



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE: Friday, 1 February 2019
TIME: 10.00 am
VENUE: Council Chamber - Council Offices,
Thorpe Road, Weeley

MEMBERSHIP:

Councillor Callender
Councillor Watson

Councillor Winfield
Councillor Davis (Stand by
Member)

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

DATE OF PUBLICATION: Tuesday, 22 January 2019

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

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 14 December 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 - Report of the Corporate Director (Operational Services) - Wine Boutique Frinton Ltd, 14 Old Road, Frinton-on-Sea, Essex (Pages 7 - 18)

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

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 14TH DECEMBER, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors Cossens, Watson, White and Davis
Also Present:	Mr Craig Newnes (Franchisee for McDonalds), Mr Freddie Humphries (Barrister, Shoosmiths)
In Attendance:	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer)

21. CHAIRMAN FOR THE MEETING

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

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

22. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Licences Sub-Committee held on 14 September 2018 were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

Councillor Davis declared a Personal Interest in the item in that she had been a Management Trainee for McDonalds many years ago.

24. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

25. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TEARDROP SITE, WILLIAMSBURG AVENUE, HARWICH, ESSEX CO12 4GA

The Chairman (Councillor Cossens) welcomed everyone to the meeting and made introductory remarks.

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 the Teardrop Site, Williamsburg Avenue, Harwich.

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

Mondays to Sunday 0000 hours to 2359 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 those were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that two e-mails and one letter 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 stated that he wished to give an equal amount of time to both the applicant and the objectors to make their cases. He proposed 15 minutes for each side.

Mr Craig Newnes, Franchisee for McDonalds gave a brief summary of his employment with McDonalds, with whom he had begun employment in 1990. He had been an Operations Manager for 16 years, responsible for 50 restaurants across Essex and East London. He had been a franchisee for a number of McDonalds' restaurants including some that were open 24 hours. He was now a franchisee for several McDonalds in the area including Clacton, Weeley and Colchester and also owned the Sudbury Restaurant. In 2017 Colchester Borough Council had asked him to be one of 6 Ambassadors for the town, and he was now a Colchester Ambassador as well as being part of Colbac, the Colchester against Crime group. He had joined Sudbury Chamber of Commerce from day one, and he was also involved in Sudbury in Bloom and Weeley in Bloom. He had recently been involved in a "community litter event" where, over 6 hours in the rain, he and others had collected 50 bags of rubbish. He was also involved with the Clacton Town Partnership and he had recently been approached to sit on the Town Centre Working Party. He was proud that Harwich would now have a McDonald's restaurant: they had hired 100 new staff to work there. He stated that Mr Daryl Burley who was also in attendance at the meeting would be the Manager of the Harwich Restaurant.

Mr Freddie Humphries, Barrister at Shoosmiths who were representing McDonalds then gave representations to the Sub-Committee.

He stated that Mr Newnes was already operating five restaurants with 24 hour opening, with two of those located in the Tendring area. Mr Newnes had heavy experience in dealing with issues but there had been no complaints about those restaurants since Mr Newnes had taken them over in March.

He stated that Mr Daryl Burley had 2 years' experience as manager at the Weeley restaurant, and so had experience for the Harwich restaurant.

He stated that he thought that there had been some confusion over the planning permission and the operating times for the site. The site comprised of a Costa Coffee at one end of the site and McDonalds at the other end of the site – the overhead plan, at page 31 of the Officers' report, did not show the position of the Costa Coffee building, and he then proceeded to show everyone present where on the plan Costa Coffee was. The planning permission had made a condition in respect of the Costa Coffee that they were only allowed to open until 11.00 p.m. in the evening, whereas the McDonalds site had no such restrictions. The Costa Coffee shop was nearer to the residential area of Williamsburg Avenue. He stated that there was no need for the users of McDonalds to travel into the residential area in order to gain access to McDonalds. He said that it was not likely there would be an issue with the noise of cars etc. as the roundabout already took the area's traffic and he did not think vehicles using McDonald's would add any further noise.

He reiterated the comments made on the application form in respect of CCTV in that the CCTV was of evidential quality if it was needed to show evidence of any incidents in the area. Whilst 12 cameras would be acceptable for premises of this size and layout, there were 24 cameras on-site in the interests of staff and customers' safety. The cameras were 24 hour cameras at the site. The restaurant also operated the Staffsafe system which had audio and visual monitoring capabilities which could be activated by either fixed or mobile panic buttons. This system linked to a CCTV operator and they could then send outside help if there were any incidents at the Restaurant.

