

Licensing Sub-Committee Hearings Meeting

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

Wednesday, 10 April 2019 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

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Wednesday, 10 April 2019 at 10:00

The Licensing Sub-Committee Hearing Members are:

Nick Cope - Member, Paul Dundas - Member, Mike Hogg - Member

The Licensing Sub-Committee Hearing Substitute Members are:

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

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

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

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

3 Substitutions

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

4 Declarations of Interest

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

Flowchart - Hearings

7 - 8

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meetings held on 30 November 2018 and 7 December 2018 are a correct record are a correct record.

30 November 2018 - Big Up

9 - 12

7 December 2018 - Coda Live

13 - 14

6 Amphora Charter Hall report

15 - 52

The Sub-Committee have been asked to determine an application for a new premises licence under the Licensing Act 2003.

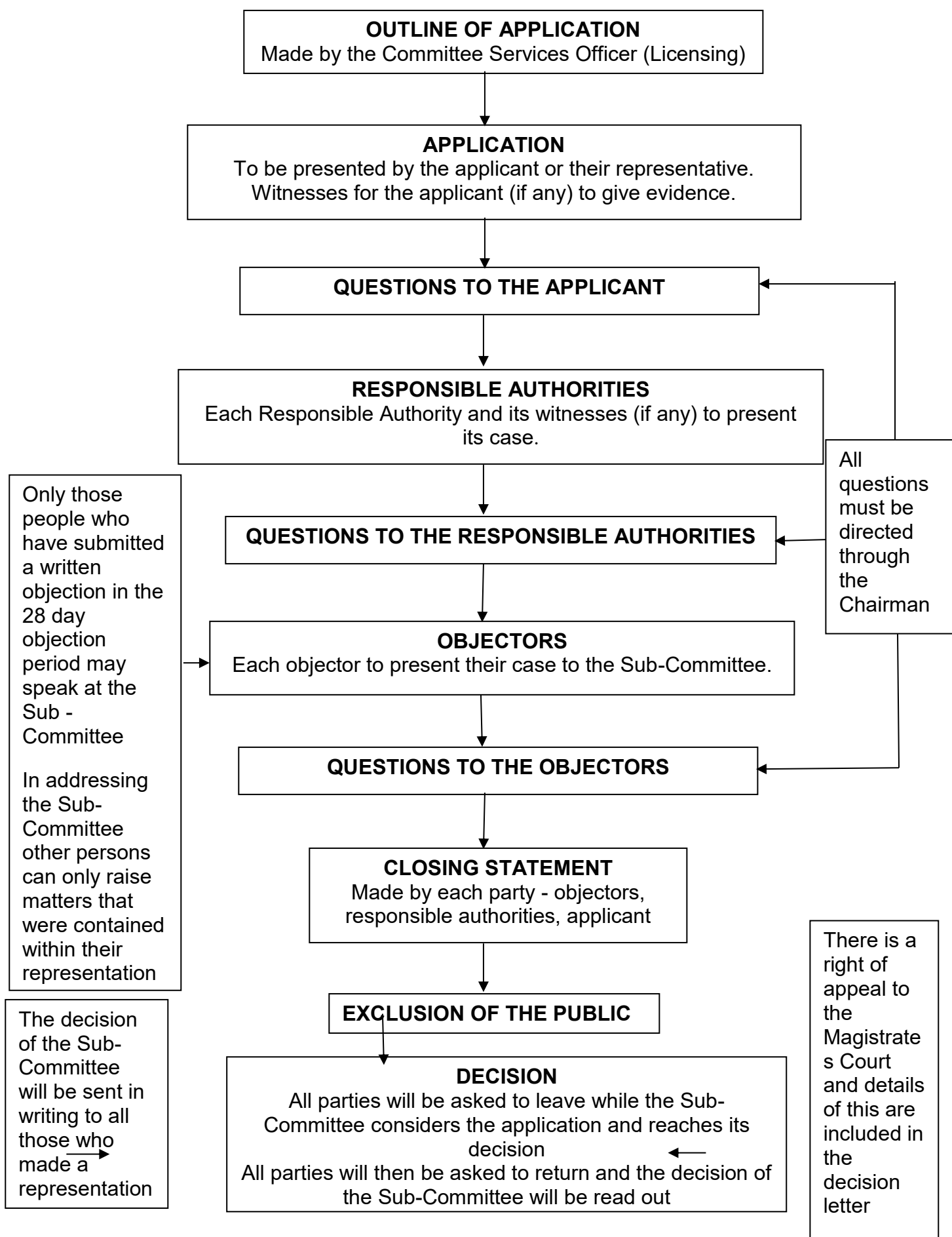
Part B
(not open to the public including the press)

