

Licensing Sub- Committee Hearings

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

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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 to attend 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.

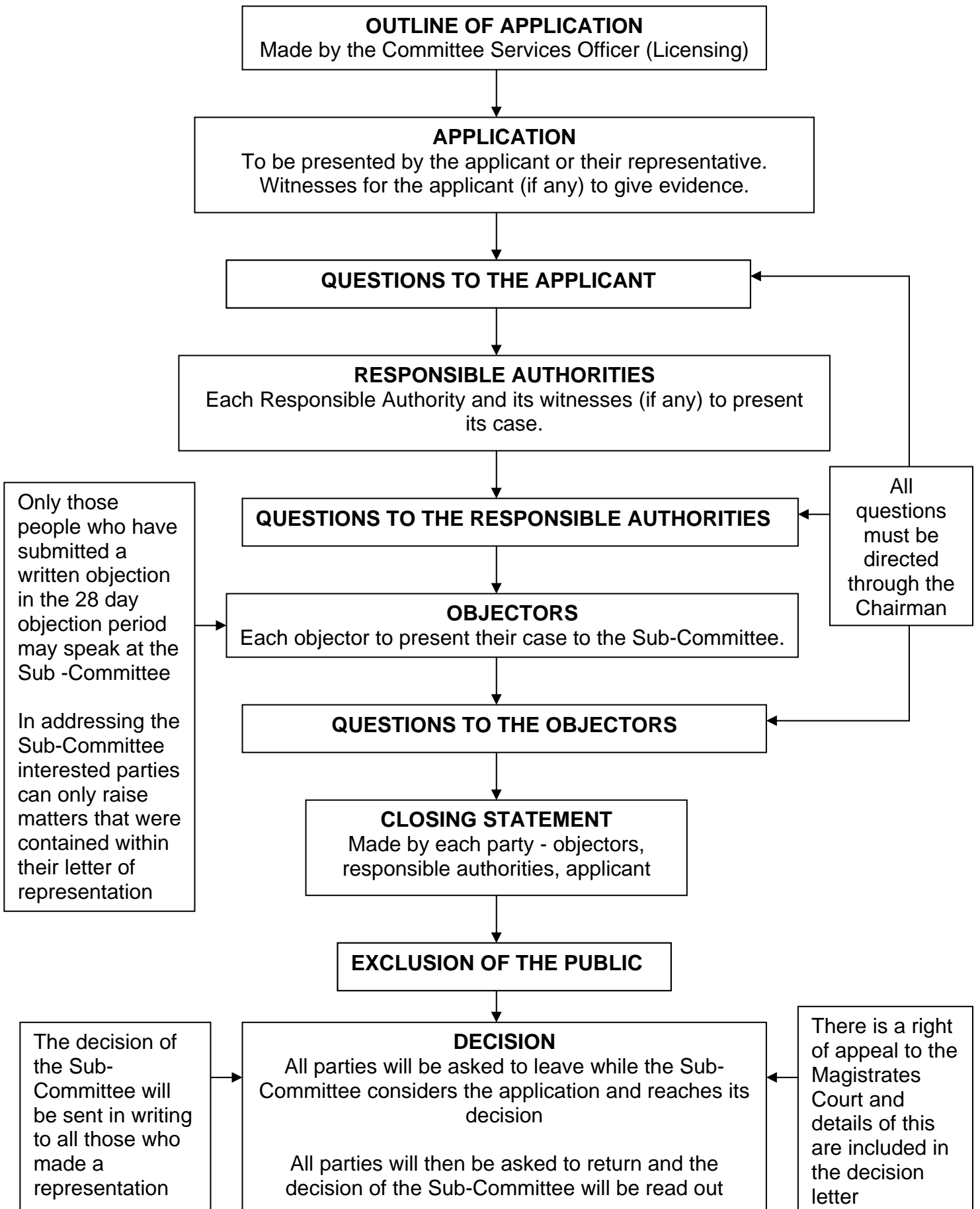
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
18 October 2013 at 10:00am**

Members

Chairman : Councillor Nick Cope.
Councillors Pauline Hazell and Gerard Oxford.

Substitute Members :

Agenda - Part A

(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint the Chairman for the meeting.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

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

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

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

4. Minutes

1 - 5

To confirm as a correct record the minutes of the meetings held on 19 July and 6 September 2013.

5. Applications under the Licensing Act 2003

6 - 66

Appendix A On the Corner
7-9 High Street
Wivenhoe
CO7 9BJ

Appendix B Blue Ivy
4-5 North Hill
Colchester
CO1 1DZ

opposing the application on the grounds that if granted it would result in an increase of anti-social behaviour and public nuisance. The representations mentioned other issues such as traffic and the need for the premises given that there were others in the area that sold alcohol but these were matters that could not be considered by the Sub-Committee in reaching its determination.

In presenting the application Mr Aylott drew the Sub-Committee's attention to the operating schedule which contained a comprehensive list of conditions that would be applied to the grant of the licence. In response to questions from members of the Sub-Committee Mr Aylott confirmed that the applicant intended to operate the premises with one member of staff during the day and two in the evening and until closing time. Mr Kandasamy was a personal licence holder and would train all members of staff appropriately.

RESOLVED to permit:-

- The supply of alcohol off the premises and for the premises to be open Mondays to Sundays inclusive from 06.00 to 00.00

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant. The Sub-Committee noted the conditions specified on the operating schedule and was satisfied that the concerns raised by objectors were adequately addressed by these conditions. It also noted the assurances given by the applicant that proper staff training would be given in respect of all aspects of the operating schedule. It was mindful that its decision must be an appropriate and proportionate response aimed at the promotion of the licensing objectives and the Sub-Committee was satisfied that the most appropriate way forward was to grant the application.

5. Close of Meeting

The meeting closed at 11.00.

Chairman:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

6 September 2013

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 6 September 2013 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Havis
Councillor Lilley

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Application

The Head of Professional Services submitted a report, in relation to Trading Standards application to review a premises licence, for determination by the Sub-Committee in accordance with the provisions of the Licensing Act 2003.

- **C K Food & Wine, 6 The Willows, Mersea Road, Colchester, CO2 8PZ**

In Attendance

Mr Chaminda, Premises Licence Holder
Mrs Nunn, Premises Licence Holder's representative

Ms Webb, Essex County Council Trading Standards
Ms Harris, Essex County Council Trading Standards
Mr Prescott, HM Revenue and Customs

Mr Nelson, Food Safety & Licensing Manager, Colchester Borough Council
Mr Weavers, Monitoring Officer & Legal Services Manager, Colchester Borough Council
Mrs White, Licensing & Committee Co-ordinator, Colchester Borough Council
Mr Swain, Enforcement Officer

Ms Webb outlined the application and explained that Trading Standards had brought the review because Mr Chaminda had been found in possession of non-UK excise duty paid and counterfeit spirits and this was a potentially criminal matter which Trading Standards viewed very seriously. The application followed a visit by Trading Standards and HM Revenue and Customs to the premises on 3 May 2013 when a quantity of counterfeit and non-duty paid spirits were found. HMRC had seized 6.1 litres and Trading Standards had seized 4.2 litres of counterfeit and non duty paid alcohol. A bottle of the seized Selekt

Vodka had been examined by a public analyst and found to contain industrial alcohol as opposed to agricultural alcohol.

