



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE: Thursday, 3 December 2020

TIME: 10.30 am

VENUE: Meeting to be held pursuant to the provisions of Statutory Instrument 2020/392. Link to live stream will be available via <https://www.tendringdc.gov.uk>

MEMBERSHIP:

Councillor V Guglielmi
Councillor D Casey

Councillor C Winfield

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

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 Keith Durran on 01255 686585.

DATE OF PUBLICATION: Thursday, 26 November 2020

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 3 - 10)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on 4th of November 2020.

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 Report of Corporate Director (Operations & Delivery) - A.1 Application for the Grant of a Premises Licence - DCS Enterprise Ltd, 1 Midland House Harwich, CO12 3PS (Pages 11 - 58)

The Sub-Committee will determine an application for the grant of a Premises Licence in respect of the above premises.

5 Adjournment of Meeting

The press and public will be re-admitted and the meeting will resume in order to allow interested parties to hear the Sub-Committee's decision.

6 Report of Corporate Director (Operations & Delivery) - A.1 Application for the Grant of a Premises Licence - DCS Enterprise Ltd, 1 Midland House Harwich, CO12 3PS

The Sub-Committee will determine an application for the grant of a Premises Licence in respect of the above premises.

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON WEDNESDAY, 4TH NOVEMBER, 2020 AT 10.00 AM
IN THE MS TEAMS AND ROMM 101**

Present:	Councillors Casey, V Guglielmi, J Henderson and Winfield
Also Present:	William Moody (Essex Police), Rowan McManus (Essex Police), Ian Seeley (Solicitor, Ellisons) Baktash Roohrawan (Geisha Ltd), Nick Arora (Geisha Ltd), Charmaine Gibson (Pink Palace Hotel)
In Attendance:	Karen Townshend (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Emma King (Licensing Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Keith Durran (Democratic Services Officer), Marie Bryce (Temporary Licensing Support Assistant), Lisa Tappenden (Licensing Technical Officer), Mark Baker (Environmental Health Officer), Carol Archibald (Environmental Health Team Leader), Justin Baddeley (EHO Agency Officer), Karen Hards (IT Training Officer), Matt Schaffer (IT Support Officer), Matt Cattermole (Business Support Assistant).

7. CHAIRMAN FOR THE MEETING

It was **RESOLVED** that Councillor V Guglielmi be elected Chairman for the meeting.

8. APOLOGIES FOR ABSENCES AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

9. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the previous meeting of the Personal/Premises Licences Sub-Committee held on Tuesday, 20 October 2020 be agreed as a correct record.

10. DECLARATIONS OF INTEREST

There were none.

**11. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 -
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KASSABA, 7-9
MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1PS**

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

The Council's Licensing Officer (Emma King) 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 (Operations and Delivery) an application for the review of the Premises Licence currently held by Geisha Ltd which had been submitted by Essex Police, being a Responsible Authority.

Section 2.5 of the written report set out the current opening hours for the premises which were:-

Sale of Alcohol only on the premises

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Performance of Dance

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Provision of facilities for dancing

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Performance of Live Music

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Provision of facilities for making music

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Performance of Recorded Music

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Provision of facilities Similar Entertainment

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Other Entertainment falling within Act

Monday to Wednesday 11:00 - 01:00

Thursday to Saturday 11:00 - 02:00

Sunday 11:00 - 01:00

Late Night Refreshment

Monday to Wednesday 23:00 - 01:00

Thursday to Saturday 23:00 - 02:00

Sunday 23:00 - 01:00

Non Standard Timings

Sale of Alcohol only on the premises, Performance of Dance, Provision of facilities for dancing, Performance of Live Music, Provision of facilities for making music, Performance of Recorded Music, Provision of facilities Similar Entertainment, Other Entertainment falling within Act, Late Night Refreshment
Christmas and New Year's Eve and Bank Holidays until 3 a.m

The opening hours of the premises

Monday to Sunday 00:01 - 00:00

Christmas and New Year's Eve and Bank Holidays until 3 a.m.

It was reported that Geisha Ltd had been the Premises Licence holder since a transfer of the licence on 21 January 2019. The licence had subsequently been varied on 20 July 2020 to remove the Caribbean Restaurant off the licence. Mr Neeraj Kumar Arora had been the Designated Premises Supervisor (DPS) of the premises since 21 January 2019.

The Sub-Committee was aware that an application for the Review of the Premises Licence for Kassaba Turkish Grill and Meze had been submitted by Essex Police. This had been received by the Licensing Authority on 3 September 2020 on the grounds that the Licensing Objectives in respect of the Prevention of Crime and Disorder and Prevention of Public Nuisance had been breached.

It was the view of Essex Police that since the relaxation of lockdown rules for licensed premises, the Crime and Disorder and Public Nuisance objectives had been breached on a number of occasions at this premises, resulting in consistent calls to Police and significant disruption to neighbouring businesses.

As part of the Police evidence, "Exhibit 5" showed an underage person who had been identified to be drunk at the time by a Police Officer. Essex Police asked and the Sub-Committee agreed that the public be excluded during the showing of this video as it was in the public interest to protect the person's privacy due to their legal status as a child. Their name had been fully redacted from the submissions made by Essex Police which had been made available to the public.

