0700	0230	
Wed	0700	0230	
Thur	0700	0330	
Fri	0700	0330	<b>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</b> (please read guidance note 5) Sundays preceding Bank Holiday Mondays, Christmas Eve, New Years Eve, Good Friday: 0700 – 0330
Sat	0700	0330	
Sun	0700	0230	

**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 9)**

**b) The prevention of crime and disorder**

Training will be given to all staff to ensure that drunken and anti social guests are appropriately dealt with.

A high quality CCTV system will be fitted with cameras throughout the premises. Tapes/discs will be kept for 31 days. Sufficient staff will be trained in the use of the CCTV system.

**c) Public safety**

The premises have been fitted out in line with current and up to date British Building Regulation standards for fire and safety.

The perimeter of the building will be well illuminated.

**d) The prevention of public nuisance**

Polite signs to be placed at all exits from the premises encouraging customers to be quiet on leaving the premises and area and to respect the rights of people living nearby and on the route home. The same encouragement to be given to the bar and door staff at the end of the evening.

A noise limiting device shall be installed, fitted and maintained in such a manner as to control the source of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains and power sockets within the area of the music equipment. Once set, such a device should be inaccessible to the staff.

Amplified sound shall not be clearly audible at the boundary of any noise sensitive premises.

Customers shall not be permitted to congregate and consume alcohol sold or supplied by the premises within the vicinity of the premises. The removal of alcohol shall be prevented if it is intended for such purpose.

e) The protection of children from harm

All young children will be accompanied by an adult at all times.

**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. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	<i>F. Hens.</i>
Date	<i>18/12/15</i>
Capacity	Applicants solicitor

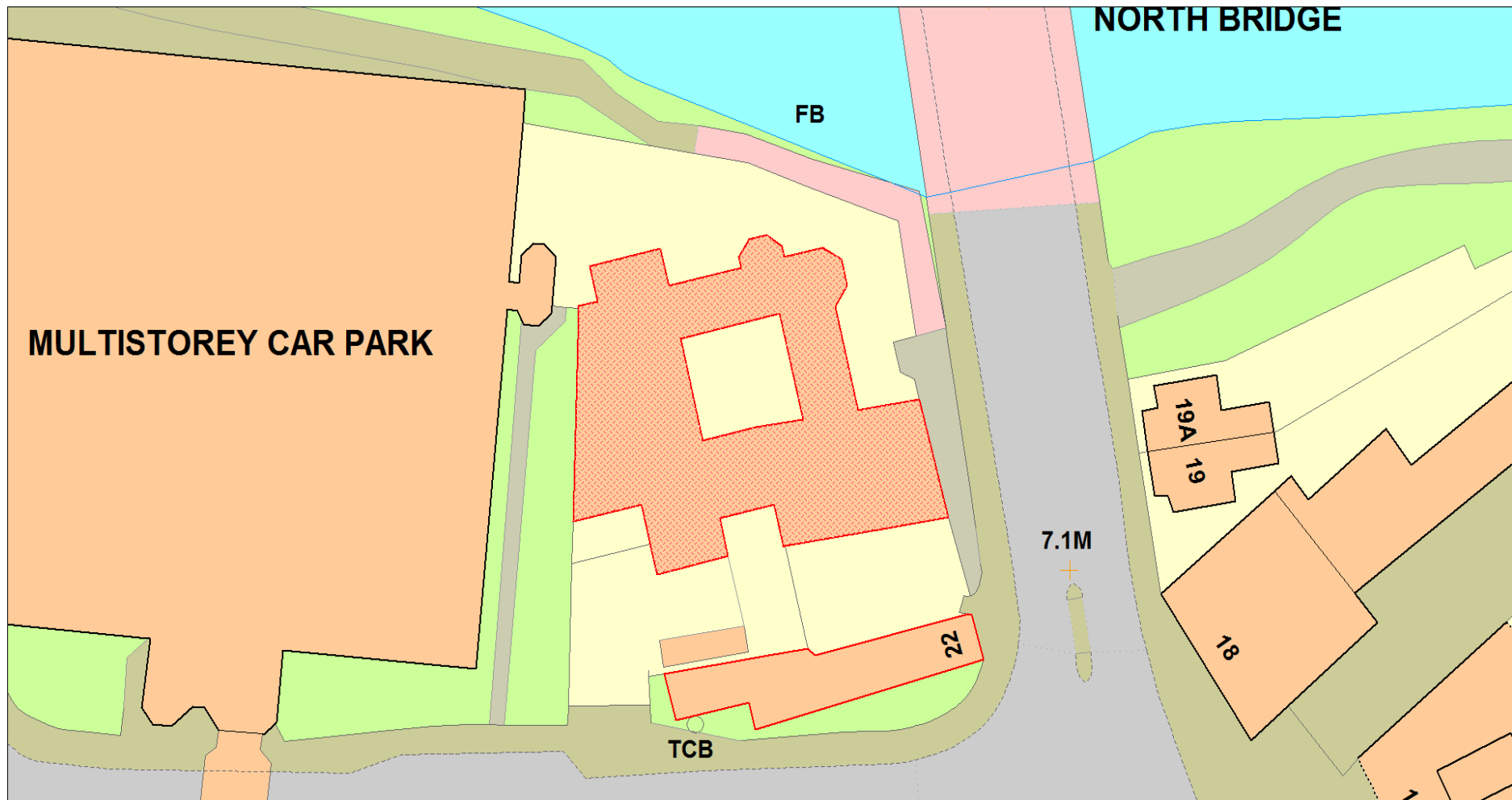
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Louise Bland Ellisons Headgate Court Head Street			
Post town	<b>Colchester</b>	Postcode	<b>CO1 1NP</b>
Telephone number (if any)	01206 719603		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Louise.bland@ellisonssolicitors.com			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on 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'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



## Premises Location Plan

© Crown copyright and database rights 2015 Ordnance Survey 100023706.