In setting out Trading Standard's case, Ms Webb stated that the Colchester visit had been carried out as part of a joint operation with Suffolk Trading Standards who had visited the two C K Food & Wine stores in Ipswich. At these premises a total of 105.15 litres of non-duty paid and counterfeit spirits had been seized and these seizures were the subject of a separate review application by Suffolk Trading Standards. There had been seven previous excise seizures at these premises from 6 January 2010 to 4 July 2011.

In response to questions from the Sub-Committee Ms Webb explained what was regarded as counterfeit alcohol and the health implications. In cases such as this where counterfeit alcohol was seized, a sample was always sent to the public analyst for examination and in this case it was found to be not of the right composition and made of industrial not agricultural alcohol. Despite investigations Trading Standards had not been able to trace the suppliers.

Mrs Nunn, in presenting the case for Mr Chaminda stated that the facts were not disputed by Mr Chaminda and he apologised for the circumstances that had lead to the review. It was explained that the business was currently closed and was for sale. Buyers had been found for the lease and matters were due to be completed in about a week's time and at this point Mr Chaminda would have nothing to do with the business. Mrs Nunn offered the Sub-Committee a further condition for imposition on the licence which was that Mr Chaminda be removed as DPS from the licence; this would remove all the links between him and the business. Mrs Nunn gave the Sub-Committee the details of the new potential owners and confirmed that they were completely independent and unrelated to Mr Chaminda.

The Sub-Committee were advised that Trading Standards sought the suspension of the licence for a period to enable the conditions they considered appropriate to be added to the licence. In the light of the impending sale of the business Mrs Nunn asked that the suspension be for a period of three months or until the lease had been assigned to the new owners of the premises, whichever was the sooner and this was agreed by Trading Standards.

The Decision

RESOLVED that-

(i) That the reasons for the review brought by Essex County Council Trading Standards be upheld.

(ii) The Premises Licence be suspended for a period of three months or until the assignment of the lease of the Premises is completed whichever is the earlier.

(iii) The following conditions be applied to the Premises Licence –

- To only purchase stock from an authorised wholesaler and produce receipts upon request for inspection (an authorised wholesaler means an established warehouse or outlet with a fixed address and VAT registration).
- Not to purchase any stock from any mobile supplier calling at the business to offer their services, or from any trader operating from a van or temporary business accommodation.

- To keep alcohol and tobacco receipts on Premises for a minimum of six months to be produced to Essex Police, Essex Trading Standards, HMRC or Colchester Licensing Authority upon request.
- The CCTV will be of an agreed format that can be viewed on metropolitan police systems and shall be record all entrances and exits to the Premises at all times and should be capable of capturing the external areas of the business.
- At all times that licensable activity is being carried on, there shall be on the Premises a person able to both operate the CCTV system and to download footage on request onto either DVD's or a memory stick provided by the business.
- The Designated Premises Supervisor (DPS) must always be on the Premises while licensable activities are being carried out and in the event of the DPS being absent there will be at least one member of staff who holds a personal licence present at all times.

(iv) That Mr Chaminda be removed as the DPS from the Premises Licence.

Reasons for the Determination

The Sub-Committee carefully considered the options available to it under the Licensing Act 2003 and in arriving at its decision the Sub-Committee gave careful consideration to the arguments and evidence presented by all parties. It noted that the Premises Licence holder had accepted the facts as presented by Trading Standards and HM Revenue Customs and the conditions requested by Trading Standards to be imposed on the licence. It was noted that the premises licence holder had offered a further condition the Mr Chaminda be removed as DPS from the licence and in the light of this information it determined that its decision was both proportionate and appropriate. appropriate to revoke the licence.

4. Close of Meeting

The meeting closed at 11.20



Licensing Committee – 18 October 2013 at 10.00am	Agenda Item 5a
On The Corner	FOR GENERAL RELEASE

Premises	On The Corner 7-9 High Street Wivenhoe CO7 9BJ	Ward: Wivenhoe Quay Stress Area: No Civica Ref: 080877 Author: Martin Nelson
Application	Application for variation of a premises licence To permit the supply of alcohol and the provision of recorded music for extended hours To permit the exhibition of films, live music, and late night refreshment	Appendix 1
Street Plan		Appendix 2
Existing Licence		Appendix 3
Interested Parties		
Local Residents		Appendix 4
Petition		Appendix 5

New Application for a Premises Licence
To permit:- <ul style="list-style-type: none"> - The supply of alcohol, the provision of live music and for the premises to be open for the following hours- Sundays to Thursdays from 11.00 to 00.00 Fridays and Saturdays from 11.00 to 00.30 - Provision of films and recorded music for the following hours- Sundays to Thursdays from 07.00 to 00.00 Fridays and Saturdays from 07.00 to 00.30 - Provision of late night refreshment for the following hours- Sundays to Thursdays from 23.00 to 00.00 Fridays and Saturdays from 23.00 to 00.30

Existing Premises Licence

The existing premises licence permits the sale of alcohol Mondays to Sundays from 11.00 to 22.00 and the playing of recorded music Mondays to Sundays from 07.00 to 22.00.

Policy Guidelines – On the Corner

Colchester Borough Council's Statement of Licensing Policy

Assessing Applications

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

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

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

Policy

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

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

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

Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.

Four representations have been received in respect of the application, three opposing the application and one in favour of its grant. In addition, the applicant has submitted

as part of the evidence, a petition signed by patrons of the premises supporting the application. There have been no representations from the responsible authorities.

Prevention of Crime and Disorder

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

Policy

Paragraph 5.14 of the Policy states that:

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

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

Two representations opposing the application make reference to incidents of anti-social behaviour in the area in the past and express concern that these incidents will increase in the event that the application is granted.

Prevention of Public Nuisance

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

valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities”.

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

Policy

Paragraph 5.23 of the Policy states that:

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

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

The representations opposing the application all refer to the potential for public nuisance to increase if the licence is granted. Reference is made to noise nuisance both from patrons frequenting the premises and from the music entertainment itself.

Additional Policy Guidance – Public Nuisance

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

Paragraph 5.27 of the Policy states that:

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

Paragraph 5.28 of the Policy states that:

When addressing the issue of prevention of public nuisance, where it is reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.

These may include:

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

Additional Policy Guidance – General

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

Areas outside of the Stress Area Policy

Paragraph 3.103 of the Policy states that:

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

Paragraph 3.104 of the Policy states that:

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

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

Café Bars

Paragraph 3.58 of the Policy states that:

The Licensing Authority will look favourably on applications which seek a

grant of licence or variation of a licence for a café bar that offers or views the consumption of alcohol as an ancillary accompaniment to the enjoyment of food purchased and eaten by their customers on the premises.

Paragraph **3.59** of the Policy states that:

Any such grant or variation agreed could however, be subject to the following conditions, which would be applied in circumstances where it was reasonable and proportionate to do so, and in order to prevent the premises from gaining a licence to sell alcohol and then simply converting to an ordinary public house or bar that relies more on the sale of alcohol and vertical drinking than it does on the provision of food.

