

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
21 October 2013 at 10.00am**

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings with the exception of Standards Committee meetings.. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices or at www.colchester.gov.uk .

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

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

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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you wish to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:
 - (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
 - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
 - (b) orally at the Hearing.
- (7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.
- (8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:
 - (a) their application, representations or notice(as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- (9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.
- (10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date (notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or

(b) hold the Hearing in the party's absence

Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other parties (these will include Interested Parties, Ward Councillors (who are an interested party themselves or are acting in the capacity as a representative of an Interested Party) and representatives from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or the interested parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

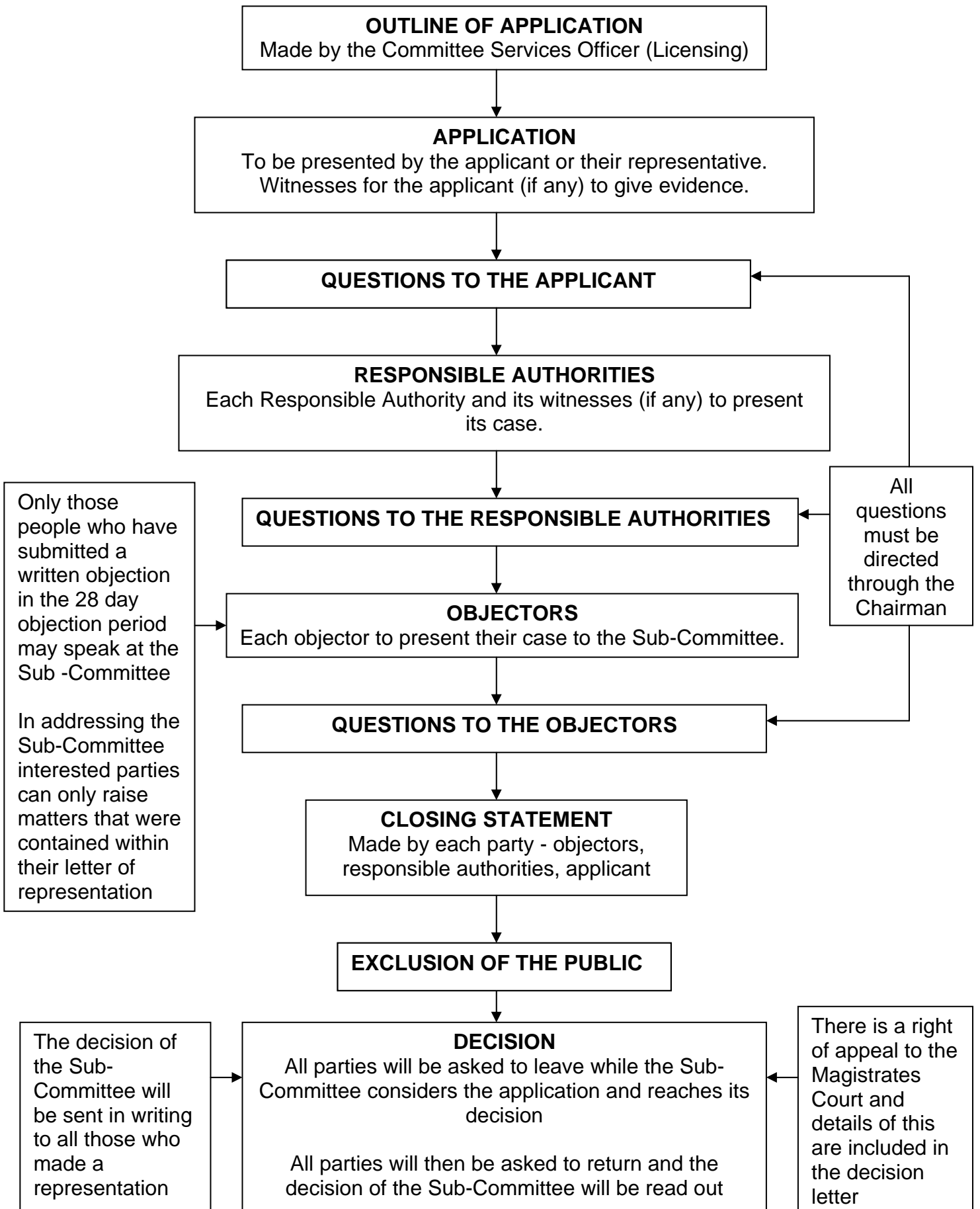
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, Interested Parties, Ward Councillors, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, Interested Parties and Ward Councillors, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL
LICENSING SUB-COMMITTEE HEARINGS
21 October 2013 at 10:00am**

Members

Chairman : Councillor Nick Cope.
Councillors Mary Blandon and Michael Lilley.

Substitute Members :

Agenda - Part A

(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint the Chairman for the meeting.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

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

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

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

4. Applications under the Licensing Act 2003

1 - 55

The Stockwell

18 West Stockwell Street

Colchester



Licensing Committee – 21 October 2013	Agenda Item 4a
The Stockwell	FOR GENERAL RELEASE

Premises	The Stockwell 18 West Stockwell Street Colchester	Ward: Castle Stress Area: No Civica Ref: 080944 Author: Martin Nelson
Application	Application for the variation of a premises licence To permit the supply of alcohol for extended hours and the performance of plays; exhibition of films; and the provision of ate night refreshment	Appendix 1
Street Plan		Appendix 2
Existing Licence		Appendix 3
Responsible Authorities	Objection from Planning	Appendix 4
Interested Parties		Appendix 5

Variation Application
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol on the premises for the following hours- Sundays to Thursdays from 10.00 to 23.00 Fridays and Saturdays 10.00 to 23.30 - Performance of plays and the exhibition of films and the performance of dance for the following hours- Mondays to Sundays inclusive from 10.00 to 23.00 - Provision of late night refreshment indoors for the following hours- Fridays and Saturdays from 23.00 to 23.30 - Hours the premises are open to the public- Mondays to Sundays from 10.00 to 23.30 Christmas Eve and New Year's Eve from 10.00 to 11.00 Bank Holiday Monday from 10.00 to 00.00

Existing Premises Licence

The existing premises licence permits-

- The supply of alcohol on the premises for the following hours-
Mondays to Sundays from 11.00 to 23.00
- Hours the premises are open to the public-
Mondays to Sundays from 11.00 to 23.30
Christmas Eve and New Year's Eve from 11.00 to 23.30

Policy Guidelines – The Stockwell

Colchester Borough Council's Statement of Licensing Policy

Assessing Applications

Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant's operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.

Paragraph **3.8** of the Council's Statement of Licensing Policy recognises that "the new Licensing Act 2003 has brought with it great expectations and challenges, not least of which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and takeaways".

The Policy goes on to add in paragraph **3.9** that "however, along with the great expectations and opportunities for business expansion, the Licensing Act has also brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture".

Policy

Paragraph **3.10** of Colchester Borough Council's statement of Licensing Policy advises that:

The Licensing Authority wishes to work with the licensed trade to promote best practice, the responsible consumption of alcohol and the effective management of licensed premises. It will therefore consider sympathetically any applications for extended licensing hours from well-operated, well managed premises, whose operating schedules responsibly reflect how they are going to effectively promote the four licensing objectives.

Paragraph **3.11** of Colchester Borough Council's statement of Licensing Policy also advises that:

Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are

responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.

The Council has received 16 letters of representation from other persons in relation to the application. The representations have been made by residents of the Dutch Quarter; the Dutch Quarter Association; Trinity Planning, representing 5 of the 7 apartments in the Technique building located in the Dutch Quarter; and from Councillor Frame. The representations variously make reference to existing problems of anti-social behaviour and public nuisance in the Dutch Quarter, some of which is attributed to The Stockwell and concern is expressed that these problems may be made worse by the granting of the application. The representations are set out in Appendix 5 to this report. A representation has also been received from Planning, as a responsible authority, and this is attached at Appendix 6 to this report.

