

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
24 May 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

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
Telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number
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.

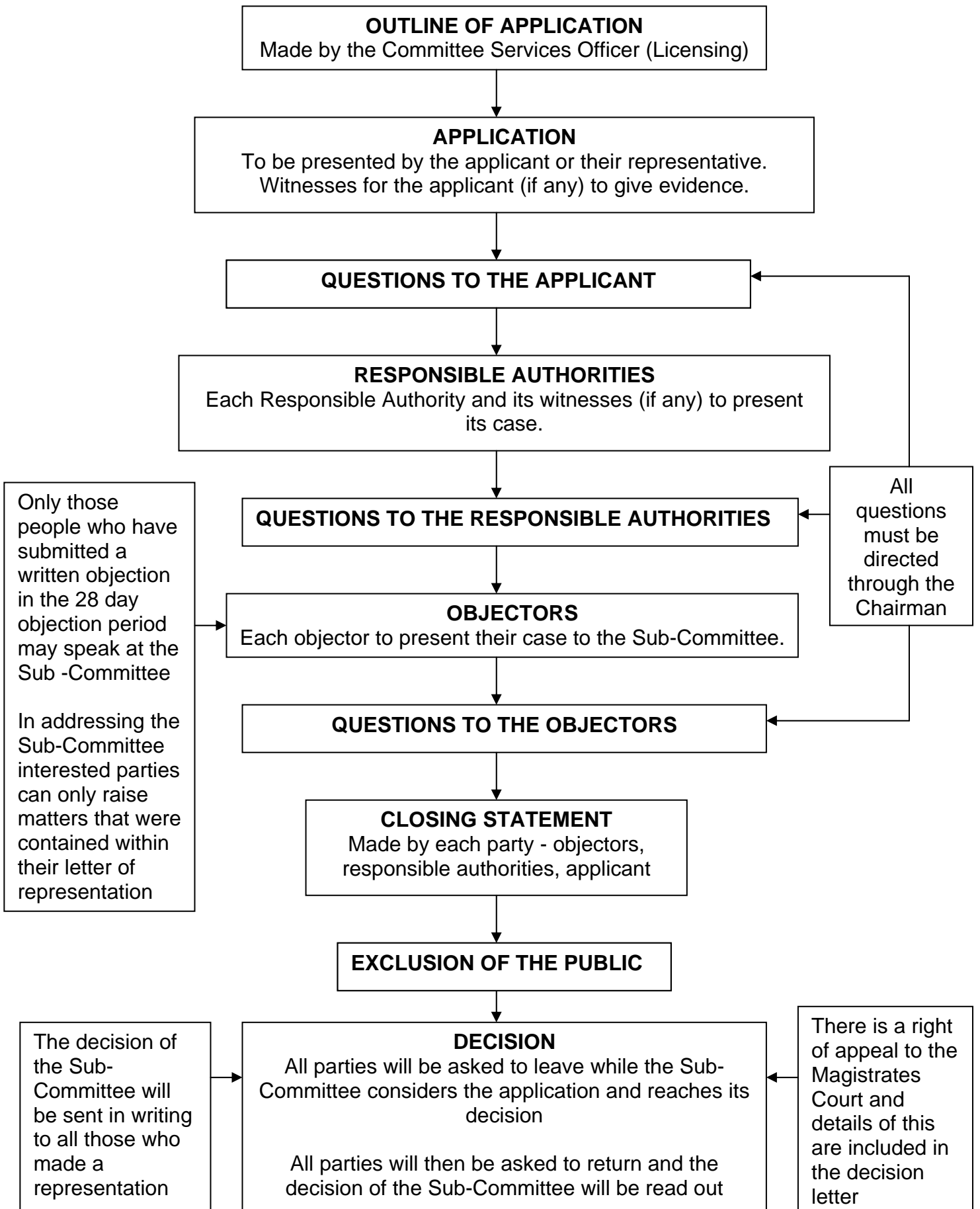
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
24 May 2013 at 10:00am**

Members

Councillors Nick Cope, Margaret Fairley-Crowe and
Michael Lilley.
*(Chairman and Deputy Chairman to be appointed at first
meeting)*

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 off or to silent;
- 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 - 26

Kings Ams, 63 Crouch Street, Colchester CO3 3EY

See report by the Head of Professional Services



Licensing Committee – 24 May 2013	Agenda Item 4A
Kings Arms	FOR GENERAL RELEASE

Premises	Kings Arms 61-63 Crouch Street Colchester	Ward: Castle Ward Stress Area: No Flare Ref: 16873 Author: Martin Nelson
Application	Application to vary a premises licence to permit the creation of a new servery (outside bar) and cold cellar in the existing barn to the rear of the premises and in the existing barn	Appendix 1
Street Plan		Appendix 2
Premises Licence	Existing Licence	Appendix 3
Responsible Authorities	Environmental Protection – Conditions	Appendix 4
Interested Parties		
Local Residents	Letters of representation	Appendix 5

Variation of the Licence
To permit the creation of a new servery (outside bar) and cold cellar in the existing barn to the rear of the premises and in the existing barn, to the rear of the site and at the back of the external courtyard. The bar to be located at the front of the barn and open out into the courtyard through the existing double doors.

