



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE: Friday, 14 September 2018
TIME: 2.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Cossens
Councillor Davis

Councillor White
Councillor Watson (Stand by Member)

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573.

DATE OF PUBLICATION: Monday, 3 September 2018

AGENDA

1 Chairman for the Meeting

The Sub-Committee will elect its Chairman for the meeting.

2 Minutes of the Last Meeting (Pages 1 - 6)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on 3 August 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 37

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District and which falls within the terms of reference of the Committee.

5 A.1 Report of the Corporate Director (Operational Services) - Application for the Grant of a Premises Licence - - 17 High Street, Manningtree, Essex (Pages 7 - 50)

The Sub-Committee is invited to consider an application for the grant of a Premises Licence in respect of the above premises.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 3RD AUGUST, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Cossens, Watson, Winfield and Whitmore (Stand-by Member).
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Emma King (Licensing Officer)

10. CHAIRMAN FOR THE MEETING

It was moved by Councillor Watson, seconded by Councillor Winfield and:-

RESOLVED - That Councillor Cossens be elected Chairman for the meeting.

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

12. MINUTES OF THE LAST MEETINGS

The minutes of the meetings of the Premises/Personal Licences Sub-Committees held on 24 May and 4 June 2018 were approved as correct records and signed by the Chairman.

13. DECLARATIONS OF INTEREST

There were none.

14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

15. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DOVERCOURT SKATE RINK, LOWER MARINE PARADE, HARWICH, ESSEX

The Chairman (Councillor Cossens) welcomed everyone to the meeting, made introductory remarks and stated that he wished to give an equal amount of time to both the applicants and the objectors to make their cases. He proposed 20 minutes for each side.

There was then a short period of time where the list of objectors who wished to speak was compiled.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Corporate Director (Operational Services), an application for the Grant of a Premises Licence at Dovercourt Skate Rink, Lower Marine Parade, Harwich.

Section 2.2 of the written report set out the original proposed opening hours for the premises which were:-

Saturdays to Thursdays	1100 to 1600 hours
Fridays	1100 to 2330 hours

Seasonal Variations

Summer months and school holidays extend the opening hours everyday until 2300 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and these were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that 52 letters of representation/objection had been received in relation to this application.

It was reported that no Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary of the written report. There were no questions.

The Chairman then asked the Licensing Manager to reiterate the expert evidence on the effects of noise at the premises as Essex Police and TDC's Environmental Health Section had not made any representations.

The Chairman then asked the Applicant to give a summary of his application.

The Applicant, Mr Christopher Scutt, then addressed the Sub-Committee and stated that he had been running the Dovercourt Skating Rink for the last three years. He had run approximately ten events utilising Temporary Event Notices, such as wrestling and films and had not had any complaints during that time. He felt that the business was not working as just a skating rink and therefore he was trying to diversify. He had no intention of trading everyday at the times applied for and would end any activities at 8.00 p.m. in the Winter months and by 11.00 p.m. in the Summer months. He had produced a noise management plan to ensure that residents were not affected and which was attached as an appendix to Report A.1 of the Corporate Director (Operational Services). He stated that he had purchased a Dome to try and alleviate the noise levels. He had looked at car parking when running events and had contacted the Council who had agreed to keep the adjacent car park open.

The Chairman asked the Objectors who were present if they had any questions of clarification to ask Mr Scutt before they addressed the Sub-Committee.

Mr Terry Rogers asked Mr Scutt what material the dome was made of, i.e. was it made of acoustic material. He also asked about the placement and direction of speakers. When showing films, if the screen was at the end of the skating rink he assumed that the speakers would be facing that way, not facing out to sea. If they were aimed at the audience, this would not help the effect on residents.

Mr Scutt then confirmed that the dome was inflatable and that it had been trialled at a Comic Con event which had been held at the premises. The speakers faced the seafront and they were directional speakers. It should not affect residents if the speakers were at the end of the premises. One speaker could be pointing forwards and one could be pointing diagonally facing the road and no sound would go towards the residents' properties.

Mr Adam Kulacz asked Mr Scutt about the noise management plan. What would the noise levels be if using the dome? There was nothing mentioned in the noise management plan in respect of acoustic barriers. He asked what were the parameters of the speakers as he was concerned that with wind direction noise could travel. He stated that noise prevention equipment should have specifications.

Mr Scutt confirmed that although he could not confirm what type of speakers would be used there were specifications on the equipment. He reiterated that at the Comic Con event when the dome had been trialled there had been no complaints.

The Chairman asked the Licensing Manager if she had anything further to add and she stated that she could not speak on behalf of Environmental Health, but that they had undertaken a site visit and had made suggestions in respect of the noise and those had been included within the noise management plan. If the Licence was granted, and subsequently there were complaints about noise, those complaints would be looked at and investigated by Environmental Health.