Prevention of Crime and Disorder

The Council's statement of Licensing Policy states under paragraph 5.12 that "the Council is committed to further improving the quality of life for the people living in the borough of Colchester by continuing to reduce crime and the fear of crime".

Policy

Paragraph **5.14** of the Policy states that:

Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue, the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18 of the Council's statement of Licensing Policy) has been taken into account. This provides a compressive list of best practice.**
- (ii) Whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour.**
- (iii) Whether the operating schedule includes management measures to prevent crime and disorder.**
- (iv) Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.**

Public Safety

Paragraph 5.17 of the Council's statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

Policy

Paragraph 5.18 of the policy states that:

Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:

- (i) Where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises.**
- (ii) Whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency.**
- (iii) Whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and re-admissions.**
- (iv) Whether patrons can arrive at, and depart from, the premises safely.**
- (v) Whether there may be local overcrowding in parts of the premises.**
- (vi) Whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).**
- (vii) Whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key areas identified are:**
 - Prevention of overcrowding**
 - Air conditioning and ventilation**
 - Availability of drinking water**
 - Further measures to combat overheating**
 - Overall safety.**
- (vii) Whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.**

Prevention of Public Nuisance

Paragraph **5.21** of the Council's statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph **5.22** of the Council's statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises".

Policy

Paragraph **5.23** of the Policy states that:

Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:

- (i) The potential for nuisance associated with the style, characteristics and activities for the proposed licensable activities to be carried on at the premises, and the potential steps that could be taken to reduce the risk of nuisance occurring. This particularly may apply where residents live in the immediate vicinity of the premises;**
- (ii) Whether operating schedules contain adequate measures to prevent noise and vibration, either air-borne or structure-borne, and which are generated from within the premises or outside it, causing disturbance to people in the immediate vicinity of the premises. Regard will be given to disturbance of people whether at home or at work or otherwise staying in or visiting that area. Stricter conditions on noise control will be imposed in areas that have denser residential accommodation or residents living in the immediate vicinity of the premises.**

Additional Policy Guidance – Public Nuisance

The Council's statement of Licensing Policy goes on to give the following policy advice in relation to the promotion of the Prevention of Public Nuisance licensing objective

Paragraph **5.27** of the Policy states that:

The Licensing Authority encourages applicants to set out in their operating schedules the steps taken or proposed to be taken to deal with the potential for public nuisance arising from the operations of the premises.

Paragraph **5.28** of the Policy states that:

When addressing the issue of prevention of public nuisance, where it is

reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.

These may include:

- The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of opening between 11.00pm and 7.00am.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.
- The design and layout of the premises; particularly the presence of noise limiting features.
- The provision of toilet facilities on the premises.
- The safe capacity of the premises.
- The availability of public transport or taxis.
- A wind down period between the end of the licensable activities and closure of the premises.
- The last admission time.

Protection of Children from Harm

Paragraph 5.32 of the Council's statement of Licensing Policy states that "the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications".

Paragraph 5.33 of the Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard".

Policy

Paragraph 5.34 of the Policy states that:

The Licensing Authority will rarely impose a complete ban on access to licensed premises for children. In exceptional circumstances and only where it is reasonable proportionate or necessary to do so to promote the licensing objective, conditions restricting access or excluding children completely may be considered necessary.

Paragraph 5.35 of the Policy states that:

The Licensing Authority will not impose conditions requiring that children be entitled to access to the premises. This is a matter for the sole discretion of the individual premises or club or person who is applying for a Temporary Event Notice.

Additional Policy Guidance – General

The following additional policy guidance is taken from the Council's statement of Licensing Policy and is included in this report for the advice and information of the Licensing Sub-Committee, the applicant and for any other interested party concerned with this application.

Areas outside of the Stress Area Policy

Paragraph 3.103 of the Policy states that:

The absence of a stress area policy for a particular area does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a premises licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However where no relevant representations are received the application must be granted automatically.

Paragraph 3.104 of the Policy states that:

Applications outside of the Stress Area will be judged on their own individual merits, but the Licensing Authority may take into consideration the following:

- (i) Existing levels and concern about crime and disorder or public nuisance, and the impact that the proposed use will have on a locality.**
- (ii) The proximity of residential properties to the proposed use.**

Late Night Refreshment

Paragraphs 3.50 and 3.51 of the Council's statement of Licensing Policy state that "all premises selling hot food or drink for consumption either on or off the premises between the hours of 11.00pm and 5.00am will require a premises licence. The same requirement to hold a licence will also apply to burger/hot dog/fast food vans trading after 11.00pm and up to 5.00am the following day. There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of the Policy, along with the definition of what constitutes a licensable activity for the sale of hot food and hot drink between the hours of 11.00pm and 5.00am".

Paragraphs 3.52 and 3.53 of the Policy state that "the Licensing Authority is concerned that premises offering hot food and drink between the hours of 11.00pm and 5.00am, either for consumption on or off the premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed. Many of these customers may have consumed alcohol excessively before seeking this refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates from or around the vicinity of fast food takeaways".

Paragraph **3.54** of the Council's statement of Licensing Policy states that "the consumption of food outside take-aways and mobile fast food vans also often results in unacceptably high levels of food waste and litter being deposited onto the street. This can occur to such an extent that it is the cause of public nuisance and cost to residents and the Council in litter and food being removed and cleaned from these pavements and roads".

Paragraph **3.55** of the Policy states that:

The Licensing Authority will therefore seriously consider any relevant representations made by the Police, responsible authorities or any other interested party such as local residents, to limit the opening hours of fast food take-away premises or any other action that is reasonable and proportionate in relation to the level of the complaint made. This would apply either in the area identified as a cumulative impact or stress area, or anywhere else in the Borough where it can be reasonably established that the late opening hours of such an establishment are attracting or leading to violence, crime and disorder, anti-social behaviour or noise and disturbance to the detriment of the living and working conditions of local persons.

Paragraph **3.56** of the Policy states that:

Where relevant representations have been made, the licensing authority will where necessary impose conditions on the licence, such as a limitation on opening hours or other measures, in order to promote the licensing objectives of the prevention of nuisance or crime and disorder.

Paragraph **3.57** of the Policy states that:

Such measures may include for example the employment of SIA registered door staff for the prevention of crime and disorder, digital CCTV cameras and litter picking around the immediate vicinity of the premises. This list is not exhaustive and other measures may be requested by the Police, responsible authorities or local residents for example.

Diversity of Premises

Paragraph 3.86 of the Council's statement of Licensing Policy states that "Colchester's STAND (Strategy to Tackle All Night-time Disorder) initiative highlighted that too many single-use premises in a confined area, combined with patrons turning out of licensed premises all at the same time, create the potential for alcohol related violence, crime, disorder, anti-social behaviour, noise and disturbance. It therefore recommended a mixed use of venues, providing a variety of entertainment for a wide-ranging age group across a wide choice of opening hours".

Paragraph **3.87** of the Policy states that:

The Licensing Authority believes that genuine diversity would provide buoyancy against changing markets and trends and attract a more diverse range of customers from different age groups who have different interests and attitudes toward the consumption of alcohol. It would also provide the potential for positively changing the ambience of Colchester Town Centre, which in turn may have a positive effect on reducing the fear that residents and visitors alike have of crime and disorder in the town centre, especially in the evenings or late at night.

Paragraph **3.88** of the Policy states that: 8

It is also to be hoped that such a positive outcome would lead to an increase in the number, age and diversity of visitors to Colchester in the early evening and also late at night, which in turn may have a beneficial effect on reducing alcohol related crime and disorder and therefore also benefit the overall evening and night-time economy scene in Colchester town centre as a whole.

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of that property must be balanced against all other public interests or representations in this matter that the Licensing Sub-Committee may wish to consider reasonable and proportionate in relation to the application that has been submitted and also the representations that have been received against it.

