

# LICENSING SUB COMMITTEE HEARING



## AGENDA

**Date:** Monday 17th July 2017

**Time:** 10.00am

**Venue:** Committee Room 1, Causeway House, Bocking End, Braintree

### Membership:

Councillor Mrs J Allen
Councillor J Baugh
Councillor A Hensman
Councillor B Rose

**Members are requested to attend this meeting, to transact the following business:-**

1. **Appointment of Chairman.** To appoint a Chairman to conduct the business of this Hearing.
2. **Apologies for Absence.**
3. **Declarations of Interests.** To declare the existence of any interests relating to items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
4. To consider an application under the Licensing Act 2003 for a Premises Licence in respect of **THE DRAPERS HOTEL, 53 HIGH STREET, EARLS COLNE** (Report and application attached).

If you require any further information relating to this Agenda, or you wish to forward your apologies for absence, please contact Alison Webb on (01376) 552525 Ext. 2614 or e-mail

[alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk)

Emma Wisbey  
Governance and Member Manager

<b>APPLICATION FOR A PREMISES LICENCE THE DRAPERS HOTEL, 53 HIGH STREET, EARLS COLNE</b>		<b>Agenda No: 4</b>
<b>Portfolio</b>	Environment and Place	
<b>Corporate Outcome:</b>	A sustainable environment and a great place to live, work and play A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
<b>Report presented by:</b>	John Meddings, Principal Licensing Officer	
<b>Report prepared by:</b>	John Meddings, Principal Licensing Officer	
<b>Background Papers:</b>	<b>Public Report</b>	
<ol style="list-style-type: none"> <li>1. Application for a Premises Licence (Appendix 1)</li> <li>2. Representations (Appendix 2)</li> <li>3. Licensing Act 2003</li> <li>4. Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2017</li> </ol>	<b>Key Decision: No</b>	
<b>Executive Summary:</b>		
Members of the Licensing Sub-Committee are requested to consider an application for a new Premises Licence following representations that have been received from interested parties.		
<b>Decision:</b> To determine one of the following options. In determining this application for The Drapers Hotel, 53 High Street, Earls Colne the Licensing Sub-Committee can make one of the following decisions:		
<ol style="list-style-type: none"> <li>1. To <b>Grant</b> the application for a Premises Licence with conditions as described within the operating schedule provided.</li> <li>2. To <b>Grant</b> the application for a Premises Licence with additional conditions deemed necessary to promote the four licensing objectives.</li> <li>3. To <b>Grant</b> the application for a Premises Licence with amended activities or times.</li> <li>4. To <b>Refuse</b> the application for a Premises Licence.</li> </ol>		
The Licensing Sub-Committee is asked to give full reasons for its decision.		
<b>Purpose of Decision:</b> Members of the Licensing Sub-Committee are requested to consider the application made by JJ & Sons Entertainment Ltd.		

<b>Corporate Implications</b>	
<b>Financial:</b>	None
<b>Legal:</b>	The Licensing Sub-Committee is required to give reasons for its decision and any party who is dissatisfied may appeal to the Magistrates' Court within 21 days. If such an appeal is made by the premises licence holder then any decision taken is stayed until such time as an appeal is heard.
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	The decision of the Licensing Sub-Committee may affect the business operations of the proposed licence holder.
<b>Customer Impact:</b>	The application has been advertised in accordance with statutory timescales.
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	A statutory 28 day consultation period has taken place. A public notice has been displayed at the premises and in a locally circulated publication.
<b>Risks:</b>	None
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Principal Licensing Officer
<b>Ext. No:</b>	2213
<b>E-mail:</b>	john.meddings@braintree.gov.uk

## 1. Background Details

### 1.1 Premises

The Drapers Hotel  
53 High Street  
Earls Colne  
Essex  
CO6 2PB

### 1.2 Applicant

JJ & Sons Entertainment Ltd  
53 High Street  
Earls Colne  
Essex  
CO6 2PB

### 1.3 Designated Premises Supervisor

Ms June M Jemmett  
23 Lowefields  
Earls Colne  
Essex  
CO6 2LH

## 2. Application

- 2.1 An application was received and validated from JJ & Sons Entertainment Ltd on 19 May 2017 for a new Premises Licence at The Drapers Hotel, 53 High Street, Earls Colne (Appendix 1). The application was deemed valid on 23 May 2017 and consultation started.

