



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE:	Friday, 13 August 2021
TIME:	1.00 pm
VENUE:	Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Coley
Councillor V Guglielmi

Councillor J Henderson
Councillor Casey (Standby Member)

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. The meeting will normally be live streamed and the link to this is available at www.tendringdc.gov.uk/livemeetings. Those attending the meeting may therefore be filmed. After the meeting the recording of the live stream will normally be available using the same link.

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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: Tuesday, 3 August 2021

AGENDA

1 Chairman of 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 1 - 6)

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on 14 June 2021.

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 (Operations and Delivery) - A.1 - Application for the Variation of a Premises Licence- British Flag, 56 West Street, Harwich, Essex CO12 3DD (Pages 7 - 74)

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

Information for Visitors

FIRE EVACUATION PROCEDURE

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

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.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

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, 14TH JUNE, 2021 AT 10.00 AM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Davis, V Guglielmi, J Henderson and Winfield
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Executive Projects Manager), Michael Cook (Temporary Licensing Manager), Emma King (Licensing Officer), Emma Haward (Leadership Support Officer), Chloe Blackwell (Technical Licensing Officer), Matthew Cattermole (Communications Assistant).

27. CHAIRMAN OF THE MEETING

It was moved by Councillor Henderson, seconded by Councillor Davis and :-

RESOLVED – that the Councillor Winfield be elected as Chairman for the meeting.

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies received from Councillor Coley, substituted by Councillors V Guglielmi.

29. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 12 February 2021 were approved as a correct record.

30. DECLARATIONS OF INTEREST

There were none.

31. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENSE - OAKMEAD SOCIAL CLUB, OAKMEAD ROAD, ST OSYTH, CO16 8NW

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

The Council's Temporary Licensing Manager (Michael Cook) 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 grant of a Premises Licence in respect of Oakmead Social Club, Oakmead Road, St Osyth, CO16 8NW.

This application was made under the Licensing Act 2003 for a Premises Licence to include indoor sporting events, live music, recorded music, late night refreshment and the sale of alcohol on the premises.

The premises was a bar and Chinese restaurant, with smoking area, beer garden and large car park. Situated off the main road in a residential area.

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

Sundays to Thursday	1200 to 0000
Fridays and Saturdays	1200 to 0200

PROPOSED LICENSABLE ACTIVITIES

Indoor Sporting Events

Mondays to Thursdays	1900 to 2300
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Live Music

Wednesdays	1900 to 2300
Fridays and Saturdays	1900 to 2300
Sundays	1400 to 1600
	1900 to 2200

Recorded Music

Mondays to Thursdays	1200 to 2300
Fridays to Sundays	1200 to 0000

Late Night Refreshment

Sundays to Thursdays	2300 to 0000
Fridays and Saturdays	2300 to 0200

Sale of Alcohol on the Premises

Sundays to Thursdays	1200 to 0000
Fridays and Saturdays	1200 to 0200

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

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

Crime and Disorder

Premises and outside areas are monitored by CCTV. Any suspicious activity will be reported to the Police.

Public Safety

Premises and outside areas are monitored by CCTV. Appropriate fire safety is in place with regard to exits and fire control equipment. First Aid equipment is available on the premises.

Prevention of Public Nuisance

Noise from any live or recorded music will be contained within the premises which has double glazed windows and a lobby.

When drinking in the beer garden, customers will be monitored on noise level.

Protection of Children from Harm

Children with only responsible adults will be admitted to the premises.

No alcohol will be sold to under 18 year olds and proof of age will be asked for when appropriate.

When children are present appropriate language and behaviour will be expected and monitored from other customers.

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

Staff are aware of contacts to be made in case of any emergencies. Staff will be instructed and made aware of other steps listed.

21 letters of representations/objections and 2 letters of support were received.

As standards procedure, all relevant authorities were consulted. No representations were received from any other Responsible Authorities.

The following papers were attached as part of the agenda for Members of the Sub-Committee only:-

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

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

The applicant advised the Committee that previously, a customer was charged for an offence relating to Anti-Social Behaviour. Various items were destroyed. Ms Kung advised most customers are elderly. Complaints were received regarding litter, the applicant advised that the litter from passers-by is regularly cleared and disposed of. The license was to extend the premises opening hours.

Councillor Henderson asked what the relationship with residents was like. Ms Kung advised relationships were friendly with the exception of the individual in which she explains above.

A resident read a letter in support of the application.

Councillor Winfield asked if the premises advertised the legal age in which alcohol would be sold. The representative of the applicant confirmed that 18 years of age was the legal age to drink alcohol in the premises.

Councillor Davis acknowledged the letters of objection received. The letters exercised the 2am finish. Councillor Davis suggested making the provision to apply for a special licences when late openings are required.

The applicant's representative asked whether there would be a compromise in the Committee's decision to potentially close the premises at 1200hrs.

A resident, on behalf of St Osyth Parish Council read a letter against the application.

Councillor John White, on behalf of St Osyth Parish Council spoke in support of the application.

The applicant advised that a decision to extend opening hours to 12am would be suitable.

32. ADJOURNMENT OF MEETING

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

33. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) A.1 - APPLICATION FOR THE GRANT OF A PREMISES LICENSE - OAKMEAD SOCIAL CLUB, OAKMEAD ROAD, ST OSYTH, CO16 8NW

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

The Chairman read the following statement:-

1. The Sub-Committee gave careful consideration to this application. In reaching their decision, they took into account the views expressed by the applicant, the representations received from residents and the Parish Council and the Resident's Association along with Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
The Sub-Committee **DID NOT AGREE** to grant the application in full but agrees to the sale of alcohol on the premises and late refreshments until 0000 Mondays to Sundays, in relation to Indoor Sporting Events, Live and Recorded Music, these were agreed as the applicant asked for. The Sub-Committee noted what the application said about her previous record and the issues in the last year were primarily down to a tenant that she had let the premises to. However, the running of the Social Club is still this applicant's responsibility.
2. Whilst the Sub-Committee accept that the applicant would not be responsible for littering the area around the premises, she was to encourage people to dispose of litter in receptacles around the premises or to take it home to safely dispose of, and also to undertake regular litter picks around the exterior of the premises to improve the area for all.
3. If residents have any concerns in the future with reference to Anti-Social Behaviour and noise to contact the Licensing Team.

Finally, the Chairman advised that all parties who were aggrieved at the decision of the Sub-Committee, they have the right of appeal to the Magistrates' Court.

The decision was made today, 14 June 2021 and would be confirmed in writing to all parties.

