

# Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall  
13 April 2012 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](http://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](http://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.

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Telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number  
you wish to call  
e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
[www.colchester.gov.uk](http://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.

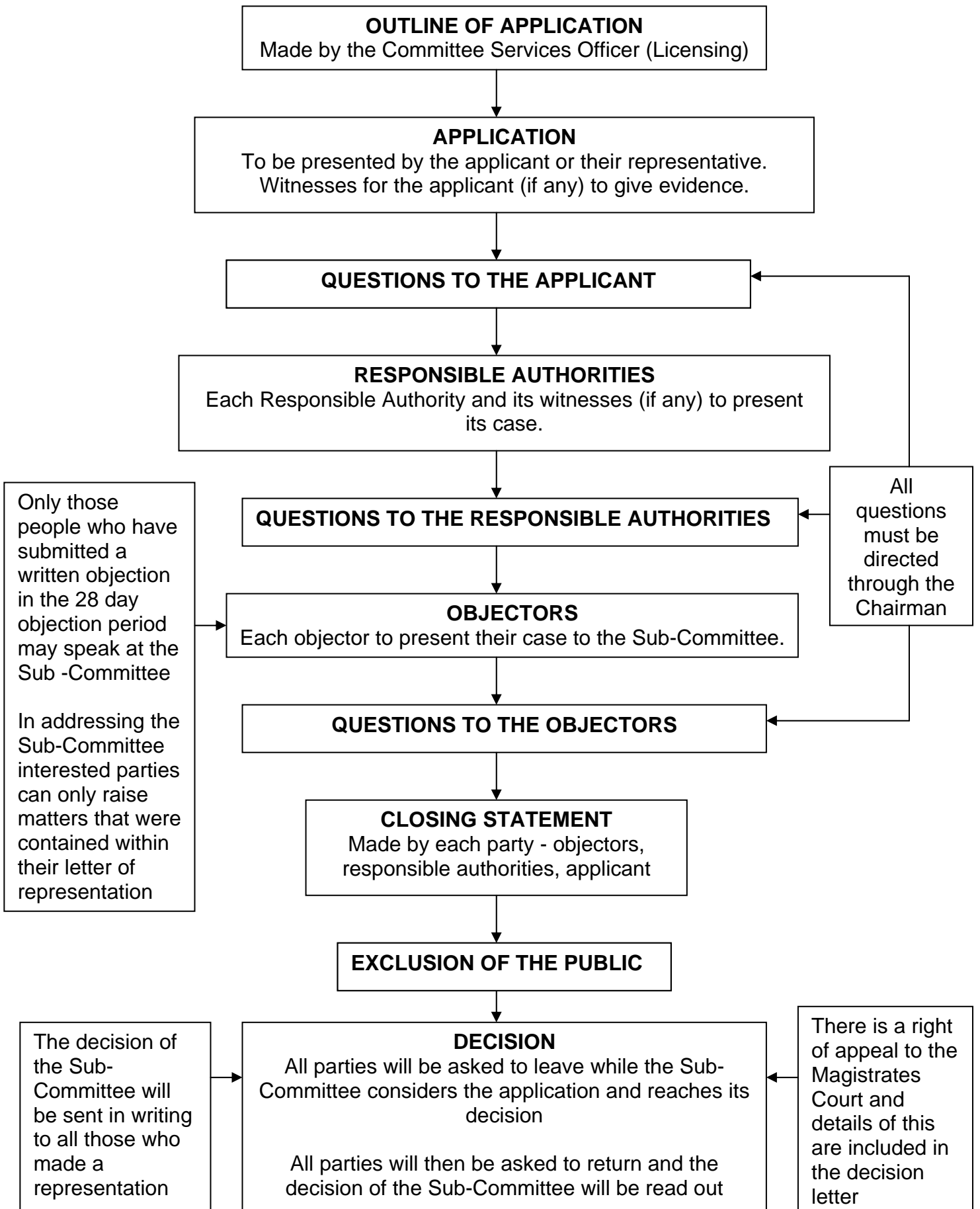
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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  
13 April 2012 at 10:00am**

**Members**

Councillors Barrie Cook, Nick Cope and Ann Quarrie.  
*(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 of 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 personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider

whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

#### **4. Minutes**

**1 - 8**

To confirm as a correct record the minutes of the meeting held on 24 June 2011 and 2 March 2012.

#### **5. Applications under the Licensing Act 2003**

**9 - 53**

Cosway Caravan Park

Fen Lane

East Mersea

Colchester

CO5 8UA





# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

24 June 2011

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 24 June 2011 at 10.00 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Blandon  
Councillor Cook  
Councillor Kimberley

#### 1. Membership

*RESOLVED* that Councillor Cook be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Minutes

The minutes of the meeting held on 20 May 2011 were noted and confirmed as a correct record.

#### 4. Licensing Applications

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

- **Tin Pan Alley, 7 Queen Street, Colchester, Essex**

The Sub-Committee considered an application for a variation of a premises licence in respect of Tin Pan Alley to extend the hours for the supply of alcohol on the premises, late night refreshment indoors and hours the premises were open to the public.

#### In Attendance

Applicant: Mr West, Agent for the Applicant, Mr B. Archell, co-owner of the premises and Mr B. Howard, witness and co-founder of 'Keep Colchester Cool' and Director of 'Colchester Free Festival 2010'.

Officers: Mr Daines, Protective Services Manager; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing)

Responsible Authority: Ms Silkstone, Environmental Control

Interested Party: Mrs Edwards, Colchester Civic Society

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that valid representations had been received from Environmental Control and Colchester Civic Society in relation to the application.

After confirming that the additional evidence submitted by the applicant prior to the hearing had been received and accepted by the Chairman, Mr West introduced his client's application. Mr West advised the Sub-Committee that the applicant was only seeking an extension to their hours for the sale of alcohol and opening and that they were not applying to extend any of their regulated entertainment hours. The application had been submitted for purely financial reasons and the applicants hoped that if they could increase their trading hours it would enable them to compete with other nearby licensed premises which had later hours. Mr West explained that a considerable amount of money had been invested in the premises to create a small, niche music bar which he believed had enhanced the musical diversity of the town. Since the premises had been operated by the current owners they had not been made aware of any complaints from the responsible authorities or interested parties. The premises had operated the extended hours, that were now the subject of the application, by using its allocation of Temporary Event Notices and there had been no complaints in this period. It was noted that the premises had used its yearly quota of Temporary Event Notices and therefore now needed to vary the licence to enable it to continue to operate the extended hours.