**Application Reference:** 087819

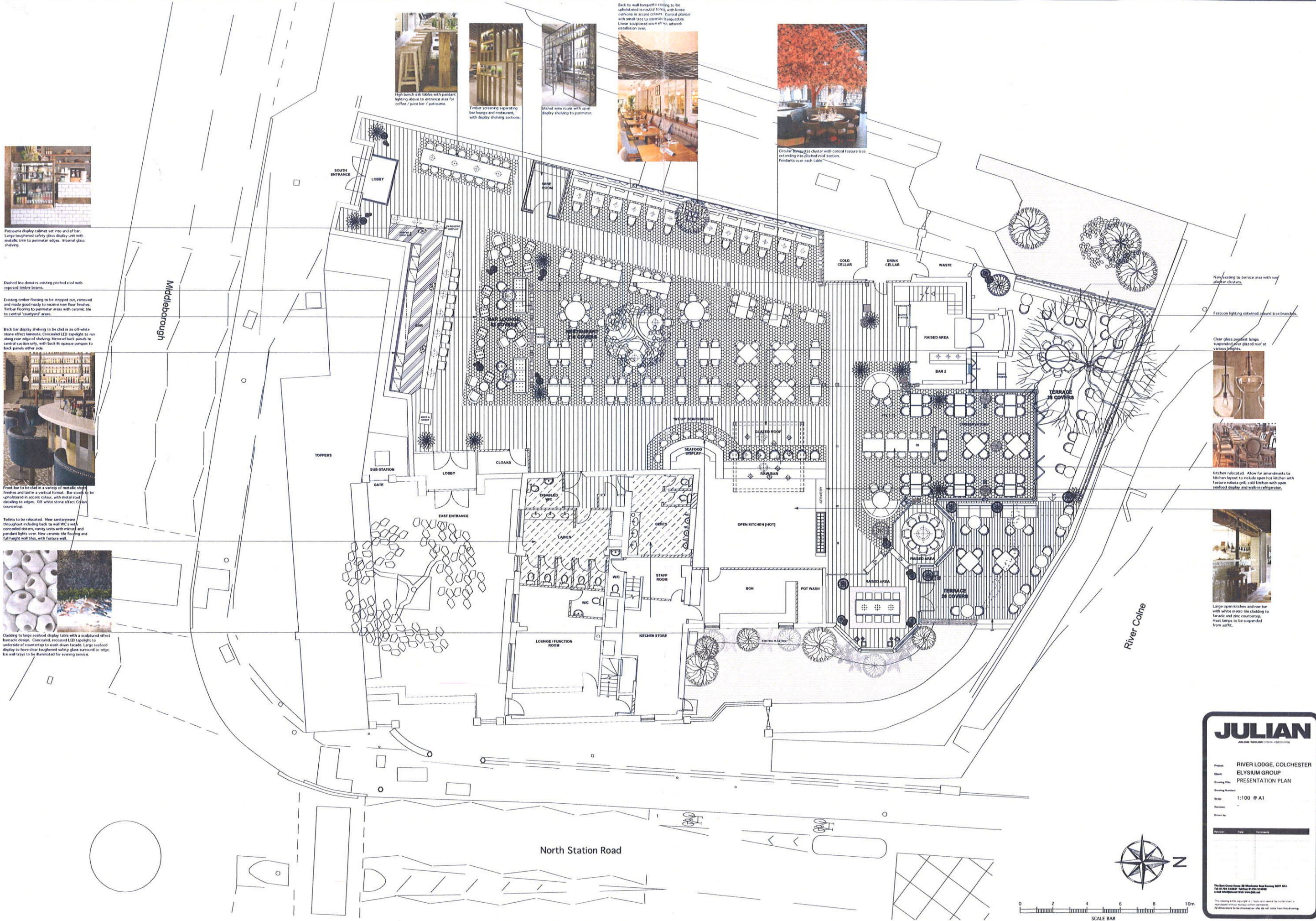
**Premises Address:** Pavilion Restaurant, 20-21 Middleborough, Colchester, CO1 1QX

**Date Produced:** 11 February 2016

(Map Not to Scale)







Perimeter display cabinet set into end of bar. Large toughened safety glass display unit with metallic trim to perimeter edges. Internal glass shelving.

Dashed line denotes existing pitched roof with exposed timber beams.

Existing timber flooring to be stripped out, removed and made good ready to receive new floor finishes. Timber flooring to perimeter areas with ceramic tile to central 'outdoor' areas.

Back bar display shelving to be clad in an off white stone effect laminate. Concealed LED tape light to run along rear edge of shelving. Mirrored back panels to central section only, with back lit opaque panels to back panels either side.



Front bar to be clad in a variety of metallic sheet finishes and laid in a vertical format. Bar stools to be upholstered in accent colour, with metal stud detailing to edges. Off white stone effect Colson countertop.

Toilets to be relocated. New sanitaryware throughout including back to wall WC's with concealed cistern, vanity units with mirror and pendant lights over. New ceramic tile flooring and full height wall tiles, with feature wall.



Cladding to large seafood display table with a sculptured effect barbed design. Concealed recessed LED spotlight to underside of countertop to wash down facade. Large seafood display to have clear toughened safety glass surround to edge. Ice well trays to be illuminated for evening service.



High bench oak tables with pendant lighting above to entrance area for coffee / juice bar / patisserie.



Timber screening separating bar lounge and restaurant, with display shelving sections.



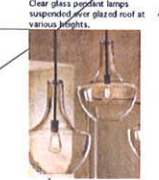
Grazed wine route with open display shelving to perimeter.



