

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Tuesday, 22 December 2015 at 18:00

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. A complete agenda containing details of all the applications is available for inspection at the Customer Contact Centre, Angel Court. Dates of the meetings are available on the Council's website or from Committee Services (see details at the bottom of the page).

Private Sessions

The Council will not record Licensing Sub-Committee Hearings due to their quasi judicial nature and in view of the personal and confidential information that may be disclosed as part of the proceedings which would not be appropriate to be published. The use of phones, tablets, laptops and other such devices is not permitted at Licensing Sub-Committee Hearings.

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 St Runwald 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 Tel: 282222 or textphone (01206) 282266, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on each floor of the Town Hall. A vending machine selling cold drinks is located on the ground floor.

Evacuation Procedures

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

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Tel 282222 or textphone (01206) 282266
e-mail: licensing.committee@colchester.gov.uk
www.colchester.gov.uk

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

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

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

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

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

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

The Council's case:-

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

The Applicant's case:-

- (12) The Applicant and/or representative will begin with their opening remarks and present their case.
- (13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.
- (14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other persons or their representatives and 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 other 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, other persons, 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, other persons, 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.

COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Tuesday, 22 December 2015 at 18:00

Member:

Richard Martin - Member, Michael Lilley - Member, Nick Cope - Member

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

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

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

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

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 **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 judgement 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.

5 **Minutes**

To confirm as a correct record the minutes of the meetings held on 10 September and 16 October 2015.

10 September 2015

9 - 12

16 October 2016

13 - 16

6 **The Waiting Room Premises Licence Application**

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See report by the Head of Professional Services

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

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

10 September 2015

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 10 September 2015 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Harris
Councillor Lilley
Councillor Martin

1. Membership

RESOLVED that Councillor Lilley be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

RESOLVED that the minutes of the meetings held on 10 April and 10 July were approved as a correct record.

4. Licensing Application

The Head of Professional Services submitted a report in respect of the following application which had been made in accordance with the provisions of the Licensing Act 2003, for a new premises licence for -

- Boadicea's Bar & Restaurant, King Edward Quay, Colchester

In Attendance

Mr L Broome
Mr J Campbell-Broome

Mr D Martin, Environmental Protection

Mrs S Harrington, Planning & Licensing Manager
Mrs A Ozono, Legal Services
Mrs White, Licensing & Committee Co-Ordinator

Ms Harrington outlined the application and informed the Sub-Committee that the objections had been received to the application from Essex Police, the Licensing Authority and Environmental Protection. The representations by the Police and Licensing Authority had been resolved following a reduction in hours and the addition of conditions but the

representation from Environmental Protection was unresolved and therefore required the Sub-Committee's determination.

Mr Broome addressed the Sub-Committee on the application and the proposed nature of the bar and restaurant. It was intended that the premises should appeal to the entire community and not just the students who would be resident in the accommodation above the premises. The company had an interest in the entire building and as a result they had a vested interest in ensuring that any disturbance from the premises was kept to a minimum. As part of the planning process there had been an extensive acoustic assessment of the area and the building had been designed and constructed with acoustic measures in place which they believed would limit the escape of noise. There would be no outside activities beyond 23.00 and the outside spaces would be closed off and monitored by security staff. If noise was an issue Mr Broome explained that they would modify their operating arrangements to deal with the problem. They hoped to encourage those in the area to use the premises and therefore reduce the migration into town which could also be the cause of noise and nuisance to other residents.

Mr Martin addressed the Sub-Committee on the representation made by Environmental Protection. He explained that in particular its concerns centred on the use of the outside area. There was another bar in the area which had been the source of long running noise complaints which despite positive engagement by the owners had been extremely difficult to resolve and there was concern that this application may lead to the creation of similar issues. It was acknowledged that other noise problems in the area could be attributed to activities on a barge moored locally and this had in recent months moved on thereby removing that particular problem.