REVISED LICENSABLE ACTIVITIES:

Indoor Sporting Events

Mondays Thursdays 1900 to 2300

Live Music

Wednesdays 1900 to 2300

Fridays and Saturdays 1900 to 2300

Sundays 1400 to 1600

1900 to 2200

Recorded Music

Mondays to Thursdays 1200 to 2300

Fridays to Sundays 1200 to 0000

Late Night Refreshments:

Mondays – Sundays 2300 to 0000

Sale of Alcohol on the Premises:

Mondays – Sundays 1200 to 0000

The Chairman then formally closed the meeting.

The meeting was declared closed at 12.00 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.

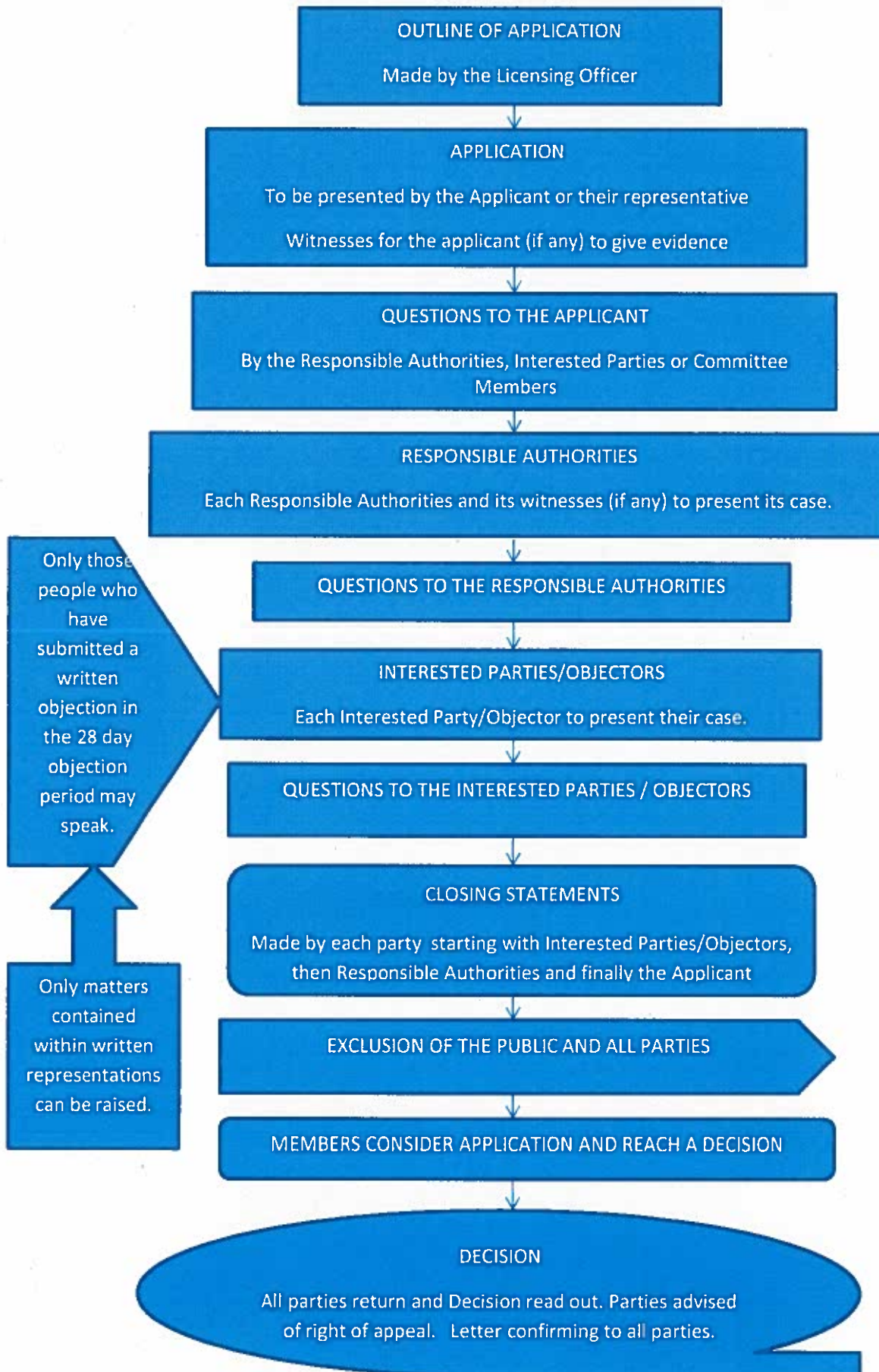
2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant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

13 AUGUST 2021

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: 21/00326/PREMVA - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - BRITISH FLAG, 56 WEST STREET, HARWICH, ESSEX CO12 3DD

1.0 APPLICATION DETAILS

1.1 Applicants

Admiral Taverns Limited

1.2 Premises

56 West Street, Harwich, Essex CO12 3DD

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 the variation of a Premises Licence to request an increase of the opening hours and the sale of alcohol hours.

2.0 GENERAL DESCRIPTION OF PREMISES

2.1 No description supplied by the applicant.

2.2 CURRENT OPENING HOURS

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

3.0 CURRENT LICENSABLE ACTIVITIES

Sale of Alcohol on and off the premises

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Live Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Recorded Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Other Entertainment falling within Act

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Non Standard Timings

Sale of Alcohol on and off the premises, Performance of Live Music, Performance of Recorded Music, Other Entertainment falling within Act

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, Midnight on 31 December).

3.1 PROPOSED LICENSABLE ACTIVITIES (VARIATION APPLICATION)

Opening Hours

Monday to Thursday	1000 – 0030
Friday and Saturday	1000 – 0230
Sunday	1200 – 0000

Sale of Alcohol on and off the premises

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0200
Sunday	1200 – 2330

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

- The site currently operates an in-house no re-entry policy.
- The times this will be no re-entry after 10pm Monday – Thursday and 9pm Sunday.
- No re-entry for new customers past 11pm on a Friday and Saturday night.
- CCTV system in place.

4.2 Public Safety

- CCTV system in place.
- During these restrictions everyone must electronically sign in through NHS app (or proof of ID ie, driver's licence etc.)
- The site operates a firm and robust anti-drug and anti-social behaviour policy at all times.
This includes monitoring the exterior of the Premises and will refuse entry/service when needed.

4.3 Prevention of Public Nuisance

- Customers asked to leave quietly, and respect neighbours signage placed around the premises
- The site only allows background music at a reduced level after 11pm during the week and 12 midnight Friday and Saturday.