In making their decision as to whether to grant this application, Members of the Licensing Sub-Committee should in particular consider Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property and also Article 8 that everyone has the right to respect for his private and family life, his home and his correspondence.

Crime and Disorder Implications

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

The Guidance issued by the Secretary of State for Culture, Media and Sport under the Licensing Act 2003 underlines the importance of the provisions of Section 17 when considering applications for premises licences under the new licensing legislation and in particular if a local authority is considering having a policy regarding the issue of new licences in areas where there may have been concerns about crime and disorder issues put forward by local residents and or the Police and the Council are considering the cumulative effect of the number of licences in existence in a designated area.

30 AUG 2013

[Insert name and address of relevant licensing authority and its reference number (optional).]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We ROBERT MORGAN

(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			
The Stockwell 18 West Stockwell Street			
Post town	COLCHESTER	Postcode	CO1 1HN
Telephone number at premises (if any)	01206711001		
Non-domestic rateable value of premises	£ AWAITING		BAND B

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

N/A

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

PLEASE NOTE - LICENCE HOLDER REMAINS ROBERT F D MORGAN
 - DESIGNATED PREMISES SUPERVISOR REMAINS LYNN M MORGAN
 # 070934 COLCHESTER BC

SECOND INDIVIDUAL APPLICANT (if applicable)

N/A

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

(B) OTHER APPLICANTS

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

Name	HAMILTON BAILEY LTD T/A THE STOCKWELL
Address	18 WEST STOCKWELL STREET COLCHESTER CO1 1HN
Registered number (where applicable)	6082591
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	01206 711001
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
28	08	2013

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)

RESTAURANT AND BAR

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	23:00		Please give further details here (please read guidance note 3) Performance of Actors to play theatre act, show, and live play in the premises	
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	10:00	23:00			
Fri	10:00	23:00	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 (please read guidance note 5)		
Sat	10:00	23:00			
Sun	10:00	23:00			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	<u>Please give further details here</u> (please read guidance note 3) Play film as complementary to guest along side dinners and Bar. ie Non-Commercial. Films are free to guests	Both	<input type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	10:00	23:00			
Fri	10:00	23:00	<u>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</u> (please read guidance note 5)		
Sat	10:00	23:00			
Sun	10:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3) <i>To allow guests for special dining evening to dance</i>		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 4) <i>Christmas + New Year dance.</i>		
Thur	10:00	23:00			
Fri	10:00	23:00	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 (please read guidance note 5)		
Sat	10:00	23:00			
Sun	10:00	23:00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 3) Allow 30 mins extra on Friday + Saturday nights <u>only</u>	Both	<input type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	10:00	23:00			
Fri	10:00	23:30	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 5)		
Sat	10:00	23:30			
Sun	10:00	23:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input checked="" type="checkbox"/>
			Allow 30 mins extra on Friday and Saturday's <u>ONLY</u>		Off the premises	<input checked="" type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	10:00	23:00				
Tue	10:00	23:00				
Wed	10:00	23:00				
Thur	10:00	23:00				
Fri	10:00	23:30				
Sat	10:00	23:30				
Sun	10:00	23:00				
			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 5)			

STET
NOT OFF
PREMISES

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public
Standard days and timings
(please read guidance note 6)

Day	Start	Finish
Mon	10:00	23:30
Tue	10:00	23:30
Wed	10:00	23:30
Thur	10:00	23:30
Fri	10:00	23:30
Sat	10:00	23:30
Sun		

State any seasonal variations (please read guidance note 4)

Christmas, new year, and public Bank Holiday.

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 (please read guidance note 5)

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We employ seasoned front of house specialist who are questioned at interview on all four licensing objectives. Such people MUST pass with solid replies to be offered a job. Ongoing training and role play ensures they remain so.

b) The prevention of crime and disorder

All permanent members of staff involved with the sale of alcohol to undertake and pass the Level 1 award from British Institute of Inn Keepers within 6 m of employment or receive training from the DPS. Records to be available to Police or licensing authority. Licensing duty knowledge to be given, recorded regularly. CCTV operates throughout premises covering all public entrances and exits. 16 cameras simultaneously record to a dedicated hard drive and record kept for a minimum 31 Days and provided on request to authorities + police

c) Public safety

Any function needing regulated entertainment (music dance) extending to 01h00 (inc Private Hire) will only take place with a min 28 days written notice to Essex Police + Licensing authority. Any function for which notification is required will be min 28 days notice. Such events will use polycarbonate glasses, ^{have} on-door security using SITA licensed door staff (records kept + available).

d) The prevention of public nuisance

We are prohibited from using outdoor areas. The smokers area can be controlled via the exterior gate and single access doorway. Notices and staff training calls for quiet behaviour when leaving the premises due to the residential nature of the location. Rowdiness is not tolerated

e) The protection of children from harm

No children are allowed in the bar area after 09h00 (this is all under 18's) unless seated with an adult and enjoying a meal in the proximity of the bar. Challenge 25 is always in operation. A refusals book to be kept and available for inspection on request. Challenge 25 sign is visible in key areas. Those without ID will not be served.

--

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. £190
- 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. NIA
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	26/8/2013
Capacity	DIRECTOR

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

Signature	
Date	
Capacity	

Premises Location Plan

Appendix 2



Licence Application Reference: 080944
Premises Name & Address: The Stockwell 18 West Stockwell Street Colchester
Date Produced: 4 October 2013

MAP NOT TO SCALE

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Premises Licence

Granted under the Licensing Act 2003 s18

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

Premises licence number: 076363

PART 1 - PREMISES DETAILS	
The Stockwell 18 West Stockwell Street Colchester	
Post town:	Post code: CO1 1HN
Telephone number at premises: 01206 575560	

Date Licence Granted: 21 February 2012

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

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	11.00 to 23.00	
Tuesday	11.00 to 23.00	
Wednesday	11.00 to 23.00	
Thursday	11.00 to 23.00	
Friday	11.00 to 23.00	
Saturday	11.00 to 23.00	
Sunday	11.00 to 23.00	
Seasonal Variations	Christmas Eve 11.00 to 01.00 New Year's Eve from the end of permitted hours on new Years Eve to the commencement of permitted hours on New Year's Day.	
Non-Standard Times		
On/Off Premises	Alcohol may be served ON and OFF the premises	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Performance of Live Music	Playing of Recorded Music
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		

Further Details		
------------------------	--	--

	Performance of Dance	Other Music or Dance Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Facilities for Making Music	Facilities for Dancing
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		Christmas Eve 23.00 to 01.00. From 23.00 on New Year's Eve until 05.00 on New Year's Day.
Non-Standard Times		
Indoors/Outdoors		Late night refreshments may be consumed INDOORS
Further Details		

The Opening Hours of the Premises	
Monday	11.00 to 23.30
Tuesday	11.00 to 23.30
Wednesday	11.00 to 23.30
Thursday	11.00 to 23.30
Friday	11.00 to 23.30
Saturday	11.00 to 23.30
Sunday	11.00 to 23.30

Seasonal Variations	Christmas Eve 11.00 to 01.30 New Year's Eve from the end of permitted hours on New Years Eve to the commencement of permitted hours on New Year's Day.
Non-Standard Times	

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

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	Licence Holder 2
Mr Robert Frank David Morgan	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mrs Lynn Margaret Morgan

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:
070934 Colchester BC

Karen Newman

Karen Newman – Public Health & Enforcement Service Manager

1 May 2013

Date of Issue

Annex 1 – Mandatory Conditions

Alcohol

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

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

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

Door Supervision

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

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

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

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

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

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

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

1. Effective management of the premises to ensure that there is strict adherence to the mandatory licence conditions in particular to those relating to drinks promotions.
2. Staff training.
3. CCTV maintained throughout the premises during the trading hours

Prevention of Crime & Disorder

4. CCTV to be installed throughout the premises. Images captured shall be retained for no less than 31 days and will be available to Police and other authorised officers following the appropriate Data Protection request.
5. Staff will be trained in the responsible retailing of alcohol.
6. Staff training records shall be retained by the premises licence holder and provided to the Police and other authorised officers on request.
7. The Premises Licence Holder shall operate a Challenge 25 age verification Policy and will only accept PASS accredited Proof of Age schemes. Photo, Card Driving Licence and passport and any other satisfactory proof of age document that may be used following future updates from the police.