Mr Howard then spoke as a witness for the applicant and commented that he believed the premises was an asset to Colchester's music scene, that it should be supported and that the owners should be applauded for their investment. When asked by the Chairman as to what type of music he thought was predominantly played at the premises, Mr Howard confirmed that it was Jazz and Blues.

In response to questioning from the Sub-Committee Mr West confirmed that the premises attracted older customers than those usually going to pubs and clubs and that when the regulated entertainment finished it was anticipated that customers would remain on the premises to drink and talk and that background music would be played in this period. It was considered that this would assist in reducing the cumulative impact in the stress area by reducing migration between premises. Mr Archell commented that customers were currently leaving the premises at closing time and going on to other nearby premises, particularly the V Bar in the High Street.

The Environmental Control Manager, Ms Silkstone then addressed the Sub-Committee and stated that there had been a long history of complaints from the premises and therefore Environmental Control was very familiar with the building and its fabric. Ms Silkstone confirmed that the Service had not received any complaints from the public since the premises opened under its current management but that as a Service it had a responsibility to protect the public and not just respond to complaints. Environmental Control had been monitoring the premises via the Council's Weekend Noise Team, of which Ms Silkstone was one of the lead officers. Ms Silkstone presented to the Sub-Committee details of dates and times, namely one in April, two in May and three in June this year, when she and/or members of the Noise Team had witnessed outbreaks of noise from the premises and breaches of the licence conditions. The breaches of conditions included the front door and windows being left open when live music was being played; no apparent door staff; people drinking outside the premises after 21.00; and music and singers been audible outside the premises. On 18 June 2011 at 22.00 the noise emanating from the premises, which had been witnessed, had been audible at a level which was considered likely to cause a nuisance to residents living in properties in the High Street. On this occasion, the fire door was shut which suggested that there were sound insulation problems with the fabric of the building. This noise nuisance should have been audible to the person conducting sound

checks at the perimeter of the premises and Ms Silkstone raised her doubts therefore as to whether these checks, listed in the premises' Noise Issue Management Policy and a condition on the licence, were taking place.

In response to Mr West's questioning Ms Silkstone advised the Sub-Committee that she had never known there to be any door staff at the premises. On the occasions when the Noise Team had witnessed and had concerns about the noise emanating from the premises or other breaches of conditions and had tried to speak to a member of staff about the problem at the time, they had been unable to do so due to the absence of door staff. Further entry to the premises had not been attempted due to the number of patrons in the premises. Ms Silkstone advised the Sub-Committee that she would be writing to the applicant regarding the latest and most concerning nuisance on the 18 June 2011.

Mr West questioned Ms Silkstone about the content of her colleague's representation which he believed to be repetitious, speculative and irrelevant to the current management. Ms Silkstone responded that whilst it may in part refer to the history of the premises there was recent evidence of noise nuisance and breaches of conditions which had occurred since the variation to permit live music had been granted in December 2010. The most recent breaches of conditions had been witnessed six days before the Hearing. Ms Silkstone commented that she did not consider paragraph one of the objection to be speculative because the Service received more complaints in the summer months. Ms Silkstone confirmed that she had personally witnessed the noise nuisance on 30 April 2011 when a live band was playing and doors and windows had been open and stated that Environmental Control had records of all these incidences that were taken at the time they happened. Mr West commented that had his client known about the noise problems, these could have been addressed. Mr Daines confirmed that he had witnessed doors and windows being left open and expressed doubts as to whether the internal door return was working as he had seen the inner door open. Mr West explained that doors and windows had been left open because there was currently no air-conditioning at the premises although consent for this was being sought it was a lengthy process due to the nature of the building. Mr Archell expressed his concern at the length of time the Planning department were taking concerning this matter.

Mr Daines informed the Sub-Committee that it was not the Council's responsibility to notify licence holders, including the management of Tin Pan Alley, when the terms of their licence were being breached. It was the responsibility of the licence holder to ensure that the premises was operated in such a way as to ensure that the terms of the licence including all the conditions were adhered to.

The Chairman asked Mr Archell how he intended to deal with the outside drinking problem, to which he admitted that it was a management problem. The premises had one member of door staff and they only monitored the inside of the premises. Mr Daines, Protective Services Manager informed Members that as part of the Council's Weekend Noise Team, he had visited the premises and noted an absence of door staff.

Mrs Edwards then spoke on behalf of the Colchester Civic Society and gave some background history in relation to the premises which could not be considered by the Sub-Committee relating as it did to the previous owners and their management issues at the premises. Mrs Edwards then referred to paragraph three of the Civic Society's representation and confirmed that the evening noise problems which had been witnessed by and concerned members of the Society were not just related to music but also came from patrons congregating on the narrow pavement outside the bar and talking, smoking and drinking and that these issues had been raised by members during a meeting held in May 2011. Ms Edwards informed the Sub-Committee that the issue of customers spilling

out of the premises onto the pavement was a new issue which had begun since the premises had become 'Tin Pan Alley' at the end of last year.

The Council's legal representative, Mr Samuel, referred to page 5 of the additional evidence submitted by the applicant and confirmed that full details of the Council's Stress Area were contained in the Council's Licensing Policy which had been available on the Council's website since its implementation.

### **The Decision**

*RESOLVED* that the application to vary the premises licence for Tin Pan Alley, 7 Queen Street, Colchester be refused.

### **Considerations**

In arriving at its decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and the interested parties under the Licensing Act 2003.

The Sub-Committee considered the guidance issued under section 182 of the Licensing Act 2003 as amended. Consideration was also given to its own policy and in particular to the guidance on applications made for premises in the stress area. This guidance was set out in the report.

The Sub-Committee was mindful that its decision must be proportionate and based on the four licensing objectives.

The Sub-Committee noted that a representation had been received from Environmental Control opposing the application on the grounds that if granted the application would undermine the Licensing Objective of the Prevention of Public Nuisance. Ms Silkstone, the Environmental Control Manager was in attendance to present the case, but the Case Officer, Mr Martin was not.

A relevant representation had also been received from Colchester Civic Society and Mrs Edwards attended the hearing on its behalf and addressed the Sub-Committee. Members disregarded all references to the history of the premises prior to the current management.

These representations were not considered by the members of the Sub-Committee to be speculative or repetitious, as there was recent evidence to support the representations.

It was noted that Mr Douglas Archell, the Licence Holder, Designated Premises Supervisor and one of the managers of the premises was not in attendance.

Additional information had been submitted by the applicant in advance of the hearing to support their application. A list of the dates and times of the 15 Temporary Event Notices was circulated to all those present following the consent of the Chairman.

The Sub-Committee noted the concerns raised in the evidence bundle supplied by the applicant concerning their awareness of the location of the premises in the Stress Area but found that such a matter was the responsibility of the purchaser and was a matter outside the remit of the Sub-Committee. It was also noted that full details of the Stress Area have been included in the Council's Licensing Policy, which has been available to the public and on the Council's own website since its introduction.