Back to wall banquet seating to be upholstered in neutral tones, with loose cushions in accent colour. Central planter with small trees to separate banquette. Linear sculptured wave effect artwork installation over.



Circular banquet cluster with central feature tree extending into pitched roof section. Pendants over each table.



Non seating to terrace area with new planter clusters.

Feature lighting obtained around tree branches.

Clear glass pendant lamps suspended over glazed roof at various heights.



Kitchen relocated. Allow for amendments to kitchen layout to include open hot kitchen with feature robotic grill, cold kitchen with open seafood display and walk-in refrigerator.



Large open kitchen and raw bar with white metro tile cladding to facade and zinc countertop. Heat lamps to be suspended from soffits.

**JULIAN**  
JULIAN ARCHITECTS LTD

Project: RIVER LODGE, COLCHESTER  
Client: ELYSIUM GROUP  
Drawing Title: PRESENTATION PLAN  
Drawing Number:  
Scale: 1:100 @ A1  
Revision:  
Drawn by:

Rev	Date	Comments

The River Lodge, 28 Wharfedale Road, Hove, Brighton BN1 6AA  
Tel: 01323 513131 / 01323 513132  
Email: info@julianarchitects.com  
www.julianarchitects.com

This drawing is the copyright of J. Julian Architects and is not to be used in any other project without written permission. All dimensions to be checked on site, do not rely on this drawing.









## Licensing Authority – Representation

Premises Name	Premises Address
Pavilion Restaurant	20-22 Middleborough, Colchester CO 1 1QX <b>LA reference:</b> 87819

### Licensing Objectives affected

Failure to address the requirements of the Policy will undermine the following licensing objectives –

- Prevention of crime and disorder
- Prevention of public nuisance

### Licensing Authority Representation

The Licensing Authority objects to this application on the following grounds –

- It is contrary to the Council Borough Council Statement of Licensing Policy 2016-2021.
- The application does not demonstrate exceptional circumstances that would justify a departure from the Policy.
- [REDACTED]
- Failure to address the requirements of the policy will result in the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance being undermined.

### Policy References

The premises is located within Colchester's Old Town Zone which is subject to a special policy. Section 9 of the Policy refers.

*Having regard to the issues within the Old Town Zone the Licensing Authority has also set out particular matters to which it expects operators to pay attention in order to ensure their operation will not add to problems in the area. Any applications which fail to address all appropriate matters may be refused or have conditions applied to comply with the policy measures.*

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## Consultation Response

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**Environmental Protection Officer:** Rita Parkin  
**Licensing Reference No:** 087819

**Ward:** Castle

**Location:** Pavilion Restaurant 20-21 Middleborough, Colchester, CO1 1QX

**Details:** Premises Licence Application

**Scheduled Response Date:**

---

### **Environmental Protection's Comments: -**

*The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective*

### **Environmental Protection objects to this application.**

These premises are located in close proximity to a number of residential properties. The area is generally quiet late in the evening once traffic levels die down. In 2000 a Noise Abatement Notice was served to control noise levels when the premises were known as Quilters. Although there have been no recent complaints this serves to demonstrate its noise sensitive location.

We have particular concerns about the outside area, located on the northern side close to the river, which is likely to impact on the Riverside Cottages if used late in the evening/night. Past investigations by Environmental Protection Officers has shown that people talking loudly in the early hours of the morning in this outside area will impact on the nearby residents. This yard is the designated smoking area so late opening will result people congregating here even if the dining/drinking is inside.

Environmental Protection appreciates that noise issues have been taken into consideration with the design of the restaurant with the entrance being located away from nearby residents. However we are concerned that people leaving late at night by pickups, taxis and people walking may negatively impact on the locality.

It is our opinion that a premises which is primarily a restaurant does not need to be open until 03.00am. We also believe that the open plan nature of the restaurant lends itself to a future as potential bar rather than restaurant and this is likely to have an even greater impact upon residents.

It is the opinion of Environmental Protection that the existing premises licence which allows opening until 01.30am on a Friday and Saturday and 23.30 Monday – Thursday and Sundays is adequate for a restaurant/bar at this location and has not generated complaints from local residents. Furthermore we understand that the proposed opening hours of this application fall outside of recommendations made under the new Licensing Policy for this zone in Colchester.

*If the application were to be approved Environmental Protection recommends the following conditions:-*

- Opening hours for Bank Holiday Monday is restricted to finish at 00.30.
- The patios/garden/courtyard must not be used by customers after the hours of 23:00.
- No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).
- No music or speech shall be relayed via external speakers.
- Customers shall not be permitted to congregate and consume alcohol sold or supplied by the premises within the vicinity of those premises. The removal of alcohol from the premises shall be prevented, if it is intended for such a purpose.
- Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- All external doors & windows opening onto the terrace must be kept closed after 23.00 other than for access and egress.
- A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff.

*Note to the Applicant:*

*The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration /*

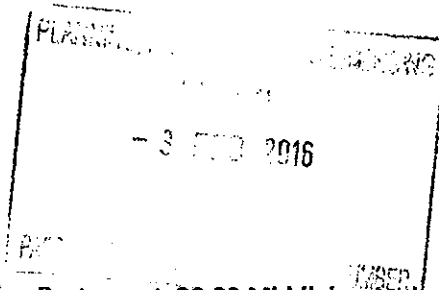
*checking by the owner or operator. Maintenance records must be kept for 12 months.*

Signed: *Rita Parkin*

**Date:** 17/1/2016

**Environmental Protection Officer**

1st Feb 2016



1<sup>st</sup> February 2016

With reference to:

The Licensing Act 2003: Pavilion Restaurant, 20-22 Middleborough, Colchester, CO1 1QX  
Applied for by Elysium Leisure Ltd

Dear Sirs,

I am writing on behalf of myself and the residents of [REDACTED] inclusively to oppose the application of the above notice.