It was confirmed that notice of the review application had been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompanied it. In particular, a notice detailing the review application had been clearly displayed on the premises concerned and on the Council's Website for the prescribed 28 day period. Periodic checks had been undertaken by the Licensing Authority to ensure that this was the case. The notice period had expired on 1 October 2020.

The Licensing Authority had therefore accepted the review application and was satisfied that it had been properly served. The Council's Head of Customer and Commercial Services was satisfied that the application and the representations that it made were relevant to the licensing objectives and were not vexatious, repetitious or frivolous in nature.

It was reported that a letter from the Council's Environmental Health Officer had been submitted supporting the review application submitted by Essex Police. This followed a visit to the premises which had demonstrated poor control regarding the prevention of risk of transmission of COVID-19 and which was considered therefore to be a public safety issue relevant to the licensing objective.

The Sub-Committee was aware that other persons could also make representations in regards to review applications. Other persons in terms of the Licensing Act 2003 could include any individual, body or business and, in accordance with paragraph 8.13 of the Section 182 Guidance issued by the Secretary of State (April 2018 version) which accompanied the Licensing Act 2003, such persons were 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. In addition, such persons could themselves seek a review of a premises licence.

Such representations had to be relevant and not be considered by the Licensing Authority as vexatious, repetitious or frivolous and could be made in opposition to, or support of, an application and could be made by any individual, body or business that had grounds to do so. The Section 182 Guidance was silent on whether representations could be made against an application for a review, or in support of the respondent to the review (which in this case was the Premises Licence holder Geisha Ltd). However, given that the Guidance was silent on this question, but clearly indicated that other persons could make representations in regards to a review and that representations could be made in support of applications, it was therefore reasonable to assume that representations could also be made in support of the Premises Licence Holder (Geisha Ltd) in this matter for due consideration by the Licensing Sub-Committee and as part of the Review application hearing process.

It was therefore reported that two letters of representations from other persons had been submitted.

The Sub-Committee also had before it the relevant sections/extracts of the Council's Statement of Licensing Policy in respect to Review applications.

Following Members' consideration of this review application submitted by Essex Police, Section 52 of the Licensing Act 2003 stated that Members of the Licensing Authority must, having had regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considered necessary for the promotion of the Licensing Objectives.

Those steps were:-

- (i) to modify the conditions of the licence
- (ii) to exclude a licensable activity from the scope of the licence
- (iii) to remove the Designated Premises Supervisor
- (iv) to suspend the licence for a period not exceeding three months
- (v) to revoke the licence

For this purpose, the conditions of the licence were modified if any of them were altered or omitted, or any new conditions were added as a result of this Review Hearing.

In addition to the above measures, Members were advised that it was also open to them that they may for example decide to take no action in respect of the review application, or issue an informal/formal warning letter and/or recommend improvement to the premises and its management within a particular period of time if they thought that on consideration of the facts and balance of probabilities, this was a reasonable, proportionate and appropriate approach to take in regards to this Review application.

No specific recommendation was made by Officers to the Licensing Sub-Committee in respect to this Review application other than in accordance with Section 52 of the Licensing Act 2003. Members of the Licensing Sub-Committee were asked to reasonably, proportionately and appropriately determine this application for a Review of a Premises Licence in respect of the premises and person named as the licence holder in its own right and on its own merits taking into account all matters detailed in the agenda, report and accompanying papers and any other relevant matters that could be brought up at the hearing itself by any of the parties that had an interest in this Review hearing.

William Moody, Licensing Officer for Essex Police asked if all members of the Sub-Committee had had an opportunity to read the representations. The Chairman of the Sub-Committee confirmed that this was so. Mr Moody then addressed the Sub-Committee along the following lines:-

- *Following the easing of lockdown restrictions on 4 July 2020 and the re-opening of Kassaba several incidents had been reported which had led to Essex Police writing to the premises to require immediate improvements. Despite this on two occasions CCTV evidence had not been available to the Police on request.*
- *There was evidence suggesting underage drinking of alcohol including an incident when Police had had to remove an underage male from the premises who was seen on CCTV drinking alcohol.*
- *On 3 November 2020 at approximately 4.00 p.m. a further complaint had been received.*

The Sub-Committee decided that the latest complaint could not be accepted or taken into evidence as it had not been submitted as part of the original Police evidence.

Mr Ian Seeley, Solicitor representing the Premises Licence holder, referred to Mr Roohrawan's statement where he had expressed his grave concerns that the complaints against the premises were racially motivated. Mr Seeley asked Mr Moody if these allegations had been made known to the Police. Mr Moody confirmed that these allegations were known and were being investigated though he was not aware of the outcome of that investigation. Mr Seeley confirmed that Mr Roohrawan was also not aware of the outcome of the investigation.

Mr Seeley questioned whether the underage individual had been stopped and searched. Mr Moody replied that he was not obliged to say. Mr Moody confirmed that a Police Intelligence Report had been submitted in relation to drug claims. No Misuse of Drugs Act Search Warrant had been actioned as the Police had not been in a position to follow the due legal process.

Mr Moody brought to the Sub-Committee's attention the circumstances in relation to all nine reports received associating Kassaba with incidents such as: underage drinking, nuisance, violence and lack of social distancing during the Coronavirus pandemic.

