

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Friday, 07 December 2018 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

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Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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Access

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Friday, 07 December 2018 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

7 - 8

5 Coda Live Limited

9 - 42

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

Part B

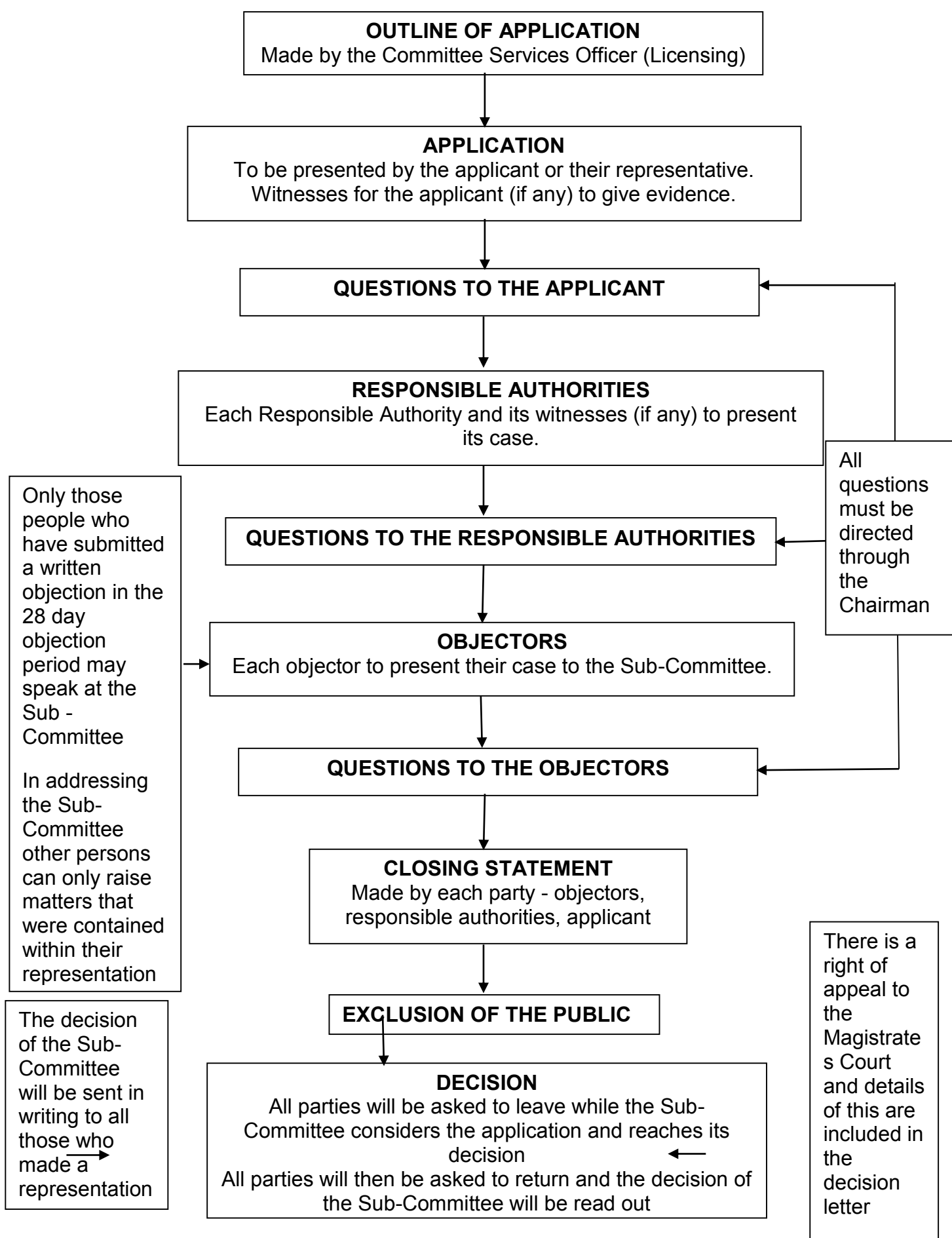
(not open to the public including the press)

6 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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website: www.colchester.gov.uk