A letter had been circulated from the Maltings Student Village management confirming that it was happy with the proposed licensing hours and welcoming the addition of the bar and restaurant as a great facility for students.

RESOLVED -

(i) To permit the supply of alcohol on the premises and the provision of recorded music for the following hours –

Monday to Thursdays from 11.00 to 00.00
Fridays and Saturdays from 11.00 to 02.00
Sundays from 11.00 to 22.30

The premises to be open for the following hours –

Monday to Thursdays from 08.00 to 00.30
Fridays and Saturdays from 08.00 to 02.30
Sundays from 08.00 to 23.00

(ii) That orders for food should not be stopped before 22.00.

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 and objector under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy.

The Sub-Committee had regard to the concerns raised by Environmental Protection but was satisfied with the measures proposed by the applicant to deal with these concerns and control the noise nuisance from the premises.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the condition as set out and those previously agreed with the Police and the Licensing Authority.

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

16 October 2015

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 16 October 2015 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Hogg
Councillor Lilley

1. Membership

RESOLVED that Councillor Lilley be appointed Chairman.

2. Declarations of Interest

Councillor Hogg declared his non-pecuniary interest in the following matter because of his involvement in the Oak Tree Centre.

3. Licensing Application

The Head of Professional Services submitted a report in respect of the application to vary the premises licence in respect of the Premier Inn, Colnebank House, 30 St Peter's Street, Colchester, in accordance with the provisions of the Licensing Act 2003.

- Premier Inn, Colnebank House, 30 St Peter's Street, Colchester

In Attendance

Mr Gaunt, solicitor for the applicant
Ms J Stewart, New Openings Manager

Councillor Hayes, objector
Mr D Murray, Dutch Quarter Association, objector
Mr Webb, objector
Mr Hearn, objector

Mrs S Riley, Environmental Protection

Mrs S Harrington, Planning & Licensing Manager
Mrs A Ozono, Legal Services
Mrs White, Licensing & Committee Co-Ordinator

Mrs Harrington outline the application and explained that in response to objections that had been lodged, the applicant had amended the application to reduce the number of covers in the external area to 28 and to add a condition on the licence that the premises shall not sell alcohol or food for consumption in external areas after 22.00. As a result of these changes,

the objections lodged by both the Planning Department and Environmental Protection had been withdrawn. The amended plan showing the reduced number of covers in the proposed area and a letter setting out the amendments to the application had been circulated to all parties in advance of the hearing. It was noted that there would be no music outside and no provision for playing music outside.

18 letters of representation had been received from interested parties and Mr Gaunt addressed the points raised in the objectors' letters. He confirmed, in response to concerns regarding to public safety along the riverbank, that the site was enclosed and there was a 6 foot high fence to separate the premises from the riverbank. He further mentioned that the external area could only be accessed from within the premises and was therefore unlikely to be attractive to the general public. A planning condition required that the external doors be shut by 23.00. Mr Gaunt drew the Sub-Committee's attention to condition 13 of the existing licence which required that noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties. He considered that this gave residents complete protection from disturbance. In addition, the Premier Inn brand offered a guaranteed quiet night to guests and money back if they were disturbed therefore it was in the company's best interests to ensure that noise from this area was kept to a minimum. A plan showing the area to be licensed was shown to the Sub-Committee by the applicant's representative. The area to be licensed was shown in red and was a contained area.

In response to questions Mr Gaunt confirmed that there would be no music outside and no loud speakers. The only music provided in the bar area would be low level background music. The building did not have a function room and it was not intended to use TENs to extend the hours with the possible exception of New Year's Eve. The provision of food was discussed and Mr Gaunt explained that in determining what to provide at each location, Whitbread looked at what was available around the premises. In this case it had been determined that there was an abundance of venues offering food and drink in the Town Centre and therefore there was only a limited provision for food.

Mrs Riley addressed the Sub-Committee on the representation made by Environmental Protection and the conditions that had been agreed. The reductions in hours and covers had been sought because the original application had been considered too intensive for the location. The World Health Organisation says that night starts at 23.00 but as people go to bed earlier than this a 22.00 restriction was agreed. The protections offered by the review process and the services of the weekend noise service were outlined.

