



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE: Friday, 28 February 2020
TIME: 1.00 pm
VENUE: Council Offices, Thorpe Road,
Weeley, CO16 9AJ

MEMBERSHIP:

Councillor V Guglielmi
Councillor Casey

Councillor Davis
Councillor Winfield (Standby
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: Friday, 21 February 2020

AGENDA

1 Election of Chairman for the Meeting

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

2 Apologies for Absence and Substitutions

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

3 Minutes of the Last Meeting (Pages 5 - 12)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on 13 January 2020.

4 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.

5 Report of Corporate Director (Operational Services) - Application for the Grant of a Premises Licence - Different (Essex) Ltd, Ashlyns House, 83 Fourth Avenue, Frinton-on-Sea, Essex (Pages 13 - 48)

The Sub-Committee will determine 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 Chamber and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

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Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 13TH JANUARY, 2020 AT 10.01 AM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Casey, V Guglielmi and Winfield
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)

1. ELECTION OF CHAIRMAN FOR THE MEETING

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

RESOLVED – That Councillor V Guglielmi be elected Chairman for the meeting.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 7 November 2019 were approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST

There were none.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none.

6. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EAST COAST DISTILLERY LTD, LANDERMERE HALL FARM, BUILDING 3A, THORPE-LE-SOKEN, ESSEX

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicants, Nicole North and Benjamin Mann of East Coast Distillery Ltd 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 for East Coast Distillery Ltd.

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

Mondays, Tuesdays and Wednesdays	1000 to 1600
Thursdays, Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

Section 3.0 of the written report set out the proposed licensable activities which were:-

Provision of Films	
Saturdays	1930 to 2200

Provision of Recorded Music [Background music to be played at events]

Thursdays	1900 to 2230
Fridays and Saturdays	1900 to 2300

Sale of Alcohol on and off the premises

Mondays to Wednesdays	1000 to 1600
Thursdays	1000 to 1600 1900 to 2230
Fridays and Saturdays	1000 to 1600 1900 to 2300
Sundays	1000 to 1500

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

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

No representations have been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee and Mr Mann addressed the Sub-Committee.

Mr Mann explained that he was one of the Directors of East Coast Distillery along with Nicole North. They currently both worked in public services and running a distillery was an ambition of theirs.

Mr Mann explained that he had been born and bred in Jaywick and still lived in the area at Tendring, whereas Ms North was from another part of the country.

He said that they planned to create a successful, viable distilling business but at the present time they would remain working full time in their current jobs until the business could sustain their salaries. He said that they wanted the opportunity to be their own bosses.

Mr Mann explained that they had joined up with The Yorkshire Dales Distillery who had been mentoring them and that they were a successful distilling business.

They had now invested a significant amount of money in the premises at Thorpe and had also gained HMRC approval.

He explained that the business was built on 4 strands, the sale of alcohol, on-line, to trade, off sales and direct sales. Direct sales events such as farmers markets, the Tendring Show etc. There would also be direct sales by people coming to the distillery so the premises licence application was key to this. He explained that the margins were better if they could sell their product direct from the premises.

He explained that they had spoken to the immediate neighbours to discuss any issues which might arise and had met with them on Saturday to discuss this matter. He explained that apart from direct sales they hoped to have small ticketed events at the premises.

Ms North explained that they had carried out a lot of researched and engaged with local bars and restaurants and had ascertained that there was a demand and that HMRC had also wanted proof of a demand before granting approval. Gin tourism was a growing trend and people wanted to know where their product was coming from. The business would be about informing people about the product, there would not be a bar at the premises. At present they both worked full time so would not be trading for the hours sought under the Licence but they did not want to limit themselves with regards to the hours that they would be able to trade in the future and they did want to be able to open if people rang up and wanted to visit.

The Chairman then asked if Members had any questions that they would like to ask Mr Mann and Ms North.

Members asked why they are setting up this type of business when pubs across the country were shutting down.

Mr Mann explained that the business had been funded through a Government Start-up Scheme. Distilling gin had become popular and they were proposing to distill London Dry Gin but they were also working on a low-alcohol/no-alcohol alternative as this was also becoming more popular. They would be using local botanicals for their products. Mr Mann confirmed that they would be running the activities at the premises, and that they had complete control of the business.