He stated that staff also had appropriate training to deal with any situations including the manager who had security and conflict resolution training.

He spoke about the issues of littering which had been raised by objectors. He said that the Restaurant did a litter pick every day. All litter regardless of where it originated from would be picked up on a daily basis from The Avenue. There were six bins in the car park and also 'target' bins at the entrances to the car park and that they aimed to keep the local area tidy and free from litter as much as possible. The Company were only responsible for what it could control, and kept its own areas as clean and tidy as it could.

The Chairman then asked the Sub-Committee whether they had any questions for Mr Newnes and Mr Humphries.

Councillor Watson asked whether you had to drive from McDonalds to Costas and Mr Humphries stated that the car park was a shared car park with McDonalds at one end and Costas at the other.

Councillor Cossens said that he was concerned about cars coming into the car park late at night, and particularly “hot hatches”. Mr Newnes stated that the majority of customers drove in and that during the night time hours it was mainly the Police/Ambulance Service that used the Restaurant.

Councillor White asked whether any boats came in during those hours. Mr Newnes said that no boats were coming into Harwich overnight, the last came in at midnight and the next boat was after 5 am so this would not increase the amount of cars coming and going in the car park.

Mr Newnes stated that there had only been one complaint at the Colchester Restaurant about 3 years ago about a noisy driver and this had been dealt with by the Police and the offender had been prosecuted. Any issues with the late night opening were addressed by the restaurant as far as possible.

Councillor White asked whether there was a need for late night refreshment and it was stated that Drive-Thru's tended to have less noise and had so far not been a problem for them.

Councillor Cossens said that he was concerned about the litter as he had noticed a lot of litter in connection with the Weeley restaurant although this had been better of late and asked how the Restaurant dealt with litter further away from the restaurant.

Mr Newnes said that in the past he had been approached by a resident regarding litter from the restaurant in Great Bentley and he accompanied the gentleman, Councillor Zoe Fairley's father, to see where the problem was. A litter pick was undertaken. Mr Newnes stated that if a problem of littering was brought to his attention then he would always do his best to try and resolve the problem. He said that additional signage had been put up at the Weeley Restaurant to try and stop any littering issues. Mr Newnes said that if he was in Harwich and learned that there was a “hot spot” they would go and address the issue and also said that Moses was doing a great job at Weeley walking around the site in a yellow jacket.

The Chairman then asked the objector, Terry Rogers if he had any questions for Mr Newnes or Mr Humphries. Mr Rogers stated that Harwich Town Council had recently passed a resolution to employ two PCSO's for the area to deal with problems in the area. He said that he felt that McDonalds would only exacerbate the problems there with low level crime and asked how they related their statements to Harwich appointing two PCSO's. It was pointed out that neither the Committee nor the Applicant knew the basis upon which Harwich Town Council had decided to appoint two PCSO's.

Ms Thompson, who was also objecting to this application asked how many of the Restaurants that Mr Newnes ran were on the edge of residential housing estates.

Mr Newnes said that he operated five drive-thru restaurants. Colchester McDonalds in Cowdray Avenue was opposite a housing estate, and that near the stadium was also close to a residential area, and the new Clacton restaurant had housing nearby. With this newly opened restaurant he had had a complaint regarding an illuminated sign and his solution had been to switch the sign off during the night.

The Chairman then asked the objector, Ms Thompson to present her representations to the Sub-Committee.

Ms Thompson said that she welcomed business to the area and it brought many good things, and would do the right things on its own site but any problems from the restaurant would be a nuisance for the residents nearby particularly if cars visiting the restaurant went into the nearby residential areas which were mostly a lot of small roads.

The Chairman then asked the objector, Mr Rogers to present his representations to the Sub-Committee.

Mr Rogers said that although an applicant did not have to provide a basis for their application or set out any benefits, any objectors must meet the criteria set down in the Licensing Objectives. He felt that his objections came under the licensing objective of preventing public nuisance. He stated that the planning application decision stated that the restaurants could not open outside of the hours 02300-0500 hrs for noise and disturbance reasons and keeping them to a minimum. He felt that the Planning Authority had considered this and decided that residential amenity took priority. He said that although McDonalds was not yet operational it was hard to know what the issues would be, and it was impossible to extrapolate evidence from elsewhere. He felt that the Sub-Committee should reject the application and McDonalds make another application in twelve months' time to gauge if there were any issues during that time.