These conditions, which relevant applicants are encouraged to include in their operating schedules, could be:

(i) The supply of intoxicating liquor and other beverages shall be made by waiter/waitress service solely for the consumption of persons seated at tables.

(ii) Substantial food shall be available at all times.

Late Night Refreshment

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

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

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

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

The Licensing Authority will therefore seriously consider any relevant representations made by the Police, responsible authorities or any other

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

Paragraph 3.56 of the Policy states that:

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

Paragraph 3.57 of the Policy states that:

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

Rural Areas

Paragraph 3.105 of the Council's statement of Licensing Policy states that "within the rural areas of the Borough, there are a number of village halls, community facilities, local pubs and shops that make an important contribution to the social, recreational and cultural life of rural communities and as such are key in sustaining their vibrancy and viability. A number of these benefit from premises licences which allows for the sale of alcohol and the provision of regulated entertainment. There are also a number of shops and pubs that have off-licence facilities".

Paragraph 3.106 of the Council's statement of Licensing Policy states that it "is keen to maintain the provision of active and vibrant rural community facilities, including public houses, village halls, church halls, community centres and village shops and welcomes the provision of additional similar facilities".

Paragraph 3.107 of the Policy states that:

Therefore where reasonable, proportionate or appropriate to do so, the Licensing Authority will endeavour to apply a light touch, risk assessed approach to applications for Village Hall or Community Centres in particular, in order that regulatory conditions are only applied in instances where it is needed to promote one or more of the licensing objectives.

Paragraph 3.108 of the Council's statement of Licensing Policy states that "it is important to realise that with most contested premises licence applications, it is likely that a balance may have to be struck between the rights of those community or commercial facilities and the customers who wish to enjoy those facilities, with the rights of residents living in the immediate vicinity of such premises to enjoy their homes and possessions in peace".

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.

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

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 Project Professional Consultancy Limited being the premises licence holder, apply to vary a
(Insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

072256

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
<u>7-9 High Street + Wivenhoe, Colchester Essex</u>	
Post town	Post code
<u>Colchester</u>	<u>CO7 9BJ</u>

Telephone number at premises (if any)

07748705795

Non-domestic rateable value of premises

£ 7000.00

Part 2 – Applicant details

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if different from premises address

[REDACTED]

Post Town

[REDACTED]

PLANNING, PROTECTION AND LICENSING
RECEIVED
23 AUG 2013
PASSED TO/ACTION/NOTE ONLY/FILE NUMBER

Part 3 - Variation

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

Please tick Yes YES

If not do you want the variation to take effect from

Day	Month	Year

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

--

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

serve late night refreshments from
Sun-Thurs: 23:00-00:00
Fri-Sat: 23:00-00:30

extend hours to play recorded music

From: Sun-Thurs: 07:00-22:00 to 07:00-00:00
Fri-Sat: 07:00-22:00 to 07:00-00:30

extend hours to sell alcohol

From: Sun-Thurs: 11:00-22:00 to 11:00-00:00
Fri-Sat: 11:00-22:00 to 11:00-00:30

show films from Sun-Thurs: 07:00-00:00
Fri-Sat: 07:00-00:30

play live music from Sun-Thurs: 11:00-00:00

£ Fri-Sat: 11:00-00:30

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.

Please tick yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
Mon	07:00	00:00	Please give further details here (please read guidance note 3)	Both		
	00:00	00:00				
Tue	07:00	00:00				
	00:00	00:00				
Wed	07:00	00:00		State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07:00	00:00				
Fri	07:00	00:30		Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	07:00	00:30				
Sun	07:00	00:00				

Christmas Eve 11:00 - Christmas Day 11:00
New Years Eve 11:00 - New Years Day 11:00

Sun			
-----	--	--	--

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 [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 3)	Both	
	00:00	00:00			
Tue	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
	00:00	00:00			
Wed	11:00	00:00	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)		
	00:00	00:00			
Thur	11:00	00:00	Christmas Eve 11:00-11:00 Christmas Day New Years Eve 11:00-11:00 New Years Day		
	00:00	00:00			
Fri	11:00	00:30			
Sat	11:00	00:30			
Sun	11:00	00:00			

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 [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	07:00	00:00	Please give further details here (please read guidance note 3)	Both	
	00:00	00:00			
Tue	07:00	00:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
	00:00	00:00			
Wed	07:00	00:00			
	00:00	00:00			
Thur	07:00	00:00			
	00:00	00:00			

Fri	07:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
	00:30	
Sat	07:00	Christmas Eve 11:00-11:00 Christmas Day
	00:30	
Sun	07:00	New Years Eve 11:00-11:00 New Years Day
	00:00	

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoor	
Mon					Outdoor	
					Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			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)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:30			
Sun	23:00	00:00			

New Years Eve 23:00 - 11:00 New Years Day
Christmas Eve 23:00 - 11:00 Christmas Day

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) Christmas Eve 11:00 - 11:00 Christmas Day New Years Eve 11:00 - 11:00 New Years Day	Both <input checked="" type="checkbox"/>
Tue	11:00	00:00		
Wed	11:00	00:00		
Thur	11:00	00:00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Christmas Eve 11:00 - 11:00 Christmas Day New Years Eve 11:00 - 11:00 New Years Day
Fri	11:00	00:30		
Sat	11:00	00:30		
Sun	11:00	00:00		

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)

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	07:00	00:00	
Tue	07:00	00:00	

Wed	07:00	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) Christmas Eve 11:00 - 11:00 Christmas Day New Years Eve 11:00 - 11:00 New Years Day
	00:00	
Thur	07:00	
	00:00	
Fri	07:00	
	00:30	
Sat	07:00	
	00:30	
Sun	07:00	
	00:00	

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

- I have enclosed the premises licence **Please tick ✓ yes**
- I have enclosed the relevant part of the premises licence **If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below**

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

P

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

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

All objectives

b) The prevention of crime and disorder

- Alcohol served with food
- Cooperate with the police & Licensing Authority to prevent the risk of any crime & disorder

c) Public safety

- First Aid boxes provided on site
- Comply with food safety regulations
- Fire extinguishers provided on site
- Maximum capacity not to be exceeded

d) The prevention of public nuisance

- close at the same time as the restaurants on either side
- Ensure noise & light pollution are controlled
- Poor signage to request customers 'respect our neighbours & please leave quietly'

e) The protection of children from harm

- No person who appears to be under the age of 21 will be permitted to purchase or consume alcohol on the premises without providing an approved proof of age identification which shows their photograph, dated of birth & a holographic mark, such as a passport, photo driving licence or pass accredited card.
- Staff training to be conducted on a regular basis to ensure responsible alcohol retailing.

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

.....

Capacity

.....