The objectors then addressed the Sub-Committee expanding the points made in their letters. The underlying concern was that the premises was located in a quiet residential area and that the licensing objective of the prevention of public nuisance would be undermined by granting the licence as applied for. There was some discussion on the relationship between planning and licensing and concern that undertakings given in relation to planning appeared to have been undermined by the licensing application. The Sub-Committee noted that the planning and licensing regimes were separate and any licence granted under the Licensing Act 2003 would not override the need to comply with planning conditions. Two photographs showing the view from a flat in Stuart House were circulated by Mr Webb.

In responding to the concerns of the objectors Mr Gaunt mentioned that there would be CCTV on the premises including the outside area and that recordings would be held for 31 days. He apologised for the fact that the outside area had been labelled a beer garden and confirmed that this was not the intention for the area. The position in relation to smoking was discussed. It was considered likely that patrons would smoke outside the front of the building under cover, or in the car park or on the outside terrace area. Where people

smoked was largely outside the control of the hotel but by designating an area they could exert a limited level of control. It was mentioned that by applying to licence the area for the sale of alcohol it would be subject to certain controls which could not be imposed if it were not licensed. .

RESOLVED that -

(i) That the application to extend the licensed area, as set out on Plan E and outlined in red, be granted subject to the following conditions –

- There shall be no more than 28 external covers.
- The number of people in this area should be limited to the number of covers excluding staff.
- The premises shall not sell alcohol or food for consumption in external areas after 22.00.
- A no smoking sign should be displayed in the designated external area.

(ii) Condition 2 on the licence be amended to read “Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in the hotel bedrooms and in any external area provided for that purpose”.

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 and objectors under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy.

The Sub-Committee had regard to the concerns raised by the objectors in relation to the public nuisance some of which had been addressed by the applicant who clarified that the external area could only be accessed through the hotel and there was a six foot fence in place alongside the river. The Sub-Committee was mindful that this was not a planning application and that planning matters were outside its remit.

The Sub-Committee considered that the external area was for food and drink as had been outlined by the applicant and that smoking in this area was not appropriate. It recommended that patrons should be directed to the car park area by way of appropriate signage.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the conditions as set out.

Licensing Committee – 22 December 2015	Agenda Item 6
The Waiting Room, Bus Station Queen Street Colchester	FOR GENERAL RELEASE

Premises	The Waiting Room, Bus Station Queen Street Colchester	Ward: Castle Stress Area:yes Civica Ref: 087479 Author: Jon Ruder
Application	Application for a new premises licence to permit the supply of alcohol and the provision of regulated entertainment and entertainment activities as follows- Performance of plays Exhibition of films Live music Recorded music Performance of dance Late night refreshment	Appendix 1
Street Plan		Appendix 2
Responsible Authorities	Comments from Environmental Control – agreed by the applicant	Appendix 3
Interested Parties		
Local Resident	Representations	Appendix 4

New Application for a Premises Licence

The original application at Appendix 1 has been amended following discussions with Environmental Control and is now as follows -

- Sale of alcohol on and off the premises and the provision of films as follows –

Mondays to Thursdays from 09.00 to 23.00
Fridays and Saturdays from 09.00 to 01.00
Sundays from 09.00 to 22.30

- Provision of plays, live music, recorded music, performance of dance and anything of a similar description as follows –

Fridays and Saturdays from 09.00 to 01.00

- Provision of late night refreshment as follows –

Fridays and Saturdays from 23.00 to 01.00

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

Mondays to Thursdays from 09.00 to 23.00
Fridays and Saturdays from 09.00 to 01.00
Sundays from 09.00 to 22.30

Subject to the additional conditions agreed with Environmental Protection –

- No outside activity is permitted after 9pm.
- All internal amplified sound will be restricted by the installation and use of a noise limiting device.
- All doors allowing access and egress to the premises will be self-closing and will be maintained as such, and kept free from obstruction, at all times thereafter. All doors and windows to be kept closed after 21:00.
- A sheltered gated garden to the rear of the premises, between the Waiting Room and Firstsite, will be used as a smoking area after 9pm

Policy Guidelines – The Waiting Room

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.