### **Reasons for the Determination**

Notwithstanding the application and the additional measures and conditions offered by the applicant, the Sub-Committee determined to refuse the application, on the grounds that if granted the application would undermine the licensing objective of the prevention of public nuisance.

The Sub-Committee found that there had been persistent breaches of the current premises licence conditions which had been granted in December 2010 when the licence had been varied to include the provision of regulated entertainment including live music. The breaches of the conditions had been witnessed on a number of occasions by members of the Council's Noise Team. The Sub-Committee had regard to the conditions on the licence including those in the Noise Issues Management Policy which had been offered by the applicant at the last hearing to deal with potential noise breakout from the premises and to mitigate any potential noise nuisance. The Sub-Committee accepted Environmental Control's evidence that there had been breaches of conditions including outside drinking after 21.00 and that the doors and windows had been open during the playing of live music. The Sub-Committee felt that these non-compliances were likely to add to the cumulative negative impact on the Stress Area.

The Sub-Committee felt that the current problems were not being dealt with adequately by current management controls and that to allow later opening was not justified by the application as it had been made.

The Sub-Committee had regard to the potential disturbance to local residents. The current and first-hand evidence presented by Mrs J Edwards on behalf of Colchester Civic Society confirmed the breaches of conditions witnessed by the Council's Noise Team.

### **5. Close of Meeting**

The meeting closed at 13.30.

**Chairman:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

2 March 2012

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 2 March 2012 at 10.00 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Garnett  
Councillor Kimberley  
Councillor Mudie

#### 1. Membership

Councillor Mudie was in attendance for Councillor Cook.

*RESOLVED* that Councillor Garnett be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Minutes

The minutes of the meeting held on 9 and 16 December 2011 were approved as correct records.

#### 4. Licensing Applications

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

- **Castle Park**

The Sub-Committee considered an application to vary the premises licence in respect of the Castle Park, High Street, Colchester to increase the capacity from 4,999 to 9,999

#### **In Attendance**

Applicant: Mr Baalham, Parks and Recreation Officer

Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuel, Legal Services; Mrs White, Committee Services Officer (Licensing)

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that representations had been received from a local resident and from Environmental Control in respect of this application. The Sub-Committee noted that the

resident's objection concerned the licensing objective of public safety but was primarily focussed on the difficulties that they had experienced in trying to gain information in relation to the application. The Sub-Committee was satisfied that these concerns related to the administrative process and had been adequately addressed by the Licensing and Enforcement Manager.

Mr Baalham presented the application and explained that certain events had, in recent years, come close to exceeding the capacity limit on the Castle Park premises licence of 4,999 and therefore he was seeking an increase in the capacity to 9,999. In addition to ensuring that all future events would not operate outside the terms of the premises licence it was hoped that by increasing the capacity it may be possible to attract higher profile performers to use the Castle Park for concerts. Mr Baalham outlined the measures that were taken in consultation with Environmental Control to ensure that noise disturbance to local residents was minimised. It was not anticipated that the increase in capacity would change this and the additional conditions requested by Environmental Control had been agreed by the applicant.

In response to questions from the Committee, Mr Baalham explained various operational matters including the standards for stewarding of the Park during events; liaison with the Police; and the control of patrons into ticketed events. He commented that on a sunny day without any special event taking place, there were often up to 5,000 in the Park.

## **The Decision**

*RESOLVED* that the premises licence be varied to permit an increase in the capacity from 4,999 persons to 9,999 persons.

## **Conditions**

The licence was granted subject to the following condition which was agreed between the applicant and Environmental Control in advance of the hearing -

The Music Noise Levels (MNL) when measured 1 metre from the boundary of any noise sensitive premises for music events taking place between 09:00 and 23:00 should not exceed 65dB(A) over a 15 minute period, including up to three concert days per calendar year with audience capacity above 5000, or the background noise level by more than 15dB(A) over a 15 minute period for between four and 12 concert days per calendar year with audience capacity above 5000.

It should be noted that if the number of concert days with an audience above 5000 per calendar year is expected to exceed three, the second noise level should apply to all events. Based on experience of the Castle Park concerts this will probably reduce the MNL by 10-20dB(A) which is likely to be too low for audience enjoyment at large events.

## **Reasons for the Determination**

The Sub-Committee after carefully weighing the evidence of all parties considered that this was an application for the variation of a premises licence from an applicant with a good and established record in controlling noise nuisance from events which had been demonstrated by the lack of complaints relating to noise nuisance in recent years. The Sub-Committee found that the applicants had experience in dealing with large numbers of people at events which had been demonstrated by management at previous events and by an absence of any reviews or representations from responsible authorities in relation to public safety.

The Sub-Committee felt that when weighed against the evidence presented by the local resident, it preferred the evidence of the applicant that any public safety concerns could be successfully addressed by the measures set out in the operating schedule on the licence, which had been tried and tested over a number of past events, together with the additional condition agreed with Environmental Control.

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and for the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to all conditions currently on the licence together with the additional condition agreed with Environmental Control.

The Committee also noted the existence of the review procedure under the Licensing Act 2003 and would remind all parties that they have the right to request a review if problems occur once the new licence is in operation.

## **5. Close of Meeting**

The meeting closed at 10.25.

**Chairman:**





<b>Licensing Committee – 13 April 2012</b>	<b>Agenda Item</b>
<b>Cosway Holiday Park</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Cosway Holiday Park Fen Lane East Mersea	Ward: Pyefleet Stress Area: No Civica Ref: 076590 Author: Gary O'Shea
<b>Application</b>	Application to vary the premises licence to permit the supply of alcohol and the provision of regulated entertainment and entertainment activities as follows-  Exhibition of films Indoor sporting events Live music Recorded music Performance of dance Other music or dance entertainment Facilities of making music Facilities for dancing Other facilities for music and dance	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Existing Licence</b>		Appendix 3
<b>Responsible Authorities</b>	Police conditions agreed by the applicant  Environmental Control comments	Appendix 4  Appendix 5
<b>Interested Parties</b>		
Seasonal Residents	Objection letters from seasonal residents of Fen Farm Caravan Site	Appendix 6
Local Residents	Objection letter	Appendix 7
Local Business	Objection letter	Appendix 8
East Mersea Parish Council	Objection letter	Appendix 9

### **Variation of Premises Licence**

To permit:-

- The supply of alcohol on/off the premises for the following hours-  
Mondays to Sundays inclusive from 09.00 to 01.00.
- The exhibition of films, indoor sporting events, performance of live music, playing of recorded music, performance of dance, other music or dance entertainment, facilities for making music, facilities for dancing, other facilities for music and dance indoors/outdoors for the following hours-  
Mondays to Sundays inclusive from 09.00 to 01.00.
- Hours the premises are open to the public-  
Mondays to Sundays inclusive from 00.01 to 00.00.
- The removal of the conditions in the licence set out in Annexes 2 and 3.

