

# Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall  
6 June 2008 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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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.

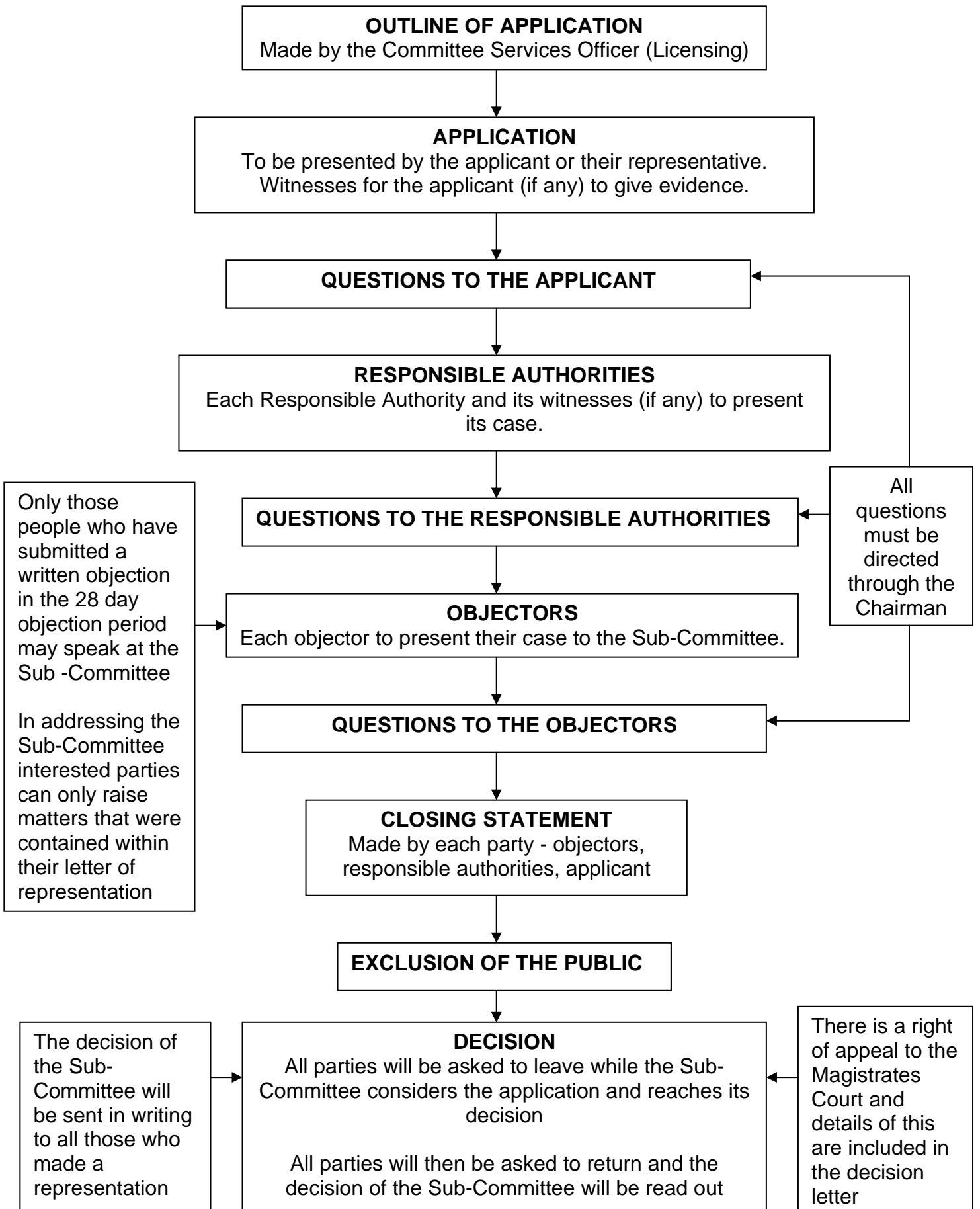
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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  
6 June 2008 at 10:00am**

**Members**

Chairman : Councillor Christopher Garnett.  
Councillors Mike Hogg and Ann Quarrie.

**Substitute Members** :

**Agenda - Part A**

(open to the public including the media)

**Pages**

**1. Appointment of Chairman**

To appoint a Chairman for the meeting.

**2. 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.

### **3. Minutes**

**1 - 16**

To note the minutes of the meetings held on 7, 14 and 28 March 2008.

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

a. Pink Panther, 3-5 Kendall Road, Colchester CO1 2BN

**17 - 44**

b. The Blackwater Pearl, 122a Coast Road, West Mersea, Colchester  
CO5 8PA

**45 - 70**





# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

7 March 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 7 March 2008 in the Grand Jury Room Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Garnett  
Councillor Hogg  
Councillor Tod

#### 1. Membership

Sarah White, Committee Services Officer (Licensing), advised that there were no changes to the membership.

*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 4 January and 8 February 2008 were noted.

#### 4. Licensing Applications

The Head of Planning and Protection 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.

##### a) Kings Arms

The Sub-Committee considered an application in respect of the Kings Arms, 61-63 Crouch Street, Colchester to vary the premises licence to extend the hours for the sale of alcohol and opening hours.

#### In Attendance

Applicants: Mr Devenet, Designated Premises Supervisor, Mr Cunningham, Business Development Manager, Greene King  
Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager  
Residents: Councillor Spyvee on behalf of the Mr Liversidge, Chairman of the St Mary's Residents' Association

#### The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that representations had been received from the St Mary's Residents' Association and a local resident. The Residents' Association referred to the disturbance already experienced by the residents of Crouch Street, Manor Road, Crowhurst Road and Rawstorn Road which it attributed to the noise of live bands and canned music from the King's Arms and from patrons using the open yard/smoking area to the rear of the premises. It expressed its concern that any extension in hours would lead to further disorder and public nuisance to people in the St Mary's area. A letter had also been received from a local resident referring to the noise and anti-social behaviour he experienced and some of which he attributed to patrons of the Kings Arms. He expressed concern that the current situation could get worse if the application were approved.

Mr Devenet in presenting the application explained that the main purpose of the application was to extend their morning opening hours to provide early morning refreshments. They sought only a minor change to the hours for the sale of alcohol on a Thursday and this was because Thursday night had become very popular and at closing time they still had a large number of customers on the premises. The extra hours were sought to facilitate the gradual dispersal of patrons from the premises. In responding to points made by Councillor Spyvee on behalf of the St Mary's Residents Association, Mr Devenet explained that he already notified the 199 houses in the vicinity of the premises when he held live music events and since he had started this practice only one complaint had been received. The complaint related to the emptying of bottles and had been dealt with by changing the time at which the bottles were emptied.

As a result of the current planning proposals the outside drinking area would be reduced by 50% and it would be moved next to the barns which would provide some sound protection. Mr Devenet informed the Sub-Committee that he lived at the premises and was also woken up by revelers returning home from the town centre. He informed the committee that they often cut through the pub car park to gain access to the St Mary's area. The proposed works would stop the access and hopefully reduce the nuisance to neighbouring residents.

## **The Decision**

*RESOLVED* that –

(i) The Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received and the submissions made at the hearing by Councillor Spyvee on behalf of the St Mary's Residents' Association and by the applicants and determined to grant the application to permit-

- The supply of alcohol for the following hours-

11.00 to 01.00 Thursdays

10.00 to 01.0 Saturdays

- The premises to be open to the public for the following hours-

07.00 to 00.30 Mondays to Wednesdays inclusive

07.00 to 01.30 Thursdays to Saturdays inclusive

Subject to the following condition which was offered by the applicant at the hearing

- That no live music is played at the premises after 23.00 on Thursdays.

## **5. Close of Meeting**

The meeting closed at 11.00

**Chairman:**

**Date:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

14 March 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 14 March 2008 in the Grand Jury Room Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Garnett  
Councillor Martin  
Councillor Quarrie

#### 1. Membership

Sarah White, Committee Services Officer (Licensing), advised that there were no changes to the membership.

*RESOLVED* that Councillor Garnett be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Licensing Applications

The Head of Planning and Protection 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.

##### a) Fashion Cafe

The Sub-Committee considered an application in respect of the Fashion Café, 2 St Botolph's Street, Colchester to vary the premises licence to extend the hours for the sale of alcohol, regulated entertainment and opening hours.