One letter of representation has been received from a resident living in the vicinity of the premises. The representation is shown at Appendix 4. Because there have been changes to the application the email exchange is shown (for members of the Committee only) as this gives more information on the case made by the resident. The concerns relate to the possibility of noise nuisance from the premises in the event that the licence 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.**

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

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.

Stress Area Policy

Paragraph 3.96 of the Policy states that:

After full consultation, the Licensing Authority will continue to apply a special policy relating to cumulative impact to the Queen Street/St Botolph's Street area of Colchester town centre. This area continues to be identified as being under stress because of the cumulative effect of the concentration of late night food and alcohol and entertainment premises, which results in serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses located in that area.

Paragraph 3.97 of the Policy states that "although the stress area policy is being maintained, each and every application to grant or vary a premises licence in this area will be considered on its own individual merits and in its own right and in relation and relevance to any representations received that are pertinent to the application and also to the licensing objectives. Applicants should be aware however that all applications received within the stress area may receive closer scrutiny from the responsible authorities, particularly from Essex Police, in order to ensure that the application will not have a negative impact on the licensing objectives, especially where the objectives of the prevention of crime and disorder and the prevention of public nuisance are concerned".

Paragraph 3.98 of the Policy states that:

The Special Policy applies to applications for new licences and to variations which are relevant to the licensing objectives. This may include extensions of hours or capacities at the premises. Applicants are expected to state in their operating scheduled how it is proposed to ensure that the application will not add to the cumulative impact currently being experienced in the stress area. Their operating schedule is likely to receive the close scrutiny of responsible authorities.

Paragraph **3.99** of the Policy states that:

Where no relevant representations are received, the application will be granted. Where, however, relevant representations are received the application will normally be refused unless the applicant demonstrates that the application will not add to that impact. The Licensing Authority may attach further or modified conditions to the licence where this is necessary to meet those concerns. This Policy is not an absolute bar on new applications. Where relevant representations are received, the individual merits of the application will always be considered and a decision made as to whether it is appropriate to make an exception to the Policy.

Paragraph **3.101** of the statement of Licensing Policy states that “the Licensing Authority welcomes the provision of a diverse choice of alternative entertainment where this is suitable, in order to reduce or ameliorate the impact of clubs, pubs, bars and fast food takeaway outlets situated within the stress area”.

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.

Off Sales/Shops and Supermarkets

Paragraph 3.46 of the Policy states that:

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

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.

**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 Marc De'ath

.....
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Waiting Room, The Old Bus Station, Off Queen Street			
Post town	COLCHESTER	Post code	CO1 1UE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 13,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over <input type="checkbox"/> Please tick yes			
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name The Waiting Room Limited
Address 2 Balcerne House, Balcerne Passage, Colchester, Essex, CO1 1PA
Registered number (where applicable) Company No 09584695
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<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?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

The Waiting Room is a not-for-profit community led project, set up to celebrate and support the development of local creative talent. Offering workshop making facilities, a social space and performance venue.

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 yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" 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 checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

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

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

☒

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

☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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	09:00	02:00			
Tue	09:00	02:00			
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed	09:00	02:00			
Thur	09:00	02:00			
			<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)		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) outdoors is paved area front and back		
Mon	09:00	02:00			
Tue	09:00	02:00			
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed	09:00	02:00			
Thur	09:00	02:00			
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input 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					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) outdoors is paved area front and back		
Mon	09:00	02:00			
Tue	09:00	02:00			
Wed	09:00	02:00			
Thur	09:00	02:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			
			<u>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</u> (please read guidance note 5)		