**Following submission of the application the applicant agreed the following changes with Essex Police and the application is amended by the following–**

The Shop

The sale by retail of alcohol, hours to be limited to 09:00 to 20:00 daily, instead of 01:00. (The sale of non-alcoholic or unlicensed products may continue until 01:00).

The Clubhouse and new field site

The provision of live or recorded music, both indoors and outdoors, to finish by 23:00 instead of 01:00. Outdoor events with live or recorded music to be limited to five events per year, with the Police and Council Licensing Officers being given 21 days notice, in writing, of such an event. The facilities for making music should be similarly curtailed.

### **Existing Premises Licence**

The existing premises licence permits-

- Supply of alcohol on/off the premises for the following hours-  
Mondays to Saturdays inclusive from 10.00 to 23.00  
Sundays from 12.00 to 22.30
- Provision of Live Music for the following hours -  
Fridays and Saturdays from 19.00 to 23.00
- Provision of recorded music for the following hours-  
Mondays to Saturdays 10.00 to 23.00  
Sundays from 12.00 to 22.30
- Premises to be open for the following hours –  
Mondays to Saturdays from 10.00 to 23.00  
Sundays from 12.00 to 22.30

## 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.**

### 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.

A small number of the representations express concern at the potential increase in anti-social behaviour which they consider may occur as a result of an increase in the hours for the sale of alcohol.

The Police, having met the applicant on site, agreed a number of changes to the application to reduce the times for the sale of alcohol and also for the provision of various music entertainments with a view to reducing the potential for increased crime and disorder and public nuisance and on the basis that these changes have been made to the application there is no objection from Essex Police.

### **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.**

57 objections that have been received in respect of this application. These include 3 from local residents, one from a local business and one from East Mersea Parish Council. The remaining objections are from owners of caravans at Fen Farm, an adjacent caravan site.

The applicant's solicitor has questioned the acceptance of these objections on the grounds that the people concerned do not live in the vicinity of the premises. The Licensing and Enforcement Manager determined to accept the representations on the grounds that the individuals had made considerable financial investment in their caravans at the site and many of them were living at Fen Farm for part of the year. In view of this he considered that they had a business interest and therefore were to be regarded as interested parties. In addition a number of letters were submitted in support and as part of the objection submitted by the owners of Fen Farm.

The objections relate to the licensing objective of the prevention of public nuisance and express extreme concern at the likely increase in noise and disturbance that will result in the event that the application is granted. They consider that granting the application will have a detrimental impact on the peace and tranquillity of Fen Farm which is adjacent to the site. A number of the letters mention that there has already been an increase in noise nuisance following the acquisition of the site by the current owners and they fear that this will be exacerbated if the application is granted. A number of letters highlight the nature and layout of the site which means that any noise or activity at one site has an effect on residents of the other because of the way sound travels across the open space.

Environmental Control has commented that although no complaints of noise have been received in relation to this site it would anticipate the possibility of complaints due to the open nature of the surrounding countryside if outside entertainment were permitted until 01.00 every day. It recommends that there be no change to the current licensed areas from Sundays to Thursdays inclusive and that Fridays and Saturdays be limited to between the hours of 09.00 to 23.00 for the outside areas. Environmental Control considers that it may be possible to allow later hours for the inside areas depending on the suitability of the building. However Environmental Control would require a report from a competent person in regard to sound insulation against internally generated noise before comments could be made. The reason for this is to ensure that any activities are not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

## **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.**

### **Off Sales/Shops and Supermarkets**

Paragraph 3.46 of the Policy states that:

**The Licensing Authority recognizes that, in accordance with the Government's guidance, shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the hours that they intend to trade, provided that there is no negative impact on the promotion of the licensing objectives as a result.**

### **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/We Cosways Holiday Park Limited

*(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

<b>Premises licence number</b> 0033888
---

Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Cosways Holiday Park Fen Lane East Mersea Colchester Essex			
			8DA
<b>Post town</b>	Colchester	<b>Post code</b>	CO5 8UB

<b>Telephone number at premises (if any)</b>	01206 383252
<b>Non-domestic rateable value of premises</b>	£ 22,624.25p

Part 2 – Applicant details

<b>Daytime contact telephone number</b>	01206 382898		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	

**Part 3 - Variation**

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

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

The variation sought is:

- a) to include additional areas of the holiday park under the licence,
- b) to add additional licensable activities namely the exhibition of films, indoor sporting events, live music, performances of dance, provision of facilities for dancing, provision of facilities for making music, and similar entertainment and entertainment facilities and
- c) to extend the hours relating to existing licensable activities.

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

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

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

##### Provision of entertainment facilities:

- |   |                                     |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I)   | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

##### Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) MTV, Films, Promotional material, etc		
Mon	0900	0100			
Tue	0900	0100	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed	0900	0100			
Thur	0900	0100	<b>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</b> (please read guidance note 5)		
Fri	0900	0100			
Sat	0900	0100			
Sun	0900	0100			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3) Pool matches
Day	Start	Finish	
Mon	0900	0100	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue	0900	0100	
Wed	0900	0100	
Thur	0900	0100	<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri	0900	0100	
Sat	0900	0100	
Sun	0900	0100	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) solo artists, bands etc		
Mon	0900	0100			
Tue	0900	0100	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	0900	0100			
Thur	0900	0100			
Fri	0900	0100	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	0900	0100			
Sun	0900	0100			



**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0900	0100	<b>Please give further details here</b> (please read guidance note 3) recorded music as background music and for dancing	Both	<input checked="" type="checkbox"/>
Tue	0900	0100			
Wed	0900	0100	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	0900	0100			
Fri	0900	0100	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	0900	0100			
Sun	0900	0100			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) theme nights for example		
Mon	0900	0100			
Tue	0900	0100	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed	0900	0100			
Thur	0900	0100	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	0900	0100			
Sat	0900	0100			
Sun	0900	0100			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon	0900	0100		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	0900	0100	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	0900	0100			
Thur	0900	0100	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri	0900	0100			
Sat	0900	0100	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun	0900	0100			

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) customers playing instruments for example in a talent competition	
Mon	0900	0100		
Tue	0900	0100	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed	0900	0100		
Thur	0900	0100	<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Fri	0900	0100		
Sat	0900	0100		
Sun	0900	0100		