4.4 Protection of Children from Harm

- The site operates a strict all under 18 policy (must be accompanied by a responsible adult) and the responsible adult must remain sober, also no under 18 after 8pm daily.

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

- The application is to request an increase of licensing hours for sale of alcohol on a Friday and Saturday night.
- The tenant/DPS and staff members have worked hard through the pandemic problems and have put processes in place to make the British Flag a safe and exceptional place to meet and enjoy other people's company.
- The site has tapped into a source of revenue that is available via customers later in the evening. This extra revenue is from a group of engineers and maintenance crew that maintain the wind farms and light house boats. All stay locally so there will be no calling of taxis later into the night so not cause a nuisance with car doors closing and engines running. These customers usually over the age of 27 through to 50 and stay in local guest accommodation (guest house/short term lets). Their work and rest times vary but mainly arrive to relax with us about 10pm-11pm most weekends.
- The Premises feel the extra hour will not put any burden on emergency services or create any problems with local residents. The tenant (Peter Vaughan) can be contacted and is happy to discuss anything in respect to the application.

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

6.0 **RESPONSIBLE AUTHORITIES**

- 6.1 One representation has been received from Essex Police with the following comments:

Essex Police decided that the application posed a risk to the residents of Harwich and formally objected to the variation on the 14th of July 2021. Essex Police made this objection under the Crime and Disorder and Public Nuisance licensing objectives.

Full details of the objection are included in Essex Police's supplementary bundle attached to this report.

- 6.2 The Council's Planning Authority has been consulted and no comments have been received.

- 6.3 The Council's Pollution and Environmental Control team has been consulted and no comments have been received.

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) Essex Police Supplementary Bundle.
- (iv) 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.

**DAMIAN WILLIAMS
CORPORATE DIRECTOR [OPERATIONS AND DELIVERY]**

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Application to vary a premises licence 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 **ADMIRAL TAVERNS LIMITED**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 12/00228/PREMTR

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description BRITISH FLAG 56 WEST STREET			
Post town	HARWICH	Postcode	CO12 3DD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£6,850

Part 2 – Applicant details

Daytime contact telephone number	01244 505427		
E-mail address (optional)	darren.kelly@admiraltaverns.co.uk		
Current postal address if different from premises address	ADMIRAL TAVERNS LIMITED 4TH FLOOR, HQ BUILDING NICHOLAS STREET		
Post town	CHESTER	Postcode	CH1 2NP

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation application is to request an increase of hours for of the following activities to the below proposed new times:

Opening Hours
Monday – Thursday: 10:00 – 00:30
Friday & Saturday: 10:00 – 02:30
Sunday: 12:00 – 00:00

Sale of Alcohol
Monday – Thursday: 10:00 – 00:00
Friday & Saturday: 10:00 – 02:00
Sunday: 12:00 – 23:30

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of 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 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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 7)		
Sat			<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 7)		
Sun			<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 7)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	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 5)		
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 6)		
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 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	00:00						
Thur	10:00	00:00				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 7)		
Fri	10:00	02:00						
Sat	10:00	02:00						
Sun	12:00	23:30						

K

<p>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 10).</p> <p>N/A</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	<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 7)
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	02:30	
Sat	10:00	02:30	
Sun	12:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 N/A

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- The application is to request an increase of licensing hours for sale of alcohol on a Friday and Saturday night.
- The tenant/DPS and staff members have worked hard through the pandemic problems and have put processes in place to make the British Flag a safe and exceptional place to meet and enjoy other people's company.
- The site has tapped into a source of revenue that is available via customers later of the evening. This extra revenue is from a group of engineers and maintenance crew that maintain the wind farms and light house boats. All stay locally so there will be no calling of taxis later into the night so not cause a nuisance with car doors closing and engines running.
- These customers usually over the age of 27 through to 50 and stay in local guest accommodation (guest house/short term let's). Their work and rest times vary but mainly arrive to relax with us about 10pm-11pm most weekends.
- The Premises feel the extra hour will not put any burden on emergency services or create any problems with local residents. The tenant (Peter Vaughan) can be contacted on 07833395012 and is happy to discuss anything in respect to the application.

b) The prevention of crime and disorder

- The site currently operates an in-house no re-entry policy.
- The times this will be no re-entry after 10pm Monday – Thursday and 9pm Sunday.
- No re-entry for new customers past 11pm on a Friday and Saturday night.
- CCTV system in place.

c) Public safety

- CCTV system in place.
- During these restrictions everyone must electronically sign in through NHS app (or proof of I'd ie, drivers licence etc)
- The site operates a firm and robust anti-drug and anti-social behavior policy at all times. This includes monitoring the exterior of the Premises and will refuse entry/service when needed.

d) The prevention of public nuisance

- Customers asked to leave quietly, and respect neighbors signage placed around the premises
- The site only allows background music at a reduced level after 11pm during the week and 12mid night Friday and Saturday.

e) The protection of children from harm

- The site operates a strict all under 18 policy (must be accompanied by a responsible adult) and the responsible adult must remain sober, also no under 18 after 8pm daily.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	 DARREN KELLY
Date	24th June 2021
Capacity	Licensing Team Leader Admiral Taverns

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

**CONTACT: Darren Kelly
ADMIRAL TAVERNS LIMITED,
4TH FLOOR, HQ BUILDING,
NICHOLAS STREET**

Post town	CHESTER	Post code	CH1 2NP
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Telephone number (if any)	01244 505427
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional) darren.kelly@admiraltaverns.co.uk

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From: Darren Kelly <Darren.Kelly@AdmiralTaverns.co.uk>
Sent: 16 July 2021 18:26
To: William Moody 42079383 <William.Moody@essex.police.uk>
Cc: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: RE: British Flag - Harwich

Hi William,

Apologies for the delay, but I can confirm Admiral are happy with the below proposals/amendments to the hours and condition.

Kind regards

Darren Kelly
Licensing Team Leader
T: 01244 505427

admiral
T A V E R N S

www.admiraltaverns.co.uk



[Admiral Taverns](#)



[AdmiralTaverns](#)



From: William Moody 42079383 <William.Moody@essex.police.uk>
Sent: 15 July 2021 10:00
To: Darren Kelly <Darren.Kelly@AdmiralTaverns.co.uk>
Subject: British Flag - Harwich

You don't often get email from william.moody@essex.police.uk. [Learn why this is important](#)

Hi Darren,

As discussed, I would be happy with amendments to the variation as follows – just a half hour reduction.