Mr Humphries stated that the condition on the planning permission in respect of operating times was only in respect of the Costa Coffee site and not the McDonalds site. There were no restrictions on operating times on the McDonalds site. The only requirement was for them to apply for a Late Night Refreshment Licence to serve hot food after 11.00 p.m.

Mr Rogers stated that the planning conditions were not at all clear and asked should the Planning Decision Notice relate to both sites given the proximity of Costa and McDonalds to each other.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting 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 the 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: 18/00615/PREMGR – Application for the Grant of a Premises Licence in respect of McDonald's Restaurants Ltd, Teardrop Site, Williamsburg Avenue, Harwich, Essex CO12 4GA.

1. The Sub-Committee has 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 decision of the Sub-Committee is to **GRANT** this application in full.

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.

This Decision was made today, 14 December 2018 and will be confirmed in writing to all parties."

The meeting was declared closed at 11.29 am

Chairman

PREMISES/PERSONAL LICENCES SUB-COMMITTEE

01 FEBRUARY 2019

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: 18/00693/PREMGR APPLICATION FOR THE GRANT OF A PREMISES LICENCE - WINE BOUTIQUE FRINTON LTD, 14 OLD ROAD, FRINTON ON SEA, ESSEX

1.0 APPLICATION DETAILS

1.1 Applicants

Wine Boutique Frinton Ltd

1.2 Premises

14 Old Road, Frinton on Sea, Essex

1.3 Agents

None

1.4 Ward

Frinton

1.5 Reason for Application

The application is made under the Licensing Act 2003 for a Premises Licence to include the sale of alcohol on and off the premises.

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 To create a wine shop selling 300 high quality wines from small producers, displayed on open shelving where customers can purchase to take home or drink on the premises. Opening 11am until 9pm, Wednesday-Saturday, with occasional Tuesdays for wine tasting evenings or private bookings 5pm-9.30pm.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public Tuesdays to Saturdays 1100 hours to 2130 hours.

3.0 PROPOSED LICENSABLE ACTIVITIES

- 3.1 Sale of Alcohol [on and off the premises]**
Tuesday to Saturday 1100 – 2130

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 for ease of reference. These are:

4.1 Crime and Disorder

CCTV
Staff trained to prevent the sale of alcohol to underage persons.
Zero tolerance of high intoxication.
Counterfeit note detector pens.

4.2 Public Safety

Recommended fire fighting equipment.
First aid kit.
Checks made before opening to ensure no risks to customers.
Free drinking water available.

4.3 Prevention of Public Nuisance

Zero tolerance of high intoxication.
Background music to talking level only.
Closing at 21:00 on the days we are open.
Notice to customers to leave quietly and to respect our neighbours.
Snacks served free with first drink.

4.4 Protection of Children from Harm

No unaccompanied children allowed.
Follow restrictions set out in Licensing Act 2003.
The Wine-Boutique model and the products sold do not encourage children to want to visit.

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

To ensure that all licensing objectives as listed below are followed, along with implementing any appropriate changes and improvements.

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 3 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 letters

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.

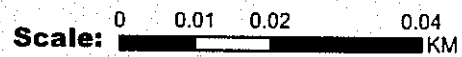
Wine Boutique

14 Old Road, Frinton on Sea



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Organisation	Tendring District Council
Department	Licensing Section
Comments	18/00693/PREMGR
Date	18/01/2019
MSA Number	100018684

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08 JAN 2019

Mr. P. F. Freedman

12 Old Road

Frinton On Sea

Essex

CO13 9DB

Tendring District Council Licensing Section

88-90 Pier Avenue

Clacton on Sea

Essex

CO15 1TN

6/1/2019

Dear Sir/Madam,

I live next door to 14 Old Road Frinton On Sea and have seen that an application for a Premises Licence is being made to allow alcohol to be sold on and off premises until 9pm.

This is something that I would like to object to in the strongest possible terms. I feel that if this licence is to be granted, then I and the neighbourhood would suffer from disturbance and noise from customers arriving/leaving or smoking on the pavement.

Customers who smoke will do so outside of our property whilst drinking alcohol as it is illegal to do so inside the wine bar.

There is bus stop directly outside No.14. This will hinder parking, deliveries & collections. This may cause a problem for buses & you should aware that this part of Old Road has yellow bands until 6pm.