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give a description of the facilities for dancing you will be providing</b> A dancefloor.	
Mon	0900	0100	<b>Please give further details here</b> (please read guidance note 3) in the clubhouse and in any marquee erected for a wedding for example.	
Tue	0900	0100		
Wed	0900	0100	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Thur	0900	0100		
Fri	0900	0100	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	0900	0100		
Sun	0900	0100		

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	0900	0100		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	0900	0100	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	0900	0100			
Thur	0900	0100	<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri	0900	0100			
Sat	0900	0100	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun	0900	0100			

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon	0900	0100			
Tue	0900	0100			
Wed	0900	0100			
Thur	0900	0100			
Fri	0900	0100			
Sat	0900	0100			
			<b>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)</b>		
Sun	0900	0100			

**N**

**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)**

None



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)
Day	Start	Finish	
Mon	0001	0000	<p><b>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)</b></p>
Tue	0001	0000	
Wed	0001	0000	
Thur	0001	0000	
Fri	0001	0000	
Sat	0001	0000	
Sun	0001	0000	

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  
 Removal of all of the "Embedded Restrictions" listed in Annex 2 of the Premises Licence and the removal of "the conditions carried forward on conversion" listed in Annex 3 of the Premises Licence (see existing premises licence attached).

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**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)**

Cosways is a family holiday park. As such no bookings from all male or all female groups will be accepted unless they are family groups.

No bookings are accepted for groups of under 21's.

**b) The prevention of crime and disorder**

Cosways has access to registered security staff at Waldegraves Holiday Park. Anyone appearing under the age of 21 requesting alcohol will be asked to provide photograph ID in the form of a driving licence, passport or accredited scheme identity card such as "Prove It".

We have police accredited staff with powers to remove alcohol from people.

There is external CCTV.

A barrier controls entry into the park for vehicles.

**c) Public safety**

There are dedicated first aid staff.

CCTV is in place externally.

All outside areas are well lit.

The pool area is staffed during opening times.

Risk assessments are carried out for health and safety and fire and are updated.

A 15mph speed limit is imposed on the site.

There is a fire alarm system and emergency lighting system in the clubhouse and shop.

**d) The prevention of public nuisance**

Premises are situated in a rural area.

The park's rules state that "no noise or annoyance must be caused to anyone, general noise to be kept to a minimum, especially after 23.00 otherwise you will be asked to leave the park" and "visitors to the park are asked to respect the privacy of residential areas".

Facilities for refuse and waste are provided.

**e) The protection of children from harm**

The park's rules state that "all children must keep well away from the bar area in the clubhouse and be accompanied by and supervised by an adult at all times"

The park's rules state that "all young persons must be in their accommodation by 23.00"

Police checks are carried out in respect of staff who deal with children in their primary role.

No films or videos will be shown so that they can be viewed by persons under the age of any applicable BBFC/local authority certification.

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.**

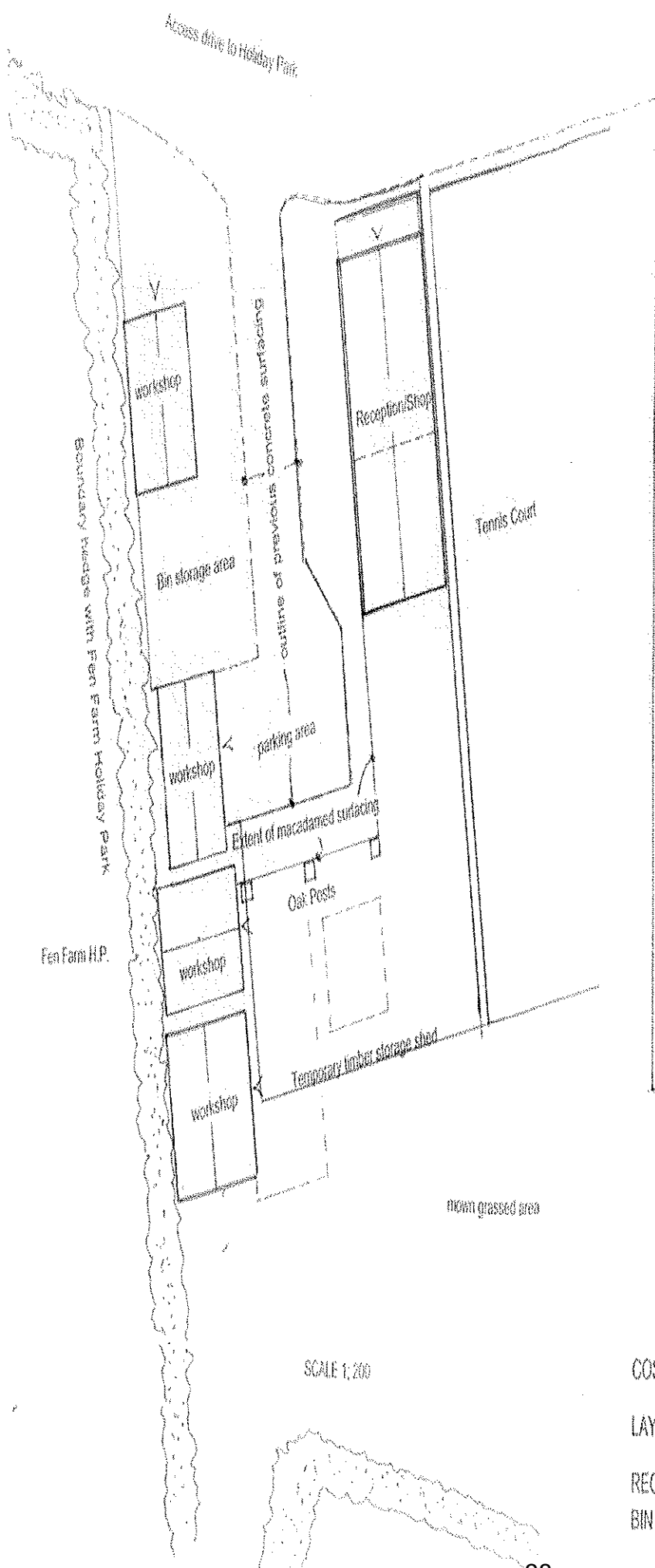
Signature	<i>Ellisons</i>
Date	<i>14/2/12</i>
Capacity	<i>Applicant's solicitors</i>