Members asked Mr Mann and Ms North about the events they proposed to have at the premises especially with regards to the fact that there were currently only 6 parking places at the site. Mr Mann and Ms North explained that if it was a cinema event there would not be more than 15 people at each event and if everyone drove, there would still be enough parking as there was also parking at the top of the lane. The films that would be shown would be about distilling or about the local area.

There were already units operating at the site which operated 9-5 and on Saturday mornings.

Members asked about music events and they were advised that there would only be background music at the premises as the premises were not big enough for any live acts. Events were about the product and were not about anything else, nor were they looking to diversify into other events.

Members also asked about lorries either delivering to or collecting from their premises and the use of plastic glasses for events. The applicants indicated that a couple of other businesses at the site had lorries come to the premises and that they anticipated goods being delivered to their premises and the finished product being collected but that these movements would be far less than the neighbouring businesses. So far as plastic was concerned they had probably made a rod for their own backs but they had put their plans together based on it using no plastic in the whole operation with glasses being used and washed up.

Mr Mann explained that they had had a meeting with the neighbours on Saturday to explain what their plans were and they understood that the area was a very quiet and tranquil part of Tendring. Events would be small scale, they were not running a bar but wanted to talk about their passion. They accepted that the reference to films made it sound like blockbusters would be shown there but that was not the case and they agreed there had been a poor choice of wording.

Members noted that there were already businesses operating from that site and that as part of the consideration in allowing the development of this site, environmental issues would have been looked into and that licensing had to consider the four licensing objectives. The applicants indicated that they did not yet know how sound might travel but that they would work with their neighbours and that it was a learning process. The applicants were aware it was a tranquil area, and were not keen to cause disruption.

Members asked whether the Police had checked the premises and Mr Mann confirmed that they had.

The objectors were then invited to address the Sub-Committee and ask questions of the applicants.

Sharon Darwin explained to the Committee that she was there on behalf of Andrew Chaplin. Mr Chaplin had written a letter explaining his concerns in particular with regards to the on and off site alcohol sales. He said that the premises were at odds with the area and there would be significant light and noise disturbance of the wildlife in the area. There were European protected species at the site.

Ms Darwin pointed out that the premises sat on a private road which was maintained by the farmer. Further on from the premises about $\frac{3}{4}$ kilometre down were houses and they were concerned that people visiting the premises would follow on down to the hamlet of Landermere. She said that that part of the road was maintained by the residents. The road was ideal for cycling and they were concerned that there would be an increase in cars using the road, especially as this area was a Site of Special Scientific Interest (SSSI) where there were very rare moths, only found in two areas of

the UK of which this area was one, which lights etc could affect – lighting should only be used with detectors. The road was a public footpath and this led to a jetty at the end which was used by residents and for which the residents had responsibility for the public liability insurance. Although there was a Private Road sign at the top of the lane, as this was designated as a public footpath there was concern about the possible increase of traffic. Children used this road for cycling which they could do safely.

Ben Evans and Stephen McNair-Wilson, two of the objectors said that they were worried about the use of the jetty and accidents occurring there, especially with the opening hours proposed in the application and the possibilities of people having had too much to drink, or simply being curious.

They said that the other business did not attract visitors. They were worried that any literature prepared by the Distillery which would be either in leaflet form or on their website would show the area with the close proximity to the jetty and the creek and there was no parking at the creek, and neither were there any toilets or rubbish collection facilities. This was only set up for walkers, some who come to swim and local people.

Mr McNair-Wilson who lived in Clacton was asked why he was interested in this application and he explained that he sailed his boat from Landermere and had friends in the area.

Mr Evans stated that he had no objections with the idea of the distillery and understands that the applicants wanted to approach the business in a sympathetic way.

He asked whether the Licence was “one size fits all” and the Licensing Manager explained that the Council could not limit what alcohol was sold and could not specify that only gin was sold.

Mr Evans explained that the other businesses at the site which were a kitchen fitting business and a stonemasons were not public facing businesses and that this is what was different about this application. He said that if the distillery business was based on the beauty of the area then customers might want to see the coast nearby.