Mrs Thompson queried the licensing objective of protecting children from harm and how Mr Scutt would ensure that children passing by did not see films they shouldn't and Mr Scutt confirmed that when showing films e.g. with an 18 Certificate the screen would be angled so that it could not be seen from the road.

Mr Kulacz then commented that if the screen was situated differently then the speakers would be angled differently and Mr Scutt confirmed that no, the speakers would be in the same place.

The Chairman then asked the Members of the Sub-Committee if they had any questions for Mr Scutt.

Councillor Winfield asked if the noise was loud would a noise limiter be installed and Mr Scutt confirmed that the noise management plan was a working document and therefore this could be changed if needed.

The security of the alcohol supplies was mentioned and Mr Scutt confirmed that they would be locked away but would not be served on a regular basis in any event.

The Chairman asked Mr Scutt whether he proposed to play recorded music as this was not mentioned in his application and Mr Scutt confirmed that he did not intend to play recorded music. The Licensing Manager confirmed that any music played during the use as a skating rink was ancillary to skating and therefore already covered.

The Chairman then invited the objectors present at the meeting to address the Sub-Committee.

Mr Terry Rogers said that he had real concerns about the mitigation of noise generated. He was concerned about enforcement and had serious doubts that any conditions would be enforced and was concerned about residents' rights. He was worried that as the business was not working that this was why they were requesting a licence to allow them to have the extra activities at the premises.

Councillor Garry Calver then addressed the Committee. He thanked the Sub-Committee for letting him make representations and also thanked the Licensing Officers for their work on this matter.

He stated that since becoming a Councillor twelve years ago this was only the second application that he had sought to make comments on. He felt that the application had gone too far. He accepted that living in a seafront area a certain amount of noise had to be accepted, but that he felt that the application went beyond what was reasonable. There would be many hundreds of properties affected. He had spoken to a resident who confirmed that previously when a film was shown he could not watch the television in his own home because of the level of noise. He agreed that there had to be a balance but that the impact on residents should be given priority.

Cheryl Thompson then addressed the Sub-Committee and stated that she had concerns about the sale of alcohol. She asked how it would be monitored and controlled.

Mr Kulacz then addressed the Sub-Committee and spoke about the public nuisance aspect, littering and parking. He said that there was already parking on roads around the premises. He stated that living 100 yards away from the premises meant that residents would not have a peaceful evening. He stated that he could hear the wrestling, not just one road away, but four or five roads away. He considered that this had had a detrimental impact upon residents. Consideration should be given to residents.

Michelle Phillips then addressed the Sub-Committee and spoke about policing of events i.e. did the Police have any plans to deal with bad behaviour. She appreciated that living near the seafront a certain amount of noise had to be tolerated but she was concerned about whether the Police would respond to any incidents that occurred. She also stated that she was concerned about who would enforce the conditions once the licence had been granted.

Mr Christopher Scutt then responded to the objectors' comments. He felt that the application would not significantly change what he already undertook at the premises. He would not be selling alcohol until 10 or 11 p.m. at night every night, just on event nights.

In respect of parking, there had always been parking issues along the seafront. The Council had opened up the adjacent car park when he had events planned. He had also hired outside toilets on event nights.

He commented on the person who had complained about not being able to watch his television and said that this person had not approached him with his complaint. If he had, then the speakers could have been repositioned.

He stated that he had had no complaints in the past but that lots of objectors had now come forward because he had put in his application.

The Chairman then asked the Sub-Committee Members if they had any questions.

The Chairman asked Councillor Calver, whether there were any changes that could be made to the application to allow it to go through? Councillor Calver stated that the real worry was that this would leave residents open to the potential of there being events every night during the Summer months. He said that if events became successful then the applicant may wish to increase those events. At the moment there were limits on events and he was not opposed to what is going on at the premises at the present time. He did not feel that there was anything that could be done to take away the prospect of events eventually happening on a more regular basis.

The Chairman then asked the Applicant, Mr Christopher Scutt whether he wished to sum up his application. Mr Scutt confirmed that he would like to show films, have occasional wrestling and serve alcohol. He would be proposing to serve alcohol on events or if food was being served. In respect of the noise management plan, he stated that he would work with any issues that arose in respect of noise. As to the wrestling, he had previously had this as part of the Comic Con event on a Sunday but would be prepared to change the day of the wrestling. He stated that if the venue closed, there would be more risk of crime.

The Chairman asked the objectors if anyone would like to sum up and Mr Terry Rogers stated that there were apparently 250 people in favour of the application and the only comments received by the Council had been objections which he thought was strange.

Mr Kulacz stated that the residents only had 2 or 3 days in which to object to the application.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

"Application No. 18/00317/PREMGR Application for the Grant of a Premises Licence in respect of Dovercourt Skate Rink, Lower Marine Parade, Harwich, Essex.