#### In Attendance

Applicants: Mr Porter, Solicitor for the applicant, Mr Adem and Mr Herlihy  
Essex Police: Mr Sykes, Counsel for Essex Police; Inspector Butcher, Town Neighbourhood Policing Team; Ms Crisp, Crime Analyst for the Eastern Division(Colchester); Red Leeson, Police Community Support Officer  
Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager

#### The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that a representation had been received from Essex Police. The Police had objected on the grounds that the premises was located within the stress area identified in the Council's

Statement of Licensing Policy. An extension in opening hours was likely to exacerbate existing high levels of alcohol related crime and disorder, anti-social behaviour, and public nuisance in the stress area of the town and impact on the Priory Street resident's quality of life. There was already a high concentration of licensed premises, bars and clubs and late night takeaway establishments and an extension in hours was likely to have a significant potential impact on the promotion of the licensing objectives.

Mr Porter, in presenting the application, explained that the premises was a well run establishment and to support this statement referred the Sub-Committee to the witness statement of Inspector Butcher of Essex Police in which it was acknowledged that the premises was well run. Representations had not been received from any of the other responsible authorities or from local residents and Mr Porter considered that the application should be viewed within this context. Temporary events notices for the hours now applied for had been granted for the premises on a number of dates in December 2007 and he believed that these had not resulted in the rises in crime and disorder or nuisance anticipated by the Police.

The applicant believed that by extending his opening hours he would reduce the number of people on Queen Street and therefore contribute to reducing the levels of crime and disorder. By keeping patrons in the premises for longer, it would aid gradual dispersal and reduce the bulge of people on the street at 02.00-02.30 when the majority of premises on Queen Street closed. He believed that the imposition of a no entry restriction after 01.30 would stop people migrating from other premises and gaining entry to the Fashion Café. The numbers of patrons expected to be in the premises at closing time was around 80 to 100 and so the numbers exiting at 03.30 were likely to be relatively modest and could be covered by the existing police resources which were in the area to monitor dispersal from the late night takeaway establishments. Mr Herlihy addressed the Sub-Committee and responded to questions from Mr Porter. He considered the premises to be very well run by Mr Adem with good working relationships between DJ, bar staff and security.

Mr Sykes addressed the Sub-Committee on behalf of Essex Police. He acknowledged that the premises was well run but that this had to be considered within the context of its location within a designated stress area. It was the view of the Police that an extension in hours would not reduce the problems on Queen Street but would increase the problems. Patrons from other premises would naturally gravitate to the premises for its longer opening hours and attempt to gain entry. This in itself would cause additional problems bringing an extra convergence and creating a flash point. An extension in hours would create a second bulge on Queen Street at a time when Police resources were targeted at monitoring the takeaway establishments and not at dealing with the issues that arise from clubs closing.

Mr Sykes drew the Sub-Committee attention to the crime statistics which did not show the decrease referred to by Mr Porter but in fact an increase, with the exception of the figures for criminal damage, over the period in question in December 2007. Inspector Butcher informed that Sub-Committee that an increase in hours was likely to have a serious negative impact and that there was no spare capacity to deal with these issues. An extension in hours would mean that Fashion Café patrons would then mix with the younger clientele of premises like the Hippodrome who migrated to Queen Street to the late night refreshment establishments and in search of taxis. The Sub-Committee viewed a DVD showing Queen Street on the night of 9 February 2008.

Mr Herlihy, in responding to questions by Mr Sykes, confirmed that he currently provided security at the premises on a Friday and Saturday night and that this comprised 2 members of staff. At closing time the upstairs area was cleared first by one security man leaving the other alone on the door. Mr Herlihy was able to call on the assistance of other doorstaff from his

company in the event of any trouble but if the extension was granted he would provide further staff if necessary. Mr Sykes asked about the provision of a smoking area as it appeared from the DVD that patrons stood outside the premises to smoke. Mr Adem responded that he encouraged patrons to use the dedicated area at the rear of the premises. He did not believe that the people seen at the front of the premises were his patrons. Mr Sykes drew the Sub-Committee's attention to the Statement of Licensing Policy which stated that where an application was received for a premises in the stress area and this was opposed that the presumption was that it would be refused unless the applicant was able to show that the extension would not add to the cumulative impact. It was the belief of Essex Police that this had not been demonstrated and that the application should be refused.

Mr Porter in summing up referred again to the well run nature of the premises and to the applicants belief that extending the hours of opening would aid gradual dispersal from the premises and reduce the cumulative impact.

## **The Decision**

*RESOLVED* that –

(i) The Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representation received from Essex Police and the submissions made at the hearing by all parties and determined to grant the application as applied for to permit-

- The supply of alcohol on and off the premises, and the provision of film exhibitions, indoor sporting events, provision of live music, recorded music, facilities for making music and facilities for dancing inside the premises for the following hours-

10.00 to 03.00 Fridays, Saturdays and Sundays

- The premises to be open to the public for the following hours-

10.00 to 03.30 Fridays, Saturdays and Sundays

Subject to the following conditions

Imposed by the Sub-Committee

- That there be no admittance or re-admittance to the premises after 01.30 except for those using the dedicated smoking area at the rear of the premises.
- That the number of door staff be increased to a minimum of 3 on Fridays and Saturdays.
- That a minimum of 3 door staff be provided on a Sunday.
- That an additional CCTV monitor be provided at the front of the building so that the duty doormen can view the screen without leaving their station.

The Sub-Committee considered the conditions necessary to meet the terms of the Licensing Policy.

## **4. Close of Meeting**

The meeting closed at 13.05.

**Chairman:**

**Date:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

28 March 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 28 March 2008 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Garnett  
Councillor Hogg  
Councillor Chuah

#### 1. Membership

Sarah White, Committee Services Officer (Licensing), advised that there were no changes to the membership.

*RESOLVED* that Councillor Garnett be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Licensing Applications

The Head of Planning and Protection 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.

##### a) Escape Nightclub

The Sub-Committee considered an application in respect of the Escape Nightclub, 107 London Road, Copford, Colchester for-

- a premises licence to permit the provision of films, live music, recorded music, performance of dance, facilities for making music and late night refreshment and the supply of alcohol.

#### In Attendance

Applicants: Jeremy Phillips, Counsel for the applicant; Ms Anita Freeman-Ballard, Designated Premises Supervisor; Jason Smith, Escape Nightclub; and Kelly Adams representative of Drysdales Solicitors

Residents: Ms E. Ballard, Mr Lawrence and Mrs Todd

Officers: Mr Weavers and Mr Essex, Legal Services and Mr Harvey, Licensing Manager

#### The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application,



advising that letters of representation had been received from local residents opposing the application by Escape nightclub to open on Wednesdays, Fridays and Saturdays from 10.00 to 03.30 the following morning. Mr Essex read a letter which had been received from a local resident expressing her unhappiness that the original date for the Hearing had been changed and that she was not now able to attend to present her case in person and seeking a further adjournment to enable her to attend. The sub-Committee considered this request and determined to proceed with the Hearing.

Mr Phillips, Counsel for the applicant, outlined the application and explained that since opening, the premises had become a popular venue and the extension in hours was sought principally to aid the dispersal of patrons from the premises. Escape had operated extended hours on Bank Holidays without complaint from local residents and believed that this supported its view that dispersal was assisted by the longer hours. In presenting the application Mr Phillips referred to the decline in the number of representations from residents that had been received from 180 at the time of the initial application, 77 in respect of the variation application and to 9 for the current application, 4 of which were from residents a considerable distance from the premises. He considered that this demonstrated the successful operation of the Club under Ms Freeman-Ballard.

Ms Freeman-Ballard addressed the Sub-committee providing information on the daily operation of the Club and on the efforts she had made to establish a good rapport with local residents by organising coffee mornings for residents at the premises and giving them her mobile number to enable them to contact her direct. Ms Freeman-Ballard informed the Sub-Committee of the measures currently in operation to minimise disturbance to local residents as patrons left the club together with the arrangement with a local taxi firm to provide taxis for patrons leaving the club. She acknowledged that some people did ask their taxi to wait at some predetermined point on London Road to avoid losing their taxi to someone else and suggested that this might be overcome by asking all taxi companies not to wait in London road but to use the designated parking area provided within the cartilage of the club.

Representations had been received from local residents. The letters referred to vandalism, public urination, littering, noise nuisance and general anti-social behaviour which they believed could be attributed to patrons of the club. However one letter from a local resident stated that Copford had remained relatively quiet with the re-opening of the Club but expressed concern at the potential problems if the Club were to open 7 days a week. Another resident commented that antisocial behaviour had been largely contained within the premises by staff but expressed his concern at the disturbance caused by taxis using London Road.

