



Licensing Authority – Representation

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

Licensing Objectives affected

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

- Prevention of crime and disorder
- Prevention of public nuisance

Licensing Authority Representation

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

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

Policy References

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

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

Consultation Response

Environmental Protection Officer: Rita Parkin
Licensing Reference No: 087819

Ward: Castle

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

Details: Premises Licence Application

Scheduled Response Date:

Environmental Protection's Comments: -

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

Environmental Protection objects to this application.

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

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

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

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

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

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

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

Note to the Applicant:

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

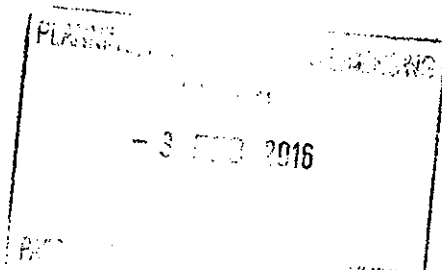
checking by the owner or operator. Maintenance records must be kept for 12 months.

Signed: *Rita Parkin*

Date: 17/1/2016

Environmental Protection Officer

1st Feb 2016



1st February 2016

With reference to:

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

Dear Sirs,

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

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

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

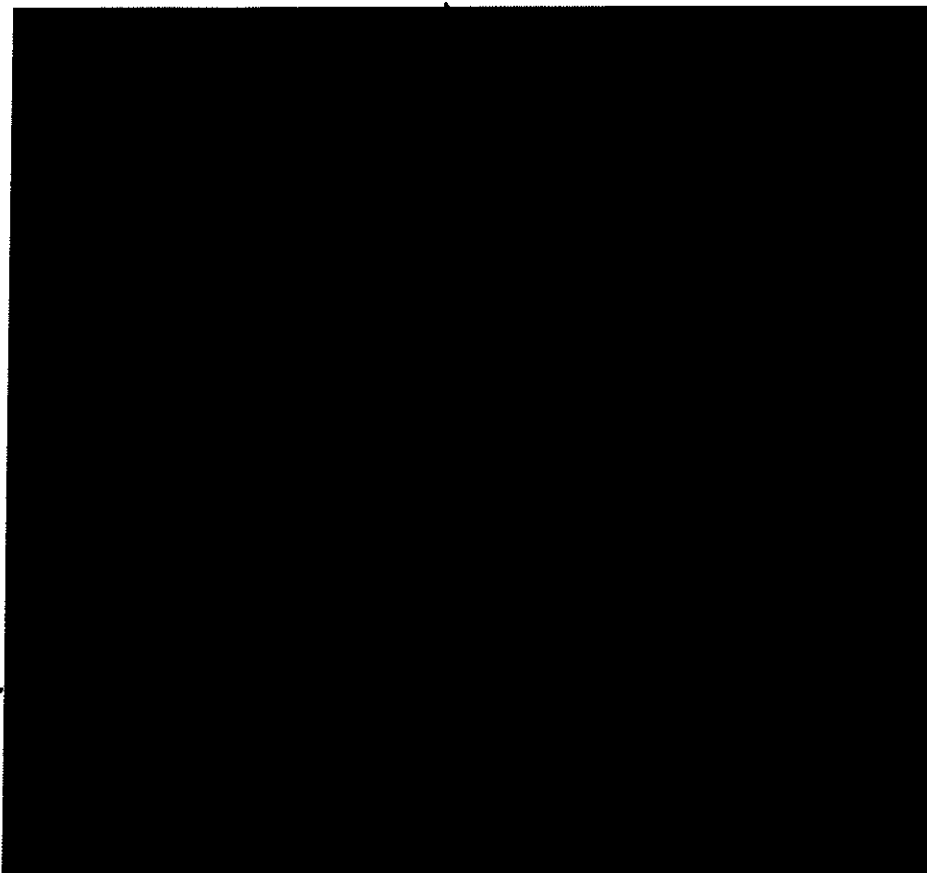
The doors of these premises opened out into a garden eating area which led down to the river bank. As a result, our weekend evenings were filled with the noise of customers and loud music, making it necessary for us to call Noise Abatement on numerous occasions, resulting in these premises being given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

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

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

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Signed:

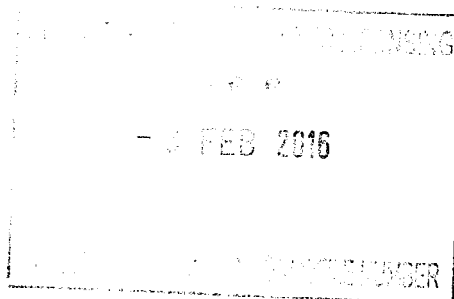


[REDACTED]

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

[REDACTED]

2nd February 2016



Dear Sir,

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

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

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

As to the Applicant, I would respectfully

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

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

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

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

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

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



Colchester Civic Society



2 February 2016

Dear Sir

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

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

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

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

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

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

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

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

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

Yours faithfully

Austin Baines
Secretary, Colchester Civic Society