The purpose of the new application is to include:

#### **Sale by retail of alcohol for consumption on and off the premises:**

**Monday to Sunday 09:00 to 01:00**  
**(Christmas Eve and New Year's Eve until 02:00)**

#### **Provision of regulated entertainment:**

##### **Recorded Music – Indoors and Outdoors**

**Monday to Sunday 09:00 to 00:00**  
**(Christmas Eve and New Year's Eve until 02:00)**

##### **Live Music – Indoors and Outdoors**

**Friday and Saturday 19:00 to 00:00**  
**Sunday 12:00 to 00:00**  
**(Christmas Eve and New Year's Eve until 02:00)**

**Opening Hours:****Monday to Thursday 09:00 to 00:00****Friday and Saturday 09:00 to 01:00****Sunday 09:30 to 00:00****(Sundays preceding a Bank Holiday Monday finish at 01:00****Christmas Eve and New Year's Eve until 02:00)**

- 2.2 If the premises is authorised for the sale of alcohol for consumption on those premises, the regulated entertainment hours requested will no longer require to be licensed.

This will mean, that if the audience does not exceed 500 the live and recorded music between 08:00 and 23:00 would not require a licence.

- 2.3 In accordance with the Licensing Act 2003, a notice was displayed on the premises for a period of no less than 28 days. The consultation period ended on 20 June 2017. During this consultation period the notice was inspected for compliance and an error was discovered. The public notice incorrectly displayed the times for recorded music as 09:00 to 00:00, the application states the hours for recorded music as 09:00 to 01:00. The applicant agreed to reduce the hours of the application to reflect the public notice. The amended hours are reflected in the application times detailed earlier in this report.

- 2.4 Within the operating schedule attached to this application, the applicant has described a number of steps which the applicant intends to take to promote the four licensing objectives; these will become conditions of the licence if granted.

**3. Representations**

- 3.1 The Section 182 Guidance for the Licensing Act 2003 states that 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.

- 3.2 During the 28 day consultation period under the Licensing Act 2003, the Licensing Authority received four representations from interested parties (Appendix 2).

**4. History**

- 4.1 The previous premises licence lapsed in March 2016 due to the company which held the licence going into Liquidation.

**Council Use**  
 Application ref: 17/00830/LAPRE-1/L  
 Premises Ref: E1/12.

**Braintree  
 District Council**

The Licensing Section  
 Causeway House  
 Bocking End  
 Braintree  
 Essex  
 CM7 9HB

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 JJ & Sons Entertainment 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			
The Drapers Hotel 53 High Street Earle Colne Essex			
Post town	Colchester	Postcode	CO6 2PB
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£	15,000.00	

**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 *   | <input checked="" type="checkbox"/> | please complete section (B) |
| i. as a limited company                  | <input 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)  please complete section (B)
- e) a recognised club  please complete section (B)
- f) a charity  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)
- b) 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	JJ & Sons Entertainment Ltd	
Address		53 High Street Epsom CO62PB.
Registered number (where applicable)	* 	
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited 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
02	06	2017

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)

9 Bedroom hotel, restaurant & bar.  
 Bistro style restaurant and country bar with 9 'boutique' hotel rooms.  
 Restaurant area to front aspect of premises, and bar to rear of premises.  
 Bar to rear of premises proposed to be used on occasion as a function room for corporate events, conferencing, Business breakfasts/lunches, weddings, family events etc, as well as local clubs and groups

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

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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 1)

Supply of alcohol (if ticking yes, fill in box 7)