Sale of Alcohol – Friday + Saturday – 10:00 – 01:30.

We would also ask these conditions be placed on, worded:

'last entry to the premises must end no later than one hour before the end of the licensed hours for that day'

'The premises must have clear, legible signs by the exit requesting that patrons leave the premises quietly and respect neighbouring residents'

There are already conditions on about keeping windows and doors shut etc

Hope this works – let me know if anything you would like to discuss.

Thanks

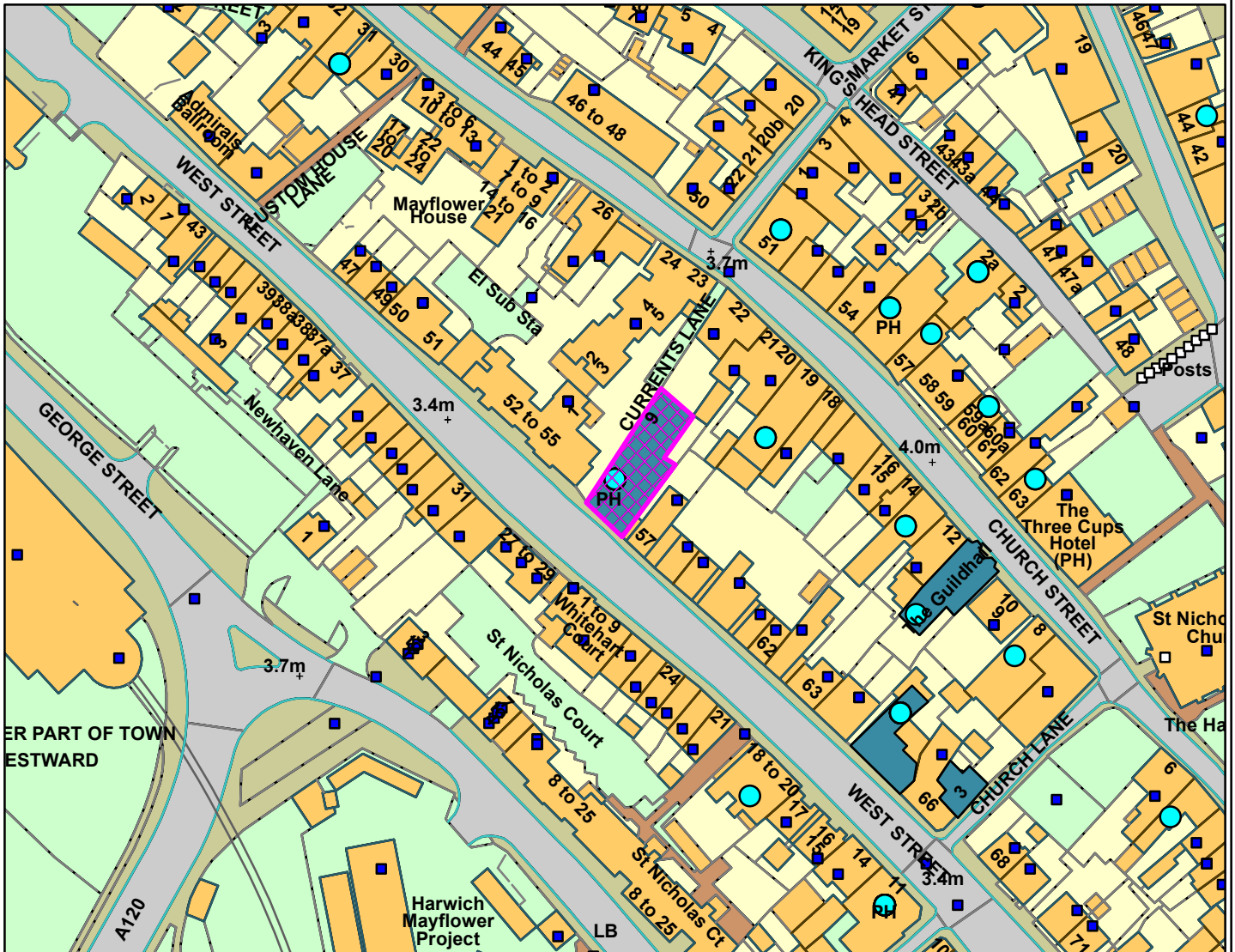
William Moody
District Licensing Officer
Mobile: 07966 481 931

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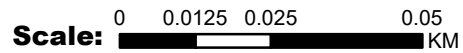
British Flag

56 West Street, Harwich



Legend

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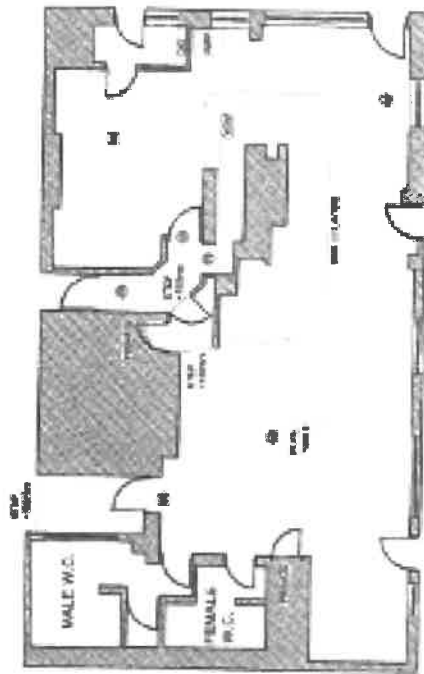
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Organisation	Tendring District Council
Department	Planning Department
Comments	21/00326/PREMVA
Date	19/07/2021
MSA Number	100018684

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OUTSIDE REFINING



EXISTING GROUND FLOOR PLAN

OUTSIDE REFINING



LOCATION PLAN
SCALE 1:500

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Licensing Team
Tendring District Council
90 Pier Avenue
CO15 1NJ

William Moody
Braintree Police Station
Blyth's Meadow
CM7 3DJ
01245 452035
14/07/2021