The meeting adjourned at 11:25am to enable a comfort break to be taken. The meeting then resumed at 11:40am.

Exhibit 1 was then shown to the Sub-Committee. No further questions were asked.

Mr Seeley asked if all members of the Sub-Committee had had an opportunity to read the representations. The Chairman of the Sub-Committee confirmed that this was so. Mr Seeley then addressed the Sub-Committee.

Mr Seeley brought to the Sub-Committee's attention the circumstances in relation to all 11 statements and text messages received in support of Kassaba.

Mr Seeley also brought to the Sub-Committee's attention several previous incidents of violence in the Clacton area between October 2019 and February 2020, which had all occurred before the Coronavirus pandemic.

In summary to this hearing, Mr Seeley requested that the Sub-Committee issued a warning, or recommended improvements to the premises or imposed a short suspension of the premises license and not a revocation due to the lack of compelling evidence.

Councillor J Henderson asked if those representing Kassaba could explain the actions of the Head Chef as depicted in Exhibit 4 as it showed that he had left the premises and re-entered on two occasions. Mr Arora of Geisha Ltd confirmed that 3 security officials had been on shift at the time that he had requested that the Head Chef calmed the situation due to his knowing personally the persons involved. Exhibit 4 was replayed to the Sub-Committee.

Councillor J Henderson asked Mr Arora to explain how the Coronavirus regulations were enforced at the premises. Mr Arora confirmed that he had liaised with Mr Moody, restricted the premises to 30-35 people at a time and had charged a £10 entry fee. Mr Arora also confirmed that he had ensured that customers had maintained the required 2m distance at all times with the exception of one incident involving a group of people who had been refused entry. Following the two-week warning by Mr Moody, he claimed that Mr Moody had admitted that he was happy with Kassaba's improvements.

Councillor J Henderson referred to CCTV footage which purported to show members of the public walking back and forth into the kitchen. Mr Arora claimed that this was a family friend entering the kitchen.

Councillor J Henderson also referred to the CCTV footage on 28 August at 2:15am where an incident had occurred leading to an ambulance attending the scene. Cllr J Henderson asked if the Police had been called. Mr Arora stated that the premises had been closed at that time.

Mr Moody referred to the public nuisance aspect of the case and various statements received from neighbouring hotels. Mr Moody claimed that the statements were not from

people living in the Clacton area, but previous residents of those hotels. Mr Moody stated that these statements were unsubstantiated and asked the Sub-Committee not to take them into account.

Charmaine Gibson, owner of the nearby Pink Palace Hotel, then addressed the Sub-Committee. Ms Gibson had not received an agenda pack and therefore, had been unable to read the information submitted. Ms Gibson confirmed that the Pink Palace was a family-run business and that there was no 'jealousy' on their side. On the contrary when the premises had been taken over by Mr Arora, the Pink Palace had supported the business.

Ms Gibson stated that following lockdown, incidents had occurred and that the complaints received by the Pink Palace were true. Ms Gibson also stated that the CCTV of the Pink Palace did not cover Kassaba but was zoomed for the use of Essex Police.

Mark Baker, Environmental Officer for Tendring District Council also addressed the Sub-Committee to state that the level of cleanliness at the premises had been a major concern particularly during the present Coronavirus public health emergency.

Members then retired in order for the Sub-Committee to consider the review application and reach a decision. Members asked the Council's Solicitor and the Legal and Governance Administration Officer to retire with them.

12. ADJOURNMENT OF MEETING

The meeting was adjourned whilst the Sub-Committee made its deliberations.

13. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - KASSABA, 7-9 MARINE PARADE EAST, CLACTON-ON-SEA CO15 1PS

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer returned to the meeting.

The Chairman of the Sub-Committee informed all parties present that, due to the amount of evidence that they needed to consider and the various considerations that needed to be taken into account, especially in view of the various and new restrictions due to the current Coronavirus Pandemic the Sub-Committee was not able to reach a decision at this time.

The Chairman stated that therefore the Sub-Committee would make its determination by Wednesday 11 November 2020 in accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005. All interested parties would then be informed of the decision in writing.

The Chairman then formally closed the meeting.

The meeting was declared closed at Time Not Specified

Chairman

TENDRING DISTRICT COUNCIL

Procedure for hearings – Premises/Personal Licences Sub-Committee

Licensing Act 2003 and Hearing Regulations 2005

The Licensing Committee officers and their roles

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

Committee Members (Councillors):

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

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

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

Other Persons or Interested Parties:

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

PROCEDURE

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

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

HEARING

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

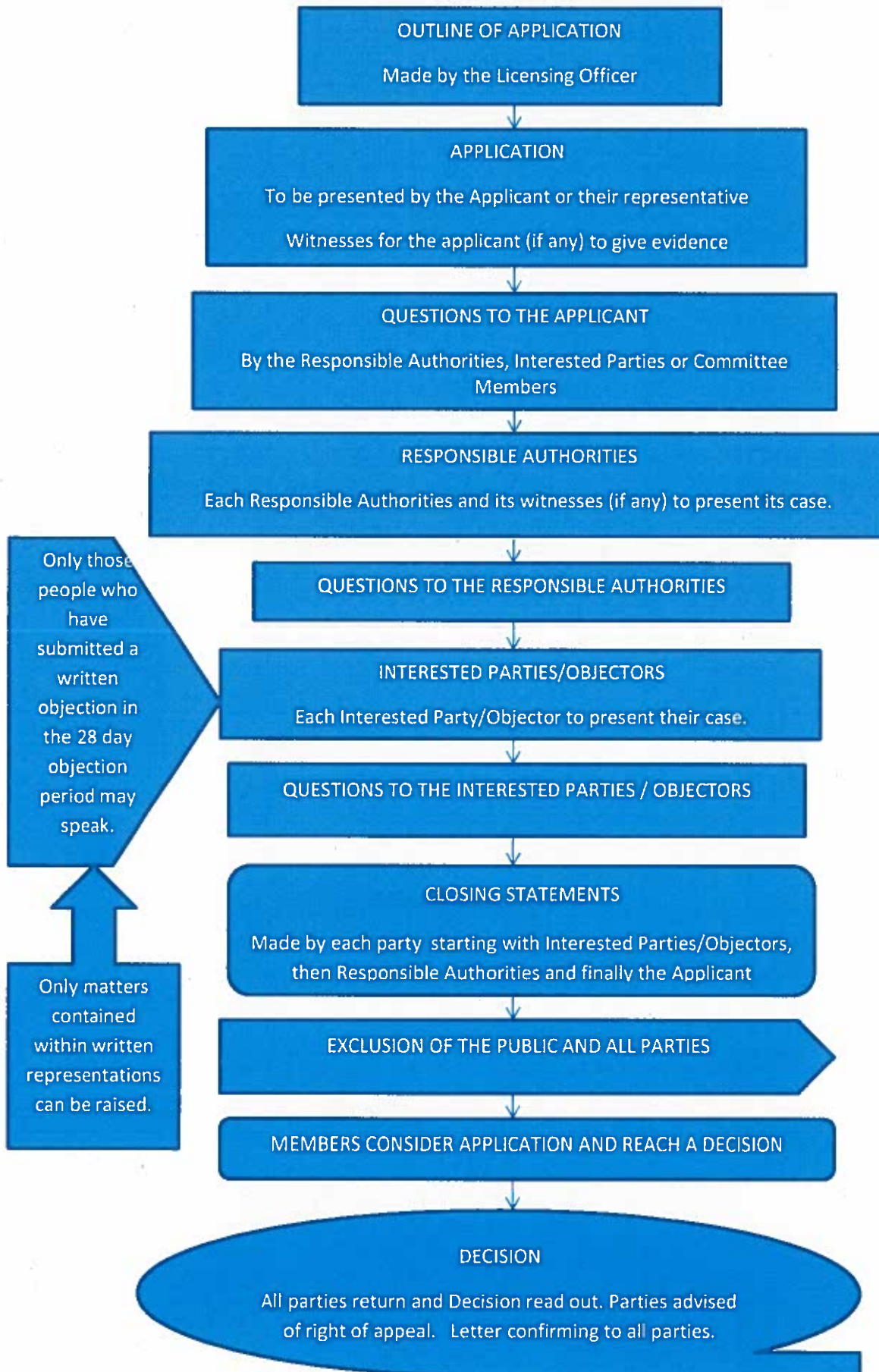
2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant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

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

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

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE



PREMISES/PERSONAL LICENCES SUB-COMMITTEE

30 NOVEMBER 2020

REPORT OF CORPORATE DIRECTOR [OPERATIONS AND DELIVERY]

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: 20/00510/PREMGR APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE SOLUTIONS LTD, 1 MIDLAND HOUSE, HARWICH, ESSEX

1.0 APPLICATION DETAILS

1.1 Applicants

DCS Enterprise Solutions Ltd

1.2 Premises

1 Midland House, Harwich, Essex

1.3 Agents

None

1.4 Ward

Harwich and Kingsway

1.5 Reason for Application

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

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 The premises is a fast food restaurant with late night food and supply of alcohol. There is indoor seating and takeaway.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public:

Mondays to Sundays

2100 to 0200

3.0 PROPOSED LICENSABLE ACTIVITIES

- 3.1 Sale of Alcohol on and off the Premises**
Mondays to Sundays 1200 to 0200
- 3.2 Late Night Refreshment**
Mondays to Sundays 2300 to 0200

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**
Any incidents of a criminal nature that may occur on the premises will be reported to the Police and all staff will cooperate.
- 4.2 Public Safety**
Appropriate fire safety procedures (foam, H2O & Co2), fire blankets, fire exit signs. Several smoke detectors and emergency lights.
- 4.3 Prevention of Public Nuisance**
All customers asked to be quiet and respectful when leaving and to be respectful of all neighbours.
- 4.4 Protection of Children from Harm**
All staff to be trained to ask for all ID for anyone who looks under 25 years old. All staff to keep register of refused sales.
- 4.5 General Information in support of the application in relation to all of the licensing objectives.**
Ensure there is competent and sufficient staff on duty at all times to fulfil the terms of the licence. All staff to complete relevant training within their roles and responsibilities in relation to the sale of alcohol and underage drinking and drinkers.