7 Exclusion of the Public (not Scrutiny or Executive)

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

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The Licensing Sub-Committee Hearings Process



COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

30 November 2018

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 30 November at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Crow
Councillor Young

1. Membership

RESOLVED that Councillor Young be appointed Chairman.

2. Minutes of Previous Meeting

RESOLVED that the minutes of the hearing held on 17 October 2018 be approved as a correct record.

3. Licensing Application

The Assistant Director, Environment, submitted a report in relation to the following premises.

- **Big Up Off Licence, 118 Ipswich Road, Colchester, CO4 0AE**

In Attendance

Mr Dadds, Counsel for Mr Afrooz
Mr Afrooz, Premises Licence Holder and Designated Premises Supervisor of the Big Up
Mr Richards, Essex Trading Standards
Ms Booth, Licensing Enforcement Officer
Mrs Gentry, Democratic Services Officer
Mrs White, Licensing Officer
Mr Wilkins, Legal Services Manager

Mrs White outlined the case and explained that the review of the premises licence had been requested by Essex Trading Standards on the grounds that the licensing objective of the prevention of crime and disorder was being undermined by the persistent selling and/or possession of illicit/smuggled tobacco.

Mr Richards, Operational Manager of Essex Trading Standards, addressed the Sub-Committee and gave background information to evidence why the Review was necessary. Mr Richards informed the Sub-Committee that on the 7 November 2017 a quantity of illicit tobacco was found on the premises and a warning was given but when a re-visit was made on the 21 August 2018 a further seizure of illicit/smuggled tobacco was found. Mr Richards also submitted a further witness statement from HM Revenue & Customs dated the 27 October 2018 detailing a further seizure of tobacco and alcohol from the premises.

In response to questions from the Committee, Mr Richards informed them that they were not intending to prosecute because of the relatively small volume of tobacco found at the premises; the decision had been taken to pursue a Review of the premises license. Mr Richards also advised the Sub-Committee that it was his understanding that there was no pending prosecution by HM Revenue & Customs.

Mr Dadds, Counsel for Mr Afrooz, addressed the Sub-Committee and explained that Mr Afrooz had not been in charge of the daily running of the Big Up Off Licence since 2016 even though he was the Premises Licence Holder and Designated Premises Supervisor. Mr Dadds informed the Sub-Committee that Mr Afrooz had a business partner, Mr Ali Shahijan, and that Mr Shahijan was in charge of the daily running of the premises and was present at the times Trading Standards visited. Mr Dadds then circulated a letter from HM Revenues & Customs indicating that for the purposes of tax Mr Afrooz and Mr Shahijan had a business partnership.

In response to questions from the Committee Mr Dadds informed them that Mr Afrooz was aware of the initial inspection in 2017 having found the letter but after discussing the issue with his business partner, he trusted Mr Shahijan and believed that it would not happen again. Mr Dadds also informed the Sub-Committee that after speaking to Mr Shahijan, the business partner had accepted responsibility in relation to the non-duty paid tobacco and the business partnership was being dissolved because of the issues giving rise to this Review. No written evidence was presented to the Sub-Committee to substantiate the extent of the partnership in relation to the day to day operation of the business. Mr Shahijan was not in attendance at the hearing to provide evidence of his alleged acceptance of responsibility or to answer questions in relation to the business operation of the premises and/or in relation to the respondent's lack of knowledge or awareness about the illicit/smuggled tobacco.