Full Variation – The British Flag, 56 West Street, Harwich, CO12 3DD

Dear Sirs

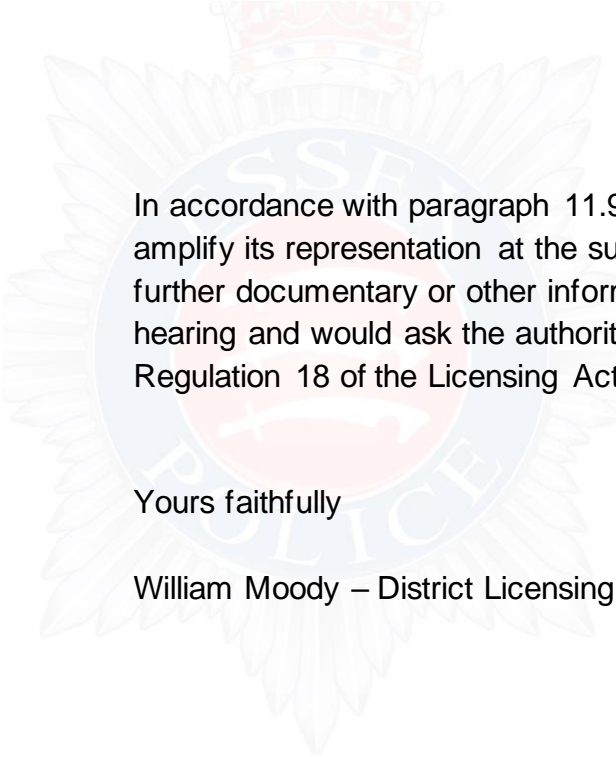
On behalf of the chief officer of Essex Police, I wish to object to this variation to increase the hours of the sale of alcohol on the basis of Crime and Disorder and Public Nuisance. Should this variation be granted, the premises will be able to sell alcohol until midnight Monday to Thursday, 2AM Friday to Saturday and 11:30PM on Sunday.

At current, almost all licensed premises in the Harwich area can sell alcohol no later than 1AM. The British Flag is surrounded on all four sides by residential properties and Essex Police believe that an increased footfall, particularly past 1AM may have a significant impact on those living nearby.

It is also likely that the pub will become a 'destination venue' whereby patrons from other parts of Harwich move to the location before the pub stops allowing new customers in. This is likely to create a pinch point in West Street and add further risk of public nuisance and disorder.

The granting of this variation will signal to other venues that they will also be able to apply for extensions to their licence, perhaps even later than 2AM. Essex Police believe that this poses an unacceptable risk of nuisance and disorder to the residents of Old Harwich, which is densely populated with both licensed premises and residential properties.

For the reasons above, Essex Police will ask that this variation is rejected.



In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing. Essex Police may also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours faithfully

William Moody – District Licensing Officer



Premises Licence Variation Objection Hearing

British Flag

**56 West Street
Harwich
CO12 CDD**

Premises Licence Holder: Admiral Taverns

Supplementary documentary information

1.0 Background

1.1 On the 24th of June 2021, Essex Police received notice of a full variation for the British Flag pub in Harwich. This application was made to increase the hours of the Sale of Alcohol by one hour.

1.2 On assessment of the application, Essex Police decided that the application posed a risk to the residents of Harwich and formally objected to the variation on the 14th of July 2021. Essex Police made this objection under the Crime and Disorder and Public Nuisance licensing objectives.

1.3 Essex Police's objection letter can be found in Appendix A.

2.0 Facts of the Case

2.1 On the 15th of July, William Moody from Essex Police's Licensing Team contacted Darren Kelly, licensing team leader at Admiral Taverns to discuss terms that may be negotiated to ensure the licensing objectives are upheld and potentially negating the need for a licensing hearing.

2.2 Essex Police suggested that the increase in hours be reduced to a half an hour increase on Fridays and Saturdays, and that the following condition be added to the licence:

'last entry to the premises must end no later than one hour before the end of the licensed hours for that day'

The new times for the Sale of Alcohol have been agreed as the following with all other timings unchanged:

Sale of Alcohol on and off the premises - Fridays and Saturdays 10:00 - 01:30

2.3 Essex Police believe this will strike a balance between allowing the premises to expand its operation, while also safeguarding local residents against increases in crime, disorder or nuisance by removing the risk of the premises become a 'choke-point' and receive a high influx of patrons towards the end of the night.

2.4 On the 16th of July, Admiral Taverns confirmed that they agreed to this new amendment to the application.

2.5 Essex Police will suggest that the hearing be dispensed with under Section 9 of the Licensing Act 2003 (Hearings) Regulations 2005 in the eventuality that no other representations are made to the licensing authority. However, should other representations be made, Essex Police will keep their objection 'live' to enable them to attend the hearing and present this agreement to the subcommittee.

2.6 Should representations be made by other parties, Essex Police will agree to dispense with the hearing should these representations be withdrawn.

2.7 Essex Police will attend any hearing held in relation to this matter to present this information and answer any questions the sub-committee may have.



Licensing Team
Tendring District Council
90 Pier Avenue
CO15 1NJ

William Moody
Braintree Police Station
Blyth's Meadow
CM7 3DJ
01245 452035
14/07/2021

Full Variation – The British Flag, 56 West Street, Harwich, CO12 3DD

Dear Sirs

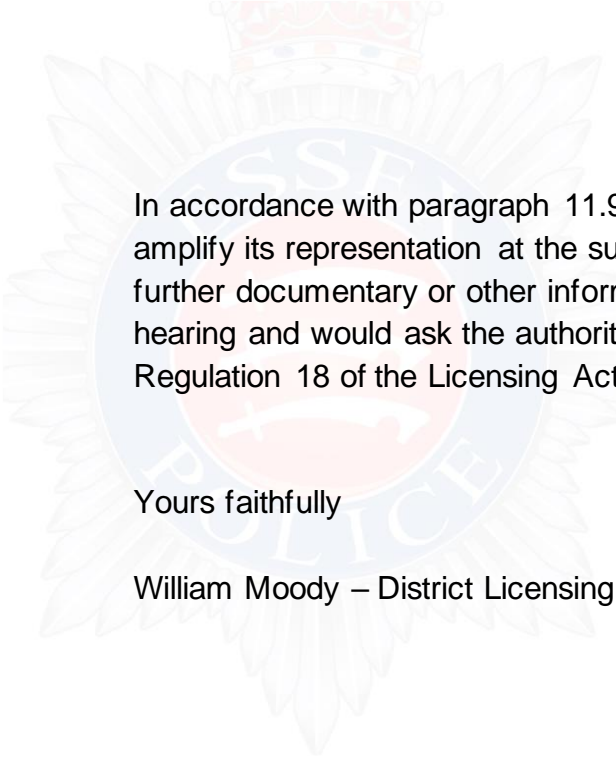
On behalf of the chief officer of Essex Police, I wish to object to this variation to increase the hours of the sale of alcohol on the basis of Crime and Disorder and Public Nuisance. Should this variation be granted, the premises will be able to sell alcohol until midnight Monday to Thursday, 2AM Friday to Saturday and 11:30PM on Sunday.