1. The Sub-Committee has had a full and frank discussion and given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The Sub-Committee does not agree to grant the application in full. The Sub-Committee noted that the applicant appreciated the concerns of the local residents and indicated he would be content if certain licensable activities were not held on a Sunday. With that concession in mind, the Sub-Committee have decided that although they will grant the Licence for Sundays it will only be until 1800 hours or 6 p.m. for all licensable activities.
3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application, with the usual mandatory conditions.

Details of the Sub-Committee's decision will be notified to all interested parties in writing.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court."

The meeting was declared closed at 11.55 am

Chairman

TENDRING DISTRICT COUNCIL

Procedure for hearings – Premises/Personal Licences Sub-Committee

Licensing Act 2003 and Hearing Regulations 2005

The Licensing Committee officers and their roles

- The Committee Clerk (Democratic Services Officer) records the proceedings;
- The Legal Advisor provides independent advice to the Committee Members on legal matters; and
- The Licensing Officer introduces the matter, outlines the application or review as set out in the Report, and answers any questions Members may have.

Committee Members (Councillors):

Members have a responsibility to declare interests, those who declare **Discloseable Pecuniary Interest (DPI)** as defined by The Relevant Authorities (DPI) Regulations 2012 must not take part in the hearing of the application.

If a Member declares a **Pecuniary or Non-Pecuniary Interests**, as defined by Tendring District Council's Members' Code of Conduct (paragraphs 5 and 6), they must consider the impact of that interest on participation and the public perception;

- Matters for Members to consider would cover, but not exclusively:
 - o they know the applicant or any of the objectors; or
 - o they wish either to support or oppose the granting or continuation of a licence either personally or on behalf of their constituents.
 - o whether they have expressed a view on the application site especially, if situated either in their ward or an adjacent ward;

Other Persons or Interested Parties:

This is the term given to an individual, body or business or a representative acting on their behalf-that raises an objection or make a representation to an application for a premises/personal licence. It should be noted that only the Police can make a representation against a Personal Licence application however. These other persons or interested parties are separate to Responsible Authorities, who may also be a party to the hearing.

PROCEDURE

THESE SUB-COMMITTEES MEETINGS & THE HEARING ARE HELD IN PUBLIC, UNLESS THERE IS A LEGAL REASON NOT TO DO SO, HOWEVER THESE ARE IN LIMITED CIRCUMSTANCES.

Note: if the Sub-committee does not have an elected Chairman already, the election of one Member as Chairman will be the first item of business.

HEARING

Step	By whom	
1	Chairman	<p>The Chairman will welcome everyone to the meeting then:</p> <ul style="list-style-type: none"> a. introduce themselves and the other 2 members and explain that the 4th member (substitute) will not take any part in the hearing or decision making process unless there is a valid objection to one of the other members sitting, if any interest declared debars a member or a member falls ill; b. announce the item to be considered; c. confirm that this procedure will be followed at the hearing, including any maximum periods of time for each side to put their case or objections (*); d. ask all parties, including any "Responsible Authority", to introduce themselves indicating whether or not they are represented, if they are calling any witnesses and if so to identify the witnesses they will be calling. Where there are a number of objectors they will be asked to confirm who their spokesperson is if it is relevant or appropriate for them to do so. e. if a party or Responsible Authority who has made relevant representations is not present, the Sub-Committee will decide whether they consider it in the public interest to (a) continue with the hearing or (b) defer it to enable the party or authority to attend. In reaching a decision on this point, the Sub-Committee will consider any information received from the party either directly or via the Licensing Officer or any other interested person/party where relevant or appropriate; f. remind all present that the Sub-Committee can only make its decision based on the four licensing objectives, namely: <ul style="list-style-type: none"> (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance and (4) protection of children from harm.