Public Safety

8. The premises has a fully operational fire alarm system.
9. The fire safety equipment shall be maintained and replaced as according to any manufacturers guidance.

Prevention of Public Nuisance

10. Notices shall be displayed by the entrance and exit to advise customers when leaving the premises to do so in a responsible way so as not to cause a nuisance to any residential properties.

Annex 5 – Conditions Agreed with Responsible Authorities

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

From: Mark Russell
Sent: 20 September 2013 13:04
To: Stephen Swain
Subject: Stockwell Licesning application

Steve, thank you for making me aware of this licensing application.

I would like to register an objection on behalf of the Local Planning Authority.

When the various works to the Stockwell were permitted, issues of residential amenity were considered. The large extension allowed under Planning permission 112221 and Listed Building Consent 112222 was permitted on the basis of the previous A4 (public house) use ceasing and being replaced with the more neighbourly A3 (restaurant) use.

In addition, hours of use (previously unlimited) were brought under control to a more sociable time in the interests of residential amenity. Amplified music and outside seating was also conditioned out, equally in the interests of residential amenity.

All of these gains were considered in the round, and it was concluded that the large extension was acceptable because of this betterment.

Whilst it is acknowledged that the variation of licence would be economically beneficial to the applicant, for this variation to be accepted would be to erode the rationale for allowing the large extension to the building. Therefore the Local Planning Authority objects on the basis of the effect of the proposal on residential amenity.

Kind regards

Mark Russell
Principal Planning Officer

DUTCH QUARTER ASSOCIATION

Working to improve the quality of life for Dutch Quarter Residents
Registered charity No. 260158

21st September 2013

Environmental and Protective Services Colchester Borough Council

The Stockwell
West Stockwell Street

On behalf of local residents the Dutch Quarter Association objects to the Stockwell application for an extension of the hours for alcohol sales and the licensing of plays, films and dance on the grounds of **Prevention of Public Nuisance**.

The planning permission granted to the Stockwell describes the main use of the premises as a restaurant. It was because of the premises extremely close proximity to nearby houses properties and in anticipation of likely nuisance to residents that the Planning Committee imposed a number of strict conditions relating to opening times and activities, the use of the front and rear gardens, and control of air conditioning noise and odour. (These conditions are attached)

These conditions are already regularly being breached and are the subject of complaints by residents to Environmental Protection and Planning regarding noise from customers and sound and odour pollution from plant. Any extension to hours will exacerbate these existing problems and the granting of a licence for plays, dance and films by reason of amplified sound will make the situation much worse.

This application seeks to extend the function of the premises from that of a restaurant to a place of entertainment which will result in a further unacceptable level of noise and disturbance both from the premises and its customers in a quiet residential location.

Not only should this application be refused but the Licensing Committee should attach conditions to the existing licence to overcome the current difficulties and prevent future problems.

[REDACTED]

[REDACTED] Ward Councillors
Dutch Quarter Association Committee

[REDACTED]

The Stockwell . Conditions Attached to Planning Permission

13. No tables or chairs/benches or any other means to facilitate formal, prolonged use of the front or rear garden shall be placed in either of these gardens at any time.

Reason: Colchester Borough Council has granted permission for this extension for, amongst other things, betterment of an undesirable situation (namely an extant use for a public house in a residential area, with unlimited hours of use and unfettered use of the garden). As such it would not be desirable to encourage the any formal use of the garden area.

15. The use of the premises (with the exception of the residential element) shall not be outside of the following hours: 11:00 - 23:30 (Monday to Saturday) 11:00 - 23:00 (Sunday/Bank Holidays). The only exception to this shall be Christmas Eve and New Year's Eve (11:00 - 01:30).

Reason: For avoidance of doubt as to the scope of this permission and in the interests of residential amenity.

16. Alcohol shall not be served outside of the following times: 11:00 - 23:00 (Monday to Saturday) and 11:00 - 22:30 (Sundays). The only exception to this shall be Christmas Eve and New Year's Eve (11:00 - 01:00).

Reason: For avoidance of doubt as to the scope of this permission and in the interests of residential amenity.

18. No amplified music shall be played in the building at any time unless and until a scheme of noise insulation/attenuation has been agreed with the Local Planning Authority.

Reason: In the interests of residential amenity as permission has been granted for this extension on the basis of the main use being as a restaurant and noise from music would be unacceptable unless adequately attenuated.

19. Prior to the development hereby permitted coming into use, the applicant shall supply manufacturer's details of the proposed extraction equipment, to be agreed in writing by the Local Planning Authority. Such details shall include noise levels and, where appropriate, odour elimination measures, and shall be installed and maintained as such.

Reason: In the interests of residential amenity

[REDACTED]

[REDACTED]

I am writing with regard to the Stockwells licensing application, 18 West Stockwell Street. I vociferously object to this application on the grounds of public nuisance. If the hours of business increase the light pollution from the premises will also increase [REDACTED]

The noise pollution will increase and will be very noticeable in a quiet residential area, especially in a narrow street.

I have already made a complaint to Environmental Health about the nuisance from noise from a rowdy group of men drinking outside the Stockwell. I never had to complain once in the nine years that we have lived here about any other license holders. I have no confidence in the Stockwell respecting its neighbours, considering its past performance e.g. Noisy bottle collections as early as 6.30am, noisy patrons as said above and loud door banging and noisy staff goodbyes till 1am. [REDACTED]

On these grounds I strongly recommend that the license to extend the hours and for entertainment is not granted. The quality of life in and around the Stockwell will be adversely affected if this license is granted.

[REDACTED]

[REDACTED]

24 September 2013

The Licensing and Enforcement Manager
Environmental and Protective Services
Colchester Borough Council

The Stockwell
18, West Stockwell Street

Dear Sir/Madam

I write this letter to object to the proposed alteration of the licence for the above address, for an extension of the hours for alcohol sales and the licensing of plays, films and dance on the grounds of **Prevention of Public Nuisance**.

We are residents of [REDACTED] ([REDACTED]), [REDACTED]
[REDACTED]. Already since the opening of the Stockwell, there has been an increased level of noise resulting from its operation. This includes but is not limited to:

- **Traffic (staff movements) up and down the (new) internal stairs during the operational hours.** This involves footfall and very loud door banging, which can be heard and felt in our bedroom. If the restaurant changes its hours to later night opening, this will doubtless continue later and result in additional disturbance.
- **Noise from extraction and cooling plant.** N.B: this has already been witnessed and is currently under investigation by CBC Environmental Health.
- **Additional traffic and taxis in the vicinity near to, and outside our house.**

- **The informal use of the bench (outside our house) as a ‘smoking area’ by patrons of the Stockwell.**

The planning permission granted to the Stockwell described the main use of the premises as a restaurant. Indeed it went further to explain that the reason for choosing such an enterprise (as opposed to a pub) was because of the premises extremely close proximity to nearby properties. In keeping with this, the Planning Committee imposed a number of strict conditions relating to opening times and activities, the use of the front and rear gardens, and control of air conditioning noise and odour. I am sure that you are aware of this, and whilst I am also aware that this in itself is not a licencing issue, any extended use beyond the hours stated in these conditions would (if used) put the owner(s) in breach of their planning consent.

Other conditions are already regularly being breached and are the subject of complaints by residents to Environmental Protection and Planning regarding noise from customers and sound and odour pollution from plant. In addition, there has already been an incident where the management of the premises exceeded their hours until 00.45 on the night of 14/15 September. Any extension to hours will exacerbate these existing problems and the granting of a licence for plays, dance and films, which by its very nature will involve the use of amplified sound will make the situation much worse.