Our experience, of many years, since River Lodge opened has led us to believe this local area to be most unsuitable for the above application. Although River Lodge was described as a restaurant – in which case it could have possibly enhanced this area, it was being run as a night club. Residents of the towpath and the many residents living in this area have had the privilege of being in the middle of one of Colchester's treasures, whilst being close to the town centre, we are able to enjoy the delights of nature, frequented not only by local people but also by the many tourists visiting our town, all enjoying walks along the towpath which lead directly into our Castle Park and also enjoying the wildlife and nature that exists here.

The opening of River Lodge changed the ambience of the areas and caused disruption.

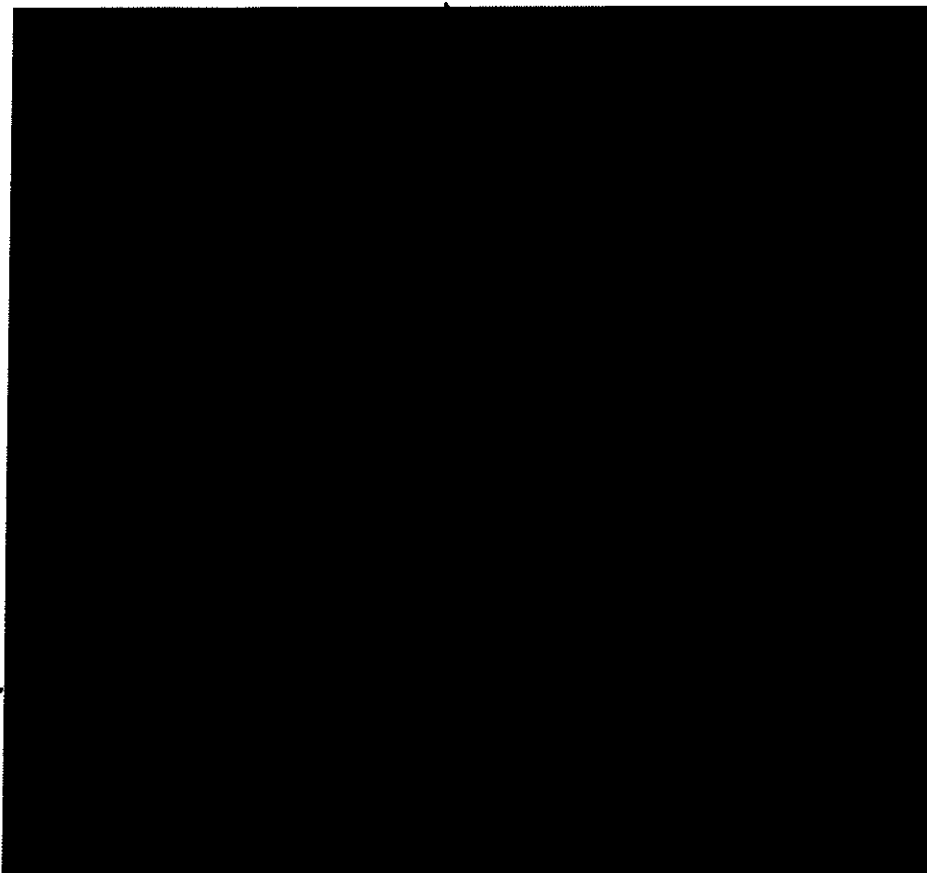
The doors of these premises opened out into a garden eating area which led down to the river bank. As a result, our weekend evenings were filled with the noise of customers and loud music, making it necessary for us to call Noise Abatement on numerous occasions, resulting in these premises being given notice to keep the doors closed and music to an agreed level. However, this notice was constantly ignored, leading to considerable public nuisance which continued after the premises were closed. The residents in the area were then subjected to petty crime, vandalism and noise. On many occasions our flower pots were thrown in the river, side windows in cars were broken, door bells were rung at late hours, cans and bottles were littered around – causing a danger to dog walkers on early morning walks having to avoid broken glass.

Having experienced first hand all of the above, we have every reason to believe a new business run in the same manner with yet more late night opening hours would only serve to encourage more nuisance and vandalism.

As representatives of this opposition, we feel it is a valid and fair reason to oppose this application.

Page 2 of 2

Signed:

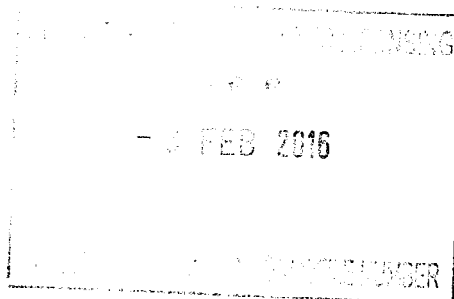


[REDACTED]

The Clerk of the Licensing Committee,  
Colchester Borough Council,  
Rowan House, CO3 3WG

[REDACTED]

2nd February 2016



Dear Sir,

In the matter of the Application of  
Elysium Leisure Ltd. and  
In the matter of Pavilion Restaurant  
at 20-22 Middleborough Colchester.

Pardon me for "stating the bleeding obvious" but I think it is important in any case like this to examine the aspirations of all those involved in the application, the full terms of which are before me as I write and as published in the Daily Gazette. There<sup>are</sup> essentially four parties. I will list them.

1. The Applicant. The sole purpose is to make money, not in itself necessarily a bad thing, by selling alcoholic beverages.
2. The Punters. These are mainly young persons for whom a weekend would not be a weekend without a night - or even two of them - on the town.
3. The persons who live in the surroundings of the Premises.
4. The Borough Council.