There will also be increased noise from glass/bottle recycling/deliveries and collections.

There will be extra refuse. I have suffered with vermin problems in the local in the past and have no desire to have more.

I am also concerned that if you grant a licence and should the business become successful, they will apply for later opening hours and Sundays.

Living adjacent, I am concerned of litter & cigarette ends in my front garden, up my side path and general evening noise in a quiet part of a residential street.

Lastly, I fear of loss of privacy in my front garden whilst relaxing, barbecuing, dining etc. especially during evenings & weekends.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Freedman', with a long horizontal stroke extending to the right.

Paul F Freedman

By HAND

2 Baytree Place
12 Old Road
Frinton on Sea
CO13 9DB

6th January 2019

Tendring District Council
Licensing Section
88-90 Pier Avenue
Clacton on Sea
CO15 15N

10 JAN 2019 JNT

Dear Sirs

Re: Licensing Application by Wine Boutique Frinton Ltd
at 14 Old Road, Frinton on Sea, CO13 9DB

I was shocked to see a notice for a License Application on the window of the vacant hairdressers next to my home at 12 Old Road as we had received no prior notice of a change of use for this property and must object most strongly for the following reasons,

1. There is no car parking at the address which in any event has a single yellow line outside.
2. The entrance door to the premises is only some 1ft from a BUS STOP which is directly outside number 14.
3. The pavement outside is only 6ft wide and has to accommodate a queue of passengers waiting for the bus and passing pedestrians in addition to any customers at number 14 drinking or smoking whilst collecting bottles of wine.
4. There is no provision for a SMOKING AREA at the premises and customers wishing to smoke will have to stand with the BUS PASSENGERS increasing the congestion on the pavement and is in my opinion an accident waiting to happen.
5. The small yard between 12 and 14 Old Road is a FIRE ESCAPE for the rear of Café 19 Restaurant in Connaught Avenue and the private flats above and is congested already with the restaurant waste bins.
6. There are already a large number of Licensed Premises in Connaught Avenue plus two large retail shops where wine can be purchased in bulk.

In view of the above I trust that sense will prevail and you will refuse this Licence Application for what is essentially a residential road in Frinton on Sea.

Yours faithfully


Derek J Harrington

2 Baytree Place
12 Old Road
Frinton on Sea
CO13 9DB

3rd January 2019

Tendring District Council
Licensing Section
88-90 Pier Avenue
Clacton on Sea
CO15 15N

10 JAN 2019 *WST*

BY HAND

Dear Sirs,

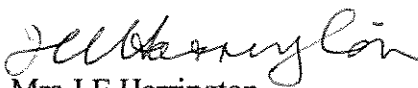
Re: Objection to Licensing Application – 14 Old Road, Frinton on Sea, CO13 9DB
by the Wine Boutique Frinton Ltd

My home is situated next door to this application for a License to sell alcohol on and off the premises. The basis for my objections which I set out below are that granting a License will not promote the Licensing Objectives as I understand them.

1. Immediately outside the door of the premises in question is a **Bus Stop** and the pavement on which the public queue to await the arrival of the bus is only 6ft wide. This will cause unnecessary congestion especially when patrons of the proposed Wine Bar come outside to smoke bearing in mind that the plan shows seating alone to be up to 13 people. This will also affect the exit from my own property where the door to No 14 is only about 4 feet away.
2. **Smoking** amongst people waiting for their transport (which can include children) even within the entrance of my home plus the litter which smoking attracts is unacceptable. Additionally as this part of Old Road has a **Single Yellow Line** lorries delivering wine will present additional congestion in this end of the road as will people taking away their purchases.
3. There narrow passageway to the side of the premises is largely utilised by waste bins from the rear of Café 19 Restaurant in Connaught Avenue and is also their **fire escape** and that of the flats above. There is very limited space for additional waste bins at the side of the building which may prove a safety hazard.
4. Granting a License would provide a further source of alcohol within an area **already heavily populated with licensed premises** only yards away in Connaught Avenue. There are already numerous restaurants, two wine bars, a public house and three retailers selling wine. The **noise volume** outside my home and that of other nearby residents will increase if this licence is permitted. It is a fact that customers leaving such premises do not realise the level of their conversation which increases in relation to their alcohol intake. I do not want my windows permanently shut.

In view of these points I would urge the licensing Authority to refuse this application.

Yours faithfully


Mrs J E Harrington