We are dismayed that the applicant has not sought our views, nor made any attempt to inform us of their intentions to make changes to the licence at any stage of the application. As a consequence the first we knew of this was when we were contacted by our local residents association (the Dutch Quarter Association). The net result of this is that we do not know what (if any) operational conditions are proposed to limit the harm that this extension of the hours will otherwise incur. Nor can we see whether these will be sufficient, or indeed whether they are even likely to work in practice. Add to this, the fact that we are no longer clear who should be contacted to check this - (we believe that the application has been made by Hamilton Bailey Ltd., although the publicity for the restaurant cites Mr Robert Morgan as the proprietor, whilst the designated premises supervisor appears to be a Lynne Margaret Morgan) - and the resulting confusion is unhelpful.

It is our view therefore, that the extended hours and changes to the types of activities allowed should not be granted. Indeed, the planning authorities have already clearly recognised the potential for public nuisance (heightened levels of noise and disturbance both from the premises and its customers) in a quiet residential location, that a drift toward a more ‘pub-like’ premises would create.

Furthermore we move that not only should this application be refused but the Licensing Committee should attach a tighter set of conditions to the current licence, so as to properly mitigate the current difficulties (as outlined above) and prevent future problems.

Yours Sincerely

[Redacted signature]

26 September 2013

Environmental and Protective Services Colchester Borough Council
By e-mail: licensing.committee@colchester.gov.uk

**The Stockwell
West Stockwell Street**

As residents of the Dutch Quarter we would like to object to the application made by The Stockwell to amend the existing conditions under which it currently operates i.e. in requesting an extension to the hours for alcohol sales and the licensing of plays, films and dance. The Dutch Quarter is a well-known and much liked residential area of great historical significance to the town of Colchester and boasts a high ratio of listed buildings which are not permitted to insulate themselves from noise pollution and noise-related disturbance in the same way as non-listed properties are (most notably through the installation of double-glazed windows but also through the very fabric of the buildings themselves). As such this makes them extremely vulnerable to excessive noise. Indeed as an important local listed building The Stockwell is likewise subject to the same constraints but rather than facing the problem of keeping the noise out, the building is, conversely, confronted with having to keep the noise in. It is not a construction that was designed and built to do so. The showing of films and plays as well as allowing dance would, therefore, automatically become an issue for the immediate neighbours and beyond.

Furthermore, we understand that The Stockwell has been in breach of a number of the existing regulations (over and above a number of infringements of its planning consent) that it agreed to operate under. To allow it to extend its activities in knowledge of these breaches would be tantamount to sanctioning indifference towards the regulatory process and would be in danger of rendering the licencing process unfit for purpose.

In order to maintain the unique character of the neighbourhood and the quality of life of its residents we reiterate our opposition to this request for changes in the licence of The Stockwell.

Yours,

[Redacted signature]

[Redacted signature]

Environmental Protective Services
Colchester Borough Council
PO Box 889
Rowan House
33 Sheepen Road
Colchester
Essex
CO3 3WG
By email and post
26 September 2013

Dear Sirs

**Objection to the Variation of Existing Licence
The Stockwell, 18 West Stockwell Street, Colchester**

I wish to object to the application to vary the above licence to extend the hours for:

- alcohol sales;
- to add the performance of plays;
- the provision of films; and
- the provision of late night refreshment

on the ground of Prevention of Public Nuisance.

I understand from the Notice of Planning Decision dated 29 February 2013, the permission was granted for use as a restaurant for the "... betterment of an undesirable situation (namely the extant use for a public house in a residential situation, ...)".

I object on the basis the change of use and increase in hours would be detrimental to the amenity of nearby residents due to the increase in noise from patrons walking to and from the premises at night.

Yours faithfully

[Redacted signature]

Comments on License Application, West Stockwell Street, Colchester

Introduction

These comments are submitted on behalf of [Redacted]

[Redacted] The comments are drawn from the Council's own up-to-date policy guidance "Statement of Licensing Policy" (Colchester Borough Council, June 2013) as well as relevant planning policies.

The primary causes of strong objection relate to "Licensing Objective 4: Prevention of public nuisance" of the Council's Statement (page 47 onwards). However the Council as licensing authority, in deliberation on the application, must also take into full account significant issues and potential conflicts (or at least prematurity) in relation to preferred procedures and to pending decisions on outstanding planning issues already before the Council as planning authority. This matter is covered first given the importance.

Planning and Licensing Procedures

The Council's Statement states that any premises for which a licence is required should preferably have either planning consent or lawful use under planning legislation (para. 2.11).

The applicant has neither and has not even applied in parallel for planning approval (at the time of this submission and based on the Council's website).

Whilst this sequence ("planning-before-licence") is a preference, given the particular circumstances surrounding the applicant's breaches of existing planning conditions in operating the Stockwell as a restaurant, then good practice and proper decision-making should follow the preferred sequence. If this is legally difficult - ie the Council deferring licence determination - then with this procedural policy preference in mind coupled with the inappropriateness of the activities of the licence in any case (in a residential area), it is strongly recommended the licence is refused.

Importantly, there are additionally a number of unresolved planning issues involving breaches by the applicant to earlier existing planning consents for the restaurant, which require to be resolved unfettered by the complication of decisions on this licence application.

Therefore there should properly be two rounds of planning decisions to be determined prior to determining this licence application. Deciding the licence application first would "be putting the cart before two horses".

Were the Council to inexplicably deviate or ignore this good practice sequence, then the licence application should be refused in any case, for the reasons given later in this

submission. This would allow the licence applicant to apply again in the light of, and guided by, proper and prior consideration of planning decisions.

Current Planning Breaches by The Licensing Applicant - Adversely Affect Residential Amenity

Colchester Borough Council as planning authority has two planning applications before it, where the licence applicant is seeking retrospective consents to various breaches of two planning consents granted in 2012. A number of breaches relate to building and operational matters of the now opened restaurant that already erode surrounding residential amenity (the immediate area is a recognised residential area). These have raised numerous formal objections from surrounding residents.

The key breaches include sing the rear garden by patrons, the construction of extraction systems that disgorge smells and odours directly towards neighbouring residences, and the operation of noisy extraction systems. In combination these breaches adversely affect local residential amenity to a significant degree, in direct contravention of a number of commendable planning conditions attached to protect residential amenity.

Resolution of these breaches is of course a planning and not licensing matter, but the issue of adverse impact on residential amenity relates directly to the licencing authority's overlapping "duty of care" in relation to public nuisance. Given these planning issues remain outstanding for Council resolution, along with the apparent willingness of the licence applicant to challenge and test the Council in his disregard of planning conditions that protect residential amenity, the Council may in future find itself in an invidious position if granting a licence consent (with or without conditions) as inevitably residential amenity further degraded.

Why The Licence Application Should Be Refused Anyway

The Council's updated "Statement of Licensing Policy" (Colchester Borough Council, June 2013) states;

"a balance needs to be struck between the commercial importance of our evening and night-time economy and reasonable living and working conditions, including the right of residents to the peaceful enjoyment of their homes and possessions".

Both the Statement, as well as planning policies recognise the location of the Stockwell as being a residential area - para. 1.3 of the Statement and formally in the LDF Proposals Map. Conversely both sources name the areas in the core areas of the Town Centre where the night time economy areas concentrate and are encouraged. In other words, the Dutch Quarter is not an identifiable location within which to encourage nightlife economic activities, because it is a residential area, whilst the Statement (ie as quoted above) and numerous planning policies have been defined to protect residential amenity.