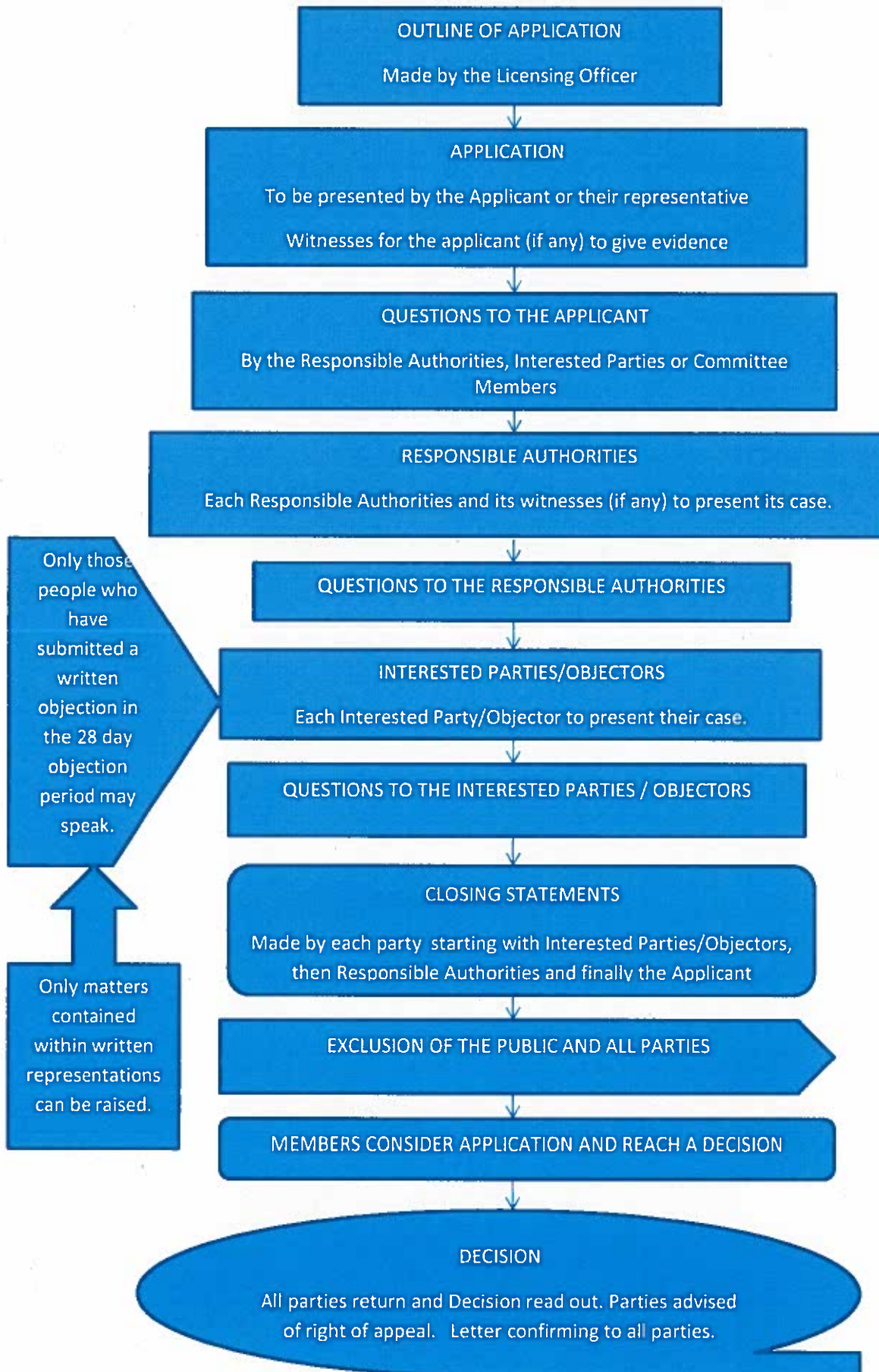
2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant for the review. In those circumstances they would present their case following the summary given by the Licensing Officer)</p>		
4	Applicant or their representative	Will present their case and call witnesses.
5	Responsible authorities or Interested Parties	Each, in turn, may ask questions of the Applicant by way of clarification.
6	Committee members	In turn, each may ask questions of the Applicant.
7	Applicant	May ask any further questions of any witnesses to clear up any points raised in the earlier questioning.
<p>The Responsible Authorities and/or Interested Parties</p>		
8	Responsible Authorities	Will make their representations to the Sub-Committee.
9	Applicant or their representative	May ask questions of the Responsible Authorities by way of clarification.
10	Other persons	May ask questions of the Responsible Authorities or Licensing Officer by way of clarification. Note: this is not the time for other persons to put their objections.
11	Committee Members	May ask questions of the Responsible Authorities by way of clarification. Committee can also ask questions of the objectors by way of clarification.
12	Interested Parties	At this point those who have objected to the application will be asked to present their objections and make observations on the application if appropriate.

13	Applicant or their representative	May ask questions of the Interested Parties /objectors by way of clarification.
14	Committee members	May ask questions of the Interested Parties /objectors.
Closing statements or summary		
15	Chairman	<p>Will ask:</p> <ul style="list-style-type: none"> a. both the Responsible Authorities and Interested Parties /objectors to comment, briefly, on the application or review and summarise their position. No new issues can be raised at this point. b. the applicant or their representative to summarise the application or review and briefly comment on the representations or objections made. c. if everyone is satisfied that they have said what they wanted to say, but making clear that no new issues can be raised at this point.
DECISION MAKING		
16	Sub-Committee	Will retire to consider the application or review and may request the Legal Advisor and/or Committee Clerk to retire with them.
RESUMING THE MEETING AND CONCLUSION		
17	Legal Advisor	If legal advice has been given to the Members whilst in retirement, this advice will be summarised and repeated in the presence of all parties.
18	Chairman	<p>Will:</p> <ul style="list-style-type: none"> a. announce the decision made by the sub-committee and the reasons for that decision; b. advise that the decision, and reasons, will be confirmed in writing to all the parties who made representations; and c. advise all parties of their rights of appeal to the Magistrates' Court.