RESOLVED - to accept the submission by the respondent and agree to impose the conditions offered by the respondent; namely -

- All staff are regularly instructed that no counterfeit products are brought and/or sold on to the premises.
- Mr Ali has no future involvement in this licensed premises.
- Tobacco should only be sourced from Bookers.

In addition the Sub-Committee was not prepared to agree the 6 week suspension offered by the respondent because of the severity of the breaches and instead the Sub-Committee impose a suspension of the premises license for 3 months.

Reasons for the determination

In arriving at the decision the Sub-Committee considered the evidence and submissions of all parties and gave consideration to the Licensing Act 2003, the Section 182 Guidance, and the Licensing Authority's own Statement of Licensing Policy.

Based on the submissions made and the evidence presented the Sub-Committee had doubt about the actual knowledge the respondent had about the excise duty evaded tobacco or the level of his awareness which is why the Sub-Committee accepted the

submission made by respondent's legal representative that it would be disproportionate to revoke the premises licence.

On balance the Sub-Committee's view was that the respondent had a level of awareness that made it proportionate to accept the conditions offered by the respondent's legal representative and to suspend the premises licence for the maximum period of three months instead of the six week period offered because of the reoccurrence of illicit/smuggled tobacco on the premises.

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

7 December 2018

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 7 December at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Dundas
Councillor Hogg

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Licensing Application

The Assistant Director, Communities, submitted a report in relation to the following premises-

- **Coda Live, 63 High Street, Colchester**

In Attendance

Mr Clarke, applicant Coda Live Ltd
Mr Ward, applicant Coda Live Ltd
Mrs Tamblyn, Colchester Civic Society - Objector
Ms Booth, Licensing Enforcement Officer
Mrs Gentry, Democratic Services Officer
Mr Weavers, Legal Advisor to the Committee
Mrs White, Licensing Officer

Mrs White outlined the application to which an objection had been lodged by Mrs Tamblyn, on behalf of the Colchester Civic Society. The application sought a licence in the name of Coda Live Ltd, 63 High Street, Colchester. This was a new premises licence application and there had been no responsible authority representations made to the application. Mrs White also informed the Sub-Committee that the Licensing Authority considered that, based on the information contained within the application, the application was for a non-alcohol led premises which was located in an area thought to be mixed commercial/residential in character but with a slight bias towards Commercial. The Sub-Committee's attention was drawn to the relevant areas of the Policy dealing not only with times but also outlining the Council's wish to see increased diversity in the night time economy to attract a wider range of participants. Reference was also made to the Section 182 Guidance.

Mr Clarke and Mr Ward gave a brief introduction to the application explaining that a licence was being sought to enable events such as live Jazz and Blues bands and also some comedy nights to be held at the venue. In response to questions from the Sub-Committee Mr Clarke and Mr Ward informed them that they wanted to bring something new to the town that hadn't been done before and wasn't primarily focused on the sale of alcohol. It was for people to just come and enjoy live music in a nice environment. No entrance fee would be charged in general although there may be a charge for a special events night.

Mrs Tamblyn then addressed the Sub-Committee explaining that she was there to represent the Colchester Civic Society and to speak on behalf of its members. Mrs Tamblyn gave further details in relation to her objection which centred on the Council's current Statement of Licensing Policy. Mrs Tamblyn considered that the hours offered as guidance in the Policy for new applicants should be strictly adhered to and felt that the new premises primary function was a Pub/Bar in a mixed/commercial area and therefore an application should not be granted beyond 12 midnight.