Mrs Todd addressed the Sub-Committee on the points raised in her letter and in particular on the issue of criminal damage. Mrs Todd circulated photographs of a fence which had been damaged. She believed that the damage could be attributed to patrons of the club as the majority of problems occurred after 02.00 when the club had closed and patrons were dispersing from the area. Ms Ballard considered that a nightclub was inappropriate for a village like Copford. She acknowledged that the club had been in existence for a considerable period of time but that the neighbourhood had changed considerably in the last 20 years and such a venue was no longer appropriate in a village. Ms Ballard referred to patrons leaving the premises, talking loudly on mobile phones, waiting for taxis outside Porters Garage, shouting across the road and other general nuisances. She considered that these were generally not matters for the Police but were matters that caused regular disturbance to residents in the vicinity of the club. Mr Lawrence addressed the Sub-Committee on the issue of the smoking shelter which the club proposed to build and asked how this could be sound proofed as suggested by the applicant.

In responding to questions from members of the Sub-Committee, Ms Freeman-Ballard

informed the Sub-Committee that she would expect approximately 24% of patrons would still be in the premises at 03.00 if the later hours were granted. The majority of these would leave by taxi although some were local residents who would walk home. Staff would endeavour, as they did currently, to contain patrons within the club and staff in high visibility jackets would patrol the area.

Mr Phillips in closing requested that the Sub-Committee give consideration to relaxing two of the conditions currently imposed on the operation of the club on Wednesday nights. The first required the presence of the Designated Premises Supervisor on the premises between the hours of 24.00 and 02.00 but this did not permit the DPS to be away for any reason whatsoever. The second condition required two coaches be provided for the transportation of patrons away from the premises.

## The Decision

*RESOLVED* that –

(i) The Sub-Committee carefully considered the application and having regard to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received from local residents and the submissions made at the hearing by the applicant's representative and by local residents and determined to grant the application to permit-

- The sale, by retail, of alcohol for consumption on and off the premises, and the provision of films, live music, recorded music, performances of dance, facilities for making music and facilities for dancing, these events to take place indoors or outdoors, for the following hours:

Mondays, Tuesdays and Thursdays	10.00 to 00.00
Wednesdays	10.00 to 02.00
Fridays and Saturdays	10.00 to 03.00
Sundays	10.00 to 22.30

- The provision of late night refreshment for the following hours:

Mondays, Tuesdays and Thursdays	23.00 to 00.00
Wednesdays	23.00 to 02.00
Fridays and Saturdays	23.00 to 03.00

- The premises to be open for the following hours:

Mondays, Tuesdays and Thursdays	10.00 to 00.30
Wednesdays	10.00 to 02.30
Fridays and Saturdays	10.00 to 03.30
Sundays	10.00 to 23.00

Save

That the finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.

That the finish time for licensable activities will be extended to 03.00 the following day on Friday, Saturdays and Sundays prior to Bank Holiday Mondays and extended until 03.00 on Christmas Eve and Boxing Day.

Subject to the following conditions

Imposed by the Sub-Committee at the Hearing

- The designated premises supervisor or a suitably qualified substitute to be on the premises between 00.00 and 02.00 on Wednesdays.
- Over 21's only permitted on Wednesdays.
- No irresponsible drinks promotions at all times.
- No stag or hen nights on Wednesdays.
- Up to two coaches to be provided on Wednesday nights for the safe transport of patrons away from the premises.
- That all taxi companies to be advised not to use London Road when collecting patrons from the premises.
- No admittance or re-admittance after 01.00 except for patrons using the designated smoking area at the premises.
- No drinks to be permitted in the designated smoking area at any time.
- The management of Escape shall set up a dedicated telephone line which shall be continually manned between the hours of midnight and 04.00 to take calls from local residents. The number to be distributed to residents within a 500 metre radius of the club.
- That a suggested minimum of 2 staff patrol an area 500 metres to the east and west of the club premises on London Road between midnight and 04.00.
- That the management of Escape shall reconsider the continuing membership of any members reported by their own staff or other authorities for any anti-social behaviour.
- The maximum number of persons permitted on the premises when it is being used for the purposes of licensable activities to be 600.
- High quality digital CCTV system be installed in the premises by a NACOSS (NSI) approved company with cameras covering the whole of the premises, including the male and female toilets, not looking directly at urinals or into cubicles, and all public access areas, entrance and exit doors, in order to deter drug dealing, assaults, and other incidents, in accordance with Colchester Crime and Disorder Strategy and Section 17 of The Crime and Disorder Act 1998.
- CCTV system must include a "codec" decoding format of digital computers which must be available to the Police and the Local Authority, in order to download images.
- DVD//CD discs to be kept for 31 days.

- Sufficient number of staff to be trained in the efficient and effective use of the CCTV system.
- Police Officers investigating serious assaults in licensed premises have a duty to seize CCTV videotapes or discs to secure evidence. Video tapes and discs found to be defective or of inferior quality or blanked, will be regarded as a serious breach of the licence conditions. The holder of the licence must ensure the best available quality CCTV evidence is handed to Police Officers investigating all incidents and in particular serious incidents. Failure to comply could jeopardise the continued holding of the licence.
- Toughened drinking glasses to be used at all times the premises are open.
- No bottles or glasses to be taken off the premises.
- Empty bottles and glasses to be collected as soon as possible.
- All external doors/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.
- Polite signs should be placed at all exits from the premises in a place where they can be seen and easily read by the public encouraging customers to be quiet on leaving the area and to respect the rights of people living nearby to a peaceful and undisturbed night's sleep and that same encouragement should be given by the venue's DJ's, Bar Staff, Cloakroom Staff and Door Staff.
- Licensees to join Pub and Clubwatch and the BOBB Scheme, and to attend at least three meetings a year to discuss items of common interest, working in partnership with the local authority, Colchester Police, and other agencies, as best practice to assist in the reduction of alcohol related crime and disorder.
- Colchester Partnership Pubwatch and Clubwatch Anti-Drugs Campaign Posters to be displayed on the premises in the bars/toilets to deter Drug Dealing and using on the premises.
- Free unrestricted drinking water must be available where dancing and regulated entertainment is being performed as recommended by the Home Officer Safer Clubbing Guidance for Licensing Authorities, Club Managers, Promoters and Licensees.
- No under 18 Discos.
- Door Security when used must be SIA registered.
- A Drugs search by consent policy under CCTV cameras as a condition of entry where Door Supervisors are employed, should be in place to deter drugs and weapons entering the premises and an appropriate drugs safe box kept on the premises for the security of unlawful drugs, seized or found by staff and kept secure until such time that Essex Police can dispose of these drugs lawfully. Essex Police Code of Practice recommendation is that 2 in every 10 persons are searched (minimum).

- The licence holder is to ensure that an accurate system is maintained to ensure that the capacity of the premises is not exceeded at all times when the premises licence is operational. Authorised officers of the local authority, Essex Police and the Essex Fire Authority must be able to access such a system for examination when required. The method of recording the capacity should be entered on the cash till in the reception area. Customers entering and leaving the premises must also be recorded by the use of clicker devices and staff should be able to cross-reference the clicker total with the cash till during opening times. The total figures should be recorded and be made available to authorised officers of the local authority, Essex Police and Essex Fire Authority on request.
- Security staff with radio contact between themselves and the club be employed to regularly patrol the car park between the hours of 21.30 to 02.30.
- Internal taxi booking service in reception area for patrons of the club.
- Two night coaches to be provided by the venue on Friday and Saturday nights to provide regular shuttle coaches to transport of patrons away from the club in a safe and disturbance free manner. (e.g. coaches should not leave engines running for excessive periods while stationary and customers should be supervised to ensure that any disturbance is kept to a minimum).
- Consideration to be given to the implementation of membership scheme using identification of members and entry by means of scanned fingerprint recognition.
- Air conditioning to be provided in all rooms where events involving amplified sound are taking place.
- A sound trap lobby with acoustic doors shall be installed to main entrance/exit. These doors shall remain closed except for access and egress.
- A noise limiting device that covers all frequencies shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff. (Note- The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they should be used in conjunction with other measures and structural attenuation, and need regular calibration / checking by the owner or operator. Maintenance records must be kept for 12 months).
- Amplified sound from the licensed premises shall not be detrimental to the amenity of any noise sensitive premises.
- 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.