(*) after receiving copies of this procedure, all parties are requested to give the Council's Licensing Department an indication of the time estimated to present their case. This will be taken into consideration when deciding whether maximum periods of time will be necessary.

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE



PREMISES/PERSONAL LICENCES SUB-COMMITTEE

14 SEPTEMBER 2018

REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]

LICENSING ACT 2003

Members are respectfully reminded that, in determining the matters listed under item A.1, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

Premises Licence Applications

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm.

The options open to the Sub-Committee when considering this application are:

1. To grant the application for a premises licence subject to such conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions applicable.
2. To grant the application for the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and which are modified to such an extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions applicable.
3. To grant the licence as above, but to exclude from the scope of the premises licence any of the licensable activities to which the application relates.
4. To reject the application

When determining the application with a view to promoting the licensing objectives in the overall interests of the local community the Licensing Authority in the form of the Licensing Sub-Committee must have regard and give appropriate weight to the following:

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy.
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.

Human Rights Implications

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

In making their decision as to whether to grant this application, Members of the Premises/Personal Licences Sub-Committee should also take into consideration 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 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.

Members are requested to consider the information shown below where the Licensing Authority has received a representation about an application which is relevant to one or more of the four licensing objectives, and which suggests that the application may have a negative impact on one or more of the licensing objectives.

A.1 LICENSING ACT 2003 – APPLICATION NO: 18/00457/PREMGR APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 17 HIGH STREET, MANNINGTREE, ESSEX

1.0 APPLICATION DETAILS

1.1 Applicants

Mr Rowan Hunter

1.2 Premises

17 High Street, Manningtree, Essex, CO11 1AG

1.3 Agents

None

1.4 Ward

Manningtree, Mistle, Little Bentley & Tendring

1.5 Reason for Application

The application is made under the Licensing Act 2003 for a Premises Licence to include the performance of live music, recorded music, the provision of anything of a similar description to live music, recorded music or performance of dance and the supply of alcohol both on and off the premises.

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 The applicants have described the premises as a shop space situated in the High Street of Manningtree. Ground floor rectangular single space. Toilets and cellar access to the rear. Proposed food preparation to rear of main room within a stud wall. Two access points – one from the main road and one from the car park space to the rear.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public Mondays to Saturday 1200 hours to 0000 hours and Sundays 1200 to 2300 hours

3.0 PROPOSED LICENSABLE ACTIVITIES

3.1 Performance of Live Music

Sundays 1500 – 2200 [indoors]

3.2 Performance of Recorded Music

Mondays to Saturdays 1200 – 0000 [indoors]

Sundays 1200 – 2300 [indoors]

3.3 Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance

Mondays to Saturdays 1200 – 0000 [indoors]

Sunday 1200 – 2300 [indoors]

3.4 Supply of Alcohol [on the premises only]

Mondays to Sundays 1200 – 2300

4.0 STEPS THAT APPLICANTS PROPOSE TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE

The applicant has stated the following steps in the application to promote the licensing objectives. These measures are reproduced as shown in the application form and are detailed below in italics for ease of reference. These are:

4.1 Crime and Disorder

Recorded cameras fitted to watch entrances in order to help in any local authorities.

Not selling more drink to anyone drunk or intoxicated persons.

A sign on the front door stating the serving and opening hours for the bar.

4.2 Public Safety

The premises will have proper lighting and fire escapes.

The guests will be reminded that the front of the premises goes on to the road.

Staff will be trained in the up to date environmental health laws.

4.3 Prevention of Public Nuisance

Staff will be trained in letting customers know that the front door goes onto the main road with resident houses.

Deliveries and staff coming and going to be carried out in the quietest possible way to keep public noises to a limit.

Waste bins will be collected at the appropriate times to limit public noises.

4.4 Protection of Children from Harm

Staff will be trained to challenge 21 and 25.

Log book will be kept on site at all times.

Staff trained to watch children on the premises and no service under aged at the bar.

4.5 General Information in support of the application in relation to all of the licensing objectives.

We will operate a clear challenge 25 on site.

CCTV recorded on site.

All staff to be trained in seeing the signs on people having too much and stop serving if they have had enough.

All entrances will be lit and promoted to guests to keep the noise down due to entering a residents area.

Staff trained in up to day laws and regulations when serving alcohol.

5.0 RELEVANT REPRESENTATIONS

5.1 Interested Parties/Other Persons

5.2 The Police Reform and Social Responsibility Act 2011 (PRSR Act 2011) removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises.

5.3 There was no guidance or definition of 'vicinity' within the Licensing Act 2003 which effectively had a limiting effect on those that could make relevant representations.

5.4 The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a business for example in the proximity of the premises to be able to submit a valid and relevant representation.

5.5 The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons'. They are shown in italics for ease of reference.

8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

5.6 Representations can be made either against or in support of an application. The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to this point.