**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.**

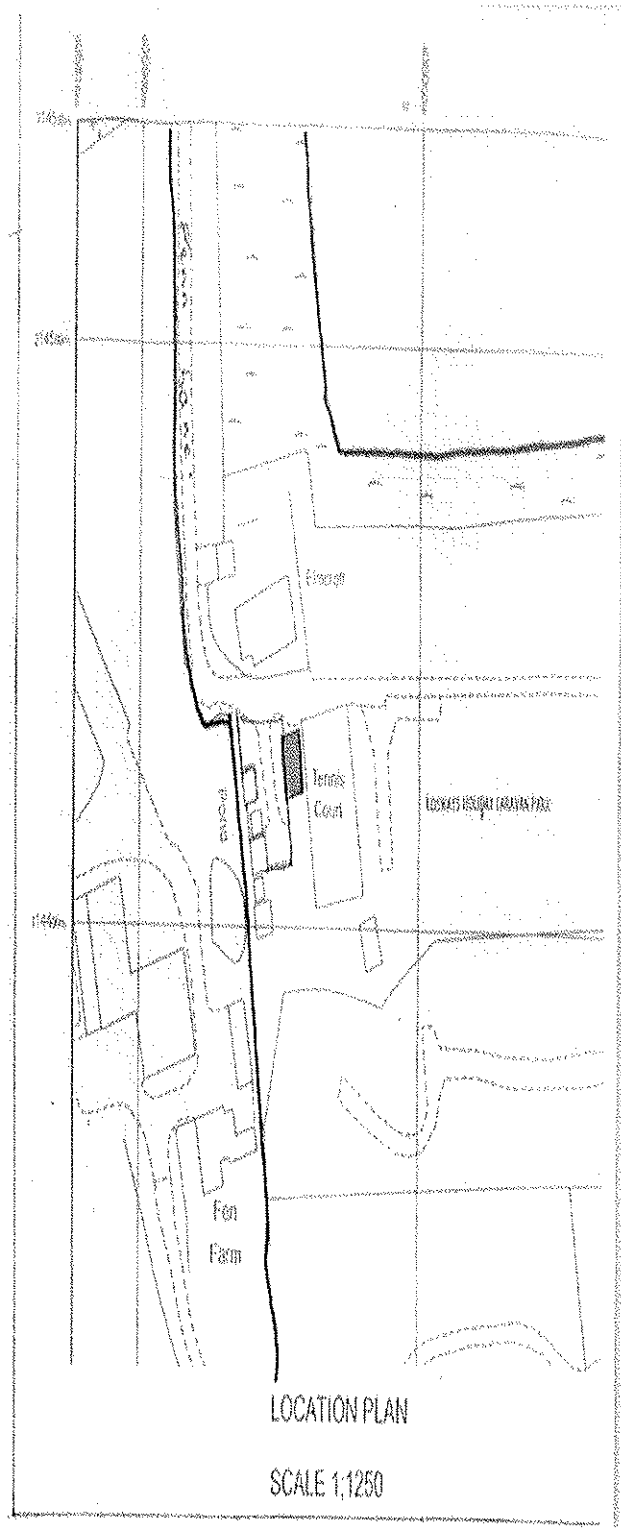
Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>			
Louise Bland Ellisons Headgate Court Head Street Colchester			
Post town	Colchester	Post code	CO1 1NP
Telephone number (if any)	01206 764477		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) louise.bland@ellisonssolicitors.com			





SCALE 1:200



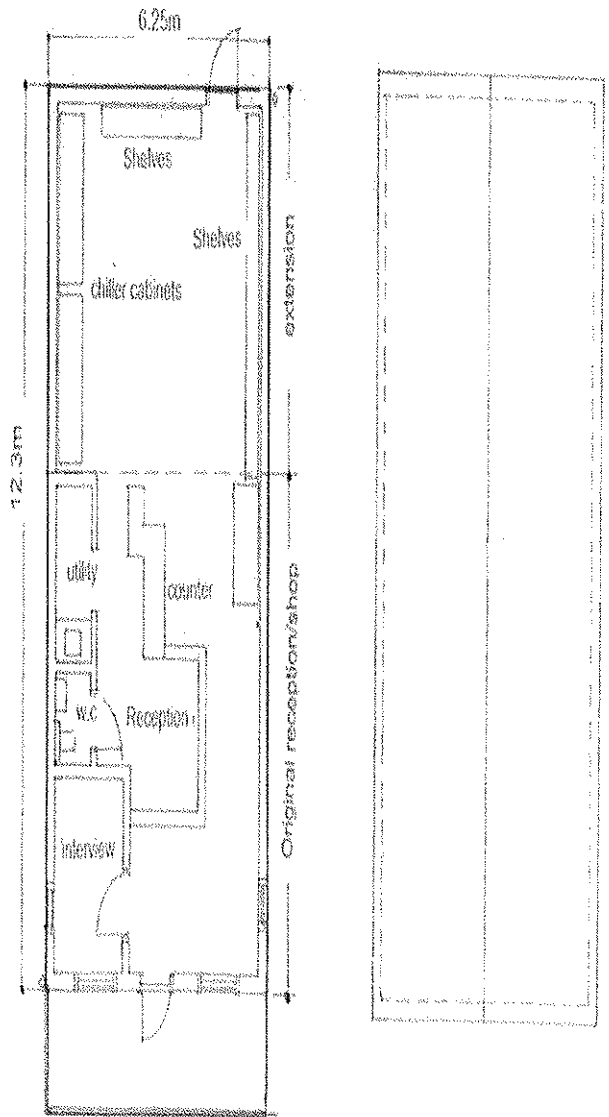
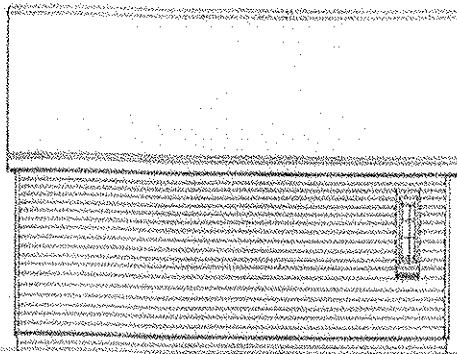
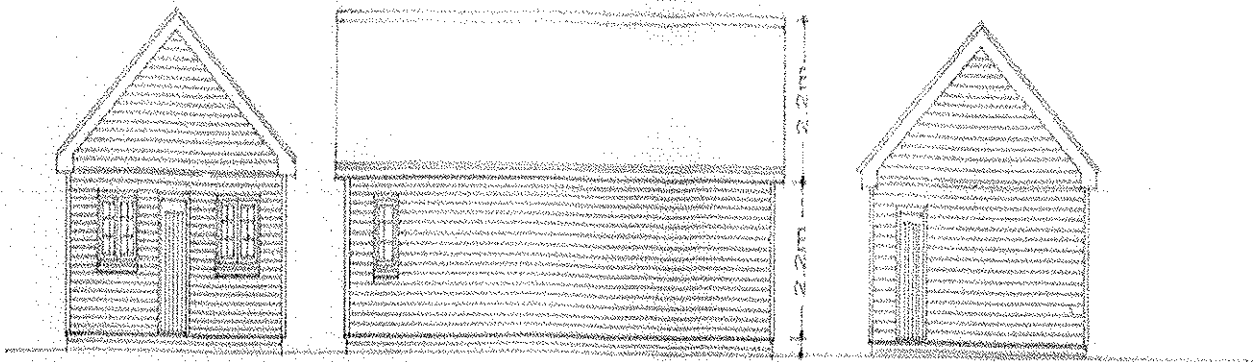
LOCATION PLAN