At current, almost all licensed premises in the Harwich area can sell alcohol no later than 1AM. The British Flag is surrounded on all four sides by residential properties and Essex Police believe that an increased footfall, particularly past 1AM may have a significant impact on those living nearby.

It is also likely that the pub will become a 'destination venue' whereby patrons from other parts of Harwich move to the location before the pub stops allowing new customers in. This is likely to create a pinch point in West Street and add further risk of public nuisance and disorder.

The granting of this variation will signal to other venues that they will also be able to apply for extensions to their licence, perhaps even later than 2AM. Essex Police believe that this poses an unacceptable risk of nuisance and disorder to the residents of Old Harwich, which is densely populated with both licensed premises and residential properties.

For the reasons above, Essex Police will ask that this variation is rejected.



In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing. Essex Police may also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours faithfully

William Moody – District Licensing Officer

From: PublicAccess.Comments@tendringdc.gov.uk <PublicAccess.Comments@tendringdc.gov.uk>

Sent: 18 July 2021 14:09

To: Licensing Section <licensingsection@tendringdc.gov.uk>

Subject: Comments for Licensing Application 21/00326/PREMVA

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 18/07/2021 2:09 PM from Kay Hughes.

Application Summary

Address: British Flag Public House 56 West Street Harwich Essex CO12 3DD

Proposal: Premises Licence Variation

Case Officer: No case officer assigned

[Click for further information](#)

Customer Details

Name: Kay Hughes

Email: kay.lavington@googlemail.com

Address: Flat at, Church Street Post Office, 17 Church Street Harwich, Essex
CO12 3DS

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment: - Noise Disturbance
- Opening Hours
- Public Nuisance

Comments: 18/07/2021 2:09 PM THE BRITISH FLAG REGULARLY PLAYS MUSIC VERY LOUD AND THIS IS PARTICULARLY DISTURBING AT THE REAR OF THE HOUSE IN THE EVENING. WE HAVE BEEN WOKEN UP AND REGULARLY HAVE NOT BEEN ABLE TO SIT IN THE GARDEN BECAUSE OF THE NOISE WHICH RICOCHETS AROUND THE REAR OF THE BUILDINGS AMPLIFYING BOTH THE MUSIC AND SINGING. TO EXTEND THESE HOURS WOULD NOT BE ACCEPTABLE AND CREATE SIGNIFICANT NUISANCE.

Kind regards

From: Chris Cairns <chriscairns2015@gmail.com>
Sent: 21 July 2021 12:38
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re21/00326/PREMVA

Good Morning Michael Cook

I am a resident of West St Harwich and have just found out about the late licence that the British Flag have applied for.

I want to strongly disagree with them receiving this license, the noise from the British Flag is already a joke and for you to allow them to stay open even later is beyond me ,

We have had no notification about this whatsoever so nobody in West St is aware

I have to be up for work 6 days a a week at 4am this will not give me any rest and very much lack of sleep.

I really can't believe you would even consider this application in a built up residential street with houses only meters away from the British Flag , I've just spoken to my next door neighbour who is also fuming and will contact you today after work

I would like to hear back from you ASAP

Best regards

Chris Cairns

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From: PublicAccess.Comments@tendringdc.gov.uk <PublicAccess.Comments@tendringdc.gov.uk>

Sent: 20 July 2021 21:05

To: Licensing Section <licensingsection@tendringdc.gov.uk>

Subject: Comments for Licensing Application 21/00326/PREMVA

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 20/07/2021 9:04 PM from Mr David Laing.

Application Summary

Address:	British Flag Public House 56 West Street Harwich Essex CO12 3DD
Proposal:	Premises Licence Variation
Case Officer:	Lisa Tann

[Click for further information](#)

Customer Details

Name:	Mr David Laing
Email:	studio@pureandapplied.co.uk
Address:	15 Church Street, Harwich, Essex CO12 3DS

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	- Noise Disturbance - Opening Hours
Comments:	20/07/2021 9:04 PM The backyard of this pub is surrounded by buildings most of which are residences, unfortunately this has the effect of amplifying voices and, of course, music and singing. Despite the condition to keep doors and windows closed it is impossible to prevent noise escaping as people come and go to smoke etc outside. As a result the noise nuisance is already quite considerable at times. Any extension of hours would show a total disregard for residents trying to have some peace and sleep at night. It must be considered that some residences also face the Stingray pub which also has a late licence and can cause considerable noise nuisance and trouble at weekend 1am closing time despite the best efforts of the landlord. I would have

thought it only reasonable that all music ceased before 11am at weekends.. Additionally a 2.30 am closing time cannot be taking into consideration local residents who ,having welcomed the end of the music and singing, must then await, some hours,, later closing time. It seems completely unreasonable particularly thinking about residents in West Street. Furthermore I would suggest that this proposed extension of the licence has not been adequately advertised locally with one small notice high in the pub window and no others residents could find in the vicinity?

Kind regards

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 21/07/2021 9:33 PM from Mr Richard Pitham-Cole.

Application Summary

Address:	British Flag Public House 56 West Street Harwich Essex CO12 3DD
Proposal:	Premises Licence Variation
Case Officer:	Lisa Tann

[Click for further information](#)

Customer Details

Name:	Mr Richard Pitham-Cole
Email:	rick1199@hotmail.com
Address:	14 Church Street, Harwich, Essex CO12 3DS

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	<ul style="list-style-type: none">- Breach of one or more Licensing Objs- Crime and Disorder and Public Nuisance- Noise Disturbance- Opening Hours- Public Nuisance
Comments:	21/07/2021 9:33 PM We would like to object to this extension in the strongest terms.

We live in Church Street with the back of our house facing the courtyard where the British Flag has their Beer Garden / fire exit. In the weeks since the reopening of pubs in May there have been a number of nights where the patrons of the pubs have been extremely noisy late into the night and blatantly ignoring the covid restrictions in place at the time. Due to the location of the door into the pub any noise echoes around the courtyard. I believe the pub has a new landlord who has taken over in the last few months. In the past loud music on the weekend, such as Karaoke nights, were always promptly stopped at a reasonable hour, such as 23:00 on a Saturday night.