9.3 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

5.7 2 letters of representations/objections have been received from residents in relation to this application.

6.0 RESPONSIBLE AUTHORITIES

No representations have been received from any other Responsible Authorities.

7.0 POLICY CONSIDERATIONS

The Licensing Authority's Statement of Licensing Policy expects applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance relevant to the individual style and characteristics of their premises.

7.1 The relevant extracts from the Council's Statement of Licensing Policy in respect of Planning considerations (shown in italics) and also the 'Prevention of Public Nuisance' licensing objective are as follows:

1.20 *When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)*

5.0 **PREVENTION OF PUBLIC NUISANCE**

5.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.

5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

8.0 RELEVANT SECTION 182 GUIDANCE – PREVENTION OF PUBLIC NUISANCE

8.1 The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. These are:

2.18 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

2.19 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

9.0 RELEVANT SECTION 182 GUIDANCE- PREVENTION OF CRIME AND DISORDER

9.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. This is:

2.1 *Licensing Authorities should look to the police as the main source of advice on crime and disorder.*

10.0 RELEVANT SECTION 182 GUIDANCE –PLANNING AND BUILDING CONTROL

10.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing.

13.56 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.57 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

11.0 ASSOCIATED PAPERS

The following papers are attached as part of this agenda for Members of this Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Representation/objection letter

Copies of all documentation concerning this application are also available from Licensing Section upon request.

12.0 DECISION

- 12.1 Each application must be considered in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.
- 12.2 The Licensing Sub Committee is therefore asked to determine this application taking into consideration the application in its own right and on its own merits and also all of the relevant information that has been submitted as part of this report and at the hearing itself.

PAUL PRICE
CORPORATE DIRECTOR [OPERATIONAL SERVICES]

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Rowan Hunter	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Rowan	
* Family name	Hunter	
* E-mail	rowanhunter01@hotmail.co.uk	
Main telephone number	07940668989	Include country code.
Other telephone number		

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name	Estuary	If your business is registered, use its registered name.
VAT number	- None	Put "none" if you are not registered for VAT.
Legal status	Sole Trader	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes
- No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Continued from previous page...

cellar access to the rear. Proposed foot preparations to rear on main room with in a stud wall. Two access points - one from the main road and one from the car park space to the rear.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Indoors

Outdoors

Both

State 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.

We might have acoustic music on a Sunday afternoon that might be amplified

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

we might have live music on New years and Christmas Eve

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State 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.

Recorded Background Music (Low Level)

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Give a description of the type of entertainment that will be provided

Background Music and maybe live music on a Sunday afternoon.

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We will be open from 5pm to 11pm Wednesday to Thursday and 3pm on Friday and Sunday to start with. The license times start from 12pm for the possibility of private hire

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The license could go on further on Christmas Eve and New Years Eve but can apply for TEN

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

I intend to open Wednesday to Sunday but in the summer months might open Monday and Tuesday

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Between 12pm-5pm Monday to Thursday and 12pm - 3pm on Friday the venue will be able to be hire for private hire.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

We will operate a clear challenge 25 on site.

CCTV recorded on site.

All staff to be trained in seeing the signs on people having to much and stop serving if they have had enough.

All entrances will be lit and promoted to guests to keep the noise down due to entering a residential area.

Staff trained in upto day laws and regulations when serving Alcohol

b) The prevention of crime and disorder

Recorded Cameras fitted to watch entrances in order to help in any local authorities.

Not selling more drink to anyone drunk or intoxicated persons.

A sign on the front door stating the serving and opening hours for the Bar.

c) Public safety

The Premises will have proper lighting and fire escapes.

The guests will be reminded that the front on the premises goes on to the road.

Staff will be trained in the upto date environmental Health Laws

d) The prevention of public nuisance

Staff will be trained in letting costumers that the front door goes onto the main room with resident houses.

Deliveries and Staff coming and going to be carried out in the quites possible way to keep public noises to a limit

Waste bins will be collected at the appropriate times to limit public noises

e) The protection of children from harm

Staff will be trained to challenge 21 and 25

Log book with be keep on site at all times

Staff trained to watch children on the premises and no service under aged at the bar.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Fees are calculated on the rateable value of the premises to be licensed:- £0-£4300 Band A £100 £4300-£33000 Band B £190 £33001-£87000 Band C £315 £87001-£125000 Band D £450 £125001 and above Band E £635 Additional fees apply for events where 5000 or more people may attend.

* Fee amount (£)

190.00

DECLARATION

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read section 19).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please read section 19)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Rowan

* Capacity

Hunter

* Date

30 / 07 / 2018

dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tendring/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	Rowan Hunter
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

Emma King

From: Emma King
Sent: 31 July 2018 10:08
To: 'rowanhunter01@hotmail.co.uk'
Subject: Premises Grant Application

Importance: High

Dear Mr Hunter

Thank you for your application in respect of 17 High Street, Manningtree.