With regards to the signage in the lane regarding it being a private road, Ms North said that they were happy to have a conversation with the other businesses about signage.

Mr Mann explained that there would only be small groups at the events as they wanted the customers to have a positive experience and that they wanted to make a premium product that people enjoy. Ms North added that until all the equipment was in place at the premises, the final fire inspection could not take place, but that following their research the maximum number attending these events would be 12 in order for them to get the most from their visit.

Mr McNair-Wilson asked if the Licence was granted today, when would it take effect and he was told that it would take effect from today.

Mr Mann explained that they had intended to have their launch event at the end of February, but the Landlord, Strutt & Parker who owned the farm and the industrial premises were going to replace the roof of the unit as it was leaking and this would

mean that they launch event would be postponed until the end of March. Mr Mann explained that they had also worked with the Environmental Health Department at the Council with regards to cleanliness etc.

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 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: Application No: 19/00667/PREMGR Application for the Grant of a Premises Licence in respect of East Coast Distillery Ltd, Landermere Hall Farm, Building 3a, Thorpe le Soken, Essex

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 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 sections of the application that are not agreed are as follows:-

2.2, 2.3 and 3.3 where the closing times are shown, for some days, as either 2300 hrs or 11 p.m. or 2230 hrs/10.30 p.m. The Sub-Committee have decided that the latest closing time shall be 2200 hrs or 10 p.m. on those days where later times are sought.

This was not granted because of the concerns for the residents, and the potential customers, to the business, on a private road, late at night and the potential for noise disturbance in the area as well as lighting concerns.

3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply, in order to satisfy the relevant Licensing Objective.

In respect of the Licensing Objective for the prevention of public nuisance and, potentially, public safety.

Reason – The Sub-Committee have heard the applicants and the objectors, and are pleased to hear that parties have already been in discussion with each other prior to this meeting, and hope that such an approach will continue in the future. The Sub-Committee have noted the concerns, particularly in relation to the road being a private road albeit with public access to the creek and the triple SSSI. It is noted that each of the residents living along that private road have a responsibility for

maintaining that road together with the main landowner. It is also noted that there are no facilities along that road to the creek/SSSI or at the creek/SSSI for parking, toilets or waste/rubbish collections.

The Sub-Committee understand that there are already a number of signs around this site because of the businesses already at this site and that the applicants are prepared to display signs advising people that there is no right of way for vehicles beyond the business premises. The display of such signage is to be a condition to this licence.

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

This Decision was made today, 13 January 2020 and will be confirmed in writing to all parties."

The meeting was declared closed at 12.05 pm

Chairman

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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.