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) outdoors is on paved area only		
Mon	09:00	02:00			
Tue	09:00	02:00			
Wed	09:00	02:00			
Thur	09:00	02:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			
			<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)		

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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	09:00	02:00			
Tue	09:00	02:00			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	09:00	02:00			
Thur	09:00	02:00			
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	09:00	02:00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	09:00	02:00	<u>Please give further details here</u> (please read guidance note 3)	
Wed	09:00	02:00		
Thur	09:00	02:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri	09:00	02:00		
Sat	09:00	02:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	09:00	24:00		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		
			Indoors	<input checked="" type="checkbox"/>	
			Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	09:00	02:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09:00	02:00			
Wed	09:00	02:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur	09:00	02:00			
Fri	09:00	02:00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09:00	02:00			
Sun	09:00	24:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish		
Mon	09:00	02:00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	09:00	02:00		
Wed	09:00	02:00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur	09:00	02:00		
Fri	09:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	09:00	02:00		
Sun	09:00	24:00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon	09:00	02:00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	09:00	02:00	<u>Please give further details here</u> (please read guidance note 3)	
Wed	09:00	02:00		
Thur	09:00	02:00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri	09:00	02:00		
Sat	09:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	09:00	24:00		

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02:00	<u>Please give further details here</u> (please read guidance note 3) outdoors is paved area front and back		
Tue	23.00	02:00			
Wed	23.00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	02:00			
Fri	23.00	02:00	<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	02:00			
Sun	23.00	24:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09:00	02:00			
Tue	09:00	02:00			
Wed	09:00	02:00			
Thur	09:00	02:00			
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	24:00			

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

Name MARC DE'ATH	
Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) 086712	
Issuing licensing authority (if known) CASTLE POINT BOROUGH COUNCIL	

N

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

In some cases there maybe artistic content that displays nudity and scenes of a sexual nature. In these cases, parts of the venue will be isolated and will only allow access to adults, restrictions will apply.

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	08:00	02:00	
Tue	08:00	02:00	
Wed	08:00	02:00	
Thur	08:00	02:00	
Fri	08:00	02:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	08:00	02:00	
Sun	08:00	24:00	

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

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

It is our intention to comply with all statutory obligations for example health and safety, CRB, fire safety and adequate supervision and training for all staff and external service providers. we will produce relevant documents that will assist with the licensing objectives such as normal operating procedures, risk assessments and emergency action planning.

b) The prevention of crime and disorder

When open to the public, there will always be at least one dedicated member of staff as host who will be the first 'port of call' regarding any incidents that may occur within or around the building.

All alcohol will be locked away within a secure environment under lock and key and all deliveries of alcohol will be processed immediately so that they are placed under 'lock and key' upon arrival.

c) Public safety

As part of the normal operating procedures, The Waiting Room will ensure the building is checked daily in terms of our health and safety obligations. Routine daily checks will staff are trained to deal with effective evacuation. There will be effective measures in place to manage crowds and policies in terms of occupancy. Risk assessments will also be fundamental from both building and event situations and will be reviewed at regular intervals.

d) The prevention of public nuisance

The Waiting Room will also work together with any enforcing authority to ensure that any problems that might arise regarding public nuisance are dealt with efficiently and effectively.

e) The protection of children from harm

The Waiting Room is developing a full child protection policy in place that details procedures to prevent children from harm and it also operates in accord with the Criminal Records Bureau as regards employment of all personnel and contractual staff working with children.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON 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 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	Marc De'ath
Date	22/5/15
Capacity	Creative Director

