

# Licensing Sub-Committee Hearings

Friday, 07 December 2018

**Attendees:** Councillor Nick Cope, Councillor Paul Dundas, Councillor Mike Hogg  
**Substitutes:** No substitutes were recorded at the meeting  
**Also Present:**

## 29 Appointment of Chairman

*RESOLVED* that Councillor Cope be appointed Chairman.

## 30 Coda Live Limited

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.