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

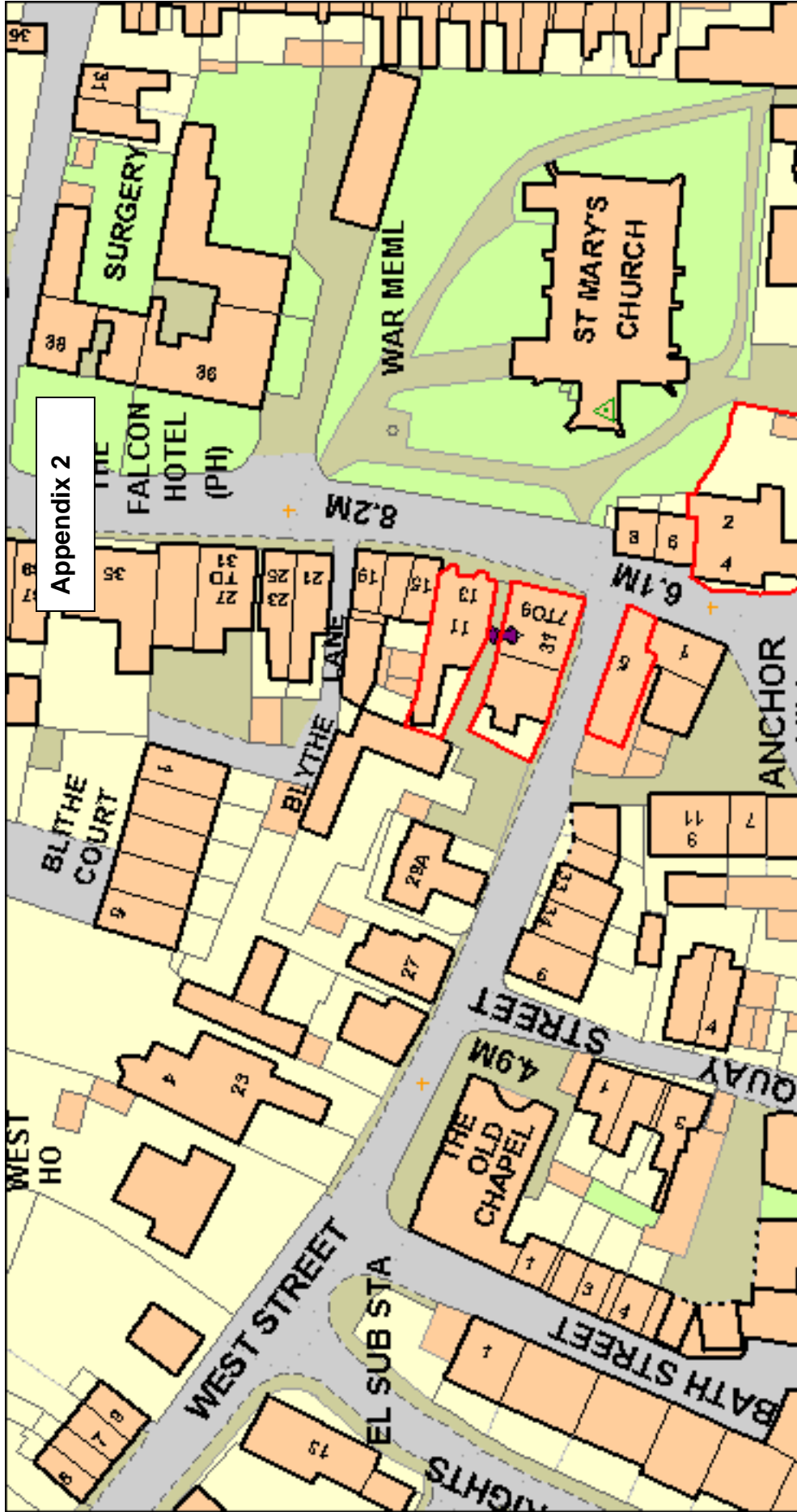
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Capacity

.....



Premises Location Plan



Appendix 2

Licence Application Reference: 080877

Premises Name & Address: On The Corner 7-9 High Street Wivenhoe Colchester
Date Produced: 4 October 2013

MAP NOT TO SCALE

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Premises Licence

Granted under the Licensing Act 2003 s18

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

Premises licence number: 072256

PART 1 - PREMISES DETAILS	
7-9 High Street Wivenhoe	
Post town: Colchester	Post code: CO7 9BE
Telephone number at premises: 01206 822347	

Date Licence Granted: 11 November 2010

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

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	11.00 to 22.00	
Tuesday	11.00 to 22.00	
Wednesday	11.00 to 22.00	
Thursday	11.00 to 22.00	
Friday	11.00 to 22.00	
Saturday	11.00 to 22.00	
Sunday	11.00 to 22.00	
Seasonal Variations		
Non-Standard Times		
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Performance of Live Music	Playing of Recorded Music
Monday		07.00 to 22.00
Tuesday		07.00 to 22.00
Wednesday		07.00 to 22.00
Thursday		07.00 to 22.00
Friday		07.00 to 22.00
Saturday		07.00 to 22.00
Sunday		07.00 to 22.00
Seasonal Variations		
Non-Standard Times		

	Performance of Dance	Other Music or Dance Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Facilities for Making Music	Facilities for Dancing
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		

The Opening Hours of the Premises	
Monday	09.00 to 22.00
Tuesday	09.00 to 22.00
Wednesday	09.00 to 22.00
Thursday	09.00 to 22.00
Friday	09.00 to 22.00
Saturday	09.00 to 22.00
Sunday	09.00 to 22.00
Seasonal Variations	
Non-Standard Times	

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

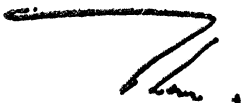
Alcohol may be served ON the premises
 Alcohol may be served OFF the premises

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	Licence Holder 2
Project Professional Consultancy Limited 19 New Road Brighton East Sussex BN1 1UF	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable): 06051166

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Ms Lisa Tuffin
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: 072729 Colchester BC



Simon Harvey
Licensing Manager

11 November 2010
Date of issue

Annex 1 – Mandatory Conditions

Alcohol

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

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

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

Door Supervision

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

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

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

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

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

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

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

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

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

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

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

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

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

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

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

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

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

5. The responsible person shall ensure that—

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

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

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

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

Prevention of Crime & Disorder

1. CCTV.
2. Alcohol served with food.
3. Cooperate with the police and Licensing Authority to prevent the risk of any crime and disorder.

Public Safety

4. First Aid boxes provided on site.
5. Comply with food safety regulations.
6. Fire extinguishers provided on site.
7. Maximum capacity not to be exceeded.

Prevention of Public Nuisance

8. Close before the public houses in the area and before restaurants on either side.
9. Ensure noise and light pollution is controlled.

Protection of Children

10. No child under 18 years of age allowed inside the premises after 21.00 unless accompanied by an adult.
11. Staff training to be conducted on a regular basis to ensure responsible alcohol retailing.

Annex 5 – Conditions Agreed with Responsible Authorities

Children's Safeguarding Service - 25 October 2010

No person who appears to be under the age of 21 will be permitted to purchase or consume alcohol on the premises without providing an approved proof of age identification which shows their photograph, their date of birth and a holographic mark, such as a passport, photo driving licence or pass accredited card.