In all cases complete boxes K, L, and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			With 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"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thu			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)		
Fri					
Sat					
Sun					


**C**

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

**D**

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings</b> <b>(please read guidance note 6)</b>			<b>Will the boxing or wrestling entertainment take place</b> <b>indoors or outdoors or both – please tick (please read</b> <b>guidance note 2)</b>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>			
Mon						
Tue			<b>State any seasonal variations for boxing or wrestling entertainment (please read</b> <b>guidance note 4)</b>			
Wed						
Thur			<b>Non standard timings. Where you intend to use the arenas for boxing or</b> <b>wrestling entertainment at different times to those listed in the column on the</b> <b>left, please list (please read guidance note 5)</b>			
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 type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<p><u>Please give further details here (please read guidance note 3)</u> Occasional live music for events such as Easter, Bank Holiday weekends, weddings, private functions, Sunday lunchtimes. The flexibility to provide live music on Friday &amp; Saturday evenings at various points throughout the year. Music will not necessarily be every week.</p> <p><u>State any seasonal variations for the performance of live music (please read guidance note 4)</u> Possible live acoustic/folk performances externally, within a marquee or similar structure for weddings/ special events &amp; functions.</p> <p><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 tick (please read guidance note 5)</u></p>	Both	<input checked="" type="checkbox"/>
Tue					
Wed					
Thu					
Fri	19:00	00:00			
Sat	19:00	00:00			
Sun	12:00	00:00			
			<p>Extensions to music hours for Christmas Eve &amp; New Years Eve in line with licensing hours <i>*(2AM)</i> </p>		

F

<b>Recorded music</b> <b>Standard days and timings</b> (please read guidance note 5)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoor <input type="checkbox"/> Outdoor <input type="checkbox"/> Both <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b> Recorded music to be played as background music in restaurant and a Juke box to be provided in the rear bar	
Mon	09:00	01:00		
Tue	09:00	01:00		
Wed	09:00	01:00	<b>State any seasonal variations for the playing of recorded music (please read guidance note 4)</b> Background music for outside dining areas during the summer months	
Thu	09:00	01:00		
Fri	09:00	01:00		
Sat	09:00	01:00	<b>Non standard finishes. 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)</b> Extension to music hours for Christmas Eve & New Years Eve In line with licensing hours *2Am) [redacted]	
Sun	09:00	01:00		

**G**

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



**H**

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoor	<input type="checkbox"/>
Mon				Outdoor	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>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 (please read guidance note 5)</p>		
Sun					




I

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

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"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09:00	01:00			
Tue	09:00	01:00			
Wed	09:00	01:00			
Thu	09:00	01:00			
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	01:00	New standard times. 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)		
			Christmas Eve & New Years Eve license until 02:00		

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

Name	Ms June M Jemmett
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	Braintree 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)			State any seasonal variations (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
<b>Mon</b>	<b>09:00</b>	<b>00:00</b>	
<b>Tue</b>	<b>09:00</b>	<b>00:00</b>	
<b>Wed</b>	<b>09:00</b>	<b>00:00</b>	
<b>Thur</b>	<b>09:00</b>	<b>00:00</b>	<p>Non standard finishes. 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 (please read guidance note 5)</p> <p>Sundays preceding a Bank Holiday Monday, finish 01:00 Christmas Eve &amp; New Years Eve 02:00</p>
<b>Fri</b>	<b>09:00</b>	<b>01:00</b>	
<b>Sat</b>	<b>09:00</b>	<b>01:00</b>	
<b>Sun</b>	<b>09:30</b>	<b>00:00</b>	

**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)**

Having worked in the trade for the last 6 years, and currently being the holder of a Personal License, I sincerely believe in actively promoting all four of the licensing objectives to their full effect, and I will be training all staff in every aspect of the objectives set out in the legislation. My staff will also be issued with handbooks, and undergo assessments & training to make certain they are aware of their obligations, in upkeeping and implementing all four objectives. We will also liaise regularly with the local Pubwatch scheme and will operate a Challenge 21 policy.