SCALE 1:1250

COSWAYS HOLIDAY PARK

LAYOUT PLAN

RECEPTION/SHOP AND ADJACENT MACADAMED SERVICE AREA  
BIN STORAGE AREA AND PARKING



Reception/Shop

CONSTRUCTION

Timber framed clad in timber lapped weatherboarding with black preservative finish

Roof double pitched covered with slates, Black pre gutters and rain water ware.

Windows and external doors, softwood with d.g. units fitted finished in black preservative.

Brick plinth 0.2m high Overall ridge height 4.6m to match existing. Disabled ramp access

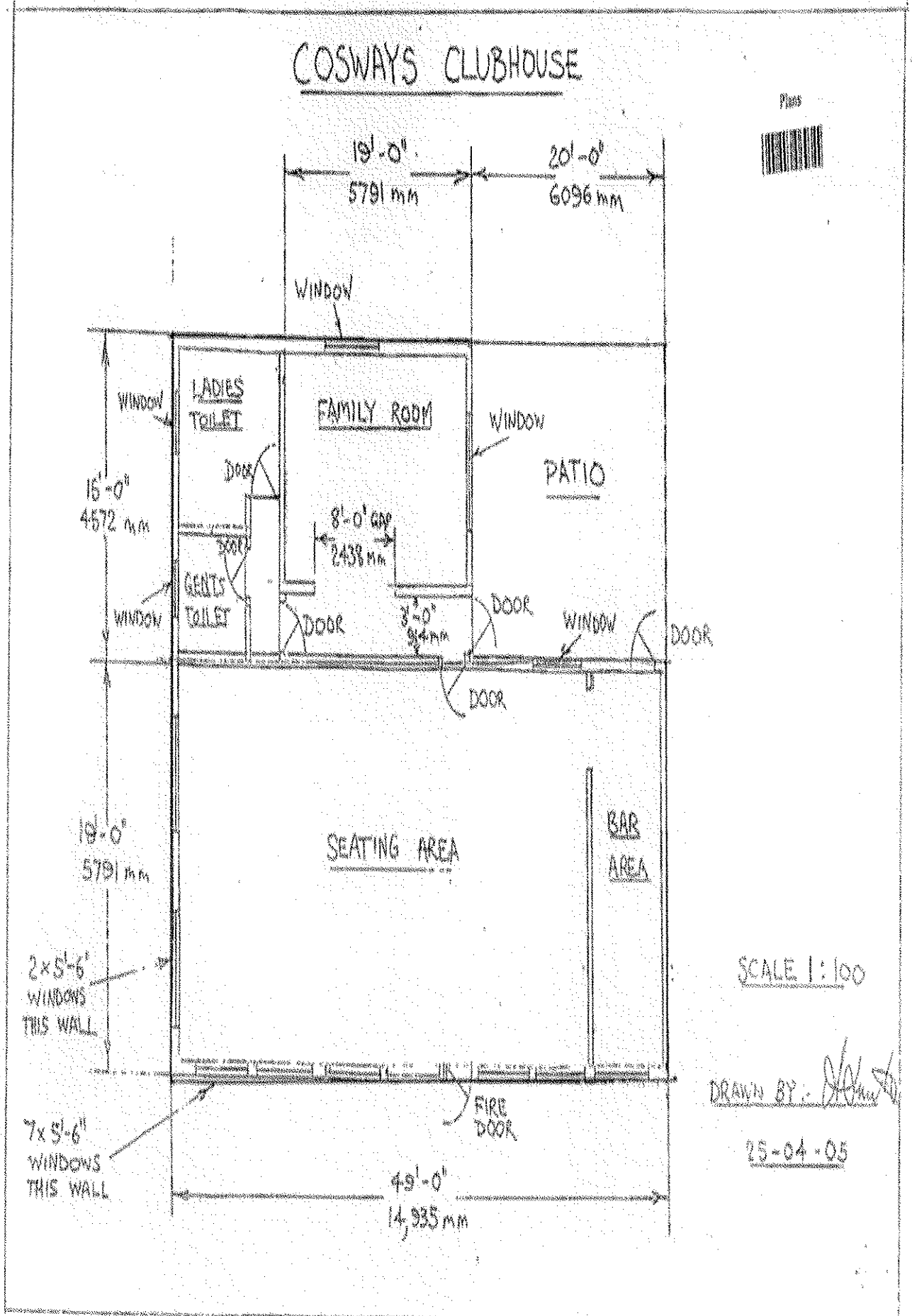
COSWAYS HOLIDAY PARK

EXTENSION AND RE-CLADDING TO RECEPTION + SHOP

SCALE; 1,100

# COSWAYS CLUBHOUSE

Plans



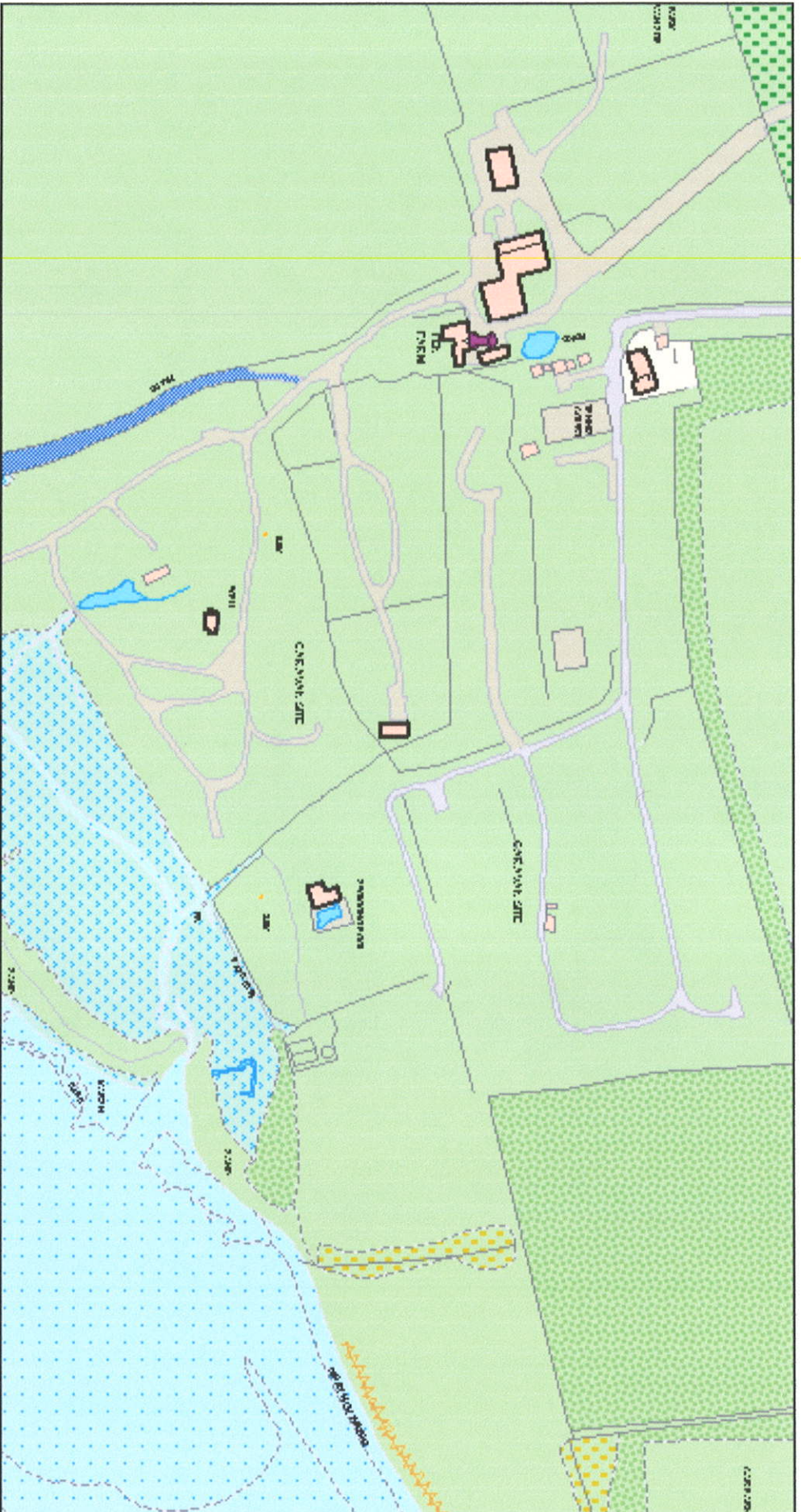
SCALE 1:100

DRAWN BY: *[Signature]*

25-04-05



# Premises Location Plan



Licence Application Reference: 003888  
Premises Name & Address: Cosway Caravan Park Fen Lane East Mersea Colchester  
Date Produced: 1 April 2012

MAP NOT TO SCALE

Colchester Borough Council



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: 003888

PART 1 - PREMISES DETAILS	
Cosway Caravan Park Fen Lane East Mersea	
Post town: Colchester	Post code: CO5 8UB
Telephone number at premises: 01206 383252	

Date Licence Granted: 23 August 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)	
Facilities for Making Music	
Facilities for Dancing	
Other Facilities for Music & Dance	
Late Night Refreshment	
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
<b>a) The sale by retail of alcohol :-</b>		
Monday	10.00 to 23.00	
Tuesday	10.00 to 23.00	
Wednesday	10.00 to 23.00	
Thursday	10.00 to 23.00	
Friday	10.00 to 23.00	
Saturday	10.00 to 23.00	
Sunday	12.00 to 22.30	
Seasonal Variations		
Non-Standard Times		
Further Details		
<b>b) The provision of regulated entertainment and entertainment facilities: –</b>		
	<b>Performance of Plays</b>	<b>Exhibition of Films</b>
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	<b>Indoor Sporting Events</b>	<b>Boxing or Wrestling Entertainment</b>
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	<b>Performance of Live Music</b>	<b>Playing of Recorded Music</b>
Monday		10.00 to 23.00
Tuesday		10.00 to 23.00
Wednesday		10.00 to 23.00
Thursday		10.00 to 23.00
Friday	19.00 to 23.00	10.00 to 23.00
Saturday	19.00 to 23.00	10.00 to 23.00
Sunday		12.00 to 22.30
Seasonal Variations		
Non-Standard Times		

	Performance of Dance	Other Music or Dance Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
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		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		

The Opening Hours of the Premises	
Monday	10.00 to 23.00
Tuesday	10.00 to 23.00
Wednesday	10.00 to 23.00
Thursday	10.00 to 23.00
Friday	10.00 to 23.00
Saturday	10.00 to 23.00
Sunday	12.00 to 22.30
Seasonal Variations	