I have begun processing your application and I have a few queries which will need clarifying before I am able to continue.

You have stated that your opening times are Monday to Thursday 1700 to 2300 hours and Friday to Sunday 1500 to 2200 hours.

You then state the activities are due to start at 1200 hours.

Please note that the activities cannot start before your opening times, therefore in order to rectify this you would need to amend your application to one of the following options:-

Option A: Change the opening time to start at 1200 hours

Option B: Change the activity start times to Monday to Thursday 1700 hours and Friday to Sunday to 1500 hours

I would be grateful if you could confirm to me as soon as possible which option you wish to apply to your application so that I can make the necessary changes and notify the relevant authorities.

Please also be aware that any changes you decide to make will also need to be shown on the blue notice which is displayed on the premises and also in the newspaper public notice. If these are not correct then this will result in unnecessary delays to your application.

If you have any queries please do not hesitate to contact me.

Kind regards

Emma King
Licensing Officer

Licensing Team | Customer & Commercial Services | Tendring District Council

☎ 01255 686592



01255 686343



eking@tendringdc.gov.uk

🌐 [Licensing Website](#)



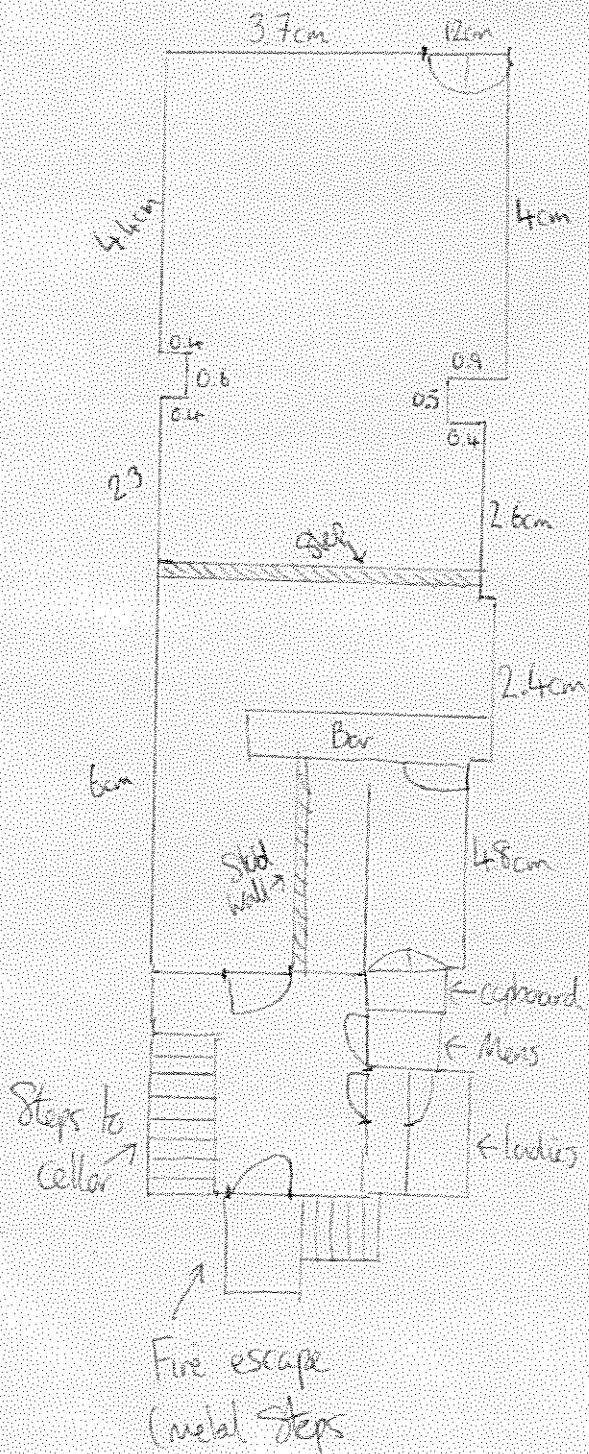
[Licensing Public Register](#)

📍 Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN

Please note that the Licensing Office is now located at 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN
Open Reception times are Tuesdays and Wednesdays between 10am and 12 noon and Fridays 1pm till 4pm.
All other times are by appointment only.

* 31/07/18 - Amendments agreed via telephone call between EJK & Mr Hunter.

High Street
Manningtree



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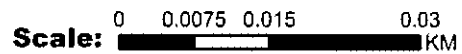
17 High Street, Manningtree



18/00457/PREMGR



Legend



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Organisation	Tendring District Council
Department	Licensing Section
Comments	Not Set
Date	03/09/2018
MSA Number	100018684

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Emma King

From: Emma King on behalf of Licensing Section
Sent: 10 August 2018 07:48
To: Emma King
Subject: FW: Comments for Licensing Application 18/00457/PREMGR

From: Planning Services
Sent: 09 August 2018 19:34
To: Licensing Section
Subject: Comments for Licensing Application 18/00457/PREMGR

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:34 PM on 09 Aug 2018 from Mrs Janet Bettle.