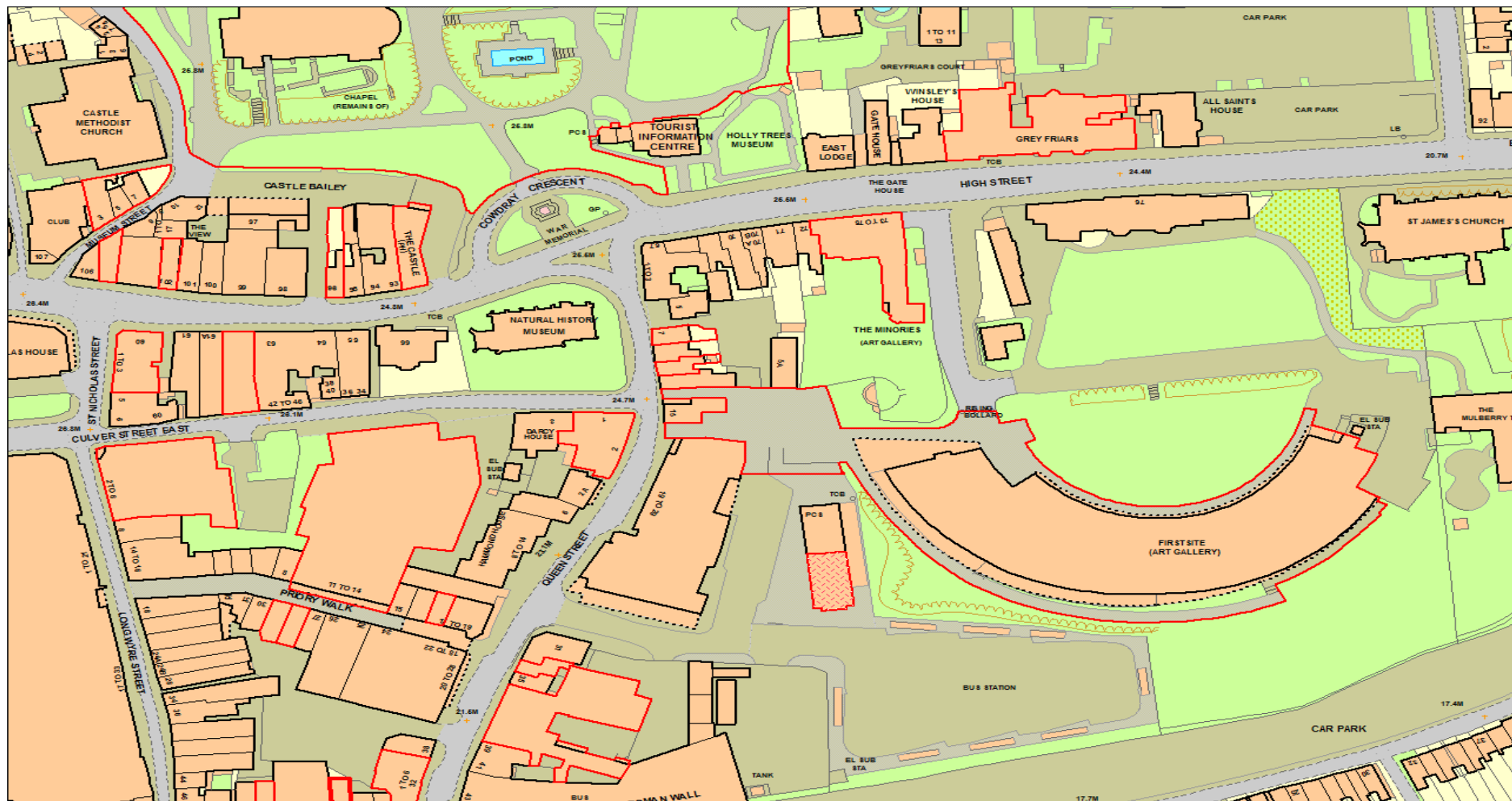
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

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

Notes for Guidance

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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Premises Location Plan

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Application Reference: 087479

Premises Address: The Waiting Room,, Bus Station, Queen Street, Colchester, CO1 2PG

Date Produced: 9 December 2015

(Map Not to Scale)

Consultation Response

Environmental Protection Officer: David Martin

Licensing Reference No: 087479

Ward: Castle

Location: The Waiting Room, Bus Station, Queen Street, Colchester, CO1 2PG

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

Environmental Protection has concerns about this buildings suitability for use as a live music, recorded music venue.