The Licensing Sub-Committee Hearings Process



Licensing Sub-Committee	Agenda Item 5
Coda Live	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 Premises (ref M/ 094269)
Applicants	Mr T Clarke and Mr O Ward
Premises	Coda Live Limited
Premises Address	63 High Street Colchester
Premises description	<p>The application gives the following general description of the premises –</p> <p>Coda Live will be a live entertainment venue focusing on Jazz & Blues music, and cultured entertainment. The premises will be located in the lower half of Colchester High Street. Alcohol will be supplied for consumption on the premises.</p> <p>The interior of the premises will consist of a stage toward the rear of the property, seating and table facilities for customers, and a small bar area for the supply of snacks and refreshments.</p> <p>The aim of the venue is to provide high class entertainment to Colchester in a relaxed and comfortable setting. The venue wishes to have a weekly dedicated event</p>
Ward	Castle

Proposed licensable activities and hours

Provision of films							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	19.00	19.00	19.00	19.00	19.00	19.00	19.00
End	23.00	23.00	23.00	23.00	23.00	23.00	23.00

Performance of Live Music							
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	00.00	00.00	00.00	00.00	01.00	01.00	00.00
Seasonal variations		Extend the hours to 01.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night					

Please note – that the Live Music Act applies and a premises licence is only required for regulated entertainment after 23.00.

Performance of Recorded Music							
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	00.00	00.00	00.00	00.00	02.00	02.00	00.00
Seasonal variations		Extend the hours to 02.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night					

Please note – regulated entertainment is deregulated between 08.00 and 23.00 for premises with an on licence for the sale of alcohol; a premises licence is only required for regulated entertainment after 23.00 and before 08.00.

Anything of a Similar description							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	19.00	19.00	19.00	19.00	19.00	19.00	19.00
End	00.00	00.00	00.00	00.00	01.00	01.00	00.00

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	00.00	00.00	00.00	00.00	02.00	02.00	00.00

Supply of alcohol							
On / Off the premises or both			On sales		Off sales		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00

End	00.00	00.00	00.00	00.00	02.00	02.00	00.00
Seasonal variations							
Non-standard timings	Extend the hours to 02.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night						

2. Conditions

Agreed with Environmental Protection

1. All windows and external doors to entertainment areas shall be kept closed between 23:00 hours and 08:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
2. A tamper-proof noise-limiting device must be installed and must operate at all times regulated entertainment takes place. It must be fitted to the sound system within the premises and all amplified music played at the premises must pass through the device. The device type, location and the level set must be agreed/installed by a competent person. The device should be calibrated every 12 months.
3. No bottles, glasses or similar items may be disposed of in outside receptacles between 22:00 and 08:00 hours.
4. Notices must be prominently displayed at all exits requesting customers to respect the needs of local residents and leave the area quietly.

Offered on the Operating Schedule

1. The premises will operate and maintain a comprehensive CCTV system. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 30 days with the date and time stamping. CCTV must be made available upon request by a Police officer/Police Licensing Officer or an authorised officer of the Licensing Authority.
2. Minimum of 2 SIA registered door supervisors on Friday and Saturday from 20.00 until closing.
3. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing Authority.
4. First Aid supplies will be available at all times.
5. No glasses, bottles or any open vessels to be taken off the premises.
6. The Challenge 25 scheme will 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.

7. In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log and that they monitor staff to ensure their training is put into practice.

8. All staff training to be recorded.

3. Representations

Colchester Civic Society	<p>Dear Sir or Madam,</p> <p>Having discussed the matter earlier this week at Colchester Civic Society's Executive Committee meeting, all are in agreement that the Society make an objection to the New Premises Licence Application re. Coda Live Ltd (M094269). The grounds for this objection are that the hours proposed are at odds with guidance in Colchester Borough Council's Statement of Licensing Policy 2016 - 2021. Point 3.14 of the Policy states that in mixed commercial and residential parts of the town - as is this case of 63 High Street - licensable activities are generally acceptable until midnight. But this licence application requests the sale of alcohol/ refreshment until 2 a.m. on Fridays and Saturdays.</p> <p>Further, 63 High Street is within Colchester's Town Centre Zone, an area designated as demanding special guidance. The guidance states (9.1): 'There is evidence that within this area, the promotion of the licensing objectives is being undermined, in particular in the early hours of the morning, as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents'.</p> <p>Although within the Town Centre Zone live entertainment venues are encouraged, is not Coda Live Ltd primarily a bar, thus with potential to undermine the licensing objectives? Its operation is therefore obliged to support the Policy's Key Factors (9.5b) including KF3 - Hours for licensed premises (3.21): 'The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight'.</p> <p>The Licensing Policy states that 'the Town centre Zone is under pressure'; that 'it is essential to ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth'. As well as current residents, there is a move towards more people living in the town centre. We must also consider</p>
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	<p>the guests from the several (and one planned for opening) hotels within short distance of 63 High Street.</p> <p>Bringing detailed knowledge and experience of the Town's evening and night economy, Colchester Borough Council's Licensing Policy has carefully weighed up different elements to achieve the best balance for Colchester's evening and night economy. There are no grounds evident in the case of this new application to tip the balance in favour of sale of alcohol after midnight and into the early hours on Friday and Saturday evenings. Achieving the best balance for the town is surely in the ultimate best interest of businesses, as well as of residents and visitors.</p> <p>Yours faithfully, Georgia Tamblyn (Mrs.) Colchester Civic Society</p>
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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