Application Summary

Address: 17 High Street Manningtree Essex CO11 1AG
Proposal: Premises Licence Grant
Case Officer: Mr Michael Cook
[Click for further information](#)

Customer Details

Name: Mrs Janet Bettle
Email: jbettle@btinternet.com
Address: 18 High Street, Manningtree, Essex CO11 1AD

Comments Details

Commenter Type: Member of the Public
Stance: Customer objects to the Licensing Application
Reasons for comment:
Comments: 7:34 PM on 09 Aug 2018 Planning permission was recently granted for this coffee shop/wine bar but only with an express condition that there would be no amplified music as this would disturb neighbouring residents.

I am concerned to see that almost immediately an application has been made for live and recorded music and other entertainments. This would constitute a serious disturbance to myself and to members of my family and would also constitute a flagrant breach of the planning condition.

I am extremely concerned at this application and object

to it strongly.

Dear Sir/Madam

Re 17 High St Manningtree – application for a premises licence

I am writing to object to the above application. I live immediately opposite the premises in question and the noise disturbance from the recorded music and late night use will be intolerable.

In particular :

1. Playing of music - breach of planning permission

- i. a condition was imposed in the grant of planning permission preventing the playing of amplified music . This was to protect local residents from the noise aspect of this development. My bedroom is immediately opposite the premises on a narrow road and the playing of amplified music would make it impossible to sleep or live my life without significant noise disturbance.
- ii. Despite this express condition, the application for a licence is for recorded music to be played. This must inevitably be through an amplifier and is in breach of the condition imposed by the planning department. I am particularly dismayed at the fact that this application has been made even before the coffee bar has opened, in breach of the information given in the application and in breach of the conditions applied.

2. Timings of operation - breach of planning permission

- i. The Application was made on the basis that it was for a coffee shop during the day and a wine bar '3, maybe 4 nights per week'. (quote from the Application). The coffee shop was clearly the major part of the application with the wine bar as an 'add on', producing 20 -30 bottles per week (again , from the Application).

ii. Planning permission was granted with a condition that the wine bar would not operate outside Thursday – Saturday, 6 – 11 pm and Sunday, 6-10.

ii. The licence application though is for 7 day operation, from 12 noon to midnight. This again is vastly outside the planning permission and again I am dismayed at the attempt to increase this operation from a small, add on to a coffee business into what is in effect a full time licensed premises with entertainment with opening hours even greater than a pub.

iv. The building is extremely small and it is inevitable that there will be spilling out of patrons into the street when events are being held. This will be noisy and there will be noise from drunk users and bottles/glasses being broken.

3. Public and traffic safety

i. This is the narrowest part of the High Street, on the approach to the pinch point where there is not room even for two cars to pass . The pavement is extremely narrow. To have a situation where people are around, potentially having had alcohol, where there is noise and where attention is diverted is a serious hazard both to users and to passing traffic – this is not a pedestrianized area and indeed this is a busy road.

4. General – residential use of the High St

I urge those responsible to be aware that there is a significant residential use element of the High St. My husband and I live there. There are several flats on the High St occupied by Acorn Village residents who are significantly vulnerable. The former White Hart is now to be turned into residential accommodation and at the junction of the High St and South St, the useage is predominately residential. Allowing noise producing late night events on the High Street would create an unacceptable level of disturbance. It would also derogate from the charm of Manningtree to turn it into a late night drinking and music venue.

From: Planning Services
Sent: 24 August 2018 17:58
To: Licensing Section
Subject: Comments for Licensing Application 18/00457/PREMGR

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:57 PM on 24 Aug 2018 from Dr Vernon Bettle.

Application Summary

Address: 17 High Street Manningtree Essex CO11 1AG

Proposal: Premises Licence Grant

Case Officer: Mr Michael Cook

[Click for further information](#)

Customer Details

Name: Dr Vernon Bettle

Email: Vsb326@btinternet.com

Address: 18 High Street, Manningtree, Essex CO11 1AD

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Breach of one or more Licensing Objs
- Noise Disturbance
- Opening Hours
- Parking
- Public Safety and Public Nuisance
- Traffic

Comments: 5:57 PM on 24 Aug 2018 This application is in breach of the planning permission only recently given for change of use of these premises and is thus illegal. The area concerned although on a high street is quiet after normal business hours ie 5:30pm weekdays and Saturdays. This application would be a public nuisance to local residents many of whom are elderly or otherwise vulnerable. The premises are only a short distance from "the gut" an area of the High Street which narrows from a narrow 2 lane highway to a single lane and additionally the crossroads with South Street. There have been road traffic accidents here and any overspill from these premises of customers who had been drinking would be a hazard. It should be rejected and I wish the meeting to make my objections clear.