- No light from or on the premises and any other light under control of the premises shall be provided where that light causes a nuisance to any nearby premises.
- Car Park to be managed to minimise the disturbance to any noise sensitive premises.
- Clear and prominent notices shall be displayed within the car park requesting the public respect the needs of local residents and to leave the premises and area quietly.
- Regular announcements will be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible.
- Door staff will take all reasonable steps to ensure patrons leave the vicinity of the premises quickly and quietly.
- Staff to be given adequate training on their responsibilities to minimise noise from patrons as they arrive at, queue and depart from the premises.
- Any extract ventilation systems to be maintained so as to prevent odours causing a nuisance at sensitive premises. Maintenance records for any such system to be kept for 12 months.
- The noise generated by plant equipment and machinery shall not have any noise frequency component that exceeds more than 5dB above the background frequency levels as measured at all boundaries near to noise-sensitive premises.
- External plant to be properly serviced and maintained to prevent mechanical deterioration and ensure that emission of noise is kept to a minimum.
- All conditions carried forward on conversion from the Essex Building Surveyors Association Model Conditions of Management for Places of Entertainment.
- Films shall comprise the showing of music, videos and similar on plasma and other screens throughout the premises.
- Live music shall comprise live music at the premises from musicians using either acoustic or amplified equipment and instruments.
- Recorded music shall comprise music played through a music system and speakers which is amplified.
- Performances of dance - Podium dancers may be employed by the Licensees from time to time to give performances of dance.
- Provision of facilities for making music shall comprises music system and speakers which are amplified to permit recorded music to be played on the premises to which patrons can listen and dance to.
- Provision of facilities for dancing shall comprise the provision of a dance floor indicated on the plans attached to the premises licence application.

- Late night refreshment shall comprise the provision of hot food and beverages for consumption on the premises.
- If children (under 18 years old) are admitted to the premises the following will occur:-
  - They will be accompanied and supervised by their parent/ nominated carer.
  - They will not be able to view any adult entertainment.
  - Any films they view at the premises will be appropriate to the child's age in accordance with the Film Classification Requirements.
- ID requirements will be strictly adhered to by the Licensees/their staff in the sale of age restricted products.

## Mandatory Conditions

### Mandatory conditions where licence authorises supply of alcohol

- No sale of alcohol may be made under the premises licence-
  - a. at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - b. at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory condition: exhibition of films

- The admission of children to the exhibition of any film is to be restricted in accordance with this section.
- Where the film classification body is specified in the licence, unless subsection (1) (b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.

#### 1) Where-

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority had notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section “children” means persons aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Mandatory condition: door supervision**

- Individuals present at the premises to carry out a security activity must be licensed by the Security Industry Authority.

**5. Close of Meeting**

The meeting closed at 13.10

**Chairman:**

**Date:**





<b>Licensing Committee – 6 June 2008</b>	<b>Agenda Item 4a</b>
<b>Pink Panther</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Pink Panther 3-5 Kendall Road, Colchester	Ward: New Town Stress Area: No Flare Ref: 017320 Author: Simon Harvey
<b>Application</b>	Application to vary a premises licence  Proposed variation:- <ul style="list-style-type: none"> <li>- sale of alcohol for additional time</li> <li>- Live music for additional time</li> <li>- Changes to the hours of recorded music</li> <li>- Facilities for making music and dancing</li> <li>- Removal and change of conditions</li> <li>- Premises to be open for additional time</li> </ul>	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Premises Licence</b>	Existing Conditions	Appendix 3
<b>Responsible Authorities</b>		
Environmental Control	Comments and Conditions	Appendix 4
<b>Interested Parties</b>		
Local Residents	Letters of Objection	Appendix 5

## **Existing Premises Licence**

The existing licence provides for:-

### **Supply of alcohol:**

- Mondays to Thursdays - 10.00 to 23.00
- Fridays and Saturdays – 10.00 to 00.00
- Sundays – 12.00 to 22.30

Non Standard Times for the supply of alcohol: A further additional hour into the morning following every Friday and Saturday for each Easter, May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday. A further additional hour every Christmas Eve and Boxing Day. 10.00 New Year's Eve to 23.00 New Year's Day.

### **Performance of live music:**

- Mondays to Saturdays – 10.00 to 23.00
- Sundays – 10.00 to 22.30

### **Performance of recorded music:**

- Mondays to Wednesdays - 10.00 to 23.00
- Thursdays to Saturdays – 10.00 to 00.00
- Sundays – 12.00 to 22.30

### **Hours the premises are open to the public:**

- Mondays to Thursdays – 10.00 to 23.30
- Fridays and Saturdays – 10.00 to 00.30
- Sundays – 12.00 to 23.00

Non Standard Times for regulated entertainment and hours the premises are open to the public: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. 11.00 New Year's Eve to 23.00 New Year's Day.

## **Variation of the Licence**

### **Live music:**

- Mondays to Sundays – 10.00 to 23.00

### **Recorded music:**

- Sundays – 12.00 to 23.00

### **Facilities for making music and dancing:**

- Mondays to Saturdays – 10.00 to 23.00
- Sundays – 12.00 to 23.00

### **Supply of alcohol:**

- Sundays – 12.00 to 23.00

### **Hours the premises are open to the public:**

- Sundays – 12.00 to 23.30

### **To remove the following licence condition:**

- The garden/patio/any other area must not be used by customers after the hours of 23.00.
- No children are permitted on the premises after 18.00.

**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 Crime and Disorder**

The Council's adopted statement of Licensing Policy states under paragraph **5.18** 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 **5.20** 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 schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a comprehensive 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.**

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

## **Public Safety**

Paragraph **5.23** of the Council's adopted statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

## **Policy**

Paragraph **5.24** 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 appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises;**
- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency;**
- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for ‘pass outs’ and re-admissions;**
- (iv) whether patrons can arrive at, and depart from, the premises safely;**
- (v) whether there may be local overcrowding in parts of the premises;**
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example, moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);**
- (vii) whether due account has been given to the measures outlined in ‘Safer Clubbing’, in applications for facilities for music and dance. The key areas identified are:**
  - prevention of overcrowding**
  - air conditioning and ventilation**
  - availability of drinking water**
  - further measures to combat overheating**
  - overall safety;**
- (viii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.**

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

### **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.**

Representations have been received in regard to this licensing objective from the Council’s Environmental Control team and two local residents.

The letters from local residents refer to noise from the beer garden which due to the smoking ban is now in regular use until closing time.

One of the residents states that he does not object to the extended opening times but opposes the removal of conditions concerning the use of the patio area given its proximity to his residential property. He proposes a compromise solution that would restrict the use of the patio area to 21.00 for the consumption of food and drink. From 21.00 onwards the smoking area could be used but drinking and eating in this area would not be permitted. He considers that these measures would reduce the levels of noise considerably. In addition he requests that the management and staff regularly monitor the noise from the premises, that notices be placed asking customers to keep noise to a minimum and that the side door should be kept closed to contain any noise from music and dancing within the premises.

The other resident refers to the problem of empty bottles and glasses being left on the pavement over night or thrown over the fence into the garden. In addition he refers to the problem of insufficient parking and the noise made by customers as they leave. He expresses concern at the impact on the level of noise of any extension in hours.

The Environmental Control Team has submitted the following comments in respect to this licensing objective:

“This premises is located in the middle of a densely populated residential area and has been the subject of a number of complaints from nearby residents both before and after the new licensing regime came into operation, therefore any application to change the existing operation should be treated with caution.

The Environmental Control Team has no objection to increasing the range of entertainment permitted to cover dancing and making music (with the exception of karaoke) provided this is subject to the restrictions currently in place for live music. Environmental Control has also recommended that the following condition be put in place in order to achieve this licensing objective:-

- **PPN15** A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff. *(Note – The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration/checking by the owner or operator. Maintenance records must be kept for 12 months).*

It has no objection to altering the condition regarding use of the outside area to extend the use to midnight on Fridays and Saturdays only, subject to the following conditions:-

- No beverages shall be permitted in the outside area after 23.00.
- Signs, that are visible and can be easily read shall be placed in the outside area advising customers to respect the neighbours and keep noise levels down

It also considers that due to the reasons outlined initially, the hours of opening on Sundays should remain the same.

At the time of writing this report, no confirmation or otherwise has been received by the Licensing Authority of the applicant's acceptance of the above conditions as recommended by the Environmental Control Team.

### **The Protection of Children from Harm**

Paragraph **5.36** of the Council's adopted statement of Licensing Policy states that 'the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications'.