1.3 The aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses. Premises that will extend the diversity of entertainment and attract a wider range of participants are encouraged rather than premises mainly or exclusively focused on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.

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 guidance in relation to the Town Centre Zone.

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.

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

Primary Function	Residential	Mixed Commercial and Residential	Commercial
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

KF2 - The location of licensed premises

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

The proposed operation of the premises having regard:

to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business

- The proximity of the premises to local residents
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour level
- The availability of transport to and from the premises
-

KF3 - Hours for licensed premises

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

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

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

and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

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

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

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

Town Centre Zone

9.1 In the town centre restaurants and takeaways account for over half of the premises in the night time economy and pubs, bars and inns account over a third of all premises. There is evidence that within this area the promotion of the licensing objectives is being undermined, in particular in the early hours of the morning, as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.

9.2 The Licensing Authority considers that whilst the levels of problems do not currently justify the implementation of a cumulative impact policy for the area and therefore a reversal in the presumption of granting applications; the area is of concern and will be kept under review.

9.3 There is evidence of problems associated with operation of licensed premises in the Town Centre Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area.

9.5 With this in mind, and subject to compliance with the other requirements of the policy (in particular paragraph 3.14), the following guidance for new licences and material variations, where relevant representations have been made, is offered:-

- a. The following venue types are strongly encouraged provided they do not undermine the licensing objectives and therefore the licensing policy:
 - Restaurant
 - Non-alcohol led premises
 - Live entertainment venue
 - Coffee shops

- b. There is a strong presumption against the following venue types because of their potential to undermine the licensing objectives and therefore the licensing policy.
- Late night takeaway
 - Nightclub
 - High Volume Vertical Drinking establishment
 - Pub/Bar
 - Off licences

Please note

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 a premises for which there is a strong presumption against within the Policy must demonstrate in its application that there will be no derogation in the licensing objectives, including from departing customers, and that its operation actively supports the Key Factors. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought. Neither should reliance be placed on the size of the venue.

9.10 Each application will be considered on its individual merits.

9.11 Applicants will be expected to have particular regard to all key factors of this Policy.

5. Statutory Guidance

Extracts from the Section 182 Guidance are given for guidance only, they should not be regarded as a substitute for reading the Guidance

Purpose

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provided information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premise, their legal advisors and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and promoting fairness, equal treatment and proportionality.

Legal Status

1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on a licensing authorities to that extent.

Licence Conditions

1.16 Licence Conditions:

- Must be appropriate for the promotion of the licensing objectives

LEG

- Must be precise and enforceable
- Must be unambiguous and clear in what they intend to achieve
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
- Must be tailored to the individual type, location and characteristics of the premises and events concerned
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case
- Should not replicate offences set out in the 2003 Act or other legislation
- Should be proportionate, justifiable and be capable of being met
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
- Should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.....Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

Hearings

9.37Licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to :

- The steps that are appropriate to promote the licensing objectives
- The representations (including supporting information) presented by all the parties
- This Guidance
- Its own statement of licensing policy.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authorities determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose of the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefits in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to the consideration of the promotion of the objectives and nothing outside these parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.....The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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 **Tristan Clarke & Oliver Ward**

(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 Coda Live Limited 63 High Street			
The property is located in the centre of Colchester town, it is a ground floor property with a large façade onto Colchester High Street. The property also benefits from a basement area accessible via stairs. There is no outside areas for the consumption of alcohol, or public access. The area surrounding is mainly commercial retail, restaurants and other licensed premises. To the rear of the property there are two residential apartments, these are not connected by any party wall.			
Post town	Colchester	Postcode	CO1 1DN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£24,500