**b) The prevention of crime and disorder**

Staff will be trained to be vigilant for any change in behaviour or attitude from clients using the establishment, and will act with due diligence in reporting any sign of unrest or undesirable behaviour to shift managers. Staff will also be trained to recognise the signs of alcohol or illegal substance intoxication and take the appropriate action in addressing the situation and report it to management immediately.

**c) Public safety**

All staff and management will have the safety and wellbeing of all clients and members of the public at the heart of their training, and their work ethic. This will be clearly and thoroughly stated in staff handbooks and will be an ongoing issue in staff training throughout the year. CCTV covers the external aspects of the property and the car park to ensure customer safety. All areas open to public access will be regularly inspected to check for anything that may pose a risk, and be assessed and remedied as appropriate.

**d) The prevention of public nuisance**

Public nuisance will be controlled by providing a welcoming family friendly ambience within the premises and to discourage any behaviour which could potentially be considered to be a public nuisance. The objective of the business is to provide the community with an establishment they feel comfortable and relaxed in, to enjoy the amenities in a respectful and considerate manner. All music levels will remain within levels permitted under current legislation. Staff will be actively promoting a safe and calm environment for patrons.

**e) The protection of children from harm**

We intend to provide an establishment that offers a friendly, welcoming and professional feel and atmosphere. We intend on being a venue that is welcoming to families, corporate guests, and the general community. The staff will show due diligence towards the welfare and wellbeing to our younger patrons. Under 18's will be required to be accompanied by an adult whilst on the premises, and parents with children under 18 shall be encouraged to leave the bar area of the premises by 19:00. We shall employ a challenge 21 scheme and will train staff in how to identify genuine and acceptable forms of ID. Staff will be fully trained to comply with all current legislation, and will be actively kept up to date on any changes to current regulations.

**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.**

**Part 4 – Signatures (please read guidance note 10)**

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

Signature	[Redacted]
Date	19th May 2017
Capacity	Director

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorized 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)

Mr. W Jermett-Smith

[Redacted]

Post town	[Redacted]	Postcode	[Redacted]
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[Redacted]			

#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoor may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Council Use**  
Application ref:  
Premises Ref:

**Braintree**  
District Council

The Licensing Section  
Causeway House  
Bocking End  
Braintree  
Essex CM7 9HB

**Part A**

**Consent of individual to being specified as premises supervisor**

I .....June M Jemmett.....[full name of prospective premises supervisor] of ...  .....

.....[home address of prospective premises supervisor] hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for Premises License.....[type of application] by ...JJ & Sons Entertainment Ltd.....[name of applicant] relating to a premises licence N/A.....[number of existing licence, if any] for The Drapers, 53 High Street.....

Earls Colne  
Essex, CO6 2PB

..... [name and address of premises to which the application relates] and any premises licence to be granted or varied in respect of this application made by JJ & Sons Entertainment Ltd.....[name of applicant] concerning the supply of alcohol at The Drapers, 53 High Street.....  
Earls Colne, Essex, CO6 2PB  
..... [name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number  .....

[Insert personal licence number, if any]

Personal licence issuing authority  
Braintree District Council.....

[Insert name and address and telephone number of personal licence issuing authority, if any]

 .....signed  
.....June M Jemmett.....name (please print)

.....19th May 2017.....dated





**Webb, Allison**

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**From:** Val Holmes <clerk@earlscolne.org>  
**Sent:** 21 June 2017 09:42  
**To:** Licensing  
**Subject:** 17/00830/LAPREM/LA

**Importance:** High

Dear Sirs,

On behalf of Earls Colne Parish Council I wish to submit the following comments/objections to the above Licensing Application:

- Any License granted should be allowed only on the condition that the opening times are in line with other licensed premises in Earls Colne High Street.
- Live Music – OBJECTION Due to the proximity of residential dwellings Live Music should only be permitted Indoors.
- Recorded Music – OBJECTION Due to the proximity of residential dwellings Recorded Music should only be permitted indoors.
- Any outdoor activities would take up valuable car parking spaces. There is already limited car parking in Earls Colne and as this is a 9 bedroom hotel all available car parking spaces should be available for guests of the hotel.