As to the Applicant, I would respectfully

Suggest that the Committee enquire into its bona fides. After all it is in no different position than the man or woman who seeks a licence to run the village pub. What track record have they? The Applicant seeks to have granted to it a licence for a quite extraordinary range of activities which taken all together will require extraordinary management skills. Is it really appropriate that the activities listed should all be allowed to take place between the hours of 7.00am and 3.00am the following day? (Many years ago there stood, not on this site but in the vicinity, the 'Market Tavern'. It closed when the cattle market closed. In common with many another market tavern across the country, it enjoyed licensing hours in the early morning for the benefit primarily of the drovers who had set out early in the day to drive their sheep, cattle and pigs to market and were living in a different time zone from the rest of us. But who nowadays needs to be sustained by alcohol at 7.00 am.)

There is little to say about the punks. They are going to be recruited from that pool of revellers, as the Gazette likes to call them, that make Colchester town centre, and particularly the Queen Street and St. Botolph Street area, so notorious. As I write, the local paper's front page today carries the news that two young men have been goaded for an incredibly vicious assault on a banner who was only doing his job. Hardly a day goes by without some new alcohol driven activity in the town.

Along with my immediate neighbours whose letter I have signed and fully endorse, I live in a well



maintained property as do many others in and around this area, and I have to ask the Committee members personally how much would you welcome an establishment as is here proposed on your doorstep. If the Committee were to regard it as suitable to this district then I suppose it would be suitable in The Avenue, Exendon, Mile End or even some rural village, say Layer de la Haye. What would the residents there have to say and would they be ignored? Would any of your committee like to buy my house when I cannot stand the racket, the thud, thud, thud, the boisterous punters, the screaming arguments in the street any longer and seek to move away? The value of my house and all others in the vicinity will plummet if this application goes ahead in anything like its present proposals.

Finally, the Borough itself. Sadly the roll call of shops that are empty grows longer by the day and business rates diminish accordingly. I urge the Committee not to yield to the temptation to seek to replace failed businesses with different kinds of businesses such as these in the hope they will at least pay the rates.

Two former proprietors gave up on this site. Each has caused us a lot of unnecessary grief as also your own Noise Abatement team. I fear the only way this Applicant will succeed is if it is given full rein to ride roughshod over all the quiet, decent and law-abiding citizens - they pay their rates and taxes too - who have hitherto lived contentedly in these parts.



# Colchester Civic Society



2 February 2016

Dear Sir

Proposed new licence – Pavilion, 20-21 Middleborough, Colchester

Having considered this application the Colchester Civic Society make the following observations on this application:-

It lies within the Old Town Zone as defined in the *Statement of Licensing Policy 2016-2021*, and in a part of that zone which has mixed residential and commercial uses. It also lies adjacent to a popular exit from the town centre.

The application includes live and recorded music as well as performance of dance ***both indoors and outdoors***. There is thus a strong likelihood of public nuisance from noise for nearby residents. Moreover there is a likely consequence of disorderly behaviour spilling out into neighbouring streets.

The application is also for the sale of alcohol both on and off the premises. There are thus concerns over problem of on-street drinking or associated public disorders.

The *Statement of Licensing Policy* indicates a preference for last sale times as follows:

Restaurant:	until midnight
Cafe/bar:	until 01.00
Live entertainment:	until 01.00

However the current application is for last sale times of 02.00 Sundays to Wednesdays and 03.00 Thursdays to Saturdays, with closing times of 02.30 and 03.30 respectively. These hours suggest that there will be possible disturbance at very late hours, which, considering that the site is on a principal route out of town, will be causing additional and unacceptable nuisance to residents.

In the light of these observations we believe that this application, as submitted, contravenes the current licensing policy and should be refused.

Yours faithfully

Austin Baines  
Secretary, Colchester Civic Society



# Colchester Borough Council

## Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council  
Licensing Team  
PO Box 889  
Rowan House, 33 Sheepen Road  
Colchester CO3 3WG

Premises licence number: 004188

### PART 1 - PREMISES DETAILS

River Lodge  
20-21 Middleborough

**Post town:** Colchester

**Post code:** CO1 1QX

**Telephone number at premises:** 01206 368369

**Date Licence Granted:** 6 September 2005

### Regulated Activities authorised by this licence:

Performance of Plays	
Film Exhibitions	Licensed
Indoor Sporting Events	Licensed
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	Licensed
Other Music or Dance Entertainment (see Schedule)	Licensed
Facilities for Making Music	Licensed
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	Licensed
Late Night Refreshment	Licensed
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	09.00 to 23.00	
Tuesday	09.00 to 23.00	
Wednesday	09.00 to 23.00	
Thursday	09.00 to 01.00	
Friday	09.00 to 01.00	
Saturday	09.00 to 01.00	
Sunday	09.00 to 23.00	
Seasonal Variations		
Non-Standard Times	09.00 to 01.00 on Christmas Eve, New Years Eve and every Friday, Saturday and Sunday preceeding Bank Holiday Mondays. New Years Eve and New Years Day - the period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years Day.	
On/Off Premises	Alcohol may be served ON and OFF the premises	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		09.00 to 23.00
Tuesday		09.00 to 23.00
Wednesday		09.00 to 23.00
Thursday		09.00 to 23.00
Friday		09.00 to 00.00
Saturday		09.00 to 00.00
Sunday		09.00 to 23.00
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		Activity may take place INDOORS
Further Details		Films on DVD etc may be used as part of customer entertainment both on large screens and the surrounding screens. Age restricted films will only be shown where appropriate to the age guidelines issued by the British board of film classification.
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday	09.00 to 23.00	
Tuesday	09.00 to 23.00	
Wednesday	09.00 to 23.00	
Thursday	09.00 to 23.00	
Friday	09.00 to 0.00	
Saturday	09.00 to 0.00	
Sunday	09.00 to 23.00	
Seasonal Variations		
Non-Standard Times	It is possible that we may wish to stage darts matches or table games like race nights etc.	