RESOLVED - to grant the application as follows and subject to the conditions as already agreed in with Environmental Control and those set out in the operating schedule of the application -

Provision of films on the premises –
Monday to Sunday from 19.00 to 23.00

Performance of live and recorded music, and provision of late night refreshment –
Sunday to Thursday from 23.00 to 00.00
Friday and Saturday from 23.00 to 01.00

Anything of a similar description –
Sunday to Thursday from 19.00 to 00.00
Friday and Saturday from 19.00 to 01.00

Sale of alcohol –
Sunday to Thursday from 10.00 to 00.00
Friday and Saturday from 10.00 to 01.00

Subject to the condition that when door supervisors are being used they monitor the smoking area.

Reasons for the determination

The Sub-Committee considered the evidence and submissions of all parties and gave consideration to the Licensing Act 2003, the Section 182 Guidance, and the Licensing Authority's own Statement of Licensing Policy. Having regard to the objection raised on behalf of Colchester Civic Society, the Sub-Committee determined to grant the application as applied but to reduce the terminal hour for all licensable activities to 01.00 on Fridays and Saturdays.

The Sub-Committee felt that the new application fell under section 3.14, Non-Alcohol Led within a Commercial Status.

Licensing Sub-Committee	10 April 2019 <u>ITEM 6</u>
Charter Hall	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a new premises licence under the Licensing Act 2003
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1. Application

Applicant and Premises	
Application Type	New application (ref M/ 094839)
Applicant	Colchester Amphora Trading Ltd Rowan House Sheepen Road Colchester CO3 3WG
Premises	Charter Hall
Premises Address	Colchester Leisure World Cowdray Avenue Colchester
Premises description	Entertainment venue hosting stage shows, comedy/music, markets, recorded music nights
Ward	Ward: Castle

Proposed licensable activities and hours

Provision of Plays							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of films							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Indoor Sporting Events							
Indoors/Outdoors or both			Indoors				
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Boxing or Wrestling							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Live Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Recorded Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Performances of Dance							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Anything of a similar description							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of late night refreshment							
Indoors/Outdoors or both			Indoors		Outdoors		Both
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	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Supply of alcohol							
On / Off the premises or both			On sales		Off sales		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Hours the premises are open to the public							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	03.00	03.00	02.00
End	03.00	03.00	03.00	03.00	03.00	03.00	03.00
Seasonal variations							
Non-standard timings							

2. Conditions

Offered on the operating schedule

1. The Designated Premises Supervisor must ensure that a written record of authority is kept at the premises for all staff who sell alcohol. The record must be made available for inspection upon request of the Police or an authorised officer of the Licensing Authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the record.
2. At events where alcoholic beverages are being served, a risk assessment will be undertaken to ascertain the required level of SIA Door Staff Required.
3. The premises licence holder must ensure that the provision of door supervisors, both male and female, at the premises is appropriate to ensure the safe control of the premises and must review this on a regular basis and upon request from Essex Police or the Licensing Authority.
4. An incident log (which may be electronically recorded) shall be implemented for all events, and made available on request to the Police or an authorised officer of the Licensing Authority. The log must record details of the incident, date, time, the staff who dealt with it, the action taken, the outcome, and whether the emergency services were called. The incident log must record incidents in relation to -
 - all crimes reported to the premises, or by the premises to the Police
 - all ejections of customers
 - any complaints received
 - any incidents of disorder
 - seizures of drugs, offensive weapons, fraudulent ID or other items
 - the date and time of the refused alcohol sale and the name of the member of staff who refused the sale
 - any visit by a relevant authority or emergency service
 - times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
5. All staff shall be trained in relevant age restrictions in respect of products, recognising signs of drunkenness, how to refuse service, the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this Premises Licence
licence; this is to ensure that there is no underage drinking, drunkenness on the premises or in public, use of drugs, violent and anti-social behaviour and to ensure the protection of children from harm.
6. This licence will operate in accordance with Colchester Borough Council's SLA with Colchester Amphora Trading Ltd.
7. The Premises Licence Holder must ensure that organisers of major events liaise with local residents organisations in advance of the event to minimise the impact that this may have on local residential areas.
8. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is

over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

9. Where age restrictions apply controlled access and proof of age will be required. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. Age restrictions will be clearly printed on the tickets.