Policy Guidelines – Kings Arms, 61 – 63 Crouch Street, Colchester
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 take aways".

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 Prevention of Public Nuisance

Paragraph 5.27 of the Council's adopted 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 5.28 of the Council's adopted 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 5.29 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 of 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.**

There have been four relevant representations received in regard to this licensing objective; one from a local resident; two from Ward Councillors; and one from Environmental Control. The representations from Ward Councillors and a local resident refer to the existing problem of noise nuisance emanating from the premises, particularly on Bank Holidays. They express the view that this noise nuisance will be exacerbated in the event that the licence is varied as requested to permit the outside bar as the hours of its operation will be those of the existing premises licence which permit alcohol to be served until midnight Sundays to Wednesdays and until 01.00 Thursdays to Saturdays. Environmental Control has received complaints in relation to noise from the premises in the past but has agreed conditions which are shown at Appendix 4.

Additional Policy Guidance

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

3.100 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.

3.101 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.**

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.

Application to vary a premises licence 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/W Greene King Retailing Ltd

e

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 004016
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Kings Arms 63 Crouch Street Colchester			
Post town	Colchester	Post code	CO3 3EY

Telephone number at premises (if any)	01206 572886
Non-domestic rateable value of premises	£93000

Part 2 – Applicant details

Daytime contact telephone number	01284 714140		
E-mail address (optional)	hannahloynds@greeneking.co.uk		
Current postal address if different from premises address	Greene King Retailing Ltd Abbot House PO Box 337		
Post Town	Bury St Edmunds	Postcode	IP33 1QW

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

Day

Month

Year

If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the licensing plans to include the following alterations:

The proposed works are for a new servery (outside bar) and cold cellar in an existing barn located to the rear of the site, at the back of the external courtyard, increasing the gross internal licensed bar servery area by 9 square metres. The bar will be located at the front of the barn and will open out to the courtyard through the existing double doors. Additionally the proposals show a cold cellar in the existing barn behind the new bar servery.

For full and further details please view the licensing plans.:

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4) As per premises licence currently granted		
Tue					
Wed					
Thur			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)		
Fri					
Sat					
Sun					

N

<p>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) As per premises licence currently granted</p>
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O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) As per premises licence currently granted
Day	Start	Finish	
Mon			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)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
As per current premises licence granted

- Please tick yes
- I have enclosed the premises licence
 - I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

As per current premises licence granted

b) The prevention of crime and disorder

As per current premises licence granted

c) Public safety

As per current premises licence granted

d) The prevention of public nuisance

As per current premises licence granted

e) The protection of children from harm

As per current premises licence granted


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	9th April 2013
Capacity	Licensing Manager