<b>Indoors/Outdoors</b>		
<b>Further Details</b>		
	<b>Performance of Live Music</b>	<b>Playing of Recorded Music</b>
<b>Monday</b>	20.00 to 23.00	09.00 to 23.00
<b>Tuesday</b>	20.00 to 23.00	09.00 to 23.00
<b>Wednesday</b>	20.00 to 23.00	09.00 to 23.00
<b>Thursday</b>	20.00 to 23.00	09.00 to 23.00
<b>Friday</b>	20.00 to 23.00	09.00 to 23.00
<b>Saturday</b>	20.00 to 23.00	09.00 to 23.00
<b>Sunday</b>	20.00 to 23.00	09.00 to 23.00
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>	20.00 to 24.00 Fridays, Saturdays and Sundays of Bank Holiday weekends, Christmas Eve and New Years Eve.	
<b>Indoors/Outdoors</b>	Activity may take place INDOORS	Activity may take place INDOORS
<b>Further Details</b>	We wish to stage from time to time live music with groups/artists etc using their own PA systems and amplified music we recognise that this can be of potential nuisance and have restricted the hour of termination to 23.00.	We seek permission to play recorded music from when we are open 09.00 to 24.00 hrs. Recorded music will be of background nature in the main bar but amplified to a higher level on the dance area (yellow) and function room.

	<b>Performance of Dance</b>	<b>Other Music or Dance Entertainment</b>
<b>Monday</b>	20.00 to 23.00	20.00 to 23.00
<b>Tuesday</b>	20.00 to 23.00	20.00 to 23.00
<b>Wednesday</b>	20.00 to 23.00	20.00 to 23.00
<b>Thursday</b>	20.00 to 23.00	20.00 to 23.00
<b>Friday</b>	20.00 to 0.00	20.00 to 0.00
<b>Saturday</b>	20.00 to 0.00	20.00 to 0.00
<b>Sunday</b>	20.00 to 23.00	20.00 to 23.00
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		
<b>Indoors/Outdoors</b>	Activity may take place INDOORS	Activity may take place INDOORS
<b>Further Details</b>	We would like to employ cabaret's act from time to time some of which will use dancers.	On occasions adult entertainment associated with specific events such as hen nights, stag parties etc. These events will be staged in such a way as not to offend customers or minors present in the premises.
	<b>Facilities for Making Music</b>	<b>Facilities for Dancing</b>
<b>Monday</b>	20.00 to 23.00	20.00 to 23.00
<b>Tuesday</b>	20.00 to 23.00	20.00 to 23.00
<b>Wednesday</b>	20.00 to 23.00	20.00 to 23.00
<b>Thursday</b>	20.00 to 23.00	20.00 to 23.00
<b>Friday</b>	20.00 to 0.00	20.00 to 00.00
<b>Saturday</b>	20.00 to 0.00	20.00 to 00.00
<b>Sunday</b>	20.00 to 23.00	20.00 to 23.00
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		
<b>Indoors/Outdoors</b>	Activity may take place INDOORS	Activity may take place INDOORS
<b>Further Details</b>	We seek permission to operate Karaoke and talent nights with amplified music associated with the form of entertainment.	If permissions are granted we would like to introduce dancing to the central square area (yellow) and for private parties taking place in the function room. We understand that sound monitoring provisions will need to be addressed.
	<b>Other Facilities for Music &amp; Dance</b>	<b>Late Night Refreshment</b>
<b>Monday</b>	08.00 to 23.00	23.00 to 23.30
<b>Tuesday</b>	08.00 to 23.00	23.00 to 23.30
<b>Wednesday</b>	08.00 to 23.00	23.00 to 23.30
<b>Thursday</b>	08.00 to 23.00	23.00 to 01.30
<b>Friday</b>	08.00 to 23.00	23.00 to 01.30
<b>Saturday</b>	08.00 to 23.00	23.00 to 01.30
<b>Sunday</b>	08.00 to 23.00	23.00 to 23.30
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		
<b>Indoors/Outdoors</b>	Activity may take place INDOORS	The provision of Late Night Refreshments is permitted INDOORS and OUTDOORS

<b>Further Details</b>	We seek permission to hold comedy club events, fashion shows and day and evening seminars with or without the provision of food also with amplified music background and voice overs.	We understand late night refreshment to mean food service after 23.00 hrs we request the opportunity of serving substantial food between 23.00 and 24.00 hrs in the main bar and terrace overlooking the river.
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<b>The Opening Hours of the Premises</b>	
<b>Monday</b>	09.00 to 23.30
<b>Tuesday</b>	09.00 to 23.30
<b>Wednesday</b>	09.00 to 23.30
<b>Thursday</b>	09.00 to 01.30
<b>Friday</b>	09.00 to 01.30
<b>Saturday</b>	09.00 to 01.30
<b>Sunday</b>	09.00 to 23.30
<b>Seasonal Variations</b>	09.00 to 01.30 Christmas Eve, New Years Eve and every Friday, Saturday and Sunday preceeding Bank Holiday Mondays. New Years Eve and New Years Day - the period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years Day.
<b>Non-Standard Times</b>	

<b>Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:</b>
Alcohol may be served ON and OFF the premises

<b>PART 2</b>	
<b>Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence</b>	
<b>Licence Holder 1</b>	<b>Licence Holder 2</b>
Elysium Leisure Limited 2 Brook House Wivenhoe Business Centre Hamilton Road Wivenhoe CO7 9DP Tel: 01206 844448 E-mail:	Tel: E-mail:

<b>Registered number of holder; for example, company number, charity number (where applicable):</b> 07493972
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<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
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<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:</b>  004498 Colchester BC
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*Karen Newman*

Karen Newman – Public Health & Enforcement Service Manager

30 October 2012

**Date of Issue**



## Annex 1 – Mandatory Conditions

### Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

### Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority

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**Please note that Conditions 1,2,3 and 5 below do NOT apply to those premises ONLY authorised for off sales of alcohol**

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or  
(ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) 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 a holographic mark.
5. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

## **Exhibition of Films**

1. Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.
2. Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the Licensing Authority's Statement of Licensing Policy

## **Annex 2 – Embedded Restrictions**

Nothing listed

## **Annex 3 – Conditions Carried Forward on Conversion**

Nothing listed

## **Annex 4 – Conditions Consistent with the Operating Schedule**

### **Conditions Offered by Applicant in the Operating Schedule**

Age restricted films will only be shown where appropriate to the age guidelines issued by the British Board of Film Classification.

Recorded music shall comprise music of a background nature in the main bar but amplified to a higher level on the dance area and in the function room.

The binge drinking unsocial behaviour patterns seen in the past to be remedied by strong management controls and new procedures introduced.

Risk assessments for the premises, the events, customer numbers, age groups and other activities that place to be documented to form part of staff training and also as a result of the changing circumstances.

Management to take more notice of the licensing objectives to ensure that a harmonious co-existence develops between customer and neighbour.

Use of the CCTV system to assist in spotting trouble and identifying the culprits, and also to act as a deterrent.

The use of registered door staff on all busy nights and on occasions when the occupancy might pose a capacity threat i.e. England football matches.

That door staff be in radio communication with other venues and Colchester Central CCTV monitoring station.

To employ strict controls on underage drinking with proof of age identification with photographs to ensure children do not purchase alcohol.

Look for drunkenness on the premises and to ask such offenders to leave.

Staff serving alcohol to be instructed not to serve a person they feel is overly intoxicated.

Zero tolerance on drugs and violent behaviour which if occur would result in an automatic bar, and notification to the authorities.

To deter drug abuse the toilet areas to be regularly inspected.

To take part as a member of Pubwatch and regularly attend any police or local authority initiatives.

The use of plastic drinking glasses when the situation warrants.

The perimeter of the building to be well illuminated.

Compliance with health and safety legislation.

The fire alarm system to be maintained and regularly tested.

Means of escape, illuminated signage and staff training in case of fire are adopted.

When larger than normal crowds are expected (for example football cup finals etc), door staff be employed, plastic drinking glasses be used, the premises be closed for one hour after the match (where practical) to enable the sports crowd to disperse and the bar to be cleaned.

Broken glass, drink spillages, full ash trays etc to be cleared up immediately.

Non-Smoking policy in place at the bar serverly.

Provision of air extraction system.

The occupancy capacity for the premises be considered when planning events under the new arrangements.

A dance floor and speaker system be installed in the central courtyard and this area be roofed over with sound proofing materials and all external walls to the building, if required, to have additional sound proofing measures to assist in avoiding noise breakout across the river. This is to ensure that noise levels would be contained in the middle of the building, protected by the main bars in the two flanks, which in turn would be redesigned to contain the sound within the building.

Following the installation of the dance floor in the central courtyard, the periphery sound systems be lowered in volume, to that of background levels, to restrict the sound breakout to the terrace area and front of the building.

A 30 minute wind down period after the last sale of alcohol to allow for the appropriate dispersal of customers.

A last admissions policy be operated to close the premises to new admissions or re-admission one hour before the bars close.

Children accompanied by an adult to be permitted in the building during lunch times and in the afternoons. After 18.00 children would not to be permitted into the bar unless associated with a private/family style function. Accompanied children will be permitted in the function room during the evenings.

The prohibition of strong language and sexual expletives which would be inappropriate for young people to hear, as set out in the Operating Policy.

Any film exhibitions taking place during the period when children are permitted on the premises will be subject to age restricted films, classified as such by the British Board of film censors.

Any adult performances inappropriate for children will not be permitted unless the performance takes place in a child free environment or behind closed doors separate from the main bar area.

Any advertising in house for adult performances should be appropriate for children to view.

Adults accompanying children are expected to maintain strict control of the child's behaviour and general safety whilst in the premises.

Recorded music shall comprise music of a background nature in the main bar but amplified to a higher level on the dance area and the function room.

Adult entertainment associated with specific events such as hen nights and stag parties will be staged in such a way as not to offend customers or minors in the premises.

### **General - all objectives**

We believe that the New Licensing Act provides opportunities for businesses to re-assess their current operations. The binge drinking unsocial behaviour patterns seen in the past need to be remedied by strong management controls and new procedures introduced. Although already in place further risk assessments for the premises, the events, customer numbers, age groups and the activities that go need to be documented to form part of staff training and also as a result of the changing circumstances. In return we would expect local licensing authorities to support these endeavours and allow extra flexibility on opening hours and support business opportunities in the spirit of the governments desire to move licensed premises more towards a continental trading method. Management must take notice of the licensing objectives to ensure that a harmonious co-existence develops between customer and neighbour.

The owners of Quilters have considerable experiences in operating busy venues with high standards and strict controls and therefore feel well placed in submitting our variation application, which we trust, can meet the authorities required criteria.