The Parish Council would wish all of the above comments to be noted when considering granting this application.

Members would also wish to make a comment that they would have wished to have been consulted on this application and ask why this is no longer the case?

Regards,

*Val Holmes  
 Parish Clerk  
 Earls Colne Parish Council  
 Village Hall, York Road,  
 Earls Colne, Colchester,  
 Essex CO6 2RN  
 Tel: 01787 224370  
 Email: [clerk@earlscolne.org](mailto:clerk@earlscolne.org)*

Webb, Alison

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**From:** [REDACTED]  
**Sent:** 15 June 2017 10:34  
**To:** Licensing; Customer Services  
**Cc:** clerk@earlscolne.org; Cllr.csiddall@braintree.gov.uk; cllr.gspray@braintree.gov.uk  
**Subject:** 17/00830/LAPREM/LA - Licensing proposal

**Importance:** High

To whom this may concern,

I am writing **against** the licensing proposal "17/00830/LAPREM/LA" for the property "The Drapers Hotel, 53 High Street, Earls Colne, Essex" under the prevention of public nuisance licensing objective.

I live at [REDACTED] Earls Colne which is a residential property near to the Drapers restaurant & hotel. The hotel accommodation and car park of the Drapers is viewable from my back bedroom windows and garden.

Whilst I am in support of the restaurant and hotel being reopened and being utilised by local people and improving the local economy, I am making this representation **against** the current pending premise license - for which I set out my concerns below;

1. Licensing hours being requested for live music between Friday - Sunday 12:00am and Christmas eve & New Year's eve 02:00am and external to the building - The restaurant is situated in a village location, the noise that would be generated by a live band, particularly if located outside as requested, would resonate around the vicinity, as we have experienced with neighbours parties; under the proposed licence this could potentially be possible every night of the weekend including Sundays, extended hours on Sundays preceding a bank holiday and Christmas and New Year's eve which would unreasonably and substantially interfere with the use and enjoyment of our home.
2. Licensing hours for the sale of alcohol 09:00am - 01:00am everyday - The High Street currently has 3 pubs (The Drum, The Castle and The Lion public houses) which despite having extended licensing until 12:00am, all have far more conservative opening hours. Whilst I feel a restaurant and hotel has been and would be a good addition to the High Street the licensing request to extend the Draper's opening hours beyond this, not only seems in competition with our current pubs but also unnecessary for the local clientele. Even with our current pubs, I am subject to public nuisances from drunks urinating, shouting and interfering with the front of my property. A further "pub" (which appears to be the nature of the licensing request) would only look to add to this problem as customer's spill out after closing time. My understanding of extended licensing was to promote staggered closing times, preventing public disorder on the streets. Whilst I can see there is an argument for this in a town/city environment, our village does not suffer from this issue and the extended times from 09:00am - 01:00am may bring an adverse effect by enabling extended drinking and thus public nuisance.

From the licensee's application I note their response to the prevention of public nuisances, for which I have a number of comments;

**d) The prevention of public nuisance**

Public nuisance will be controlled by providing a welcoming family friendly ambience within the premises and to discourage any behaviour which could potentially be considered to be a public nuisance. The objective of the business is to provide the community with an establishment they feel comfortable and relaxed in, to enjoy the amenities in a respectful and considerate manner. All music levels will remain within levels permitted under current legislation. Staff will be actively promoting a safe and calm environment for patrons.