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

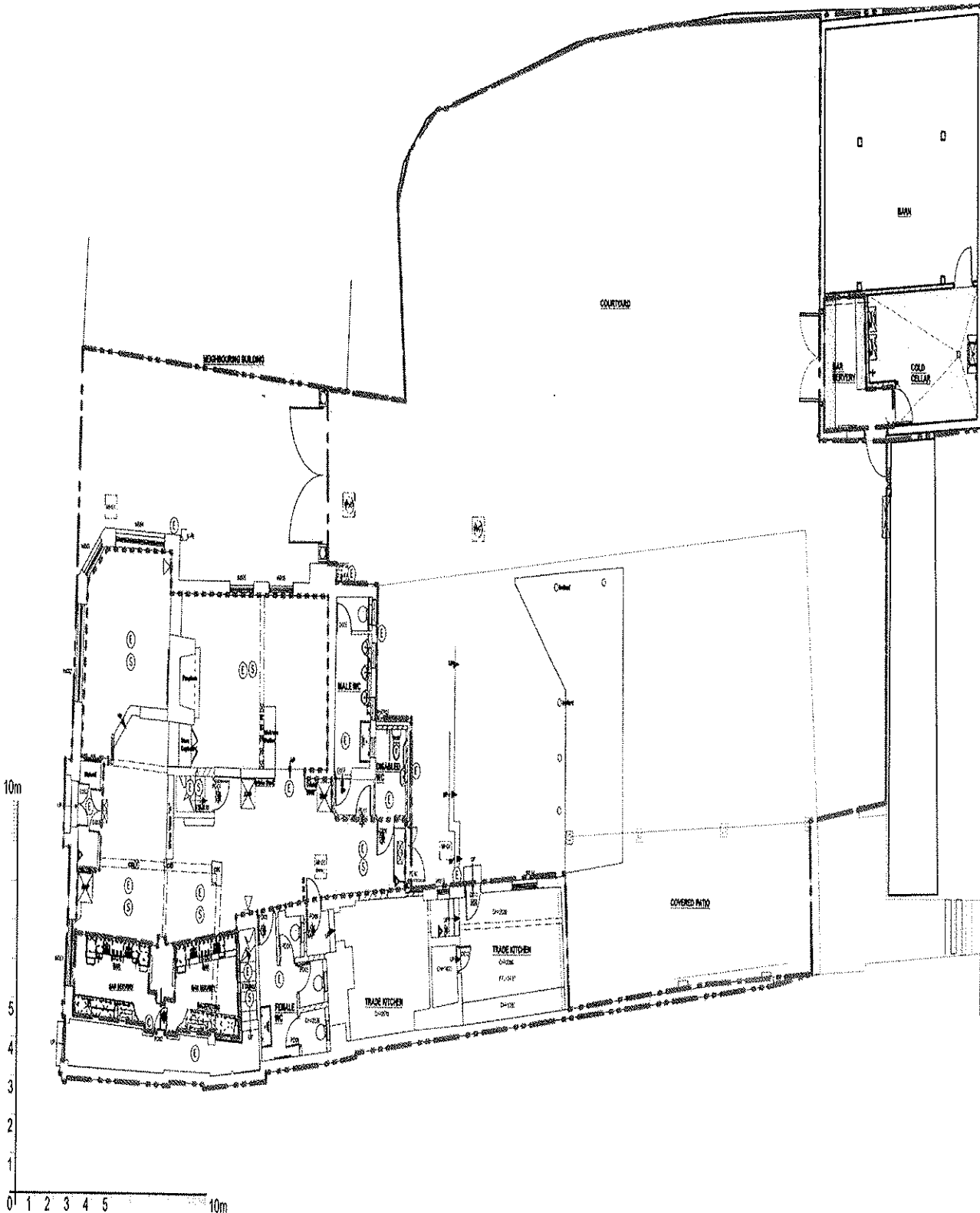
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish

REV1 - 14.01.10
 protected means of escape to stair 52
 retained, door to cellar stairs moved

NOTES & REVISIONS:
 CONTRACTORS MUST VERIFY ALL DIMENSIONS ON
 SITE BEFORE COMMENCING ANY WORK. FIGURED
 DIMENSIONS TO TAKE PRECEDENCE OVER SCALED
 DIMENSIONS. CONTRACTORS MUST NOT SCALE
 FROM THIS DRAWING UNLESS EXPRESS INSTRUCTIONS
 ARE GIVEN BY SHARPOH ASSOCIATES. THE COPYRIGHT
 OF THIS DRAWING IS RESERVED. THE DRAWING MUST
 NOT BE DISCLOSED WITHOUT AUTHORITY.

PROPOSED LICENSING KEY	
GROSS AREA OF SITE (SQM)	969
GROSS INTERNAL LICENSED CUSTOMER AREA (SQM)	118
GROSS INTERNAL BAR SERVERY AREA (SQM)	26
GROSS EXTERNAL LICENSED CUSTOMER AREA (SQM)	552



DRAWN BY: CH	SCALE 1:100	7895.095.00
SITE: KINGS ARMS COLCHESTER	DRAWING TITLE: PROPOSED LICENSING PLAN	

SHARPOH ASSOCIATES
SAMPSON
 ARCHITECTS & INTERIOR DESIGNERS
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Premises Location Plan



Licence Application Reference: 079770
 Premises Name & Address: Kings Arms 63 Crouch Street Colchester
 Date Produced: 9 May 2013

MAP NOT TO SCALE

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Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council
Licensing Team
Rowan House
33 Sheepen Road
Colchester CO3 3WG

Premises licence number: 004016

PART 1 - PREMISES DETAILS

Kings Arms
61-63 Crouch Street

Post town: Colchester

Post code: CO3 3EY

Telephone number at premises: 01206 572886

Date Licence Granted: 27 July 2005

Regulated Activities authorised by this licence:

Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	Licensed
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 0.00	
Tuesday	11.00 to 0.00	
Wednesday	11.00 to 0.00	
Thursday	11.00 to 01.00	
Friday	11.00 to 01.00	
Saturday	10.00 to 01.00	
Sunday	11.00 to 0.00	
Seasonal Variations	Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.	
Non-Standard Times		
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		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Performance of Live Music	Playing of Recorded Music
Monday	11.00 to 0.00	11.00 to 0.00
Tuesday	11.00 to 0.00	11.00 to 0.00
Wednesday	11.00 to 0.00	11.00 to 0.00
Thursday	11.00 to 0.00	11.00 to 0.00
Friday	11.00 to 01.00	11.00 to 01.00
Saturday	11.00 to 01.00	11.00 to 01.00
Sunday	11.00 to 0.00	11.00 to 0.00

<p>Seasonal Variations</p>	<p>Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.</p>	<p>Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.</p>
<p>Non-Standard Times</p>		

	Performance of Dance	Other Music or Dance Entertainment
Monday		11.00 to 0.00
Tuesday		11.00 to 0.00
Wednesday		11.00 to 0.00
Thursday		11.00 to 0.00
Friday		11.00 to 01.00
Saturday		11.00 to 01.00
Sunday		11.00 to 0.00
Seasonal Variations		Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.
Non-Standard Times		
	Facilities for Making Music	Facilities for Dancing
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		23.00 to 0.00
Tuesday		23.00 to 0.00
Wednesday		23.00 to 0.00
Thursday		23.00 to 0.00
Friday		23.00 to 01.00
Saturday		23.00 to 01.00
Sunday		23.00 to 0.00

Seasonal Variations		Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.
Non-Standard Times		

The Opening Hours of the Premises	
Monday	07.00 to 00.30
Tuesday	07.00 to 00.30
Wednesday	07.00 to 00.30
Thursday	07.00 to 01.30
Friday	07.00 to 01.30
Saturday	07.00 to 01.30
Sunday	11.00 to 0.30
Seasonal Variations	Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, East Saturday, Easter Sunday & Easter Monday, St Patrick's Day and St George's Day, Proceeding & Preceding day before a bank holiday - one extra hour. Any other publicly declared holiday - one extra hour. Christmas Day to trade between the hours of 15.00 and 19.00 as per embedded right.
Non-Standard Times	

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

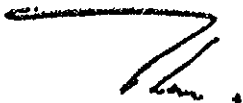
Alcohol may be served ON the premises
 Alcohol may be served OFF the premises

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	Licence Holder 2
Greene King Retailing Limited Abbot House Westgate Brewery Bury St Edmunds Suffolk IP33 1QT Tel: 01284 763222 E-mail:	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable): 5265451
--

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Mrs Suzanne Janine Deveney 61 - 63 Crouch Street Colchester CO3 3EY Tel: 01206 572886

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: 3691 Colchester BC



Simon Harvey
Licensing Manager

16 July 2010
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

Drinks Promotions

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.

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

1. Additional training for all house managers on dealing with illegal activities & aggressive customers.
2. Sensible drinking policy & training in place - restrictions on discounting and promotions, sale to under 18 and drunks.
3. Additional training on communicating with customers when service is refused for no proof of ID.
4. Additional training on communicating with customers when service is refused for drunkenness.

Prevention of Crime & Disorder

5. CCTV.
6. External lighting of car parks and walkways.
7. Joining pub watch will permit the DPS to have up to the minute information on local issues and National Support, this will the forge better communications with Police.

Public Safety

8. Number of door supervisors (2 on bank holiday Mondays, Xmas & New Years eve).
9. Increased supervision of trading area by management, staff & glass collector's etc.
10. To join pub watch will facilitate the exclusion of known troublemakers thus making the pub safer.

Protection of Children

11. Minimum signage to be displayed on the AWP's.
12. Audited proof of age scheme to be in place.
13. No children to be permitted on site (apart from in the beer garden and then only until 21.00).

Adult Entertainment Details

Cigarette Machine
Supply of alcohol & entertainment
AWP's

Annex 5 – Conditions Agreed with Responsible Authorities

Conditions agreed with Essex Police - 1 July 2005

1. The applicant will be required to specify the nature of the event for which it is intended the extra hours will be required. The applicant should be asked to specify as precisely as possible what it is they want.
2. The request must be specific in terms of hours. Unless otherwise stated the application will be an extension of hours from the termination of licensing hours through to the start of licensing hours. For example unless the event is capable of being so precisely defined so that the hours can be specified an applicant whose terminal hour is 12 am and whose opening hours commence at 10.00am will apply to open between these hours.
3. The number of events will be limited to a maximum of 12 a year. 21 days notice is to be provided by the applicant in relation to each event such notice to be served on all responsible authorities. An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions will be completed and will include a risk assessment which addresses the following issues:
 4. Dispersal
 5. Provision of additional transportation.