### **Prevention of Crime & Disorder**

We have a sophisticated computer CCTV surveillance system, which can help managers to spot trouble and assist in identifying the culprits, which also acts as a deterrent. We employ registered door staff on all busy nights and on occasions when the occupancy might pose a capacity threat ie (England football matches) the door staff are in radio communication with other venues and Colchester central CCTV monitoring station. This enables door staff to be made aware of any disturbances caused by other venues and heading our way. We employ strict controls on underage drinking with proof of age identification necessary if in doubt.

The managers are instructed to look for drunkenness on the premises and to ask such offenders to leave. Staffs serving alcohol are also instructed not to serve a person they feel is overly intoxicated.

We practice a zero tolerance on drugs and violent behaviour, which if found results in an automatic bar and notification to the authorities.

Toilets are regularly inspected for drug abuse. We support our local pubwatch committee and regularly attend any Police or local authority initiatives.

We use plastic drinking glasses when the situation warrant (ie England Football matches etc) and the perimeter of the building is well illuminated.

Managers are instructed to be polite, reasonable but resolute in dealing with potential flash points and staff are asked to keep a watchful eye on areas of possible trouble.

### **Public Safety**

We comply with Health & Safety legislation and have maintained fire alarm system. Means of escape, illuminated signage and staff training,

in case of fire are adopted. The system is regularly tested. The premises are large and as such occupancy levels can be substantial, however there is a great deal of fixed and casual seating which makes for comfortable environment which is not crowded. However when we anticipated larger than normal crowds ie football cup finals, European football and world cup matches, we would employ door staff, utilise plastic drinking glasses and close for one hour after the match (where practical) to enable the sports crowds to disperse and the bar cleaned. We employ registered door staff, who have undergone approved training and they are instructed to patrol the building at intervals during the evening. Staff training includes the immediate clearing up any broken glass, drink spillages, full ash trays etc and waitress staff are employed to do this as part of their customer service. There is a non-smoking policy at the bar server and our air extract systems are effective. We do not have an occupancy capacity for the premises, but understand that if the variation to our licence was granted then this and other issues would form part of the discussion and conditions attached to any new arrangement. From the plan you will see the many exit doors around the building, which can be used in case of fire breaking out.

### **Prevention of Public Nuisance**

We are conscious that local residents must be protected from unreasonable nuisance in all its forms.

We have a restriction to our current licence that states that doors onto the terrace to be kept closed after 23.00 hrs.

Noise breakout is a major problem and needs to be properly addressed when considering amplified music and the dancing that goes with it.

I'm seeking the authority's permission to have music and dancing, we would address this situation by putting the dance floor and the speaker system into the central courtyard (edged yellow) this area would in turn be roofed over with sound proofing materials and all external walls to the building, if required, could have additional sound proofing measures to assist in avoiding breakout across river.

In this way the noise levels would be contained in the middle of the building, protected by the main bars to the two flanks, which in turn would be redesigned to contain the sound within the building.

Although we have requested an extension to our existing hours it should be noted that we seek a 30 minute wind down period once the bar is closed to assist in a controlled leaving program to be implemented, which if practiced by other bars will stagger the amount of people put out on the street thus helping to avoid the likelihood of public nuisance.

The introduction of the dance floor area (see above) will enable the periphery sound systems to be lowered in volume, to that of background levels thus restricting the sound breakout to the terrace area and front of the building. After 23.00 hrs all external windows and doors to the river terrace will be closed.

The bar is situated in a predominately commercial area with busy streets leading away from the premises towards the town centre.

A large multi storey car park is next door with free parking at night and local taxis and public transport convenient to the building.

We practice a last admission time which can change from time to time dependent on the circumstances prevailing but at present is normally about 1 hour before we close the bar.

We ask customers to leave the premises quietly and in an orderly manner. There is always effective and responsible management on the premises.

### **Protection of Children**

As is envisaged that some children will be allowed into the bar, if accompanied by an adult during the lunch times or afternoons, evening as well as in the case of the function room.

Our operating policy includes the prohibition of strong language and sexual expletives, which would be inappropriate for young people to hear. It is envisaged that after 18.00 hrs children will not be permitted into the bar unless associated with a private/family style function.

Any film exhibitions taking place during these hours will be subject to age restricted films, classified as such by the British board of film censors.

Any adult performers felt inappropriate for children will not be permitted unless the performance takes place in a child free environment or behind closed doors separate from the main bar area.

Any advertising in house for such adult performances should be appropriate for children to view.

Responsible management and control of staff can create a family friendly premises but the protection of children from harm is a most important issue, which is recognised by the Quilters management. We expect and insist that adults accompanying children maintain strict control of their child's behaviour and general safety whilst in the premises.

Underage drinking is a major concern for the managers and proof of age with photographs plus measures taken to ensure children do not purchase alcohol are in force with door and other bar staff in general.

### **Adult Entertainment Details**

We seek permission for gaming machines also the occasional adult entertainment with specific events such as hen parties, stag parties, ladies and gentlemen's evenings. These events will be staged in such a way as not to offend customers or young people in the premises.

## **Annex 5 – Conditions Agreed with Responsible Authorities**

All external doors and windows opening onto the terrace must be kept closed after 23.00 other than for access and egress.

The patios/garden/courtyard must not be used by customers after the hours of 23.00.

No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).

No music or speech shall be relayed via external speakers.

Customers shall not be permitted to congregate or consume alcohol sold or supplied by the premises within the vicinity of those premises. The removal of alcohol from the premises shall be prevented, if it is intended for such a purpose.

Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Adult entertainment will be limited to the function room. During adult entertainment children will not be permitted in the function room.

During adult entertainment children will not be allowed into the function room.

## **Annex 6 – Conditions Attached after a Hearing by the Licensing Authority**

CCTV shall be installed on the premises in consultation with the Police and to be kept working at all times premises are open.

No off sales.

If door staff employed, they must be registered door staff.

Substantial food shall be available at all times.