Paragraph **5.37** of the Council's Licensing Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard".

## **Policy**

Paragraph **5.38** of the Policy states that:

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

Paragraph **5.39** of the Policy states that:

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

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

### **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.

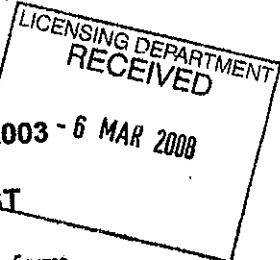
In making their decision as to whether to grant this application, Members of the Licensing Sub-Committee should in particular consider Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property and also Article 8 that everyone 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 ADMIRAL TAVERNS (NEVADA) 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

Premises licence number	003624
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		
PINK PANTHER 3-5 KENDALL RD COLCHESTER ESSEX		
Post town	COLCHESTER	Post code
		CO1 2BN
Telephone number at premises (if any)	01206 503073	
Non-domestic rateable value of premises	£	

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	ADMIRAL TAVERNS LIMITED SUITE H3 STEAM MILL BUSINESS CENTRE STEAM MILL STREET
Post Town	CHESTER
Postcode	CH3 5AN

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)

TO ALLOW FOR FACILITIES FOR MAKING MUSIC  
AND DANCING MONDAY TO SUNDAY  
EXTEND TIME FOR SALE OF ALCOHOL AND  
OPENING HOURS ON A SUNDAY BY 30 MINUTES  
REMOVAL + CHANGE OF CONDITIONS CONCERNING  
OUTSIDE AREA AND CHILDREN ON PREMISES  
- SEE OPERATING SCHEDULE

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

N/A
-----

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

### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

### 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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	23.00	Please give further details here (please read guidance note 3) <b>VARIATION TO EXTEND SUNDAY LATE RESTRICTION FROM 22.30 TO 23.00</b>	Both	<input type="checkbox"/>
Tue	10.00	23.00			
Wed	10.00	23.00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	10.00	23.00			
Fri	10.00	23.00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	16.00	23.00		<b>AS ALREADY PERMITTED</b>	
Sun	12.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	2300	Please give further details here (please read guidance note 3)  VARIATION TO EXTEND SUNDAY LATE RESTRICTION FROM 22.30 TO 2300	Both	<input type="checkbox"/>
Tue	1000	2300			
Wed	1000	2300	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	1000	2300			
Fri	1000	0000	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 (please read guidance note 5)  AS ALREADY PERMITTED		
Sat	1000	0000			
Sun	1200	2300			

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>  KARAOKE SOLOISTS DUOS		
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input checked="" 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)  AMPLIFIED + ACOUSTIC		
Mon	1000	2300			
Tue	1000	2300	<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)		
Wed	1000	2300			
Thur	1000	2300	<b>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</b> (please read guidance note 5)  IN LINE WITH THOSE PERMITTED FOR LIVE MUSIC		
Fri	10 00	2300			
Sat	1000	2300			
Sun	1200	2300			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
			<b>Please give a description of the facilities for dancing you will be providing</b>		
			GENERAL DANCING TO DISCO'S CHARITY DANCE CLASSES		
			<b>Please give further details here (please read guidance note 3)</b>		
Day	Start	Finish	AMPKIFIED & ACCOUSTIC		
Mon	1000	2300			
Tue	1000	2300			
Wed	1000	2300			
Thur	10 00	2300			
Fri	1000	2300			
Sat	1000	2300			
Sun	1200	2300			
			<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>		
			<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 (please read guidance note 5)</b>		
			IN LINE WITH THOSE ALREADY PERMITTED FOR LIVE MUSIC		

**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 checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input 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	1000	2300		
Tue	1000	2300		
Wed	1000	2300		
Thur	1000	2300		
Fri	1000	0000		
Sat	1000	0000		
Sun	1200	2300		
			<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>	
			TO INCLUDE ALL BANK HOLIDAYS } CHRISTMAS EVE } 1 EXTRA HOUR BOXING DAY } NEW YEAR'S DAY } 10.00 NEW YEARS EVE TO 0030 NEW YEARS DAY	

**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	1000	2330	<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> <p>TO INCLUDE            ALL BANK HOLIDAYS            CHRISTMAS EVE            BOXING DAY            NEW YEAR'S DAY</p> <p>} 1 EXTRA HOUR</p> <p>- 1000 NEW YEARS EVE            TO 2300 NEW YEARS DAY</p>
Tue	1000	2330	
Wed	1000	2330	
Thur	1000	2330	
Fri	1000	0030	
Sat	1000	0030	
Sun	1200	2330	

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

TIME GARDEN/PATIO / ANY OTHER AREA MUST NOT BE USED BY CUSTOMERS AFTER THE HOURS OF 2300

NO CHILDREN TO BE PERMITTED ON THE PREMISES AFTER 1800

**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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

FOR OUTSIDE PATIO / GARDEN AREA TO REMAIN  
OPEN UNTIL MIDNIGHT OF FRIDAY AND  
SATURDAY AND ALSO ON BANK HOLIDAYS  
TO ALLOW FOR SMOKING BY CUSTOMERS  
CHILDREN TO BE ALLOWED ON PREMISES  
IN LOUNGE AREA UNTIL 1900

e) The protection of children from harm

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	16 <sup>th</sup> JANUARY 2008
Capacity	APPLICANT'S SOLICITOR

**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)**

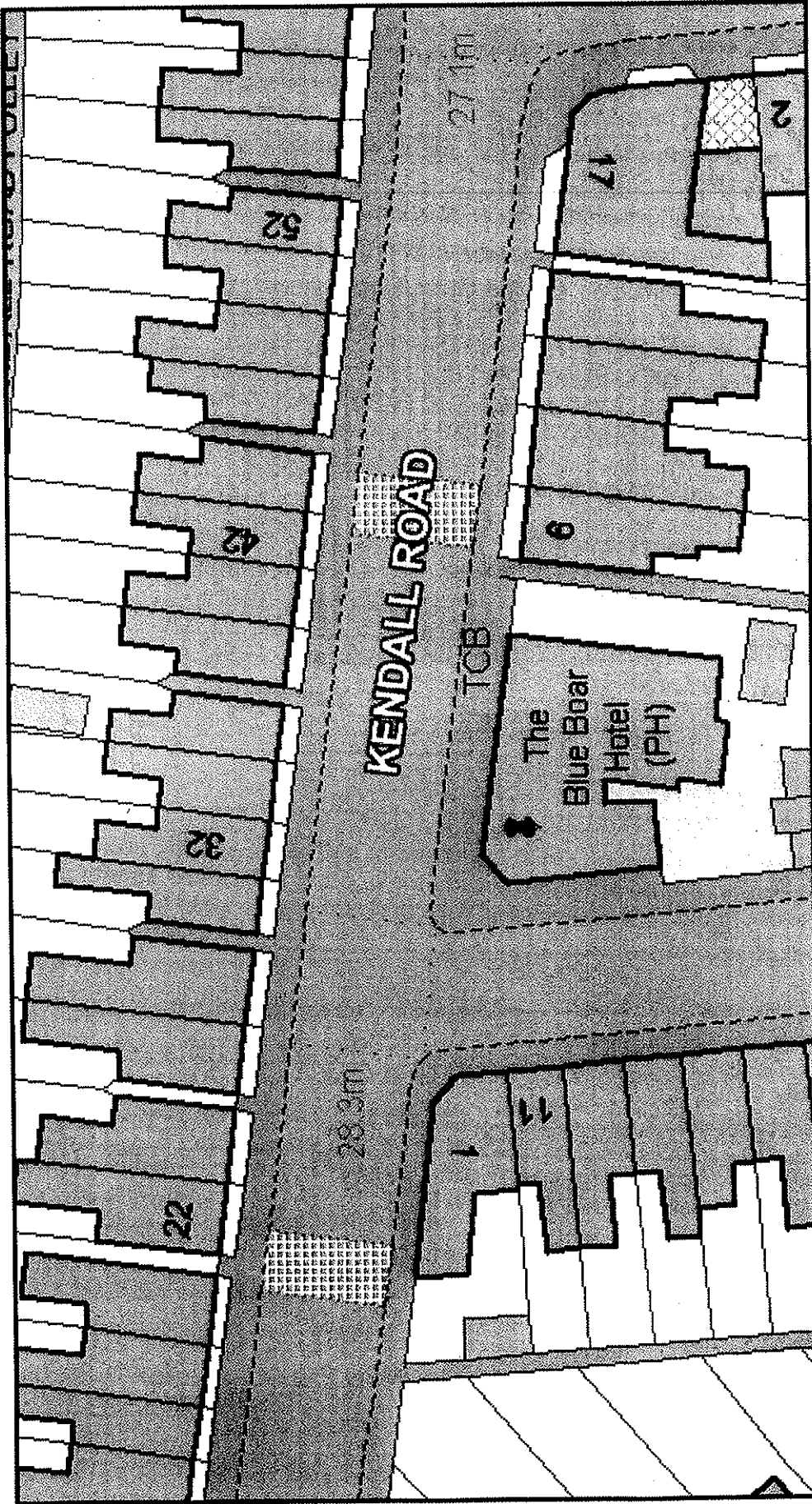
CONTACT:.....  
ADMIRAL TAVERNS (PYRAMID) LIMITED  
SUITE H3, STEAM MILL BUSINESS CENTRE  
STEAM MILL STREET