10. The premises licence holder must ensure that there is in place an appropriate safeguarding policy and that event organisers comply with this policy.

11. Security staff will give all child related incidents priority.

3. Representations

Colchester Civic Society	<p>Dear Sir or Madam,</p> <p>On behalf of Colchester Civic Society, I here submit an objection to the licensing hours requested in Colchester Amphora Trading Ltd.'s premises licence application (No. M094839) for Charter Hall, Cowdray Avenue. The hours requested are contrary to those set out to be considered acceptable in Colchester Borough Council's own Statement of Licensing Policy 2016 - 2021, July 2018 (paragraph 3.14), which states that in a commercial district, as perhaps is the case here, a non-alcohol led venue should operate until 1 a.m. only, a bar til 2 a.m. at maximum; both end times should be midnight were the area around Charter Hall - with its increased amount of housing - to be classified as a mixed commercial and residential district.</p> <p>Point 3.21 of the Licensing Policy states, 'The Licensing Authority will have particular regard to he hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight.' 3.24: 'It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.'</p> <p>Yet applied for here is the sale of alcohol Sundays to Thursdays 6 a.m. to 2 a.m. and Fridays and Saturdays from 6 a.m. to 3 a.m.; and the, provision of late night refreshment from 11 p.m. to 2 a.m. Sundays to Thursdays and from 11 p.m. to 3 a.m. Fridays and Saturdays.</p> <p>Granted the aim is to diversify Colchester's entertainment offering, but one wonders which segment of the population will</p>
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utilise a 3 a.m. finishing time - surely not the children and families sector. More of the youth market drinking at late hours does not represent a diversification.

Members attending our most recent Colchester Civic Society meeting on 4th March were unanimous in wanting this objection submitted. The hours applied for are excessive. There is a concern that these timings will set an unwelcome precedent. Most strongly expressed was that is wrong for Colchester Borough Council to contravene its own Licensing Policy.

Many more people now live in proximity to Charter Hall (with further housing proposed for the Cowdray Centre site). Concerns were voiced over noise disturbance as people leave venues - boisterous loud disruption, slamming car doors etc., levels of intoxication exacerbated by persons drinking before reaching venues; litter being thrown around; and the safety of persons heading back to the town centre on foot via dark footpaths.

In the case of this premises licence application, the temptation is to leave off objecting completely and thus boldly hold up how Colchester Borough Council shamelessly permits it wholly owned company Colchester Amphora Trading Ltd. to flout its very own Licensing Policy guidelines. Colchester Borough Council cannot plead ignorance. There would not be a leg to stand on when other companies make applications. Any late night aggravation at Charter Hall would always highlight this self-permitted anomaly; indeed it could be called up as an illustrative nonsense in any occasion of alcohol-led disruption in Colchester town centre's evening economy in general. It would demonstrate Colchester Borough Council's inherent weakness of authority in licensing matters.

More than in other licencing instances that I have encountered, this application points to an urgent need for Colchester Borough Council to update its licensing policy. What are its true parameters?

Yours faithfully,

Georgia Tamblyn
Colchester Civic Society

4. Policy Context

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

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

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

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

What we aim to encourage

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

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

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

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

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

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

Theatres and Cinemas

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

Please note

- The times given in the Matrix above are for licensable activities.
- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.