For these reasons the planning consents to the restaurant included eight laudable conditions (relevant to the Technique Building) required to safeguard residential amenity in a residential area, which are also relevant to the Council's licensing obligations of "duty of care";

1. 2 conditions regarding ducting/extraction systems (odours and noise)
2. 2 conditions regarding rear garden landscape treatment (noise - by preventing garden use by patrons)
3. 1 direct condition preventing use of the rear garden (noise)
4. 2 time-period conditions regarding use of premises and serving alcohol (noise)
5. 1 prevention of amplified music (noise).

To reiterate;

- All these conditions were attached by the Council to the planning consent "in the interests of residential amenity", within a residential area;

- The first five of these (1. to 3) have already been breached (as ongoing);
- The adverse amenity of the breaches have resulted in complaints to the Council;
- The Council has yet to decide on how it will resolve these breaches;
- The impact of these breaches are directly relevant to the wider environmental and licencing duties of care of the Council.

The licence application now before the Council would therefore additionally see the effectiveness of the last three conditions (4. and 5. above) severely diminished, all against the Council's approved conditions that provide protection in the interests of residential amenity. The applied for licence is for;

The performance of plays

The provision of films

The performance of dance

Late night refreshments (23.00 to 23.30)

Extension of hours of alcohol sales

Extension of opening hours

In combination the above would seem to allow later opening and alcohol consumption and (in speculation) an element of food and drink "takeaway", along with late night dancing and music (ie a disco"). In which case a relatively "passive" restaurant, already requiring planning conditions to ensure compatibility in a residential area, could "morph" into an establishment including night time activities totally incompatible within a residential area. If the case, or a possibility, then the licence is objected to and should be refused "in the interests of residential amenity".

Regarding the individual elements;

The performance of plays, films and dance; from the scant information made available (ie on the licence website) it is not clear what this covers, nor when such activities might be performed, nor where within the restaurant. Clearly one or more of these activities would involve sound amplification, which would test existing planning conditions. It is also assumed these activities could take place until 23.30. As such it is likely that this may result in late night dancing to music – ie a dance club or disco. If the case, or a possibility, then the licence is objected to and should be refused "in the interests of residential amenity".

Late night refreshments; It is not clear why this is applied for (from the scant information made available). The Council's "Statement of Licensing Policy" (June 2013) defines late night refreshments as "the supply of hot food or hot drink to members of the public between 11.00pm and 5.00am for consumption on or off the premises" (Appendix 1).

According to the licence application, it appears the restaurant already opens to serve diners until 23.30 in any case (any change would simply require an extension to these hours). The implication in specifically applying for a late night refreshments licence is this would additionally allow the sale of food and drink to be consumed "off the premises" between 23.00 to 23.30. In other words potentially a late night "takeaway". This is clearly inappropriate within a residential area, whilst there is an abundance of "takeaway" outlets properly located in the nearby town centre. If the case, or a possibility, then the licence is objected to and should be refused "in the interests of residential amenity".

Extension of hours of alcohol sales; It is less than clear why an extension to hours of the sale of alcohol is sought if the Stockwell is intending to remain a restaurant acceptably functioning within a residential area (only achieved by the essential use of existing planning conditions). For example, it is assumed the application for the performance of films, plays and dance, does not require an extension to the hours of alcohol sales. Is this about showing an Eisenstein classic in mid-evening or introducing late night music and dancing and drinking – more akin to a dance club or

disco? Combined with the licence seeking late night refreshments (as above) then the concerns, in terms of real and significant adverse residential impact, start to stack up. If the case, or a possibility, then the licence is objected to and should be refused “in the interests of residential amenity”.

Extension of opening hours – as presented in the licence application on the website, not contentious. However if the current opening hours contained in the existing planning consents are the actuality, then the statement that the restaurant is already permitted to open from 11.00 to 23.30 Mondays to Sundays is wrong.

In conclusion, all the likelihoods identified above raise the fullest range of major residential amenity issues under the Council’s Licensing Objective 4: Prevention of public nuisance. As licensing authority, the Council should simply refuse consent.

[REDACTED]

Licensing Committee
Colchester Borough Council
33 Sheepen Road
Colchester
Essex
CO3 3WG

[REDACTED]

25/09/2013

The Stockwell, West Stockwell Street.

Under the conditions of the 2003 Licensing Act, I as a resident of the Dutch Quarter in Colchester wish to record my opposition to the proposed alterations to the operation of the Stockwell, in West Stockwell St.

This proposed alteration coming so soon after the original agreed application, is proof that the new owners of these premises had no intention of keeping this business as a Pub/Restaurant and, in fact always intended to turn the premises into an entertainment/nightclub venue. This is a back door Application, if these conditions were part of the original Application the Residents of the Dutch Quarter would never have allowed the changes to have taken place.

Many residents have lived in the Dutch Quarter for many years, and have no objections to a pub/restaurant in the area, but to allow changes allowing longer drinking hours and music etc (nightclub) is not an option.

When is this Council going to understand that the Dutch Quarter is predominantly a residential area, with many listed buildings and, visited by the many tourists visiting this town. The council have over the years neglected their duties in maintaining the cleanliness of the area and by allowing this application to go ahead will only add to possible noise and rubbish pollution.

We as residents already have to put up with noise, rubbish and vandalism from people who frequent the town's current nightclubs/ music venues we definitely do not need another one. Sleeping or trying to sleep at weekends is already an issue for many residents, This council has an obligation when looking into these applications to consider the Health, Safety and WELFARE of the Tenants and Council Tax Payers of the area. If this application goes ahead and my welfare or health becomes affected

then I hope the Council will recompense me for any loss of earnings or health care I may need to take.

With many local authorities currently looking into the current licensing laws, and appreciating that lengthening opening hours has not had the desired effect, but has made matters worse, WHY does this council still accept applications from pubs, nightclubs and music venues to extend opening times.

It is time for this council to man up, and to start getting tough, and to start saying NO. Start looking after and listen to the residents and represent the people who vote you into power.

This application should be refused and filed in the bin, to apply for changes to an agreed license so soon after opening proves that this was always an intention of the owners and should have formed part of the original application. This is a Back Door Application bin it.

Yours

██████████

Licence Objection - The Stockwell

To Whom it may concern

Please find my formal objection to the licence variation to the application submitted for consideration for The Stockwell, West Stockwell Street, Colchester.

My property borders the above property, and have submitted objection to the Council regarding the outstanding planning applications and the Environmental Services Regarding noise and smells.

I am not a habitual complainer and purchased my home with the full knowledge of the renovation of the old Stockwell Arms into its current guise. I too like an occasional beer or glass of wine and I am much younger than some of my neighbours (no offence intended!)

You will know that both properties are within the residential area known as the Dutch Quarter, and this area can only be described as Colchester's hidden gem, visited by scores of international visitors each year to take in the wonderful architecture and neat narrow streets, led by knowledgable people around the Colchester Trail.

So it comes as some surprise that The Stockwell should wish to vary its licence to open earlier and close later, in a residential area.

The Stockwells location is unique. Its sits in a quiet residential part so close to the busy hustle and bustle of the Town centre. It's origins are unique, being subject of a listing for its medieval construction and remains of that historic era. But it is NOT in the Town Centre!

So my objection! As it is not within the 'Town Centre' where the night time economy is clearly defined, regulated and licensed appropriately with security, cameras and a defined policing plan, it would only mean that those visiting the town centre would be drawn away from that area into the quiet residential side streets. This will clearly lead to those who are less well behaved (every town has them and I speak from my police background) or intent on nuisance or crime, causing those residents in the immediate

area to be subject of crime, or the fear of crime and nuisance. Be this damage, or the remains of yesterday's dinner being left in doorways and gardens.

I personally fear that my home will be subject of nuisance and potentially damage to my home or vehicles, as one of the nearest properties to The Stockwell.

The Council thought it prudent to protect the most valuable part of the town and implemented a Designated Public Place Order, (DPPO) to effectively manage public drinking to ensure the environment around our 'gem' remained a gem to visit by towns folk and foreign visitors alike.