Post town: CHESTER Post code: CH3 5AN

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

PREMISES LOCATION MAP



Licence Application Reference: 017320  
 Premises Name & Address: Pink Panther Kendall Road Colchester  
 Date Produced: 14 May 2008

MAP NOT TO SCALE

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## **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

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

### **Conditions Offered by Applicant in the Operating Schedule**

30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc.

In order to further the 3 licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without the impediment.

Outside areas are completely enclosed and accessed through the bar.

Children are not permitted at the bar area save access to the garden and use of toilets.

Gaming machine is outside permitted areas.

To be a member of Pub Watch.

To employ drug prevention measures and display notices.

All interior trading areas are visible to staff from the servery.

Licensee and staff to monitor customer's behaviour.

Burglar alarm system in place.

Health and hygiene certificate held.

Disability Discrimination Assessment.

Smoking Charter.

To ensure that gas and electrical certificates are in place.

Provision of first aider and first aid facilities.

Provision of a clean air system.

Provision of extractor fans.

To monitor customers exiting the premises to ensure that no glasses and bottles are removed.

To manage the departure of customers.

Staff to organise taxis to transport customers home.

No children are permitted on the premises after 18.00.

No unaccompanied children.

All children must be supervised by a parent or an appropriate adult at all times.

### **Conditions Agreed with Responsible Authorities**

The garden/patio/any other outside area must not be used by customers after the hours of 23.00.

All external door/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.

The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).

No fireworks or other pyrotechnics shall be used.

No music or speech shall be relayed via external speakers.

No drinking shall be permitted outside the public house apart from the drinking area marked on the plan submitted with the application.

Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 23.00.

There shall be placed at all exits from the premises, in place where they can be seen and easily read by the public or member and their guests), notices requiring customers to leave the premises and the area quietly.

Staff to be given adequate training on their responsibilities to minimise noise from patrons as they arrive at, queue and depart from the premises.

A specific taxi operator will be nominated for staff and customer use. The company's telephone number will be advertised to customers. The operator, and all drivers, will not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.

Half an hour before the premises is due to close, music shall be played at a significantly lower volume and tempo.

Live entertainment to be restricted to no more than two performers at any time.

### **General - all objectives**

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute drinking up time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, awp machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

Outside areas are completely enclosed and accessed through the bar. Children are not permitted at the bar area save access to the garden and use of toilets. Gaming machine is outside permitted areas.

Member of pub watch. Most customers are local. Drug prevention measure employed and notices displayed.

### **Prevention of Crime & Disorder**

Member of pub watch.  
Most customers are local.  
All interior trading areas are visible to staff from the servery.  
Licensee and staff monitor customers behaviour.  
Burglar alarm system in place.  
Drug prevention measures employed and notices displayed.

### **Public Safety**

Health & Hygiene certificate held.  
Fire alarm.  
Fire fighting equipment serviced on a regular basis  
Disability discrimination assessment.  
Smoking charter  
All current gas and electrical certificates in place.  
Pub has a first aider and first aid facilities.  
Clean air system.  
Monitor of customers exiting premises to glasses and bottles are not removed from premises.

### **Prevention of Public Nuisance**

Air conditioning unit.  
Extract fans.  
Lockable closed windows.  
No adjoining local residents.  
Managed departure of customers.  
Noise monitoring.  
When required staff organise taxis transport customers home.

### **Protection of Children**

No children are permitted on the premises after 6pm.  
No unaccompanied children.  
All children must be supervised by a parent or appropriate adult at all times.  
Outside areas are completely enclosed and accessed through the bar.  
Children are not permitted at the bar area save access to the garden and use of toilets.  
Gaming machine is outside permitted areas.



## Consultation Response

**Environmental Control Officer:** Guy Milham

**Licensing Reference No:** 017320

**Ward:** New Town

**Location:** Pink Panther Kendall Road, Colchester, CO1 2BN

**Details:** Application to Vary Premises Licence

**Scheduled Response Date:**

### Environmental Control's Comments: -

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

This premises is located in the middle of a densely populated residential area and has been the subject of a number of complaints from nearby residents from both before and after the new licensing regime came into operation, therefore any application to change the existing operation should be treated with caution.

We have no objection to increasing the range of entertainment permitted to cover dancing and making music (with the exception of karaoke), provided this is subject to the restrictions currently in place for live music, subject to the following condition:-

- **PPN15** A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff.

*Note to the Applicant:*

*The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration / checking by the owner or operator. Maintenance records must be kept for 12 months.*

We have no objection to altering the condition regarding use of the outside area to extend the use to midnight on Fridays & Saturdays only, subject to the following conditions:-

- No beverages shall be permitted in the outside area after 23:00.
- Signs that are visible and can be easily read shall be placed in the outside area advising customers to respect the neighbours and keep noise levels down.

Owing to the reasons outlined initially, we feel that the hours of opening on Sundays should remain the same.

**Signed:** Guy Milham  
**Environmental Control Officer**

**Date:** 250308

Colchester Borough Licensing Dept  
PO Box 889  
Town Hall  
Colchester  
CO1 1FL

Kendall Road  
New Town  
Colchester  
CO1 2BN

Date: 3<sup>rd</sup> May 2008

LICENSING DEPARTMENT  
RECEIVED  
07 MAY 2008

Dear Ms Tuthill,

**Objection to Variation to Premises License - Pink Panther Public House, Kendall Road, CO1 2BN**

Thank you for your letter of 29<sup>th</sup> April advising me of the change of licensing application for the above licensed premises. I understand I need to re submit my objection to the licensing committee.

I am the owner of Kendall Road; a family home, located immediately adjacent to the Pink Panther pub. The pub, originally the Blue Boar, rarely used the outside area and the trading hours were in keeping to those of licensed premises located within close proximity to private residential homes. The beer garden is located immediately adjacent to my property boundary and noise from pub customers is audible from inside my property, even with the windows fully closed (all double glazed). Two of my bedrooms immediately overlook the pub beer garden and smoking room which are literally Three feet away from my property.

Changes in legislation, following the ban on smoking in public buildings, has now led to the beer garden being used throughout licensing hours and it has become a permanent extension to the pub. The brewery built a fixed enclosure in the beer garden for smokers to sit in. This area has seating, tables, lighting and heating provided. Therefore, the area is now in regular use right up until closing time. It is not unusual for the beer garden to be occupied as late as 11.20pm. Unfortunately, this has resulted in unacceptable noise, from less considerate customers. The noise from the area is usually tolerable during the daytime and early evenings but it becomes much more of a nuisance later in the evening when people are trying to sleep! Loud talking, shouting and sometimes swearing is heard. I have already spoken to the landlord regarding excessive noise from customers using the beer garden, as late as 11.20pm when I was trying to sleep.

My objection does not include restricting the additional trading hours but it does specifically surround the application to remove the conditions of use for the garden/patio area. I believe the application to remove these conditions are not acceptable on the grounds that the area in question is within 3 feet of a private family home and is very close to bedrooms where children could be sleeping. Local residents have an expectation, and a right, to enjoy peace and quiet, particularly late at night.

Cont.....

.....Cont from page 1

Objection to Licensing - Pink Panther - 3rd May 2008

Page 1 of 2

However, I have a good relationship with the landlord and hope a compromise solution can be sought. I also understand the pub needs to carry out its business and it has to comply with legislation regarding the ban on smoking in public buildings.