Environmental Protection would object to the use of the outside area for the showing of film, Live music, Recorded Music, Late night refreshment and the sale and consumption of alcohol until 02:00hrs Monday to Saturday 24:00hrs Sunday and would recommend no outside activity after 21:00hrs.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from outside activity's, as there is insufficient information within the submitted application.

ZGE - Restriction of Amplified Music

Prior to the first use or occupation of the development hereby permitted, the level of all internal amplified sound shall be restricted by the installation and use of a noise-limiting device that complies with details that shall have been submitted to and agreed, in writing, by the Local Planning Authority. Thereafter, such devices shall be retained and operated in accordance with the approved specification and working order at all times.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise and disturbance from amplified noise, as there is insufficient information within the submitted application.

ZGF - Self-Closing Doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to the premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter. All doors and windows to be kept closed after 21:00hrs.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

Signed: David Martin
Environmental Protection Officer

Date: 18/11/2015

13 November 2015

As a resident living extremely close to this eyesore 'establishment' I would like to object most strongly to its current application. From my house xxxxxx I can hear the skateboard wheels going to and fro outside the FirstSite building until the early hours if the weather is fine. I get up each day at 05:40 to go to work. So imagine having somewhere a stone's throw from the back of your property that is permitted to have plays, live music, recorded music, performances of dance indoors, films indoors and outdoors and the sale of alcohol on and off the premises Mondays to Saturdays from 09.00 to 02.00 and on Sundays from 09.00 to 00.00 as well as the provision of late night refreshment indoors and outdoors Mondays to Saturdays from 23.00 to 02.00 and on Sundays from 23.00 to 00.00. Would you like this suddenly to be imposed on you?

We already have more than enough venues on Queen Street opening late at night and do not need any more noise at unsociable hours in this area. It would not only be the music but the noise of people drinking and talking outdoors until 02.00 every weekday and weekend. And outdoor films too. Plus the noise people make when dispersing - particularly when alcohol has been consumed. I cannot understand how this application can even be considered since the Beer House on Queen Street (previously Tin Pan Alley) was ordered to have special acoustic insulation work done and is not permitted to open its side door when music is being played in order to alleviate any potential disturbance to neighbours.

I believe that local residents should have the right to enjoyment of their property and the ability not to be held hostage to the whims of commerce. Is my ability to relax and enjoy a good night's sleep in my own home now to be seriously compromised by the desire to serve alcohol out of a former WC and waiting room until 2am? Is this the regeneration of Colchester that you believe we should be aspiring to?

I do hope that common sense will prevail here and would ask you to consider the plight of local residents who already have quite enough noise and other pollution on their doorsteps.

7 December 2015

Many thanks for your correspondence - your communications are greatly appreciated.

I regret that the Committee is unable to take a holistic view when considering applications. Perhaps residents should be grateful that there aren't another 10 or more applications for licences for premises on their doorsteps since each would be considered separately and it is only residents that would have to suffer the aggregated sum total of any licences granted!

I guess that the shooting on Queen Street and the various agency swoops on Al Madina (that was next to Tin Pan Alley but finally closed down) are also irrelevant per se to this application but logic tells me that someone somewhere has to be looking at what is going on and coming to some sort of conclusion as to how many bars are enough for a particular area

in terms of saturation and all the attendant problems that such establishments visit upon local residents.

I shall submit your form separately but can confirm that regrettably I am unable to attend the hearing as I shall be at work.

I would like the Committee to consider my view via experience that the proposed hours of operation will create a greater public nuisance in terms of noise (both from the gathering of people in the big open space outside the premises and the noise of music and conversation from inside coming outdoors whenever people leave and enter). The proposed extended hours also mean a more prolonged period of alcohol intake and this has been proven to increase anti-social behaviour and incidence of crime.