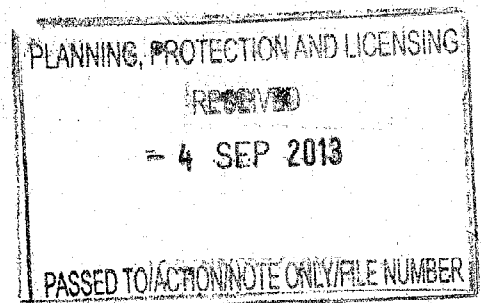
Interested Party Representation Form – Licensing Act 2003

Name of the premises you are making a representation about	ON THE CORNER
Address of the premises you are making a representation about	7-9 HIGH STREET WIVENHOE CO7 9BJ
Application Reference Number (if known)	

Please complete either **A** – individual in the vicinity or
B – body representing residents/businesses in the vicinity.

A – Details of Individual

Title	
Forename(s)	
Address (including post code)	
Telephone Number(s)	
Email address	



B – Details of others, such as a body representing residents of business in the vicinity of the premises

Name of the body			
Title (of person representing the body)		Surname	
Forename(s)			
Address (including post code)			
Telephone Number(s)	(Day)	(Eve)	(Mobile)
Email address			

Under what capacity are you making a representation?

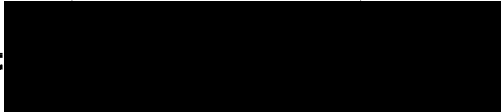
If you are acting on behalf of a group of people e.g. a residents group, you may be asked to provide a signed petition or the names and addresses of those who you are acting on behalf of in order to show that they give their consent and support to the representation you have made on their behalf.

Your representation must relate to one or more of the four licensing objectives.

Licensing Objective	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary.
Prevention of crime and disorder	
Public safety	
Prevention of public nuisance	<p>The premises are in close proximity to residential buildings. The entrance/exit is directly on to a narrow pavement. Customers inevitably "spill" on to the pavement and make a noise, especially after drinking. Larger crowds (for live music, films) and later hours would be an even greater nuisance to residents.</p>
Protection of children from harm	

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties who may attend a hearing, and that a copy of this representation will be forwarded to the applicant. If however, you have genuine concerns that including your name and address on details sent to the applicant may bring your personal safety into question, the Licensing Authority, under certain circumstances can agree to withhold your personal details from the applicant. Please be advised however, that it is the responsibility of the person/body making the representation to advise the Licensing Authority if you have any concerns in this regard. If you wish to discuss this further, please contact the Licensing Committee Officers on 01206 506420/506167 or at licensing.committee@colchester.gov.uk

Signed:



Date: 2 September 2013

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.

I wish to object to the change in the licensing hours for the above property both for any extension of the license for the selling of alcohol and for the provision of live music.

[REDACTED]
[REDACTED]
[REDACTED] this is in addition to the noise coming in from outside.

On the Corner is in the middle of what is predominantly a residential area and to extend the existing alcohol and entertainment licensing hours and allow live music will only make residents life hell. In the past when there was a wine bar where the Bakehouse Restaurant is now I was subjected to people urinating and vomiting into my courtyard at the front of my home and in the alleyway at the back; I do not wish a repeat of this which will be the inevitable outcome if this license extension application is allowed. There is also likely to be an increase in public order offences and damage to local properties.

These premises started off as a very successful coffee shop which the owners then decided would be more profitable as a Tapas Bar with the emphasis on food; **the emphasis is now clearly changing to being a bar.**

There are already sufficient licensed premises for the sale of alcohol existing in the lower part of Wivenhoe and we do not need any more; a number of these already provide live music and we do not need more of these either.

The current hours of the existing licence provides for the sale of alcohol Mondays to Sundays from 11.00 to 22.00; the playing of recorded music Mondays to Sundays from 07.00 to 22.00; this should be retained.

[REDACTED]

Further to my e-mail yesterday and in support of my objection to a change in the licensing hours and conditions for the above premises I would like to inform you that I was kept awake last night (night of 06 September 2013-07 September 2013) until 02.00hrs because of the noise and loud music coming from the above premises. The noise was so bad I got dressed and went out to confirm that the noise was from these premises and not from a party somewhere. I did not enter the premises so I cannot confirm that alcohol was being consumed although I think it is unlikely people would still be there at that time if it was not still on sale.

Given this quite flagrant breach of the current license conditions, and this is not a solitary occasion, I reiterate the comments I made in my previous message that no change in the current license hours and conditions should be allowed.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir/Madam

With reference to the application for an extension to the licensing hours application for On The Corner Tapas Bar in High St Wivenhoe Essex, [REDACTED] and have no objection to the application, in fact I thoroughly approve of it.

Do I need to do anything else to confirm my approval ?

Kindest regards

[REDACTED]

[REDACTED]

Dear Sirs,

We would like to register an objection to the proposed extension of the license for On The Corner, no 7-9 High Street. We [REDACTED] [REDACTED] have been subjected to increasing nuisance from them in recent months.

The problem is that almost every Friday and Saturday night they seem to have a 'lock in'. Loud music is played often until 2 or 3am and significant volumes of alcohol are consumed to the point where altercations frequently occur and as the venue has no inside loo, and the outside one is accessed via a dark alley, the street is used as an alternative and we have on occasion found beer bottles and glasses full of urine in the mornings. We have also had to clear up broken glass on several occasions. The late night visitors do not seem to be customers staying on after a meal, we see taxis pulling up after 11 with already drunk people arriving, or local 'characters' appear after kicking-out time from other local pubs. They do not answer the phone when we call to ask them to keep the noise down, and are drunk and belligerent if we go over to speak to them.

We believe that these events contravene the licensing objectives in the following respects: Prevention of Public Nuisance primarily, but also to a lesser extent Prevention of Crime & Disorder and Public Safety.

At the time of their previous application to extend from 10pm to 11pm the late nights were less frequent, perhaps once or twice per month and we decided that if they had 'friends' over till 2am the restriction from 11pm rather than 10pm was unlikely to make any difference so in the interests of being neighbourly we did not object. Now it is every weekend and occasionally on a week night. We have moved bedrooms to minimize the noise but it is still a

problem. The fear is that if they get a green light to carry on with live music and alcohol sales until 12.30am, so effectively till 1am following drinking up time etc, that the problems will only increase. While there are other restaurants & pubs in the area these all close at 11pm, and it is a generally quiet residential village with excellent relations between local residents and the other restaurant proprietors and publicans.

We would be very grateful if you would say no to this proposed extension to the On The Corner Licence.

████████████████████

Subject: Representations - On the Corner pt 2 of 2
From: Lisa Tuffin ([REDACTED])
To: Licensing.committee@colchester.gov.uk; Stephen.Swain@colchester.gov.uk;
Date: Friday, 20 September 2013, 15:20

Part 2 of 2

From: Lisa Tuffin ([REDACTED])
To: Licensing.Committee <Licensing.committee@colchester.gov.uk>; "Stephen.Swain@colchester.gov.uk" <Stephen.Swain@colchester.gov.uk>
Sent: Friday, 20 September 2013, 15:16
Subject: Representations - On the Corner pt 1 of 2

Hi Sarah,

Part 1 of 2

Please find attached a petition in favour of the licensing application being considered for On the Corner, 7-9 High Street Wivenhoe, CO7 9BJ. As you will see from the names on the petition over 60 percent of the signatures are from women. Our client demographic is predominatly women 35-55 years of age and couples 25-55 years of age, neither group is likely to cause any of the problems raised in objections so far. In addition many of the signatories are from residents who live within 100 meters of our premises.