Therefore, as a compromise, I propose the following that, hopefully, should satisfy both parties:

- **Until 9.00pm.** The full use of the garden/patio facilities to be allowed, including the consumption of food and drink.
- **After 9.00pm.** (until closing time, every night) The garden/patio and smoking room is made available to those who wish to smoke. However, restrictions must be in place **NOT** to allow the consumption of food and drink in any of the outside areas of the property. This would then afford smokers the opportunity to go outside to smoke but it should stop groups of customers just using the outside area as an extension to the pub late into the night for drinking and eating. In doing this it should reduce noise levels considerably.
- **The Management and Staff** should regularly monitor noise levels in the beer garden area throughout the day. Notices should be provided in this area to ask customers to keep noise level to a minimum and to remind them to respect local resident's needs for peace and quiet. The side door that leads from the pub to the beer garden should remain closed at all times so any noise from music and dance is contained to within the pub.

I believe this is a compromise, aimed living in harmony. It allows those pub customers who smoke to go into the beer garden after 9.00pm and it should prevent large groups of people gathering in this area, as they have done, using the area as a permanent extension to the pub late into the night. Local residents have an expectation, and a right, to enjoy peace and quiet, particularly late at night.

I look forward to an amicable solution and ask the licensing committee to consider these proposals which are aimed at offering a compromise solution.

If a compromise is not forthcoming, please accept this letter as a formal objection to the application on the grounds outlined on page 1.

Yours sincerely,

Have ref 18170

JAMES STREET  
NEW TOWN  
COLCHESTER  
ESSEX  
CO4 2BP

DEAR SIR OR MADAM

I AM WRITING TO CONCERNING THE PINK PANTHER WANTING TO HAVE THERE HOURS EXTENDED ON A FRIDAY AND SATURDAY NIGHT, AND ALSO ON SUNDAY. AS MY GARDEN IS NEXT TO THEIR BEER GARDEN AREA. IT IS BAD ENOUGH ALREADY WITH THE AMOUNT OF BAD LANGUAGE WHICH ALREADY COMES FROM THE GARDEN AT NIGHT. THERE ALSO THINGS WHICH ARE THROWN OVER THE FENCE INTO THE GARDEN. WE ALSO HAVE THE PROBLEM WITH THE EMPTY BOTTLES AND GLASSES WHICH ARE LEFT ON THE PAVEMENT AT NIGHT. THESE ARE SOMETIMES LEFT BROKEN.

PARKING WILL ALSO BE PROBLEM AS THERE IS REALLY NOT ENOUGH PARKING PLACES FOR THE RESIDENTS AT THE MOMENT, WITHOUT THE CUSTOMERS CARS BEING LEFT OVER NIGHT. THE NOISE MADE BY THE CUSTOMERS AT THE MOMENT AS THEY LEAVE IS BAD ENOUGH AS IT IS, WITHOUT THE HOURS BEING EXTENDED.

YOURS SINCERLY

<b>Licensing Committee – 6 June 2008</b>	<b>Agenda Item 4b</b>
<b>The Black Water Pearl</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	The Black Water Pearl 122a Coast Road West Mersea	Ward: West Mersea Stress Area: No Flare Ref: 17492 Author: Simon Harvey
<b>Application</b>	Application for a new premises licence to permit:- <ul style="list-style-type: none"> <li>• the supply of alcohol on and off the premises</li> <li>• the provision of recorded music</li> </ul>	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Interested Parties</b>		
Local Residents	Letters of Objection	Appendix 3

<b>Application for a Premises Licence</b>
<p><b>Supply of alcohol on and off the premises:</b></p> <ul style="list-style-type: none"> <li>- Mondays to Sundays – 08.00 to 22.00</li> </ul> <p><b>Provision of recorded music</b></p> <ul style="list-style-type: none"> <li>- Mondays to Sundays – 08.00 to 22.00</li> </ul> <p><b>Opening hours of the premises:</b></p> <ul style="list-style-type: none"> <li>- Mondays to Sundays – 08.00 to 22.30</li> </ul>

<b>Policy Guidelines – The Blackwater Pearl, 122a Coast Road, West Mersea</b>
Colchester Borough Council’s Statement of Licensing Policy.
<b>Assessing Applications</b>

**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 Crime and Disorder**

The Council's adopted statement of Licensing Policy states under paragraph 5.18 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 5.20 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 schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a comprehensive 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.**

Representations have been received in regard to this licensing objective from three local residents who live in two separate residents that are in the vicinity of the premises. One local resident expresses his concern that the sale of lager, beer and alcopops would "attract that section of community whose alcohol fuelled behaviour we would not be prepared to tolerate". He further states that he does not believe that the applicant would be able to control the behaviour of such individuals. However, he goes on to state that he would find "the sale of 75ml bottles of wine acceptable as this would attract the type of custom Mrs Proctor was looking for".

The second letter of representation received from two local residents wishes to see the sale of alcohol restricted to between the hours of 09.00 to 17.00 as they believe that

the sale of alcohol up until 22.00 hours will cause anti social behaviour and vandalism and further believe that Police resources will be stretched to cope with such problems. They also express their opinion that the use of recorded music after the hours of 17.00 will disturb adjacent householders.

## **Public Safety**

Paragraph 5.23 of the Council's adopted statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

## **Policy**

Paragraph 5.24 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 appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises;**
- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency;**
- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and re-admissions;**
- (iv) whether patrons can arrive at, and depart from, the premises safely;**
- (v) whether there may be local overcrowding in parts of the premises;**
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example, moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);**
- (vii) whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key**



**areas identified are:**

- **prevention of overcrowding**
- **air conditioning and ventilation**
- **availability of drinking water**
- **further measures to combat overheating**
- **overall safety;**

**(viii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.**

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

### **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.

The representation made by the local resident refers to the possible detrimental effect of the sale of lager, beer and alcopops on public nuisance.

### **Additional Policy Guidance**

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

**5.33 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 operation of the premises.**

### 5.34

**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 premises and proximity to residential and other noise-sensitive premises, such as hospitals, hospices and places of worship;**
- **the hours of opening, particularly 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 premises;**
- **the design and layout of 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.**

### **The Protection of Children from Harm**

Paragraph **5.36** of the Council’s adopted statement of Licensing Policy states that ‘the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications’.

Paragraph **5.37** of the Council’s Licensing Policy states that “the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard”.

## **Policy**

Paragraph 5.38 of the Policy states that:

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

Paragraph 5.39 of the Policy states that:

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

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

### **Areas outside of the Stress Area Policy**

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.

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

Reference number:

(1)

## 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

(2) IAW Kim Proctor

apply for a premises licence under section 17 the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description The BLACK WATER PEARL 122A Coast Road West Mersea C	
Post town COLCHESTER	Postcode COS 8PA

Telephone number at premises(if any)

01206 382643

Non-domestic rateable value of premises

£ 3,400.00

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association; or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or  Please tick  yes
- I am making the application pursuant to
  - a statutory function; or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS**(fill in as applicable)

Mr  Mrs  Miss  Ms  Other title  (for example, Rev)

Surname  First names

I am 18 years old or over  Please tick  yes Date of birth 

Day	Month	Year

Current postal address if different from premises address

Post town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick  yes

Date of birth

Day      Month      Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



### Part 3 - Operating Schedule

When do you want the premises licences to start?

Day	Month	Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

The premises is a cafe/shop, right on the front opposite the pontoon at West Mersea. The Shop has previously been licensed, but this was never renewed in 2003. I took over the shop in May 2007. I have a lot of requests for wine as people like to take it with them to the company shed. There is also a caravan site just behind the shop so I have a lot of requests from visitors there as well. It is my intention if the licence is approved to sell beer mainly wine and beer. All stock will be kept behind the counter it will not be accessible to children. The nearest off-licence is up in the village which is at least 1/2 miles from me. I am applying for an on-licence as well. I am in a beautiful position overlooking the water, and again have lots of requests from people who would like a glass of wine or beer while enjoying the view. I have made the shop more secure and I have a dedicated lock up storage area I intend to use to keep stock in.