- Any applicant who wishes to operate outside the times given in the Matrix will need to demonstrate that its operation supports the Key Factors without undermining the Licensing Objectives. This must be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00
Pub ** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Non-Alcohol Led – e.g.Theatres etc.	Yes until 23.00	Yes until midnight	Yes until 01.00
Off-licence	Yes until 22.00	Yes until midnight	Yes until midnight
Members' Club	Yes until 23.00	Yes until midnight	Yes until 02.00
Village and Community Halls	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Wine Bars **	Yes until 23.00 midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Sports Clubs	Yes until 23.00	Yes until 00.30	Yes until 01.00
Coffee Shops	Yes until 23.00	Yes until midnight	Yes until 02.00
Caravan/Camping/Holiday Parks	Consideration will be given to the licensable activities to be provided when determining an appropriate time		
Garages/Service Stations	Consideration will be given to the licensable activities to be provided when determining an appropriate time		

*premises with limited or no seating and primarily focused on the sale of hot food to take away including delivery

** premises where customers are generally seated, the density of the premises is lower and the age spread of the customer base is wider

Operation of the Policy

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such

control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

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

5. Background Information

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

Charter Hall currently has the benefit of a premises licence held by Colchester Borough Council. This licence will continue alongside any licence granted to Amphora. The hours requested in the new application, in general, mirror those of the existing licence with the exception of the following –

- An additional 4 hours in the morning and 2 hours in the evening Sunday to Thursday and an additional 3 hours on Friday and Saturday for the provision of plays, films, indoor sporting events, boxing or wrestling and performance of dance.
- An additional hour on a Saturday morning and 2 hours on a Sunday morning for the sale of alcohol, live and recorded music and anything of a similar description.
- The premises to close 30 minutes later Sundays to Thursdays and 30 minutes earlier on Fridays and Saturdays.
- The premises to open one hour earlier on a Saturday and two hours earlier on a Sunday.
- Off sales of alcohol.

6. 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

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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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 Colchester Amphora Trading Ltd

(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			
Charter Hall Colchester Leisure World Cowdray Avenue Colchester			
Post town	Colchester	Postcode	CO1 1YH

Telephone number at premises (if any)	01206 282946
Non-domestic rateable value of premises	£

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/limited liability partnership | X | please complete section (B) |
| ii | as a partnership (other than limited liability) | <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 | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |

APPENDIX 1

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

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

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

I am making the application pursuant to a statutory function or ☐

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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APPENDIX 1

Surname		First names	
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Colchester Amphora Trading Ltd
Address Rowan House Sheepen Rd Colchester CO1 1WG
Registered number (where applicable) Registered Company Number - 10799072
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company representing Colchester Borough Council
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

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When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	4	2	0	1	9

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

DD		MM		YYYY			

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

Entertainment venue hosting stage shows, comedy/music, markets, recorded music nights.
Corporate and mayoral events.

Capacity of 1500

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

NA

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

X

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

X

In all cases complete boxes K, L and M

APPENDIX 1

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	06.00	02.00			
Tue	06.00	02.00			
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed	06.00	02.00			
Thur	06.00	02.00			
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	06.00	03.00			
Sat	06.00	03.00			
Sun	06.00	02.00			

APPENDIX 1

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	06.00	02.00			
Tue	06.00	02.00			
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	06.00	02.00			
Thur	06.00	02.00			
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	06.00	03.00			
Sat	06.00	03.00			
Sun	06.00	02.00			

APPENDIX 1

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	02.00	
			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue	06.00	02.00	
Wed	06.00	02.00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur	06.00	02.00	
Fri	06.00	03.00	
Sat	06.00	03.00	
Sun	06.00	02.00	

APPENDIX 1

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	06.00	02.00			
Tue	06.00	02.00			
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed	06.00	02.00			
Thur	06.00	02.00			
			<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> (please read guidance note 6)		
Fri	06.00	03.00			
Sat	06.00	03.00			
Sun	06.00	02.00			

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E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	06.00	02.00	Please give further details here (please read guidance note 4)		
Tue	06.00	02.00			
Wed	06.00	02.00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	06.00	02.00			
Fri	06.00	03.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	06.00	03.00			
Sun	06.00	02.00			