Since the current landlord has taken over the noise level often

increases after 22:30 or 23:30 at night and this has continued on until after 2.30am on occasions, we have contacted the police regarding the noise levels as it has a detrimental impact on us as residents. They regularly leave the back doors onto the beer garden open and the noise can even be heard in the front of our house in Church Street where we have to sleep due to the noise level. They have broken their current license by being open until 00:17 on the night of Sunday 27 June. Extending the licencing hours currently would not be a good balance between the Pub and the local residents and would cause no end of problems to local residents.

We have been collecting evidence of the late night noise and have started a noise complaint against the pub with Environmental Health.

Kind regards

From: PublicAccess.Comments@tendringdc.gov.uk <PublicAccess.Comments@tendringdc.gov.uk>

Sent: 21 July 2021 13:35

To: Licensing Section <licensingsection@tendringdc.gov.uk>

Subject: Comments for Licensing Application 21/00326/PREMVA

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 21/07/2021 1:35 PM from Mrs Donna Traynor.

Application Summary

Address: British Flag Public House 56 West Street Harwich Essex CO12 3DD

Proposal: Premises Licence Variation

Case Officer: Lisa Tann

[Click for further information](#)

Customer Details

Name: Mrs Donna Traynor

Email: traynor-d@sky.com

Address: 20 Church Street, Harwich, Essex CO12 3DS

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:
- Noise Disturbance
- Opening Hours
- Public Nuisance

Comments: 21/07/2021 1:35 PM My property backs on to the beer garden, and the rear, of the British Flag. We have 2 bedrooms to the rear of our property. In the early hours of the morning, we are very often disturbed by increased noise associated with live and recorded music and screaming, shouting and singing exacerbated by alcohol intake. I object to this proposal.

Kind regards

re. 21/00326/PREMVA

Premises Licence Variation Extension to the British Flag Public House, 56 West Street,
Harwich

Dear Michael,

I've just been advised to direct my comments re. the above application, to yourself. I did try to find a way into a section of TDC's website, where I could write something there, but the link given at the bottom of the notice about it, which was posted to us a few days ago, was 'not recognised' and I'm eager to reach you before the end of today, which is the last opportunity for residents to submit any comments.

I live just over the road from the British Flag. My husband and I also work from this address, as do most of our neighbours in this side of the road. As our bedroom is on the same side of the road as the street, our first concern is that we need our sleep. I've not been able to find out if the extension of the licensing course includes Sunday night, but if it does, we would strongly object on these grounds, to live and recorded music going on till 1am and probably more specially, people coming out of the pub at 2.30 on these nights.

There is another concern. In the past, when The Billy (further down the road but on the same side as the British Flag) stayed open till late, people coming out drunk because they'd been drinking for longer, regularly vandalised the cars in the street. I had a wing mirror smashed twice, my bonnet punched and my rear lights kicked in. My husband had damage done to his car, too. I am not comparing the British Flag to The Billy, but these past experiences and the very small police presence in Harwich, will make it clear to you why we feel wary about this application.

At the same time, the owners of the British Flag, like ourselves, need to make the best go of their business they can. We don't *know* what it will be like, which makes it hard to comment fairly on the outcome. If you plan to grant them this license, could we request a probationary period of say a month, so we can come back to you afterwards, with better informed opinions? Our worries may turn out to be completely unfounded. We're not against live-music at all. It's only the potential volume of it, the timing of it and the proximity of it to our house.

kind regards,
Martina

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Comments summary

Dear Sir/Madam,

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

Comments were submitted at 22/07/2021 9:08 PM from Mr Stephen Pugh.

Application Summary

Address:	British Flag Public House 56 West Street Harwich Essex CO12 3DD
Proposal:	Premises Licence Variation
Case Officer:	Lisa Tann

[Click for further information](#)

Customer Details

Name:	Mr Stephen Pugh
Email:	pappi.pugh@gmail.com
Address:	22 Church Street, Harwich, Essex CO12 3DS

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	<ul style="list-style-type: none">- Crime and Disorder- Crime and Disorder and Public Nuisance- Noise Disturbance- Opening Hours- Protection of Children from Harm- Public Nuisance- Public Safety
Comments:	<p>22/07/2021 9:08 PM There was a Fault in the system Objections written have been lost due to this fault in the system Consultation not properly carried out, it will affect most of the area not just those within a few yards. objections because of: increased noise increased nuisance, patrons of the British flag returning home increased litter, especially cigarette ends etc. increased likelihood of Crime and Disorder. The area already has a reputation for drunken and disorderly crime. This wouldacerbate the situation. The area in historic Harwich is now a residential area and has changed significantly in the last few years. This change in the licence will be contrary to the interests of the community.</p>

Kind regards

Tendring District Council
Planning Office
Town Hall
Station Road
CLACTON ON SEA
CO15 1SE

Tendring District Council
Collected by
20 JUL 2021
Courier

19/07/2021

Planning permission British Flag Inn at West Street, Harwich

Dear Sirs

It has just been brought to my notice that the new owner of the Public House "British Flag" at West Street, Harwich has applied for permission to extend its opening hours.

As the inn's open public area is almost adjacent to the rear of my residence and to the yard behind council/private houses from 58 West Street onwards I must strongly object to the approval of this request. Both private owners and residents of council houses on the yard are in agreement with my opinion.

What is also important for myself and my neighbours in Church Street is that we already have to cope with late night noise from the Stingray Public House which is across the street from us in Church Street. It needs to be said though that the owner of the Stingray does his utmost to keep the late night noise to a reasonable level.

I know that landlords are recently going through a rough time but cannot agree to the wishes for longer opening hours from the recent new owner of the British Flag. In the last couple of weeks we have already suffered excessive noise during the afternoon and long after midnight.

As we do not wish to have a "nightclub" on our doorstep I suggest weekday/Sunday opening hours until 2300 hours and Fridays/Saturdays midnight. No music inside after 2300 hours and no music outside at all except on special occasions such as the Harwich Festival and the Harwich Shanty weekend.

I would appreciate confirmation of receipt of this letter.

Yours Faithfully



Adrian Scheele, 18a Church Street, Harwich. CO12 3DS

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FAO: Michael COOK, LICENSING MANAGER

APPLICATION FOR EXTENDED HOURS FOR BRITISH FLAG HARWICH

Please accept this email as objection to the above application to extend licensing hours at the British Flag.

I have been a home owner/resident in West Street Harwich (virtually opposite this public house) for a number of years and I feel strongly that I need to oppose this application, a view held by many local residents.

This public house is surrounded closely by residential dwellings. Many of these flats and houses house young families with children and elderly residents all of which will be affected by the noise and antisocial behaviour from the extended opening hours.