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. 1 from the Ward Councillor and 2 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.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We DCS ENTERPRISE SOLUTIONS LTD
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>1 MIDLAND HOUSE</u>			
Post town	<u>HARWICH</u>	Postcode	<u>CO12 3PS</u>

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

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address 1 MIDLAND HOUSE HARWICH ESSEX CO12 3PS
Registered number (where applicable) 12014142
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	102020

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

FAST FOOD REST
WITH LATE NIGHT FOOD
Supply of ALCOHOL
Indoor SEATING
TAKEAWAY

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

☒

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

☒

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12 pm	2 Am	Please give further details here (please read guidance note 3) LIVE music may take place in horse evenings and weekends		
Tue	12 pm	2 Am			
Wed	12 pm	2 Am	State any seasonal variations for the performance of live music (please read guidance note 4) Additional music may be played on Bank holidays		
Thur	12 pm	2 Am			
Fri	12 pm	2 Am	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12 pm	2 Am			
Sun	12 pm	2 Am			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) <i>Recorded music or radio</i>		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>Background music</i>			
Mon	<i>12 pm</i>	<i>2 am</i>				
Tue	<i>12 pm</i>	<i>2 am</i>				
Wed	<i>12 pm</i>	<i>2 am</i>	State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur	<i>12 pm</i>	<i>2 am</i>				
Fri	<i>12 pm</i>	<i>2 am</i>	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	<i>12 pm</i>	<i>2 am</i>				
Sun	<i>12 pm</i>	<i>2 am</i>				

G

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

H

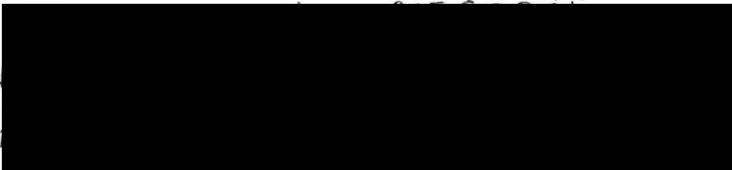

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) indoors & TAKEaway		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input checked="" type="checkbox"/>
Mon	12pm	2am	<u>Please give further details here</u> (please read guidance note 3)			
Tue	12pm	2am				
Wed	12pm	2am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur	12pm	2am				
Fri	12pm	2am	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	12pm	2am				
Sun	12pm	2am				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>			
Mon	12pm	2am	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Tue	12pm	2am				
Wed	12pm	2am				
Thur	12pm	2am	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri	12pm	2am				
Sat	12pm	2am				
Sun	12pm	2am				

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

Name	MR Robert Claudia BEKE
Address	
Postcode	
Personal licence number (if known)	TDx1737
Issuing licensing authority (if known)	TENDRING DISTRICT COUNCIL

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Mon	12pm	2Am	
Tue	12pm	2Am	
Wed	12pm	2Am	
Thur	12pm	2Am	
Fri	12pm	2Am	
Sat	12pm	2Am	
Sun	12pm	2Am	

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

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

ENSURE THERE IS Competent & Sufficient Staff on Duty at all times to fulfill the terms of the license
All Staff to complete relevant training within their roles & responsibilities in relation to the sale of Alcohol and underage drinking and drinkers

b) The prevention of crime and disorder

Any Incidents of a Criminal Nature that may occur on the premises will be reported to Police and all Staff will cooperate.

c) Public safety

Appropriate fire Safety Procedures - foam, H₂O & CO₂ fire blankets, fire exit signs, several smoke detectors and emergency lights

d) The prevention of public nuisance

All Customers asked to be quiet & respectful when leaving to be respectful of all neighbours

e) The protection of children from harm

All Staff to be trained to ask for all ID for anyone who looks under 25 years old
All Staff to keep register of Refused sales

Checklist:

Please tick to indicate agreement

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

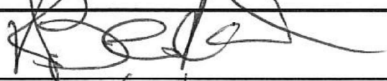
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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 guidance note 14)

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 guidance note 14)

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	21/9/20.
Capacity	Director / owner.

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

Signature	
Date	
Capacity	

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



1 midland house harwich



Page 41

Rating ▼

Hours ▼

More filters

Delmar Ltd

Blinds shop · 1, Central House, High St
Closing soon: 16:00 · 01255 552901





St. Helena Shop - Dovercourt

4.0 ★★★★★ (8)

Secondhand Shop ·

1-3 Kingsway Hall, Bagshaw Rd

Temporarily closed · 01255 551654

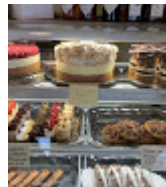


The White Coffee House.

4.7 ★★★★★ (112)

££ · Coffee shop · 11 Kingsway

Closing soon: 16:00 · 01255 484686



Page 42

M L Warnes Plumbing & Gas Services

Kitchen Furniture Shop · Steele House, 4

01255 506888



V K 1

4.7 ★★★★★ (3)

Off Licence · 18 Undercliff Rd W

01394 285317



Vintagefresh & Co

5.0 ★★★★★ (3)

Home Furniture Shop · 1, Quayside Court

Closed · Opens at 01:00 · 07854 461569



Harwich Tattoo Studio

5.0 ★★★★★ (18)

Tattoo shop · 1 West St

Open until 18:00 · 01255 556006

**The Cabin**

4.5 ★★★★★ (13)

Bakery · 232 High St

Open until 17:00 · 01255 556192



~Morgan"

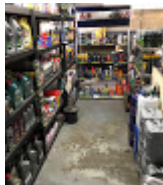
C & G Motor Factors

4.6 ★★★★★ (24)

Auto parts store ·

Unit 1, Phoenix Industrial Park, Freshfields road

Open until 17:30 · 01255 242500



✓ In-store pick-up

Wellworth-a-Pound

4.7 ★★★★★ (173)

Pound Shop · 270 High St

Open until 17:30



"You will be amazed what you can find in this shop for only £1."