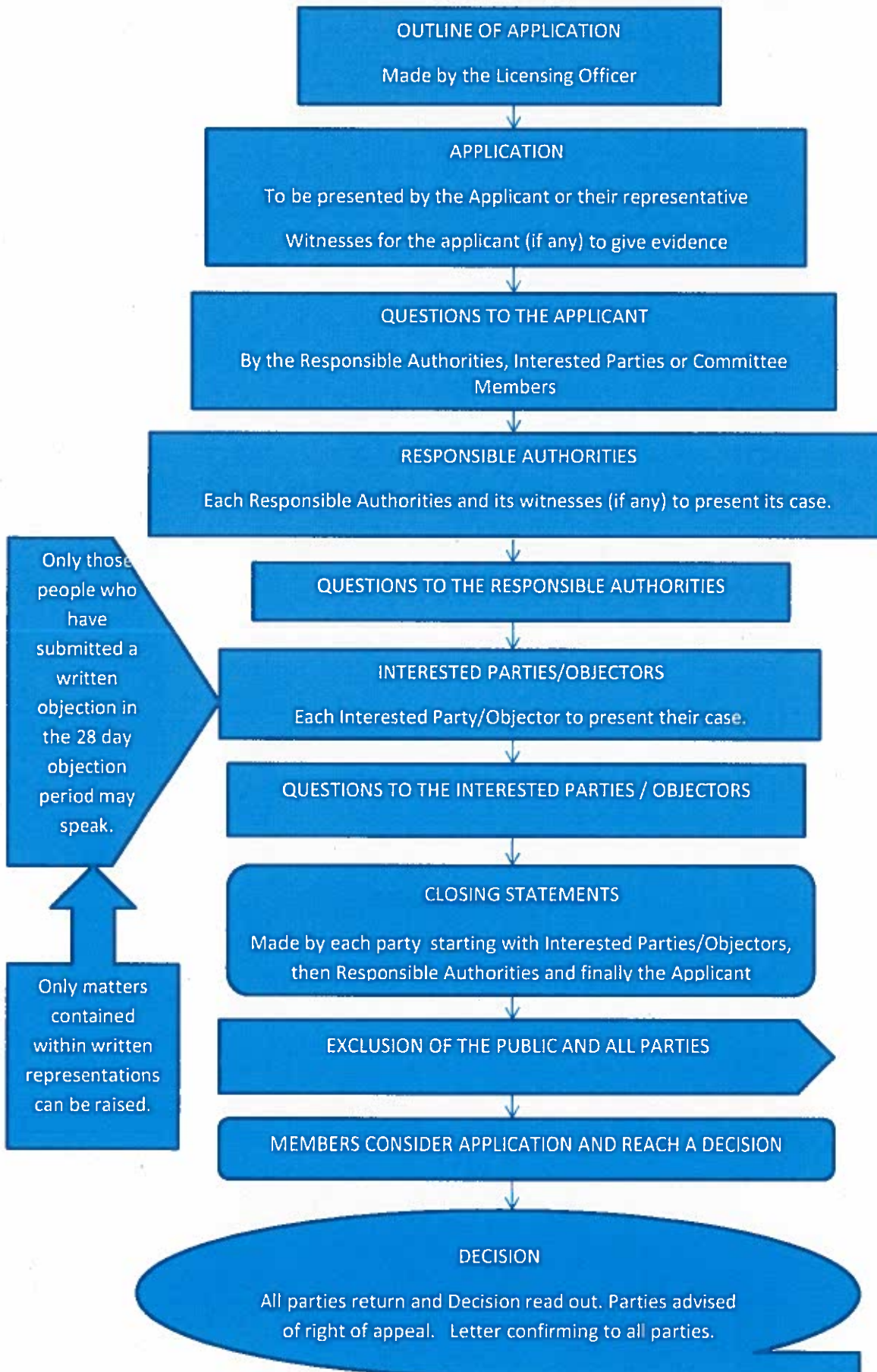
2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant 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

28 FEBRUARY 2020

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: 20/00007/PREMGR APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DIFFERENT, ASHLYNS HOUSE, 83 FOURTH AVENUE, FRINTON ON SEA, ESSEX

1.0 APPLICATION DETAILS

1.1 Applicants

Different (Essex) Ltd

1.2 Premises

Ashlyns House, 83 Fourth Avenue, 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 the premises and the provision of recorded music.

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 The premises is situated on the ground floor of a detached building situated on the corner of Fourth Avenue and Upper Fourth Avenue in Frinton on Sea.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public are:

Mondays to Sundays

1100 to 2300

3.0 PROPOSED LICENSABLE ACTIVITIES

- 3.1 Provision of Recorded Music**
Mondays to Sundays 1100 to 2300
- 3.2 Sale of Alcohol on the Premises**
Mondays to Sundays 1100 to 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 for ease of reference. These are:

- 4.1 Crime and Disorder**
Anyone that appears under the influence of drink or any substances that could possibly cause a situation will be spoken to calmly and politely avoiding any conflict.
- 4.2 Public Safety**
Keeping health and safety/fire etc. requirements to a high standard. To be checked on a regular basis.
- 4.3 Prevention of Public Nuisance**
Customers entering and leaving the premises will be asked to do so quietly and respectfully as possible.
- 4.4 Protection of Children from Harm**
No children will be allowed on the premises without an appropriate adult and age checks will be carried out if in doubt.
- 4.5 General Information in support of the application in relation to all of the licensing objectives.**
Our intentions are to operate a fine dining restaurant, not a bar so customers will not be able to consume alcohol without eating. All staff will be trained to recognise any potential situation and professionally deal with it. To make sure that all areas are kept clear from any hazards and all safety requirements a priority. Politely making sure that any customers bringing children with them are always aware of their safety and behaviour.