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 checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input type="checkbox"/> | 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) |

APPENDIX 1

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

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

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

I am making the application pursuant to a

statutory function or ☐

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" 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 Ward		First names Oliver James	
Date of birth		I am 18 years old or over	<input checked="" type="checkbox"/> Please tick yes
Nationality British			
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 Coda Live Limited
Address 20-22 Broomfield House, Lanswoodpark Business Centre, Broomfield Road, Colchester, Essex, CO7 7FD
Registered number (where applicable) 11423257
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	1 1 2 0 1 8

APPENDIX 1

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
Coda Live will be a live entertainment venue focusing on Jazz & Blues music, and cultured entertainment. The premises will be located in the lower half of Colchester High Street. Alcohol will be supplied for consumption on the premises.

The interior of the premises will consist of a stage toward the rear of the property, seating and table facilities for customers, and a small bar area for the supply of snacks and refreshments.

The aim of the venue is to provide high class entertainment to Colchester in a relaxed and comfortable setting. The venue wishes to have a weekly dedicated event nights to attract recurring custom. This for example will include Jazz, Live Comedy and niche film nights and to promote local artistic talent.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <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 type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

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

☒

APPENDIX 1

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



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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	19.00	23.00			
Tue	19.00	23.00			
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	19.00	23.00			
Thur	19.00	23.00			
			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	19.00	23.00			
Sat	19.00	23.00			
Sun	19.00	23.00			

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

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 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					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<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					
Sat					
Sun					

APPENDIX 1

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	23.00	00.00	Please give further details here (please read guidance note 4) We aim to bring professional live music entertainment in a comfortable atmosphere, focusing on Jazz, Blues and contemporary music. The music will be appropriately amplified.		
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	23.00	00.00			
Fri	23.00	01.00	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) To extend the hours to 01.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night		
Sat	23.00	01.00			
Sun	23.00	00.00			

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	<u>Please give further details here</u> (please read guidance note 4) The music will be following the Jazz, Blues and contemporary theme of the business and will be appropriately amplified.		
Mon	23.00	00.00			
Tue	23.00	00.00			
Wed	23.00	00.00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	23.00	00.00			
Fri	23.00	02.00			
Sat	23.00	02.00			
			<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) To extend the hours to 02.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night		
Sun	23.00	00.00			

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

APPENDIX 1

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 Live stand-up comedy		
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	19.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	19.00	00.00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	19.00	00.00			
			<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	19.00	00.00			
Fri	19.00	01.00	<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	19.00	01.00			
Sun	19.00	00.00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	00.00			
Tue	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	23.00	00.00	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 (please read guidance note 6)		
Thur	23.00	00.00			
Fri	23.00	02.00			
Sat	23.00	02.00			
Sun	23.00	00.00			

APPENDIX 1

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 checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	10.00	00.00						
Tue	10.00	00.00						
Wed	10.00	00.00						
Thur	10.00	00.00				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) To extend the hours to 02.00 on all Bank Holiday Sundays, Christmas Eve, New Year's Eve and Halloween night		
Fri	10.00	02.00						
Sat	10.00	02.00						
Sun	10.00	00.00						

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 Tristan Clarke	
Date of birth	
Postcode	
Personal licence number (if known) 094169	
Issuing licensing authority (if known) Colchester Borough Council	

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<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			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

APPENDIX 1

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)

The premises will operate and maintain a comprehensive CCTV system. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 30 days with the date and time stamping. CCTV must be made available upon request by a Police officer/Police Licensing Officer or an authorised officer of the Licensing Authority.

Minimum of 2 SIA registered door supervisors on Friday and Saturday from 20.00 until closing.

b) The prevention of crime and disorder

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing Authority.

c) Public safety

First Aid supplies will be available at all times.

No glasses, bottles or any open vessels to be taken off the premises.

d) The prevention of public nuisance

Notices must be prominently displayed at all exits requesting customers to respect the needs of local residents and leave the area quietly.

e) The protection of children from harm

APPENDIX 1

The Challenge 25 scheme will 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.

In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log and that they monitor staff to ensure their training is put into practice.