APPENDIX 1

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	06.00	02.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	06.00	02.00			
Wed	06.00	02.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	06.00	02.00			
Fri	06.00	03.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	06.00	03.00			
Sun	06.00	02.00			

APPENDIX 1

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	06.00	02.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	06.00	02.00			
Wed	06.00	02.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	06.00	02.00			
Fri	06.00	03.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	06.00	03.00			
Sun	06.00	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Public performance and entertainment		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	06.00	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	06.00	02.00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	06.00	02.00			
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Thur	06.00	02.00			
Fri	06.00	03.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	06.00	03.00			
Sun	06.00	02.00			

APPENDIX 1

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	X
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon	23.00	02.00		
Tue	23.00	02.00		
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)	
Wed	23.00	02.00		
Thur	23.00	02.00		
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)	
Fri	23.00	03.00		
Sat	23.00	03.00		
Sun	23.00	02.00		

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J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	X
Mon	06.00	02.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	06.00	02.00			
Wed	06.00	02.00			
Thur	06.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	06.00	03.00			
Sat	06.00	03.00			
Sun	06.00	02.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name James Young	
Date of birth-	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

☐ ☐ ☐ ☐

APPENDIX 1

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Burlesque

Adult dance entertainment

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) As per event times
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	06.00	03.00	
Tue	06.00	03.00	
Wed	06.00	03.00	
Thur	06.00	03.00	
Fri	06.00	03.00	
Sat	06.00	03.00	
Sun	06.00	03.00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

Prevention of Crime & Disorder

1. The Designated Premises Supervisor must ensure that a written record of authority is kept at the premises for all staff who sell alcohol. The record must be made available for inspection upon request of the Police or an authorised officer of the Licensing Authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the record.
2. At events where alcoholic beverages are being served, a risk assessment will be undertaken to ascertain the required level of SIA Door Staff Required.
3. The premises licence holder must ensure that the provision of door supervisors, both male and female, at the premises is appropriate to ensure the safe control of the premises and must review this on a regular basis and upon request from Essex Police or the Licensing Authority.
4. An incident log (which may be electronically recorded) shall be implemented for all events, and made available on request to the Police or an authorised officer of the Licensing Authority. The log must record details of the incident, date, time, the staff who dealt with it, the action taken, the outcome, and whether the emergency services were called. The incident log must record incidents in relation to -
 - all crimes reported to the premises, or by the premises to the Police
 - all ejections of customers
 - any complaints received
 - any incidents of disorder
 - seizures of drugs, offensive weapons, fraudulent ID or other items
 - the date and time of the refused alcohol sale and the name of the member of staff who refused the sale
 - any visit by a relevant authority or emergency service
 - times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

5. All staff shall be trained in relevant age restrictions in respect of products, recognising signs of drunkenness, how to refuse service, the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence; this is to ensure that there is no underage drinking, drunkenness on the premises or in public, use of drugs, violent and anti-social behaviour and to ensure the protection of children from harm.

c) Public safety

d) The prevention of public nuisance

Prevention of Public Nuisance

1. This licence will operate in accordance with Colchester Borough Council's SLA with Colchester Amphora Trading Ltd.
2. The Premises Licence Holder must ensure that organisers of major events liaise with local residents organisations in advance of the event to minimise the impact that this may have on local residential areas.

e) The protection of children from harm

Protection of Children

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
2. Where age restrictions apply controlled access and proof of age will be required. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. Age restrictions will be clearly printed on the tickets.
3. The premises licence holder must ensure that there is in place an appropriate safeguarding policy and that event organisers comply with this policy.

4. Security staff will give all child related incidents priority

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
-

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

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

Signature	
Date	
Capacity	

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

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- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

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- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

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- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

- (i) any page containing the holder's personal details including nationality;

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

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

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



Premises Location Plan

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Application Reference: 094839

Premises Address: Charter Hall, Colchester Leisure World, Cowdray Avenue, Colchester, CO1 1YH

Date Produced: 27 March 2019

(Map Not to Scale)