East of England Co-op Foodstore, High Street, Dovercourt

4.2 ★★★★★ (46)



££ · Supermarket · 296 High St
Open until 23:00 · 01255 506771



Dovercourt Car Sales

4.8 ★★★★★ (94)

Motor vehicle dealer · 16 Station Rd
Open until 17:00 · 01255 556760



... vehicle on his breakdown truck and returned it 1 week later for £50 ..."

Bay Motors

4.3 ★★★★★ (3)

Vehicle repair shop · 1 Deans Close
Open until 17:00 · 01255 502301

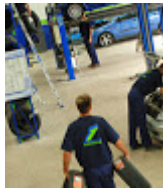


Page 44

Formula One Autocentres - Felixstowe

4.1 ★★★★★ (130)

Car service · 7 High Rd W
Open until 18:00 · 01394 284411



The Original Factory Shop

4.2 ★★★★★ (70)

Discount shop · 46 Kingsway
Discount homewares, furniture & more
Open until 17:30 · 01255 503195



Barnardo's shop

Charity · 135 High St
Open until 17:00 · 01255 240273



Computer World IT Solutions

Computer consultant · High St
Open until 17:00 · 01255 506950



Franklins Dovercourt

4.9 ★★★★★ (12)
Sewing shop · 222 High St
01255 502533



Tesco Express

4.2 ★★★★★ (11)
Supermarket · 1 Ramsey Rd
Mini-market & off-licence, open 7 days
Open until 23:00 · 0345 600 0167



The Media Vault

4.1 ★★★★★ (14)
Video Game Shop · 284 High St
Closed today · 01255 554811



 "bought black ops 2 for 30p bargain if I may say!!!!1."

Showing results 1 - 20

This page is intentionally left blank

From: Emma Gay <Emma.Gay@suryahotels.co.uk>
Sent: 06 October 2020 15:28
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Lisa Tappenden <lisatappenden@tendringdc.gov.uk>; Ray Dowsett <ray@ftgplc.com>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

Good Afternoon,

Thank you for clarifying.

Please withdraw the applicant for live sand reordered music for 1 Midland house.

Kind Regards,

Emma Gay

Property Manager

Safe Agent Level 3 NALS

Direct Phone: **0203 500 2067**

Email: Emma.Gay@suryahotels.co.uk | Web: www.suryahotels.co.uk

Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY

Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY

SPECIAL OFFERS
Choose from our unique & characteristic hotels across the UK

SURYA HOTELS

AUTUMN STAYCATION
Up to 2-nights free with breakfast included when you book your extended stay direct with us

THANK YOU NHS

COVID-19 FAQ
Have a question about coronavirus? We have many frequently asked questions already answered on our website

f t i in

Please think before you print

Part of [Surya Hotels Ltd](#) & [Flying Trade Group Plc](#)

This message is confidential. This communication is sent by Surya Hotels in accordance with applicable law and regulations. Surya Hotels terms and conditions apply to this communication. If you have received this message in error please delete it and notify sales@suryahotels.co.uk immediately; you should not retain the message or disclose its contents to anyone.

From: Licensing Section [<mailto:licensingsection@tendringdc.gov.uk>]
Sent: 06 October 2020 15:25
To: Emma Gay <Emma.Gay@suryahotels.co.uk>; Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Lisa Tappenden <lisatappenden@tendringdc.gov.uk>; Ray Dowsett <ray@ftgplc.com>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

If the recorded music is at background levels only, I can confirm that this does not need to be licensed under the Licensing Act 2003 and therefore would not need to be applied for.
If the levels are more than background, you will need to keep this on the application. You would then be requested to add this to the blue notice and newspaper public notice.

Hope this clarifies for you.

Regards
Michael

From: Emma Gay <Emma.Gay@suryahotels.co.uk>
Sent: 06 October 2020 15:17
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Lisa Tappenden <lisatappenden@tendringdc.gov.uk>; Ray Dowsett <ray@ftgplc.com>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

Hi,

Do we not need recorded music left in for background music?

Kind Regards,

Emma Gay

Property Manager

Safe Agent Level 3 NALS

Direct Phone: **0203 500 2067**

Email: Emma.Gay@suryahotels.co.uk | Web: www.suryahotels.co.uk

Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY

Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY

SPECIAL OFFERS
Choose from our unique & characteristic hotels across the UK

SURYA HOTELS

AUTUMN STAYCATION
Up to 2-nights free with breakfast included when you book your extended stay direct with us

THANK YOU NHS

COVID-19 FAQ
Have a question about coronavirus? We have many frequently asked questions already answered on our website

f t i in o Please think before you print

Part of [Surya Hotels Ltd](#) & [Flying Trade Group Plc](#)

This message is confidential. This communication is sent by Surya Hotels in accordance with applicable law and regulations.