- This states that they believe a public nuisance will be controlled by a "welcoming family, friendly ambience" - yet within section "e" of their application they state that parents with under 18's will be asked to leave the bar area after 19:00. I would suggest most drinking would occur between the hours of 19:00 - 01:00am (as requested) and therefore this will not control a public nuisance based on the ambience created.
- The application states that they would "discourage" any behaviour which could potentially be considered to be a public nuisance. This does not prevent, nor stop a public nuisance. This would be limited to within their premises, therefore if the customer could not be discouraged I would imagine they would be asked to leave, meaning they would end up on the High Street being a public nuisance.
- The type of license being requested indicates the patron would be looking to establish a "venue" for weddings, parties, live music etc. The name of the company supports this with entertainment in the title - although I'm sure some events might be for the benefit of the local community it appears more likely that the venue would not look to promote business from within an already crowded local market but instead from a wider market which is contradictory to the objective of the business.
- Finally "all music levels will remain within levels permitted under current legislation" - although this is probably easier to monitor recorded music from within the building, I am unsure how they will monitor live, external music and the impact on local residential properties.

As already mentioned I am in favour of the Draper's being "brought back to life" as a restaurant and boutique hotel running under it's previous licensing arrangements. However, the current licensing proposal would impact significantly on our residential property both noise and public nuisances and from reading the licensee's application I am not assured that they have sufficient prevention in place for this to be controlled on this basis I am **against** the application.

Kind regards,

John & Georgina King



**Webb, Alison**

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**From:** Licensing  
**Sent:** 20 June 2017 11:49  
**To:** Fisk, Dean  
**Subject:** Audible Noise From Drapers Ref 17/00830/LAPREM/LA  
**Attachments:** Audible Noise From Drapers.m4a; IMG\_3135.MOV

**Importance:** High

**From:** [REDACTED]  
**Sent:** 20 June 2017 11:01 AM  
**To:** Licensing  
**Cc:** [Cllr.csiddall@braintree.gov.uk](mailto:Cllr.csiddall@braintree.gov.uk); [clerk@earlscolne.org](mailto:clerk@earlscolne.org); [cllr.gspray@braintree.gov.uk](mailto:cllr.gspray@braintree.gov.uk); Customer Services  
**Subject:** Audible Noise From Drapers; Ref "17/00830/LAPREM/LA"  
**Importance:** High

To whom this may concern,

Further to my E-mail advising that I was **against** the change in licensing for the premises "The Drapers Hotel and Restaurant, 53 High Street, Earls Colne" ref: "17/00830/LAPREM/LA" I attach evidence of the noise disturbance already happening (before the license has been granted!).

This sound clip attached is from **17/06/2017** at approximately **23:20pm**, recorded from my master bedroom window. This is an example of how the sound being piped from the Drapers Hotel and Restaurant travels around the residential premises which are in close proximity to the property, due to the layout of the village in this location.

I would also like to report that further to this we were awoken at approximately **12:30am** by a disturbance also at the Drapers Hotel and Restaurant, which we have not recorded but seemed to be between the owners of the property. They did not seem happy and many expletives were used including the F-word. In my mind this does not tie into the aim of there business, which they have described in the application as a "family friendly ambience" (see section d) below), if the tenants can not manage this between themselves I hold little hope they will be able to influence the patrons when open not to act in this way...

**d) The prevention of public nuisance**

Public nuisance will be controlled by providing a welcoming family friendly ambience within the premises and to discourage any behaviour which could potentially be considered to be a public nuisance. The objective of the business is to provide the community with an establishment they feel comfortable and relaxed in, to enjoy the amenities in a respectful and considerate manner. All music levels will remain within levels permitted under current legislation. Staff will be actively promoting a safe and calm environment for patrons.

On the **18/06/2017** (Sunday evening) we also had piped music coming from the Drapers Hotel and Restaurant that could be clearly heard through our master bedroom window until approximately **12am**. I have attached a sample video of this, though this was taken at around **22:40pm**, as I was going to bed. We did not have any more arguments on this evening.