We will be in touch with Steve Swain next week to discuss any issues he may have with the application.

Have a good weekend and thank you again for your assistance with regard to this matter.

Kind regards,
Lisa

From: Licensing.Committee <Licensing.committee@colchester.gov.uk>
To: [REDACTED]
Sent: Thursday, 12 September 2013, 17:09
Subject: Representations in relation to On the Corner

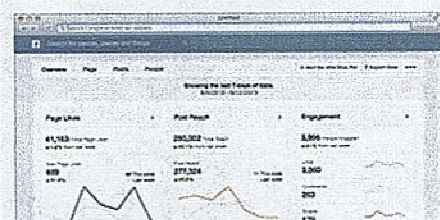
Please find appended further representations.

Kind regards

Sarah White

Licensing & Committee Co-ordinator
Licensing Specialist Unit
Professional Services

** Our demographic ≈ 67% female*



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Gender and Age?

Female	66.9%	1.4%	11.8%	23.7%	19.5%	6.6%	2.4%	1.4%
		13-17	18-24	25-34	35-44	45-54	55-64	65+
Male	31%	0.7%	5.9%	8.4%	7.3%	5.6%	2.1%	1%

Countries?

- 252 United Kingdom
- 5 United States of America
- 4 Japan
- 3 Spain
- 3 Norway
- 2 Greece
- 2 France

Cities?

- 94 Colchester, England, United Kingdom
- 68 Wivenhoe, England, United Kingdom
- 49 London, England, United Kingdom
- 3 Chiyoda-ku, Tokyo, Japan
- 3 Cambridge, England, United Kingdom
- 3 Clacton-on-Sea, England, United Kingdom
- 3 Harwich, England, United Kingdom

Languages?

- 185 English (UK)
- 90 English (US)
- 2 Spanish
- 1 English (Pirate)
- 1 French (France)
- 1 Italian
- 1 Swedish

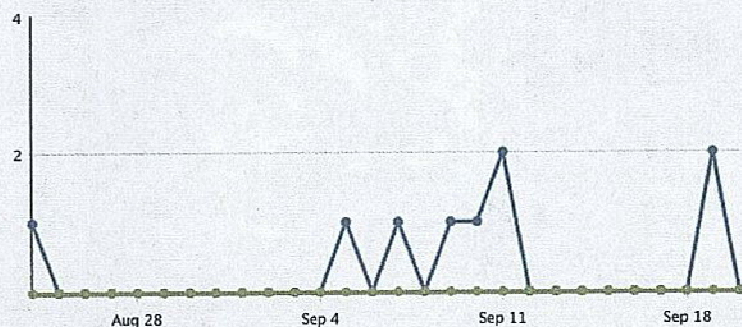
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Licensing Committee – 18 October 2013 at 1.30pm	Agenda Item 5b
Blue Ivy	FOR GENERAL RELEASE

Premises	Blue Ivy 4-5 North Hill Colchester CO1 1DZ	Ward: Castle Stress Area: No Civica Ref: 080946 Author: Martin Nelson
Application	Application for a new premises licence to permit the sale of alcohol and the provision of recorded music and late night refreshment	Appendix 1
Street Plan		Appendix 2
Responsible Authorities	Environmental Protection comments	Appendix 3
Interested Parties		
Local Resident		Appendix 4

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> - The sale of alcohol on/off the premises and the provision of recorded music for the following hours- Sundays to Thursdays from 11.00 to 00.00 Fridays and Saturdays from 11.00 to 01.30 - Provision of late night refreshment as follows- Sundays to Thursdays from 23.00 to 00.00 Fridays and Saturdays from 23.00 to 01.30 - The premises are open to the public for the following hours- Sundays to Thursdays from 11.00 to 00.30 Fridays and Saturdays from 11.00 to 02.00

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 takeaways".

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

Policy

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

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

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

Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.

Prevention of Crime and Disorder

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

Policy

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

Where relevant representations have been received, and in considering

applications for review, the Licensing Authority will take into account the following factors:

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

There has been one relevant representations received from a local resident in relation to this licensing objective. The representation refers to existing problems in the location and expresses concern that the problems will increase in the event that the application is granted as applied for.

Prevention of Public Nuisance

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

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

Policy

Paragraph 5.23 of the Policy states that: 46

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

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

Environmental Control has commented on the application and requested that the conditions set out in Appendix 3 be appended to the grant of any licence. The representation from a local resident refers to existing noise nuisance and to the concern that this will increase if the licence is granted.

Additional Policy Guidance – Public Nuisance

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

Paragraph 5.27 of the Policy states that:

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

Paragraph 5.28 of the Policy states that:

When addressing the issue of prevention of public nuisance, where it is reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.

These may include:

- The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.**
- The hours of opening between 11.00pm and 7.00am.**
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.**
- The design and layout of the premises; particularly the presence of**

noise limiting features.

- The provision of toilet facilities on the premises.
- The safe capacity of the premises.
- The availability of public transport or taxis.
- A wind down period between the end of the licensable activities and closure of the premises.
- The last admission time.

Additional Policy Guidance – General

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

Areas outside of the Stress Area Policy

Paragraph **3.103** of the Policy states that:

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

Paragraph **3.104** of the Policy states that:

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

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

Late Night Refreshment

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

Paragraphs **3.52** and **3.53** of the Policy state that "the Licensing Authority is concerned that premises offering hot food and drink between the hours of 11.00pm and 5.00am, either for consumption on or off the premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed. Many of these customers may have consumed alcohol excessively before seeking this

refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates from or around the vicinity of fast food takeaways”.

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

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

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

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

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

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

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

Diversity of Premises

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

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

The Licensing Authority believes that genuine diversity would provide buoyancy against changing markets and trends and attract a more diverse range of customers from different age groups who have different interests and

attitudes toward the consumption of alcohol. It would also provide the potential for positively changing the ambience of Colchester Town Centre, which in turn may have a positive effect on reducing the fear that residents and visitors alike have of crime and disorder in the town centre, especially in the evenings or late at night.

Paragraph 3.88 of the Policy states that:

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

Human Rights Implications

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

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

Crime and Disorder Implications

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

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

02 SEP 2013

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

PLANNING, PROTECTION AND LICENSING
RECEIVED
- 2 SEP 2013
PASSED TO/ACTION/NOTE ONLY/FILE NUMBER

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **William James Morino & Carl Blanchett**

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Blue Ivy 4-5 North Hill			
Post town	Colchester	Postcode	CO1 1DZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 46,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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)

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

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

Please tick yes

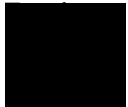

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Blanchett			First names Carl		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town	Colchester			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 licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
 12-17 bedroom hotel and bar also serving food and alcohol to the general public.