Surya Hotels terms and conditions apply to this communication. If you have received this message in error please delete it and notify sales@suryahotels.co.uk immediately; you should not retain the message or disclose its contents to anyone.

From: Licensing Section [<mailto:licensingsection@tendringdc.gov.uk>]
Sent: 06 October 2020 15:16
To: Emma Gay <Emma.Gay@suryahotels.co.uk>; Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Ray Dowsett <ray@ftgplc.com>; Lisa Tappenden <lisatappenden@tendringdc.gov.uk>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

Thank you for your quick reply. The email only states live music. Please confirm if the recorded music is to be withdrawn also.

Many thanks
Michael

From: Emma Gay <Emma.Gay@suryahotels.co.uk>
Sent: 06 October 2020 15:13
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Ray Dowsett <ray@ftgplc.com>; Lisa Tappenden <lisatappenden@tendringdc.gov.uk>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

Good Afternoon,

Please see email sent to withdraw:

From: Emma Gay
Sent: 06 October 2020 15:00
To: 'Lisa Tappenden' <lisatappenden@tendringdc.gov.uk>
Subject: RE: 1 Midland House, Harwich- Premises Licence application

Good afternoon,

This is to confirm we have withdrawn our application for live music at 1 midland house.

Kind Regards,

Emma Gay

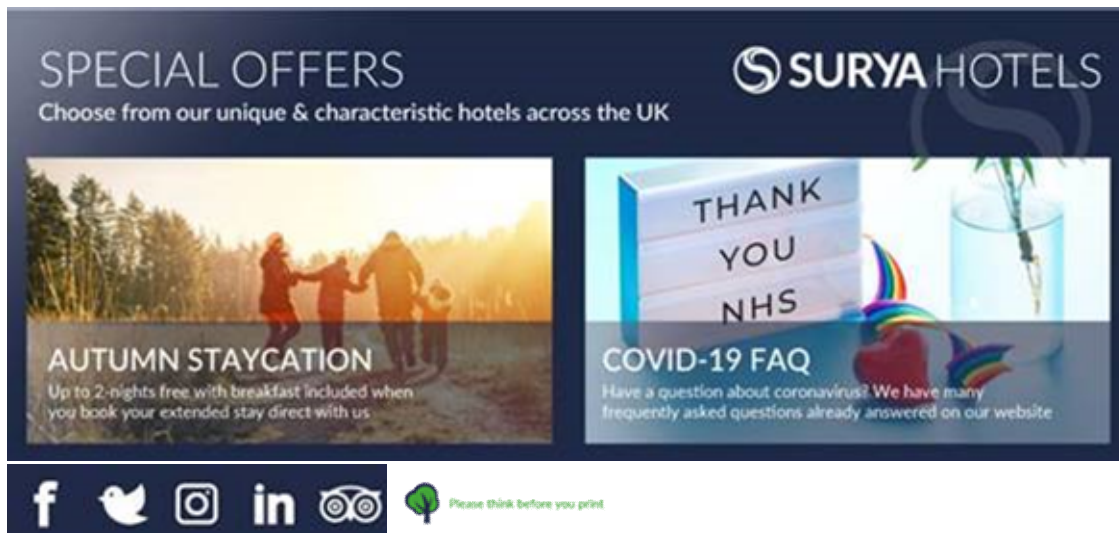
Kind Regards,

Emma Gay

Property Manager

Safe Agent Level 3 NALS

Direct Phone: **0203 500 2067**
Email: Emma.Gay@suryahotels.co.uk | Web: www.suryahotels.co.uk
Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY
Surya Hotels Ltd, Old Ipswich Road, Ardleigh, Colchester, CO7 7QY



Part of [Surya Hotels Ltd](#) & [Flying Trade Group Plc](#)

This message is confidential. This communication is sent by Surya Hotels in accordance with applicable law and regulations. Surya Hotels terms and conditions apply to this communication. If you have received this message in error please delete it and notify sales@suryahotels.co.uk immediately; you should not retain the message or disclose its contents to anyone.

From: Licensing Section [<mailto:licensingsection@tendringdc.gov.uk>]

Sent: 06 October 2020 15:12

To: Emma Gay <Emma.Gay@suryahotels.co.uk>

Cc: Ray Dowsett <ray@ftgplc.com>; Lisa Tappenden <lisatappenden@tendringdc.gov.uk>

Subject: 1 Midland House, Harwich- Premises Licence application

Good afternoon

1 Midland House, Harwich - Premises Licence application

Thank you for your time this morning when we met at the premises to discuss the above application.

Please could you confirm that you now wish to withdrawn live music and recorded music from your original application.

Once I have received this confirmation, I will pass to the admin officer to amend this and process further.

Kind regards

Michael Cook

Licensing Enforcement Officer

Licensing Team | Customer & Commercial Services (Licensing) | Tendring District Council

☎ 01255 686565

📧 [Licensing Website](#)



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



licensingsection@tendringdc.gov.uk



[Licensing Public Register](#)

Please note that until further notice, the licensing office is closed to members of the public.