Non-Standard Times	

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

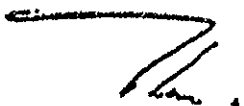
- Alcohol may be served ON the premises
- Alcohol may be served OFF the premises

<b>PART 2</b>	
<b>Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence</b>	
<b>Licence Holder 1</b>	<b>Licence Holder 2</b>
Cosways Holiday Park Limited Fen Lane East Mersea Colchester CO5 8UB Tel: E-mail:	Tel: E-mail:

<b>Registered number of holder; for example, company number, charity number (where applicable):</b> 07162532
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<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>  Mr Brett David John Lord Waldergraves Farm Holiday Park Waldegraves Lane West Mersea Colchester CO5 6SE  Tel:
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<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:</b>  4755 Colchester BC
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Simon Harvey  
Licensing Manager

6 April 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 2 – Embedded Restrictions

In addition to the conditions outlined below the description of the licensable activities in the Licence for such premises should also include the following statement:-

The Premises Licence Holder may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound. This does not permit the use of Karaoke, Disc Jockeys etc. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

on weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10am to 11pm.

on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm.

on Good Friday, 12 noon to 10.30pm.

on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm.

on New Year's Eve, except on a Sunday, 10am to 11pm.

on New Year's Eve on a Sunday, 12 noon to 10.30pm.

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;

the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;

the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

the sale of alcohol to a trader or a club for the purposes of the trade or club;

the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;



the taking of the alcohol from the premises by a person residing there; or

the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

### **Annex 3 – Conditions Carried Forward on Conversion**

Granted with Condition that there be no sale of alcohol to anyone apart from owners or occupiers of units on the site and their bona fide guests.

**Annex 4 – Conditions Consistent with the Operating Schedule**

**Prevention of Public Nuisance**

Granting of this variation of premises licence will not constitute any audible disturbance.

**Annex 5 – Conditions Agreed with Responsible Authorities**

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

e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)