Last night **19/06/2017** we had no music or noise from the Drapers Hotel and Restaurant which was appreciated.

Please advise if you need any further details from me on this matter. I will continue to track the noise disturbance each night and will attempt to provide an accurate and honest account of this matter.

Kind regards,

John & Georgina King



**Webb, Alison**

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**From:** Licensing  
**Sent:** 19 June 2017 09:09  
**To:** [REDACTED]  
**Subject:** RE: Application: 17/00830/LAPREM/LA  
**Attachments:** [REDACTED]



**From:** Linzie Pudney [REDACTED]  
**Sent:** 18 June 2017 11:25 AM  
**To:** Licensing  
**Subject:** Application: 17/00830/LAPREM/LA

To whom it may concern

**Re: Application for a Variation of a Premises Licence/Club Premises Certificate  
Sections 34 or 84 of the Licensing Act 2003 17/00830/LAPREM/LA  
By JJ & Sons Entertainment Ltd. 53 High Street, Earls Colne, CO6 2PB (The Drapers)**

In respect of the above application I would like to object on the following grounds:

We already have three public houses in the High Street, all within close proximity of one and other, and a club and village hall in York Road nearby. Two of these three venues play music on a fairly regular basis late into the night and with the village the shape it is the sound reverberates off many of the houses in the High Street and the many small streets off the main highway.

Earls Colne is a small residential village with many people living in close proximity to the High Street. We already suffer from vandalism at night. There have been fights, broken glass from bottles and smashed windows. There is limited parking on the High Street which means people have to walk late at night through the village to get to their cars.

The back of my home faces the car park side of the Drapers with nothing between us except for a small car park. There are no trees or other buildings. In the past I have experienced the noise effect that just the smokers have had sitting outside. On a warm spring/summer evening I could hear every word as the sounds bounce off the nearby walls. These people were not even shouting, it was a general noise level used when outside. Using the outside area for another eating space with music will increase and extend the distance the sound will travel. If the car park is to be used for more eating and drinking one has to ask where the cars, that should park there, will now be parked.

The applicant says that they intend to have a family atmosphere but that under 18s should leave by 7pm. It is much later than this that disruption will start so I cannot see that this has any relevance. Anyone

causing trouble is going to be dealt with by suitably trained staff and presumably escorted from the premises where they then become the village's problem.

My main objection is to the noise level which could be played outside every night of the week until 1am. including bank holidays and other dates. Sundays are specifically an issue with most folk in the village having to get up for work and school the next day but generally this is going to disrupt people's lives. Whilst in the winter I am sure it is possible to monitor recorded music levels inside however I am not sure that when it is a wedding venue with live outside music that it will be possible to monitor the sound levels or the effect it is having on local residents in this rural community.

With there already being so many drinking and music venues in Earls Colne for local people, I have no doubt that the purpose of this proposal is to attract people from outside this village. There is no responsibility held by these "visitors" to care for this village or its residents.

I have no objection to there being a restaurant and hotel at The Drapers. The building has been empty for a long time and a restaurant and hotel add to the ambiance in the village.

For the club, wedding venue, live music venue etc. I feel it would be much improved situation surely to find a suitable building on the outskirts of this or any other village just not in the centre.

- Therefore I am against the application on the grounds of there being further crime and disorder and a public nuisance caused by the outside facilities and the live music.

Yours faithfully

Linzie Pudney





Licensing Officer  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex CM7 9HB

14th June 2017

To Whom it May Concern

Re: Application for a Variation of a Premises Licence/Club Premises Certificate  
Sections 34 or 84 of the Licensing Act 2003 17/00830/LAPREM/LA  
by JJ & Sons Entertainment Ltd., 53 High Street, Earls Colne CO8 2PB (The Drapers)

In respect of the above application I would like to object on the following grounds to the proposal for Live & Recorded Music:

- There are already 3 public houses and 1 club to my knowledge offering live music in the centre of Earls Colne
- The Application states that live music may also be played outside -(in a marquee - in the car park) the close proximity of family homes and gardens could make this very intrusive
- Covering the car park area in any way would reduce the number of spaces available at the venue and put additional pressure on the already over-stretched parking facilities in the village
- The outside area is mainly car parking with an area allocated for smokers - this area has been a source of complaint from local residents in the past because the noise reflects off the surrounding walls and carries forth into the gardens and houses of neighbouring residents.
- The Application also states that recorded music may be played from Monday - Sunday as background for outside eating - this would undoubtedly increase the noise impact
- In the summer, particularly, with the doors at the side entrance and the front entrance open, the noise from music will be intrusive to all the homes up & down the High Street & those behind & to the side of the building
- The Application is also for live/recorded music on Sundays between 12 Noon & Midnight - this is again unacceptable to neighbours & would impact on the peace and tranquillity of our village
- Another establishment already attracts mainly drinkers to music events on Fridays and at weekends, and their loud music travels down the High Street, often making it impossible to sleep. Having music at a second venue so close would mean that noise from both licensed premises would make it unbearable for all the houses in between during those hours. There are often drunks in the street in the early hours, shouting, swearing and brawling is not uncommon & I regularly have to remove bottles, cigarette butts & broken glasses from my flower pots in the High Street & Queens Road
- Reading the application I applaud their wish to create a family friendly ambience but parts of the application excludes young people in an effort to manage & discourage behaviour that could become a public nuisance - which in light of the experience they obviously have, would mean to me that they are obviously anticipating that there will be a degree of nuisance.
- The establishment has formally been a hotel with dining which sits very well within the village High Street and offers residents & visitors to our village an alternative venue for a quiet dining & social experience
- Earls Colne is a rural village, not a town like Braintree or Halstead, and is mainly appealing to families and the retired.

I very much hope that you will take these points into account before authorising this application.

Yours faithfully,

Suzanne Bull

**HEARING PROCEDURE FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES  
WHERE APPLICANT AND OBJECTORS ARE PRESENT**

**1. Welcome and Introduction**

- [1] The Chairman welcomes the people who are present and introduces the Members. He/she will ask the Members to confirm that they have no declarations of interest to declare in respect of the application.
- [2] The Chairman asks the Applicant to introduce himself/herself and then asks the Objectors to introduce himself/herself/themselves.
- [3] The Chairman then confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

**2. The Applicant's Case**

- [1] The Chairman asks the Applicant or his/her representative to present his/her application for a licence.
- [2] The Applicant or his/her representative may then call any witnesses and/or give evidence in support of his/her application.
- [3] The Objector[s] or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.
- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Applicant and any witnesses.
- [5] If there are any witnesses, the Applicant or his representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

**3. The Objector[s] Case**

- [1] The Objector[s] will give their reasons for objecting to the application.
- [2] The Objector[s] or their representative will then call any witnesses in support of their objection.
- [3] The Applicant or his representative may then question the Objector[s] [if they have given evidence] and any witnesses.

- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Objector[s] and any witnesses.
- [5] If there are any witnesses, the Objector[s] or their representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

#### **4. Closing Statements**

- [1] By or on behalf of the Objectors. The Objectors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] By or on behalf of the Applicant. The Applicant or his/her representative may summarise any points they wish to make and comment briefly on the Objector's replies to questions. They cannot introduce new issues.
- [3] The Chairman will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is adjourned. The Sub-Committee will then retire to a separate room with the Legal Adviser and Member Services Officer to deliberate.
- [4] If the Legal Adviser gives legal advice to Members during the period of adjournment this advice will be repeated in summary form when the hearing reconvenes.

#### **5. Decision**

- [1] The Chairman will then announce the Sub-Committee's decision and ask the Legal Adviser to read out the details including the reasons.
- [2] Before closing the hearing, the Chairman will notify the Applicant and the Objector[s] of the rights of appeal available to the parties should they disagree with the decision. Such appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.