From: Cllr Ivan Henderson - Member CC <cldr.Ivan.Henderson@essex.gov.uk>
Sent: 01 October 2020 14:27
To: ktownsend@tendringdc.gov.uk
Cc: Licensing Section <licensingsection@tendringdc.gov.uk>; 'cldr.gsmith@harwichtowncouncil.org.uk' <cldr.gsmith@harwichtowncouncil.org.uk>; Cllr. Charlie Powell <cldr.cpowell@harwichtowncouncil.org.uk>; Cllr. Garry Calver <cldr.gcalver@tendringdc.gov.uk>; 'michelle@harwichtowncouncil.co.uk' <michelle@harwichtowncouncil.co.uk>
Subject: Premises Licence Grant - Application Ref: 20/00510/PREMGR - Objection

Premises Licence Grant

Application Reference Number: 20/00510/PREMGR

DCS Enterprise Solutions LTD

1 Midland House, High Street,

Harwich Essex CO12 3PS

Dear Karen,

I would like to formally object to this application, which if passed would permit live music/recorded music/late night refreshments every day until 02:00. It would also include the sale of alcohol on and off the premises every day until 02:00.

As Councillor for the Harwich and Kingsway Ward and a member of the local tourism group, I absolutely recognise the need to support proposals that will increase footfall and economic growth for businesses within Dovercourt town centre. However, I believe this application as it stands would create numerous problems not only for local residents living within close proximity of the business, but also those residents living in the surrounding area.

I believe the proposed hours of operation could lead to an unacceptable level of public nuisance, due to the high level of noise disturbance and a possible increase in anti-social behaviour leading to crime and disorder when entering and leaving the establishment during the proposed late hours of business.

With best wishes

Ivan

Cllr, Ivan Henderson

Harwich & Kingsway Ward

This page is intentionally left blank

14 Empire Road
Dovercourt
Harwich
Essex
CO12 3QA

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

11th October 2020

Dear Sirs

Re: 20/00510/ PREMGR

We note from the Harwich & Manningtree Standard that a planning application has been lodged in respect of 1, Midland House, Dovercourt, CO12 3PS for the sale of alcohol off and on premises between 12.00 and 02.00 Monday to Sunday.

We would wish to object strongly to this application for the following reasons.

Application: When one clicks on the sentence "There is 1 **property** associated with this licence application" it reveals that the property is Flat 1, Midland House. Surely a licensed premises application would not be for a Flat?

Location: These premises are located very close to a high density residential area and to have customers both arriving and leaving late at night / early morning every day of the week would cause disturbance to many of these residences. Certainly we would anticipate that when nearby licensed premises close, midnight to 01.00, there would be patrons moving, probably noisily, through the residential area to these premises which have applied to be open until 02.00.

Parking: These premises front onto a busy Main Road and adjacent Zebra crossing. Not only would there be the temptation to park on the Main Road, despite the road markings prohibiting this, but there is a wide pavement area here which frequently had cars parked when these premises were a takeaway food outlet. Surrounding public roads currently have a high level of cars & vans parked, both for residents and shoppers.

In addition to the above there will be smokers congregating on the aforementioned pavement with, once again, the potential for congestion at busy times. Also noise and disturbance, at unsocial hours, to adjacent residences.

Current Situation: I am sure you are aware that currently a number of surrounding residences have been in correspondence with Wetherspoons, TDC Licensing Dept., and TDC Environmental Services regarding, what we consider, excessive noise from Wetherspoons outside area and possible contravention of their License in respect of this outside area.

To have another Licensed premises open late at night and into the early hours with the potential attendant problems outlined above, appears to us to be an untenable situation.

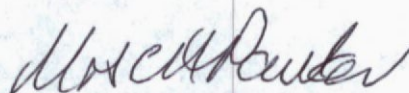
Obviously, under the current regulations the circumstances surrounding one of our objections i.e the implications of being open until 02.00 do not apply. Nevertheless at some point in the future those restrictions will be lifted.

We appreciate the Planning Officers and Council will take the above points into consideration during the process.

Yours sincerely



Philip W Parker



Carmel A Parker

Copy to:

Councillor I Henderson
34 Low Road
Dovercourt
Harwich
Essex
CO12 3TS

Tendring

District Council



This is a scan of the
original document

Name **Toby Russell**

Date **13/10/20**

Sig:

Toby Russell

This page is intentionally left blank

Dear Sir,

With reference to the licensing request for the above address, I wish to lodge my opposition to the application.

I already have to put up with the awful noise, under normal circumstances, of Wetherspoons, and the lack of parking in my road that goes with it.

I also have the issue of drug takers late at night to the other end of Mill Lane and my property under the victorian tunnel that leads to the beach.

Empire Road has a unique entrance and exit, and when the pizza place was open, I had problems turning into Mill Lane because of the cars parked at the entrance to that road. Can you imagine the issues we would have if it was a late night drinking club??

Whilst I appreciate this licence would not take effect until the current restrictions are removed, I would dread such a licence being issued.

I would urge you take a closer look at the road arrangement, and the very obvious problems it would cause.

Thank you for time.

Yours faithfully,

Lesley Pollard
1 Empire Road
Harwich
CO12 3QA

Sent from my Samsung Galaxy S10+ - Powered by Three
Get [Outlook for Android](#)

This page is intentionally left blank