Conditions agreed with Environmental Control - 13 February 2006

6. Local residents will be notified in writing at least 5 days in advance of outdoor music events. Information should include a telephone number of the organiser for residents to call with any queries prior to the event and any complaints during the event.
7. There are no more than four outdoor music events per year.
8. That each outdoor music event will finish by 18.00.
9. The licence-holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

Conditions Agreed with Essex Child Protection - 13 February 2006

10. Children are allowed in the garden up till 21.00 hours.
11. Children are allowed into the premises to go to the toilet.
12. Nobody under the age of eighteen is allowed on the premises.

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

Licensing Sub-Committee Hearing - 7 March 2008

1. No live music to take place after 23.00 on Thursdays.
-



Consultation Response

Environmental Protection Officer: Leigh Newman

Licensing Reference No: 079770

Ward: Castle

Location: Kings Arms 63 Crouch Street, Colchester, CO3 3EY

Details: Application to Vary Premises Licence

Scheduled Response Date:

Environmental Protection's Comments: -

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

Having discussed the application with the applicant and voicing my initial concerns, we have come to a compromise where Environmental Protection would have no objections to the application, providing the following conditions are added to the license:

- No use of the outside bar after 21:00hrs.
- No external licensable activities to take place after 23:00hrs.

Signed: Leigh Newman
Environmental Protection Officer

Date: 03/05/2013

18th April 2013

Dear Madam

Re: Kings Arms Crouch Street Colchester

I understand that a licensing application has been received by yourselves for an outside bar and extended opening hours to the rear outside area thereby causing a public nuisance. I would be dead against this for the following reasons:-

- a) Noise, Noise, Noise
- b) There appears to be no control at present on the noise emitted by customers using the outside garden facility at the Kings Arms.
- c) Consideration should be given to all residents whose properties are close to this outside area (this is probably the whole of St Mary's if you include the bank holiday music).
- d) The Kings Arms has ruined peoples lives that live and have bought properties in this area, you sleep when they finish shouting and hollering.
- e) I have phoned to complain about noisy customers and music only to have no result.

To sum this up I would have thought that probably fifty residents are worth more than the whole of the Kings Arms and they should be given due consideration.

Regards

Dear Chairman and Members of the Licensing Committee,

I wish to object to the application by the Kings Arms, 63 Crouch Street, Colchester CO3 3EY. for the "creation of a new servery (outside bar) and cold cellar in the existing barn to the rear of the site, at the back of the external courtyard. The bar will be located at the front of the barn and open out into the courtyard through the existing double doors."

There has been public nuisance by noise from the Kings Arms already, for example last year daily during a Bank Holiday weekend loud noise was reaching as far as Park Road, Lexden, disturbing residents. It was also disturbing the peace and tranquillity of the New Kiln Wood and Hilly Fields. In my view, the grant of the application would make this worse.

Kind regards

Cllr Jo Hayes

I write in connection with the application from the Kings Arms PH Crouch Street to create a new servery (outside bar) and cold cellar in the existing barn to the rear of the site, at the back of the external courtyard. The bar will be located at the front of the barn and open out into the courtyard through the existing double doors. I understand that it is proposed to permit the sale of alcohol in this outside area for the same hours as the licence which will be to midnight Sunday to Wednesday and until 01.00 Thursday to Saturday.

I object to the granting of this application on the grounds of the 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 nuisance that may arise from their operation. Further Paragraph 5.22 of the statement advises that the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and it includes noise, disturbance as well as other associated matters. The effect of introducing an outside bar will create more noise and nuisance as at present interaction between customers and bar staff is confined to inside the building. This proposal will transfer that interaction into the open environment to the detriment of the amenity of the residents living in the immediate area. There is no way that this increase in noise can be contained as it is clearly designed to be in the open. It is obviously designed to encourage more people to use the outside seating area and this will again lead to more noise for residents until late at night/early morning. It cannot be right to be serving alcohol outside in a residential area until 01.00 with the disturbance that brings and the application should therefore be refused. The residents already have their bank holiday enjoyment ruined by live music until 6.00pm and this is yet another anti social measure which the owners of these premises are inflicting on my residents with no regard to their right to quiet enjoyment of their property under Article 1 of the Human Rights Act 1988

Yours Sincerely

Bill Frame

Councillor Castle Ward

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