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 Schedules 1 and 2 to the Licensing Act 2003)

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

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

X

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

x

In all cases complete boxes K, L and M

A

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	11.00	00.00			
Tue	11.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	11.00	00.00			
Thur	11.00	00.00	<u>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</u> (please read guidance note 5)		
Fri	11.00	01.30			
Sat	11.00	01.30			
Sun	11.00	00.00			



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon	23.00	00.00						
Tue	23.00	00.00						
Wed	23.00	00.00				<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	00.00						
Fri	23.00	01.30				<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23.00	01.30						
Sun	23.00	01.30						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11.00	00.00						
Tue	11.00	00.00						
Wed	11.00	00.00						
Thur	11.00	00.00						
Fri	11.00	01.30						
Sat	11.00	01.30						
Sun	11.00	00.00						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name William James Moreno	
Address 	
Postcode	
Personal licence number (if known) 078954	
Issuing licensing authority (if known) Colchester Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 None

L

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			<p><u>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</u> (please read guidance note 5)</p>
	11.00	00.30	
Tue			
	11.00	00.30	
Wed			
	11.00	00.30	
Thur			
	11.00	00.30	
Fri			
	11.00	02.00	
Sat			
	11.00	02.00	
Sun			
	11.00	00.30	

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

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

Strong management controls and effective training of all staff to be aware of the licensing objectives and in particular to ensure:- no underage drinking, drunkenness on the premises, drunkenness in public, use of drugs, violent and antisocial behaviour and protect children from harm.

b) The prevention of crime and disorder

Responsible management of the premises. Training and supervision of all staff. Adopting best practice guide - e.g. Portman Group on drinks strategy. Use of proof of age schemes and/or photo-id driving licences, Member of the LVA. Provision of litter bins and other security measures e.g. lighting outside the premises. No irresponsible drink promotions.

c) Public safety

Risk management assessment checked weekly.
Effective and responsible management at all times.
General staff levels to secure safety of the premises and customers.
Training and supervision of those employed.
Regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety.

d) The prevention of public nuisance

Responsible management at all times. Training and supervision to prevent incidents of public nuisance. Regular visits to all parts of the premises including the exterior and for deliveries etc. outside opening hours. Management of people including staff arriving and leaving the premises. External lighting installed. Collection and management of litter. No irresponsible drink promotions.

e) The protection of children from harm

No unaccompanied children allowed on the premises.
Proof of age requested and challenge 25 adopted.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. x

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	2-9-13
Capacity	Director

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

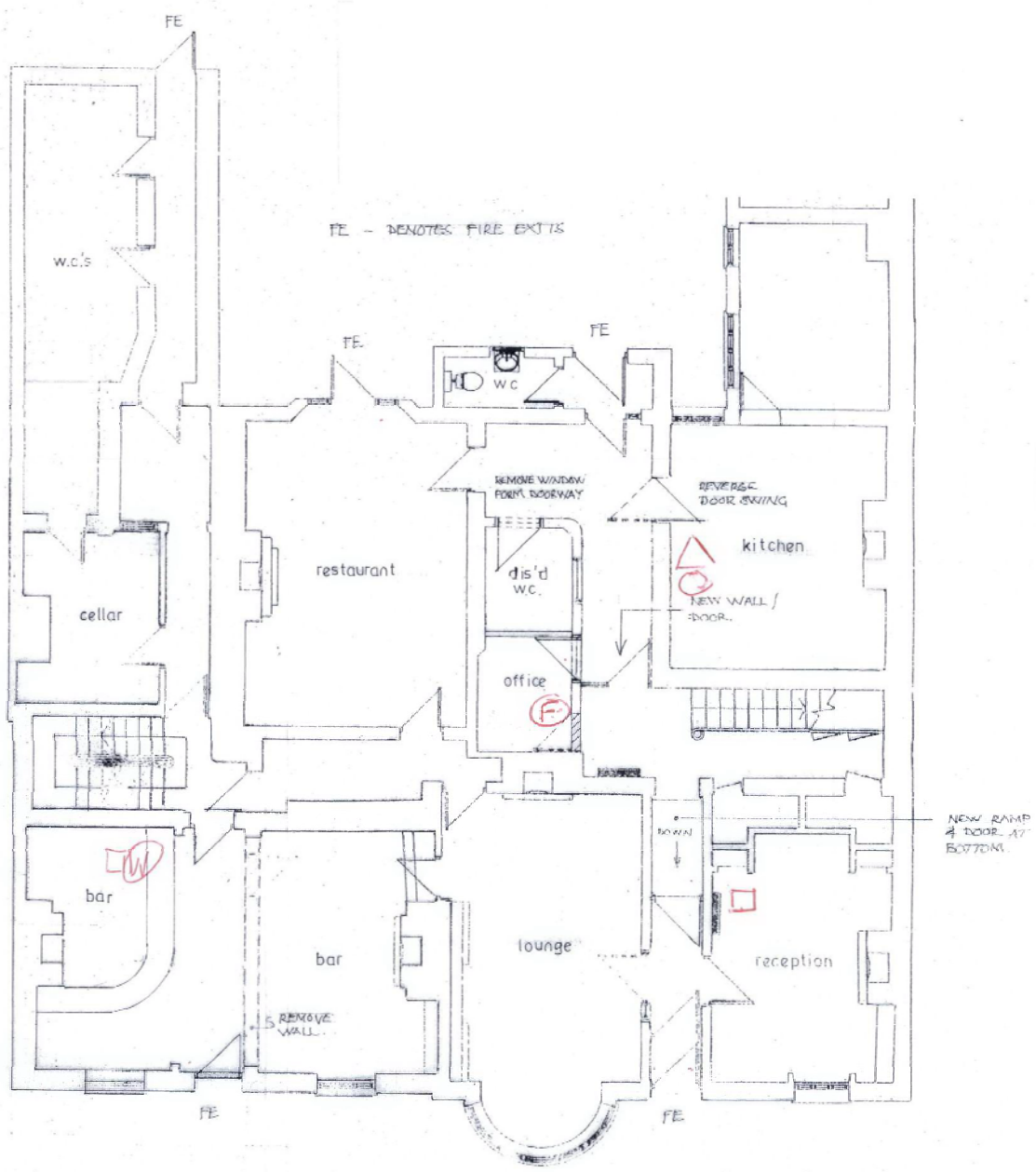
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