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

--

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick  yes

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

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

**In all cases complete boxes N, O and P**

# A

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

# B

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

**C**

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

**D**

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

**E**

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

**F**

<b>Recorded music</b>			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	8.00	22.00	Please give further details here (please read guidance note 3) <i>Radio</i> <i>CD player</i>
Tue	8.00	22.00	
Wed	8.00	22.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)
Thur	8.00	22.00	
Fri	8.00	22.00	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	8.00	22.00	
Sun	8.00	22.00	

# G

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

# H

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

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

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (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>	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur			
Non-standard timings: Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)			
Fri			
Sat			
Sun			

# K

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



<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (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>	Please give further details here (please read guidance note 3)
Mon			
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Wed			
Thur			
Fri			
Sat			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

<b>M</b> <b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
			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>	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Mon	8.00	22.00	
Tue	8.00	22.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	8.00	22.00	
Thur	8.00	22.00	
Fri	8.00	22.00	
Sat	8.00	22.00	
Sun	8.00	22.00	

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

Name *Kim Proctor*  
 Address  
 Postcode  
 Personal Licence number (if known) *004748*  
 Issuing licensing authority (if known) *COLCHESTER BOROUGH Council*

**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)

*N/A*

**O**

Hours premises are open to the public

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	<i>8.00</i>	<i>22.30</i>
Tue	<i>8.00</i>	<i>22.30</i>
Wed	<i>8.00</i>	<i>22.30</i>
Thur	<i>8.00</i>	<i>22.30</i>
Fri	<i>8.00</i>	<i>22.30</i>
Sat	<i>8.00</i>	<i>22.30</i>
Sun	<i>9.00</i>	<i>22.30</i>

State any seasonal variations (please read guidance note 4)

*I am not usually open this late, apart from regatta week.*

*These are the hours I am allowed to trade, according to my lease. I close earlier in the winter.*

Non-standard timings. Where you intend to use 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)

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

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

b) The prevention of crime and disorder

All Alcohol and Tobacco will be locked behind shutters at night.  
No late closing  
Premises is aiming to cater for the more mature customer.

c) Public safety

All Gas and Electric appliance will be checked annually.  
Fire fighting equipment on premises  
First Aid kit on premises  
Car parking and Toilets nearby.

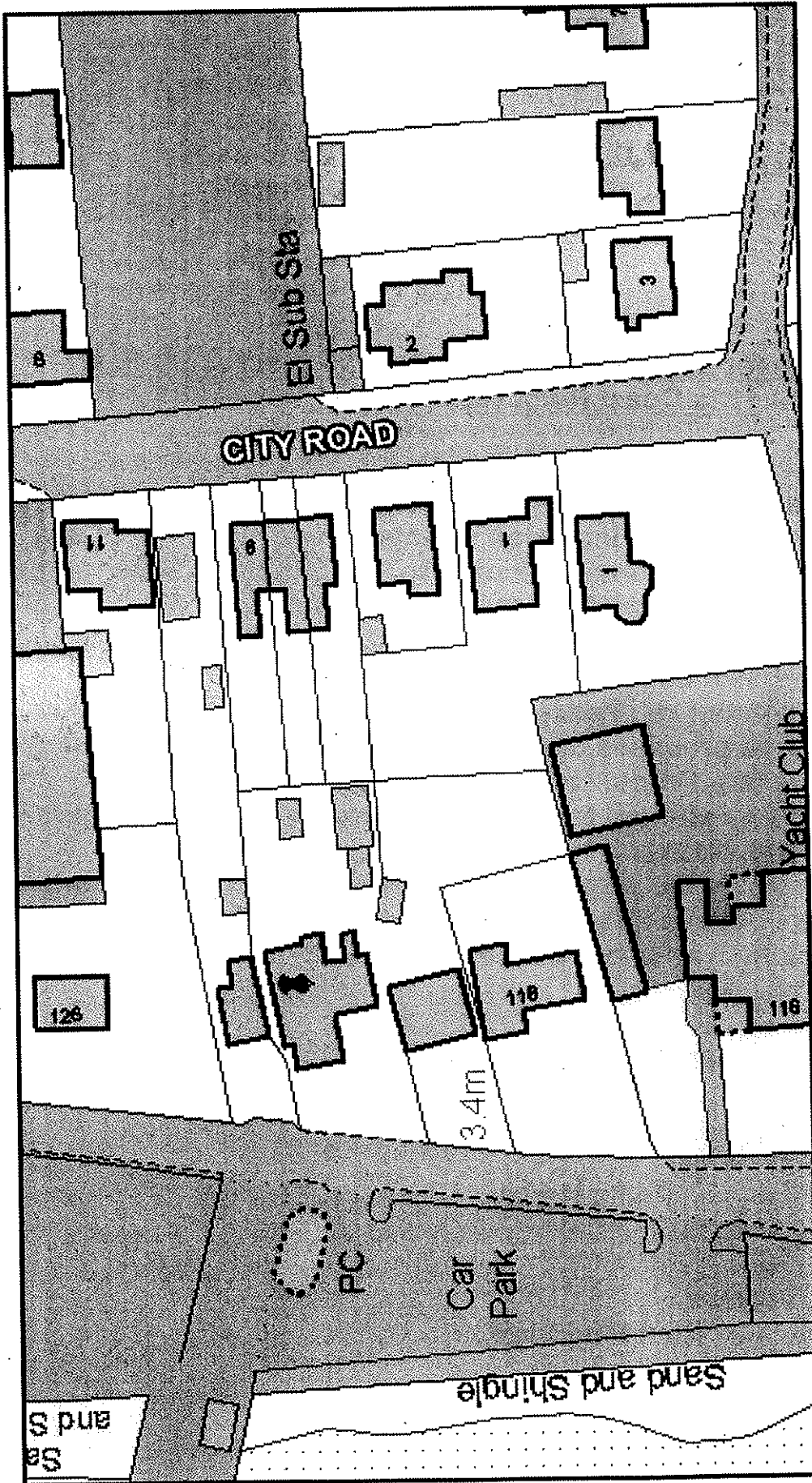
d) The prevention of public nuisance

No late closing  
Mature Customer base.  
Premises not located in residential area.

e) The protection of children from harm

Proof of age requested  
Children in most circumstances will be accompanied.  
Soft Drinks available

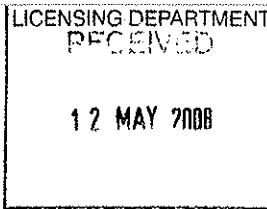
Premises Location Plan



Licence Application Reference: 017492  
 Premises Name & Address: Blackwater Pearl 122a Coast Road West Mersea Colchester  
 Date Produced: 14 May 2008

MAP NOT TO SCALE

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Appendix 3

Tel/Fax.:

Licensing Officer  
Colchester Borough Council.

Coast Road,  
West Mersea,  
Colchester,  
Essex.  
CO5 8PA.  
8<sup>th</sup> May 2008

**Ref Application for an Alcohol Licence for the Blackwater Pearl  
122a Coast Road West Mersea.**

Dear Sir,

With reference to the above :-

We strongly object to the inclusion of Lager, Beer, Alcopops or any other tinned or bottled form of alcohol to be consumed either on or off the premises on such a licence.

The sale of such products inevitably attracts that section of the community whose alcohol fuelled behaviour we would not be prepared to tolerate. (ref. Police presence being called for outside other off licenced premises on the Island, namely Spar and Tesco). I do not believe Mrs. Proctor would be able to control such behaviour and any attempt to do so might well result in retribution from the said individuals.

On the positive side we would find the sale of 75ml bottles of wine acceptable as I believe this would attract the type of custom Mrs Proctor is looking for, where the Lager fraternity would have the opposite effect.

Yours faithfully,

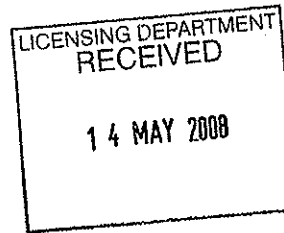


Copy to Mrs. Proctor.  
Copy to Councillor Alan Mogridge.

Coast Road  
West Mersea  
Essex  
CO5 8PA

11<sup>th</sup> May 2008

Licensing Officer  
Colchester Borough Council  
PO Box 889  
Town Hall  
Colchester  
Essex  
CO1 1FL



Dear Sir/Madam

With Reference to Application for an Alcohol & recorded music Licence for The Blackwater Pearl, 122a, Coast Road, West Mersea, Essex

We object to the above application, on the grounds of the following :-

1, The sale of alcohol should be limited to the normal working hours (that being 9am to 5pm), as the sale of alcohol from 5pm to 10 pm will cause anti social behaviour and vandalism that has occurred near other Licensed premises on Mersea, particularly Tesco & Spar, with the over stretched Police already struggling to cope the recent raise in alcohol related crime.

2 The use of recorded music after 5pm will disturb the adjacent householders.

Yours Faithfully

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