So why would The Stockwell want to open early and close late? Who drinks alcohol at 10am in the morning? Less than 100 metres from The Stockwell is NEEDAS where the vulnerable go. Is this a new market?

The DPPO covers the whole Town centre and the Dutch Quarter. There must have been a reason the council felt obligated to enact this part of legislation and include the Castle and Park and Dutch Quarter. (no doubt it related to anti social behaviour and alcohol consumption)

If the licence is granted it will lead to more incursions from rowdy patrons (and/or their children) as has already happened. The property sits in a bowl where currently no outside drinking, smoking, singing, or alfresco dining is permitted by the planning restrictions. if the applications is allowed it will severely impact further on my family life by noise and crime, both potential and actual, I'm sure! However, as has already been proven with the current landlord/owner, he says one thing and means another!!

At a time of shrinking budgets, the ability of the Council and the Police to manage any variation will be limited and as such our homes and lives will be affected, by noise nuisance, those who over indulge and criminals, who may frequent the premises or visit its close proximity!

Should it be granted, will additional restrictions be imposed or considered such as plastic glasses and a comprehensive CCTV system covering all internal and external areas, as well as suitably qualified security personnel to manage those extended hours?

The old Stockwell Arms was the type of pub you could only describe as an old boys pub where you could buy real ale, smoke and pass the time with stories of the old days, as long as you were accompanied by both of your parents! But I bet it never had any objections to its licence?!

I respectfully request you give due consideration to my objection, and those of my neighbours in refusing this application for both early and late hours to maintain the family life we have and the genteel nature of our home surroundings in such a historic part of our fine town.

Yours faithfully,



Hi

It has been brought to my attention that The Stockwell Arms (TSA) has submitted an application to extend the drinking hours on a Friday and Saturday. To start at 10am and finish at 11:30pm.

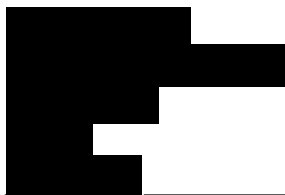
I believe that given the residential location of TSA, and the existing late night/early morning disturbances, it would be inappropriate to grant this extension.

I accept the fact that The Dutch Quarter is in close proximity to the town centre, and that we cannot prohibit people leaving the town centre, generally shouting, singing and , that has been reported, criminal damage to cars and property, very regularly into the early hours of the morning, but I do not believe it would be sensible to add to these existing disturbances that the residents of the Dutch quarter already have to endure.

This is a central residential location that already has it's fair share of disturbances late into the morning that, unfortunately, the council or police are unable to control, given the area and likely time these incidents happen. To add to this locally would be totally unacceptable.

Thank you for taking the time to read and acknowledge my concerns, and I look forward to seeing your appropriate decision.

Kind regards



Please accept this as a formal objection to the application by the Stockwell to increase its hours from 11.00 to 11.30 on Friday and Saturday for the sale of alcohol.

Additionally the application for dance film and performance of plays will cause public nuisance

The concept on which the licence was originally granted was in pursuance of a fine dining experience which was acceptable in this highly residential area although there have been breaches of that licence during the short time the Stockwell has operated. This application is aimed at a different market which will by virtue of the extended hours and the performance of dance with recorded or live music will cause public nuisance to residents.

This application is clearly breaking planning conditions which were imposed when planning permission was given previously and which were there to prevent public nuisance. I accept that breaches of planning conditions are not a matter for the Licensing Committee but those conditions were attached to the planning permission to prevent exactly the sort of public nuisance issues which are being highlighted by this application. The applicant has clearly realised that his current business model is not successful and is now changing the basis on which he wishes to operate his business to the detriment of the lives of his neighbours



[REDACTED]

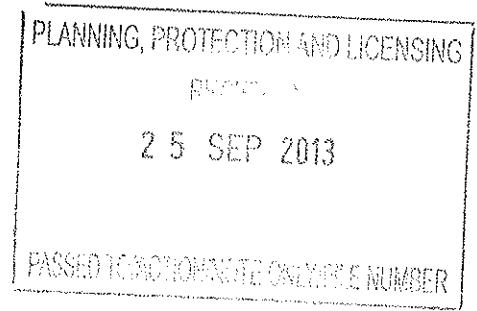
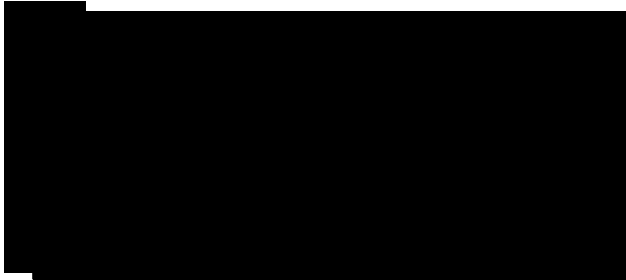
I am writing to object to the application by the above business to extend their licensing hours.

I cannot see how this can possibly be of benefit to the local area and will only cause more late night noise and disturbance to us residents.

The application can only be based on purely commercial interests and contributes nothing to the well being of the Dutch Quarter. I do hope that common sense will prevail.

Yours Faithfully

[REDACTED]



Tel: 01206 563867

24 September 2013

Licensing and Enforcement Manager
CBC Environmental and Protective Services
Rowan House 33 Sheepen Road
Colchester CO3 3WG

Dear Sir,

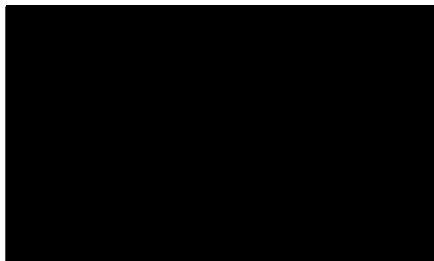
The Stockwell, West Stockwell Street, Colchester

I am writing to object to the current application by the Stockwell for an extension of the licensed hours for the consumption of alcohol and for the licensing of plays, films and dance on the grounds of prevention of public nuisance.

The planning permission granted to the Stockwell describes the main use of the premises as a restaurant and strict conditions were imposed with the permission to minimise the nuisance likely to be caused to those living in this almost entirely residential area.

It seems obvious to me that to grant any extension to existing licensed hours and the additional forms of entertainment on the application must increase the risk of public nuisance. Therefore I submit that the application should be refused.

Yours sincerely,





Dear Sirs,

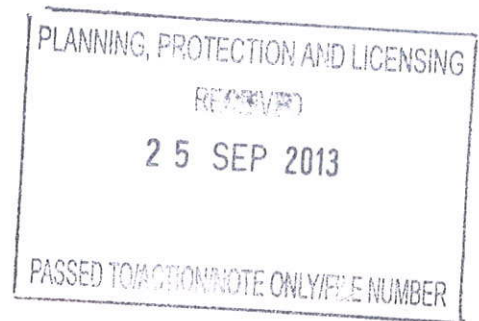
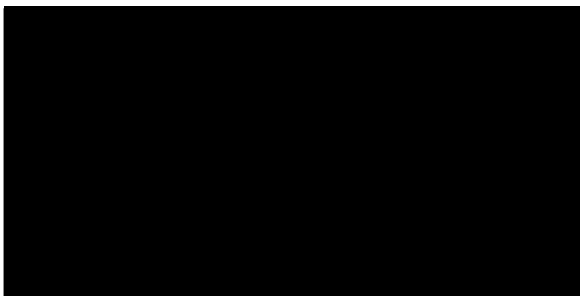
**Re: Objection to application to extend licensing hours at The Stockwell,
West Stockwell Street, Colchester**

I do not think it is in the interest of residents living on West Stockwell Street to have the licensing hours extended at The Stockwell. The imminent opening of a new restaurant /bar/and dancing in the old library and magistrates' court at the top of West Stockwell Street will add considerably to the noise we are already experiencing from late night revellers coming out from the night clubs on the High Street.

Any extension of the licensing hours at The Stockwell means we will have to contend with more disturbances both from the top and bottom of this narrow street. This is a residential area and we are entitled surely to some quality of life here?