It is already a noisy and sometimes rowdy pub and on many occasions the police are called due to disturbance and fighting. This is particularly worrying for me as a single parent of a son with a developmental disorder. It is disturbing to listen to people brawling virtually outside the front of your home. On one occasion I had a couple arguing whilst sitting on my front door step swearing and shouting at each other. There is limited police presence in the town and I feel this will make the area a less safe place to live.

Old Harwich appears to attract people driving around in the evenings carelessly and recklessly and I feel the extended opening times will encourage this type of activity further into the early hours of the morning, a cause for concern for all residents.

Loud music and opening times extended into the early hours of the morning are likely to cause sleep disturbance to local residents. I work long hours in health care and need to sleep well in order to be able to manage the demands of my job. The inability to sleep is likely to have negative consequences for my concentration and ability to cope. I also have to consider my sons needs. He suffers with social anxiety disorder and ASD. This will likely cause him further stress and discomfort.

During my time of residence my car (parked outside my home) has been damaged on a number of occasions late at night (windscreen wiper broken off, scratches, wing mirror damage). I actually observed a group of young men pull the windscreen wiper from my car but felt unable to challenge them on my own whilst they were under the influence of alcohol. This has caused me emotional upset and financial hardship due to repairs and devalue, not to mention inconvenience as I need my car for work purposes.

There is already extremely limited parking in the area for local residents let alone further traffic that this may encourage.

I strongly feel that the extended licensing hours will have serious negative consequences for the local residents and fully oppose the application.

I look forward to hearing from you.

Dawn Anderson

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From: **Haidee Grove** <haidee.grove@gmail.com>

Date: Wed, 21 Jul 2021, 11:07

Subject: RE:21/00326/PREMV A

To: <licensingsection@tenderingdc.gov.uk>

FAO Michael Cook, Licensing manager

I am strongly objecting to the licence extension that The British Flag public house at 56 West Street in Harwich has applied for.

This is a residential area which is not a suitable place for a pub to be blasting out live music til 1am and serving alcohol til 2.30am! My partner lives at number 33 West street, so the pub is virtually opposite his house. These proposed extended opening hours will have a detrimental affect on his and our way of life.

My partner and I both work, he works 6 days a week having to get up at 4.10am Monday - Sat, he gets home at 5.30pm so as you can imagine needs his 1 day off to rest and relax. This is not possible if after a long work day on a Saturday he gets home only to have noise all sat night and Sunday til 2.30-3am when he then has to be up at 4.10am again. The music, drunken noise, shouting & fighting that is already bad enough from that pub, plus the added cars down an already parking restricted rd will be a nightmare. There will be taxis all night and property will inevitably be damaged as has been in the past by drunken men fighting and pushing into parked cars that are owned by hardworking residents. I come up to visit my partner on a Saturday til Monday when we both go to work, without any sleep the chances are we would lose our jobs as will be unable to function!! We both have a 1 hour & 10 min drive to work, each way, daily, obvs thats worrying when you need to have your wits about you to drive but have had no sleep! This is not an area that warrants a pub being open til 2.30am. Noise disturbance will be ridiculous. I feel it is unreasonable to even consider this application in a residential street. Children live down here that have school, dont you think through this covid pandemic they have lost enough time off. Dont you think that as hardworking people that have also had hard times financially through lockdowns that we deserve to be able to now work or should we all just give up, all get benefits and go to the pub til 2.30am, great country this would be if we all did that. I hope you consider all the facts and the effect this will have on the working residents. Property prices will also suffer & fall. This area needs an uplift, not a grubby pub extending its hours for their own financial gain at the expense of hard working people and their families.

The police are already overstretched, they will be called out on a weekly basis if this application goes ahead, is the already overstretched force able to deal with this?? Environmental health will also be inundated with calls regarding noise, whilst also being called out to clean up vomit & urine from drunks leaving the pub. Are you also equipped to deal with all this? Does the council have the funds to make sure the health and wellbeing of its community are at the forefront?

Object to this proposal is an understatement! It should never even be considered.

I await to hear back with a decision from the committee.

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Comments summary

Dear Sir/Madam,

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

Comments were submitted at 22/07/2021 7:40 PM from Dr Jan Safar.

Application Summary

Address:	British Flag Public House 56 West Street Harwich Essex CO12 3DD
Proposal:	Premises Licence Variation
Case Officer:	Lisa Tann

[Click for further information](#)

Customer Details

Name:	Dr Jan Safar
Email:	johnny.safar@gmail.com
Address:	22A Church Street, Harwich, Essex CO12 3DS

Comments Details

Commenter Type:	Member of the Public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	- Noise Disturbance - Opening Hours
Comments:	22/07/2021 7:40 PM I strongly object to the proposed extension to the licencing hours and the live and recorded music licence on the grounds of noise disturbance and likely increase in disorder in the vicinity of the premises.

Kind regards

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60 WEST STREET

HARWICH

CO12 3DB

Tendring District Council
Collected by

20 JUL 2021

Courier

DEAR LICENSING ~~TEAM~~.

WITH REGARD TO THE APPLICATION FOR EXTENDED
OPENING HOURS AT THE BRITISH FLAG IN WEST STREET
HARWICH.

WE WOULD LIKE TO PLACE AN OBJECTION ON THE
GROUNDS OF NOISE IN A RESIDENTIAL AREA, WITH
THE EXISTING OPENING TIMES THE NOISE LEVEL WHEN
PEOPLE ARE EITHER LEAVING THE PUB OR JUST OUTSIDE
SMOKING CAN AT TIMES BE EXCESSIVE TO THE POINT
THAT WE HAVE TO CLOSE ALL OF OUR WINDOWS, WE
HAVE THE SAME PROBLEM TO THE BACK OF OUR PROPERTY
FROM THE PUB GARDEN.

WE ALSO FEEL THAT WITH LONGER OPENING HOURS
AND MORE DRINKING THE PROBLEM WITH EMPTY BOTTLES
AND PEOPLE URINATING IN THE PASSAGWAY TO OUR
BACK AREA WILL INCREASE.

WE ALSO FEEL THE NOTICE OF INTENT OF THIS
APPLICATION HAS ^{NOT} BEEN VERY NOTICABLE, ESPECIALLY
WITH THE CURRENT COVID SITUATION, WITH A LOT
OF PEOPLE NOT GOING OUT,

YOURS FAITHFULLY Page 73

RICHARD THURLOW K.J.R. Thurlow

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