All staff training to be recorded.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

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

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

Part 4 – Signatures (please read guidance note 11)

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

APPENDIX 1

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	Oliver Ward
Date	25/10/2018
Capacity	

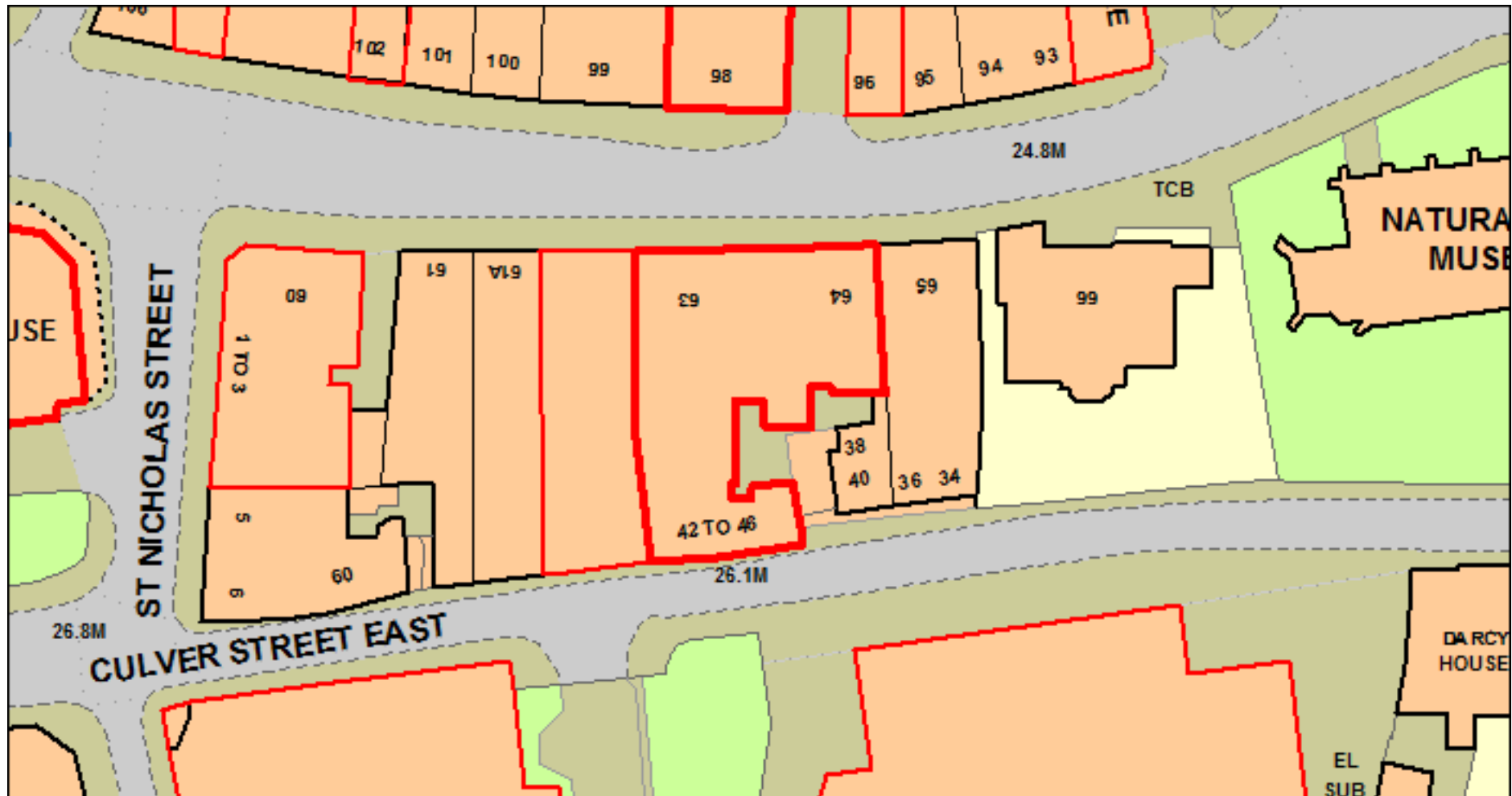
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Tristan Clarke
Date	25/10/2018
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.



Premises Location Plan

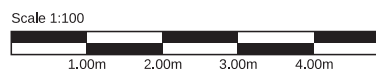
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Application Reference: 094269

Premises Address: Coda Live Limited, 63 High Street, Colchester, CO1 1DS

Date Produced: 28 November 2018

(Map Not to Scale)



Cellar (no
public access)

APPENDIX 2