I therefore object to any extension of the licensing hours at The Stockwell on the grounds of Prevention of Public Nuisance.

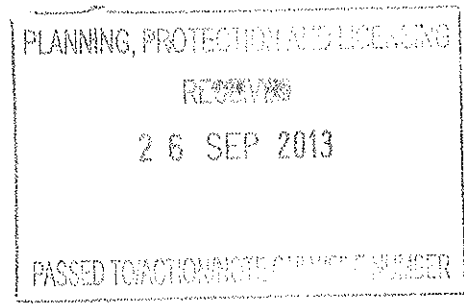
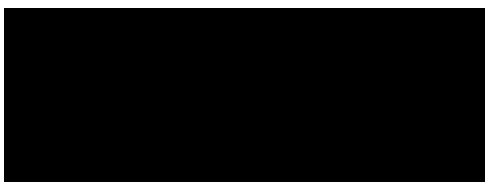
Yours faithfully



1
*Environment & Protective Services
Colchester Borough Council*

076363

23rd September



Dear Sir,

This is a letter not to oppose (in principle) the restaurant The Stockwell Arms, but to strongly oppose the extended opening and entertainments licenses applied for.



The extended hours and entertainment will cause increased disturbance in an essentially residential area. I have already had to put up with disturbance from people from the restaurant; drinking and smoking out the front of the building. I have put in a formal complaint to Environmental Health and I am currently in contact with them. The area where the smokers congregate is outside of my house – this was never like this previously (when it was a quiet local pub), if the hours are extended, even by a little then this will have an effect on me in my own house.

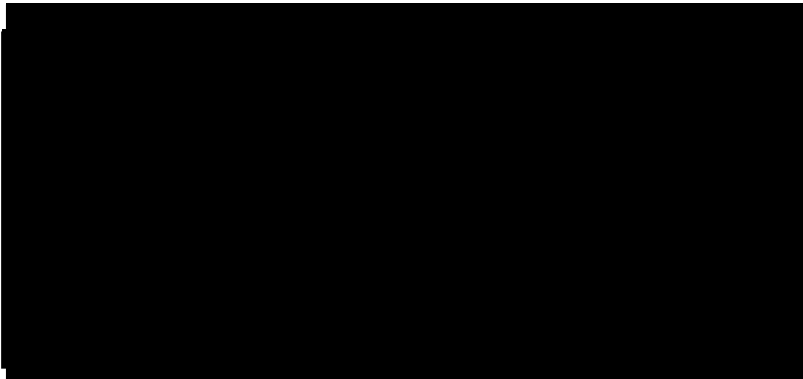
I am disabled after suffering a stroke around 5 years ago and am in a wheelchair. The license applied for will run not only in the winter but the summer when I have my windows open. This summer I had to lie in my bed and listen to the noise from The Stockwell and I could not get up to close the window as my carer was not coming back until the morning.

At present I hear taxi doors slamming when people come and leave the building. The staff slam doors very loudly, especially the kitchen door beside my house and the staff are frequently smoking and chatting outside of this door which is situated right outside my house until well after midnight and beyond.

I already feel vulnerable as there is more noise than there was previously. If the time is extended I will feel even more vulnerable in my own home due to the extra hours. It will encourage more drinking as the clientele will be drinking for longer periods and may encourage a more "rowdy crowd".

Due to the stroke I worry about my environment. I am really not happy about this. I have heard more noise from the Stockwell Arms in the last 5 months than I have heard in the previous years I have lived here.

For all the reasons mentioned, the change would be a further nuisance and be very stressful. I am strongly asking for the extended license and entertainments license not to be given.



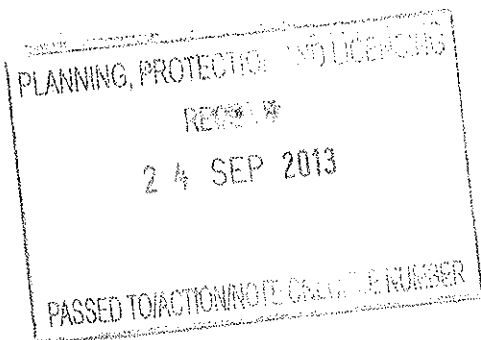
Sarah

20th September 2013

SIR

I wish to request that you refuse granting a licence to "The Stockwell" West Brookwell Street, for dancing, music, plays etc etc and the reasons are below.

1. The nature of the place seems to be changing from that originally intended
2. The increased traffic along, already, a very damaged road, will be of great nuisance to this, so-called residential area.
3. The nature of the streets makes a funnel for noise which will be increased by the amount of footfall envisaged.
4. With the perceived increase, we will suffer when the Town Hall restaurants get into being, it will be like living in a rat run.
5. I already have to put up with revellers talking loudly outside my window which is close to the narrow pavement area - The Dutch Quarter is becoming a shambles - Please think very carefully before granting these licences -



indexed

Environmental and Protective Services
Colchester Borough Council



26.09.2013

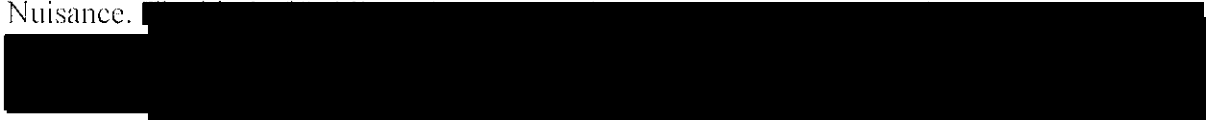
Dear Sir or Madam

We wish to object to the application by "The Stockwell" for an extension of its hours of business on the weekends, for the licensing of plays and also films and dance. We do this on the grounds of "Prevention of Public Nuisance".

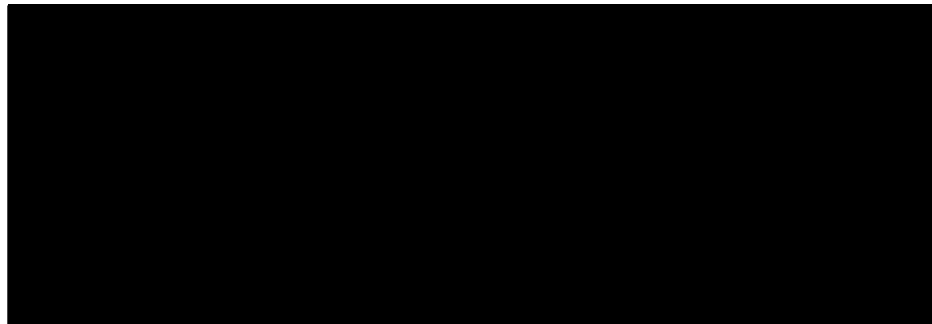
The whole rationale of the refurbishment of this establishment (a very good thing in itself) is as a restaurant. This is appropriate, given the overwhelmingly residential character of this lower end of West Stockwell Street. The business is in extremely close proximity to a number of houses and flats.

We do not see the congruence of these new conditions to the business of "The Stockwell" considered as a restaurant. They seem more in keeping with a nightclub. This area already abuts on two nightclubs: "Liquid Envy" and "Valentinos" (presently for sale, but with a full nightclub licence). Whereas the former is in the High Street, the latter is situated in a closely packed residential area. As such it has been a cause of complaint for years in a way that "Liquid Envy" has not.

Recently, restaurant licences have been granted to one or more establishments at the top of West Stockwell Street, in the old Town Hall building. Yet these are not ordinary restaurant licences, but licences allowing extended opening hours, boxing matches, music and dancing. What this adds up to is a kind of hybrid restaurant-nightclub. Three nightclub or nightclub-like establishments in the one block is enough. A fourth at the bottom of West Stockwell Street would create Public Nuisance.



Sincerely



e-mail: licensing.committee@colchester.gov.uk
website: www.colchester.gov.uk