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 1 letter of representations/objections has been received from a resident 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.



* 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 This is the unique reference for this application generated by the system.

Your reference 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

* Family name

* E-mail

Main telephone number 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.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

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.

The premises is situated on the ground floor of a detached building situated on the corner of Fourth Avenue and Upper Fourth Avenue in Frinton on sea.

Continued from previous page...

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

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

Continued from previous page...

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.

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.

Music will only ever be background music to create a pleasant relaxed atmosphere.

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.

Continued from previous page...

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.

New Years Eve 11.00 - 24.00

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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

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...

FRIDAY

Start 11:00

End 23:00

Start

End

SATURDAY

Start 11:00

End 23:00

Start

End

SUNDAY

Start 11:00

End 23:00

Start

End

Will the provision of late night refreshment 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.

If customers are eating outside.

State any seasonal variations

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 supply of late night refreshments 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.

New Years Eve 11.00 - 24.00

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Continued from previous page...

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 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.

Continued from previous page...

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.

New Years Eve 11.00 - 24.00

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

Name

First name

Tony

Family name

Sugden

Date of birth

dd mm yyyy

Enter the contact's address

Building number or name

[Redacted]

Street

[Redacted]

District

[Redacted]

City or town

[Redacted]

County or administrative area

[Redacted]

Postcode

[Redacted]

Country

United Kingdom

Personal Licence number (if known)

TDX2183

Issuing licensing authority (if known)

Tendering District Council

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)

[Redacted]

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

Continued from previous page...

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.

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

Continued from previous page...

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

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.

New Years Eve 11.00 - 24.00

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)

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

Our intentions are to operate a fine dining restaurant, not a bar so customers will not be able to consume alcohol without eating. All staff will be trained to recognise any potential situation and professionally deal with it. To make sure that all areas are kept clear from any hazards and all safety requirements a priority. Politely making sure that any customers bringing children with them are always aware of their safety and behavior.

b) The prevention of crime and disorder

Anyone that appears under the influence of drink or any substances that could possibly cause a situation will be spoken to calmly and politely avoiding any conflict.

c) Public safety

Keeping health and safety/fire safety etc requirements to a high standard. To be checked on a regular basis.

d) The prevention of public nuisance

Customers entering and leaving the premises will be asked to do so as quietly and respectfully as possible.

e) The protection of children from harm

No children will be allowed on the premises without an appropriate adult and age checks will be carried out if in doubt.

Continued from previous page...

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.

Continued from previous page...

- 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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 EHC 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.

Continued from previous page...

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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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

Tony Harold Sugden

* Capacity

OWNER / APPLICANT

* Date

20 / 12 / 2019
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/tending/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...