- △ FIRE BLANKET
- - DRY POWDER
- - CO2
- W - OPEN WINDOW
- F - OPEN FORM



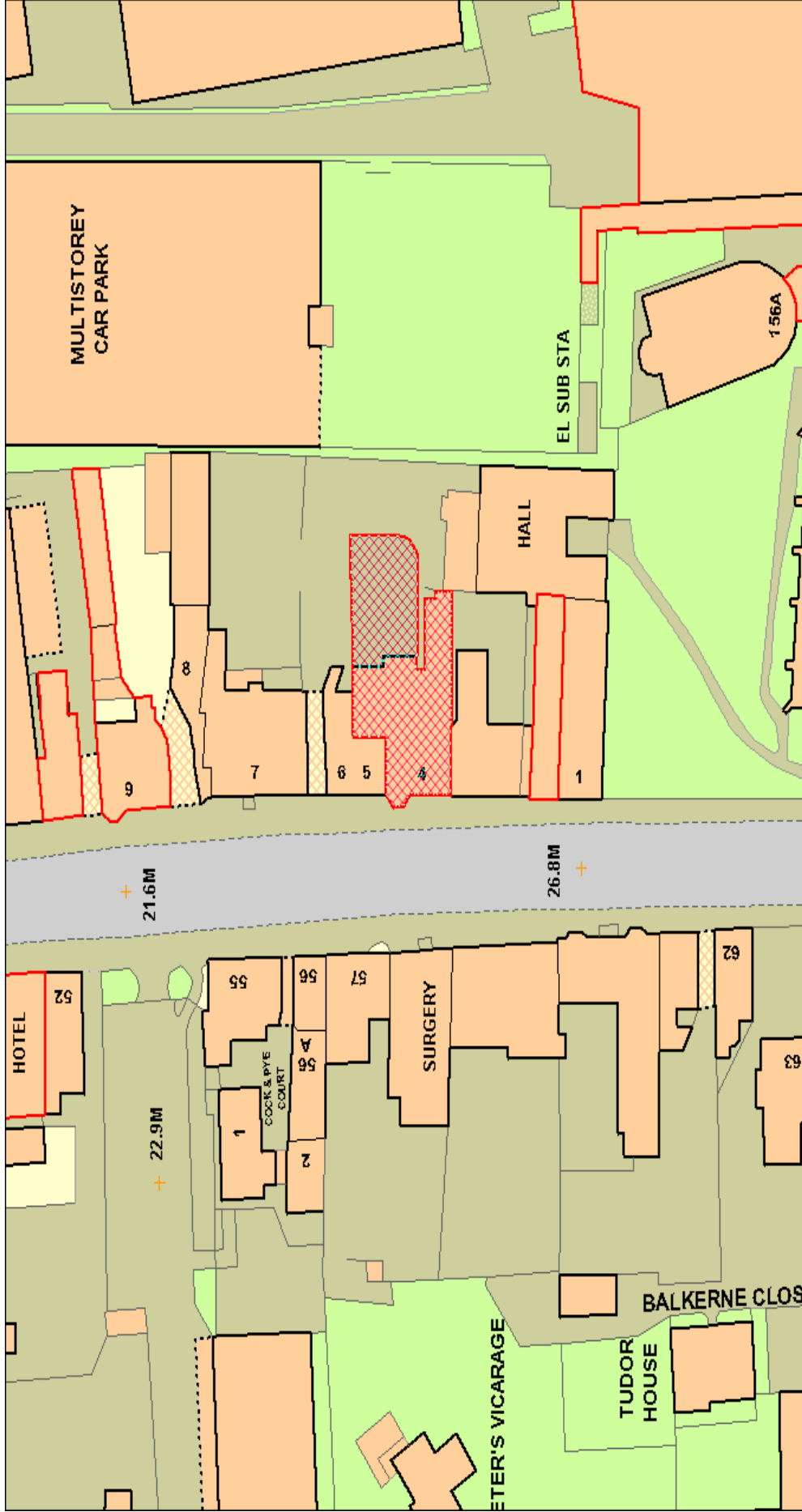
GROUND FLOOR

PLAN AS PROPOSED
 4/5, NORTH HILL
 COLCHESTER

Scale: 1:100
 8/11/02

Premises Location Plan

Appendix 2



Licence Application Reference: 080946
Premises Name & Address: Blue Ivy 4-5 North Hill Colchester
Date Produced: 4 October 2013

MAP NOT TO SCALE

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Consultation Response

Environmental Protection Officer: Samantha Riley

Licensing Reference No: 080946

Ward: Castle

Location: Blue Ivy 4-5 North Hill, Colchester, CO1 1DZ

Details: Premises Licence Application

Scheduled Response Date:

Environmental Protection's Comments: -

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

- PPN5** All external doors/windows must be kept closed, other than for access and egress, in all rooms when amplified music is being played.
Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.
- PPN22** Amplified sound from the licensed premises shall not be audible at the boundary of any noise sensitive premises.
- PPN27** No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).
- PPN62** Door staff will ensure patrons leave the vicinity quickly and quietly.
- PPN65** Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- PPN69** Staff to be given adequate training on their responsibilities to minimise noise from patrons as they arrive at, queue and depart from the premises.
- PPN76** 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.
- PPN79** The noise generated by such equipment shall not have any noise frequency component that exceeds 0dB above the background frequency levels as measured at all boundaries near to noise-sensitive premises.

Signed: Sam Riley
Environmental Protection Officer

Date: 20/09/2013

Appendix 4

Dear Sir / Madam

I should like to respond to the application for a music and alcohol licence for the Blue Ivy premises at 4&5 North Hill, Colchester.

Having seen the application when passing the premises, the notice left me with what I can only describe as horror. I have no objection to the opening of a hotel but the inclusion of a bar which is open to the public until 2am fills me with dread. [REDACTED] I am already affected by crime, vandalism, noise and exposure to violence caused by drunkenness and late night revelry which have been a great source of unease and distress. The proposal to subject North Hill's homes and businesses to this further is alarming.

Whilst I appreciate that there will always be a demand for late night venues, the place for these is not within the bounds of peaceful restaurants and residences. The one other late night bar located on the Hill ("Twisters") is already the main source of disruption and trouble for police. The noise pollution and environmental impact from those entering and leaving the premises continues to be a constant cause of distress and I frequently feel unsafe when having to walk to my door at night.

Having moved to my residence 10 years ago, I was assured by the Council that there was a policy to encourage a harmonious mix of both residents and business on the Hill. On this basis I have invested time, money and a great deal of effort in dedicating myself to renovating a local historic building and creating a home. It is one that I'm proud of, as I am of Colchester, and which I seek to protect and preserve.

The disturbance from Twisters is already an infringement on ordinary living and the threat of this being increased is alarming. Unless someone is familiar with the experience, it is difficult to describe how very negatively these levels of noise and disturbance impact on day to day living. The violence and vandalism occurring late at night is a threat to businesses and residents alike, and this will only increase with a greater number of intoxicated patrons. The prospect of conflict between different parties leaving the two establishments is also of real concern. I have witnessed several fights in the street late at night, been threatened, woken countless times by angry shouting and arguments, had my car damaged and had windows smashed on two occasions involving the police.

[REDACTED]

I have even stronger objection to the extent of the proposed opening hours. I cannot tell you the relief I currently feel when Sunday approaches knowing that there will at least be one peaceful evening. To have even this infringed upon causes immense stress. To the best of my knowledge there are few if any venues in town who open this late on Sundays and this also begs to set a worrying and dangerous precedent not only for the Hill but for Colchester.

The weekend opening until 2am is also excessive and only leads the way for Twisters to attempt to follow suit and edge a street known for its many peaceful restaurants, ever further towards becoming as rowdy and troublesome as many others in town have already become. With its amazing history, architecture, amenities and culture Colchester has much to celebrate, yet constantly of late becomes increasingly renowned for its drunken subculture.

The promotion and extension of this negatively impacts on us all. It would be a gross error to allow this to spread to yet another area of the town and in particular to increase to 2am and Sunday opening. I really do implore you to decline this application,

[REDACTED]

[REDACTED]

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