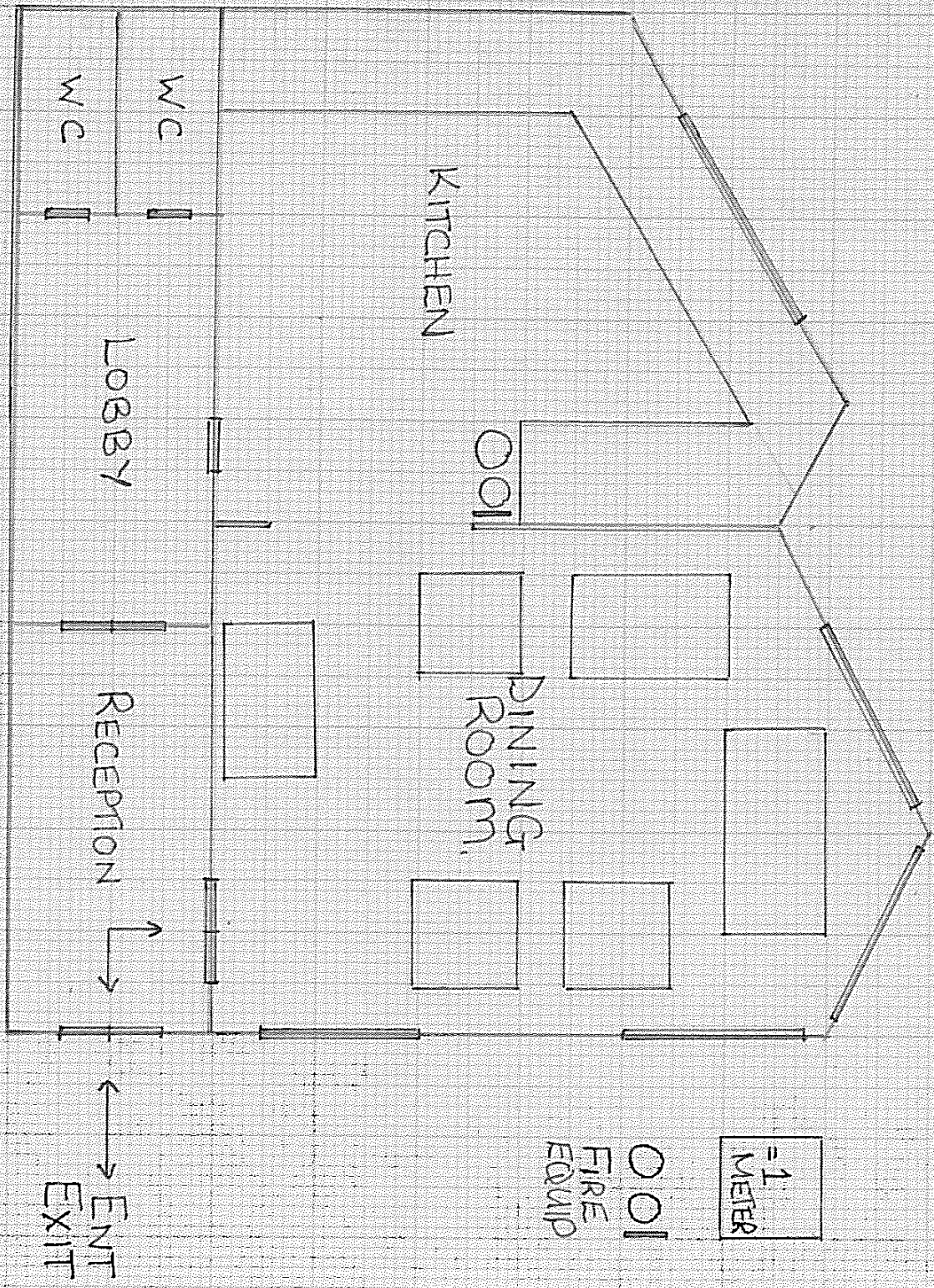
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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	<input type="text" value="Different..."/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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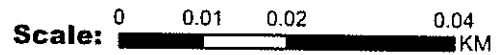
Different

Ashlyns House, 83 Fourth Avenue, Frinton on Sea



Legend

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Organisation	Tendring District Council
Department	Planning Department
Comments	20/00007/PREMGR
Date	04/02/2020
MSA Number	100018684

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26/01/2020

Dear Licensing Department,

I am writing to you in respect of new premises licence application for Ashlyns House, 83 Fourth Avenue, Frinton on Sea, CO13 9EB, venue name Different. I fully welcome new and vibrant businesses into the local area which provide service to residents and helps strengthen the local economy. However I also need to balance this against the needs of my family and other local young families as well.

The licence application requests opening hours to be until 23:00 7 days a week and for the playing of recorded music.

The location of the venue is within a residential street, where there are many families like mine who reside and children attend Frinton Primary School. I am concerned the lateness of hour the application requests, as this I believe will have a detrimental effect on local children due to sleep being disturbed through, noise. Firstly from the venue itself but also comings and goings from its customers. This could be further compounded by the request to play recorded music. Is there any sound proofing at the venue? Double / triple glaze glass? Windows to remain shut? What provisions are being considered to reduce any impact from noise to local residents? Will there be eating outside on the patio?

My submission would be opening until 21:00 Sunday – Thursday – No Music from 20:30 and opening until 22:00 Friday and Saturday – No Music from 21:30. I would also request some provisions are put in place to minimise noise impact from music.

I welcome further discussion if required.

Kind Regards

Mr John Kirby

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