

Licensing Sub-Committee	10 April 2019 <u>ITEM 6</u>
Charter Hall	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a new premises licence under the Licensing Act 2003
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1. Application

Applicant and Premises	
Application Type	New application (ref M/ 094839)
Applicant	Colchester Amphora Trading Ltd Rowan House Sheepen Road Colchester CO3 3WG
Premises	Charter Hall
Premises Address	Colchester Leisure World Cowdray Avenue Colchester
Premises description	Entertainment venue hosting stage shows, comedy/music, markets, recorded music nights
Ward	Ward: Castle

Proposed licensable activities and hours

Provision of Plays							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of films							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Indoor Sporting Events							
Indoors/Outdoors or both			Indoors				
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Boxing or Wrestling							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Live Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Provision of Recorded Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

Performances of Dance								
Indoors/Outdoors or both			Indoors		Outdoors		Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00	
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00	
Seasonal variations								
Non-standard timings								

Anything of a similar description								
Indoors/Outdoors or both			Indoors		Outdoors		Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00	
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00	
Seasonal variations								
Non-standard timings								

Provision of late night refreshment								
Indoors/Outdoors or both			Indoors		Outdoors		Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	
Start	23.00	23.00	23.00	23.00	23.00	23.00	23.00	
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00	
Seasonal variations								
Non-standard timings								

Supply of alcohol								
On / Off the premises or both			On sales		Off sales		Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	
Start	06.00	06.00	06.00	06.00	06.00	06.00	06.00	
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00	
Seasonal variations								
Non-standard timings								

Hours the premises are open to the public							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	06.00	06.00	06.00	06.00	03.00	03.00	02.00
End	03.00	03.00	03.00	03.00	03.00	03.00	03.00
Seasonal variations							
Non-standard timings							

2. Conditions

Offered on the operating schedule

1. The Designated Premises Supervisor must ensure that a written record of authority is kept at the premises for all staff who sell alcohol. The record must be made available for inspection upon request of the Police or an authorised officer of the Licensing Authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the record.
2. At events where alcoholic beverages are being served, a risk assessment will be undertaken to ascertain the required level of SIA Door Staff Required.
3. The premises licence holder must ensure that the provision of door supervisors, both male and female, at the premises is appropriate to ensure the safe control of the premises and must review this on a regular basis and upon request from Essex Police or the Licensing Authority.
4. An incident log (which may be electronically recorded) shall be implemented for all events, and made available on request to the Police or an authorised officer of the Licensing Authority. The log must record details of the incident, date, time, the staff who dealt with it, the action taken, the outcome, and whether the emergency services were called. The incident log must record incidents in relation to -
 - all crimes reported to the premises, or by the premises to the Police
 - all ejections of customers
 - any complaints received
 - any incidents of disorder
 - seizures of drugs, offensive weapons, fraudulent ID or other items
 - the date and time of the refused alcohol sale and the name of the member of staff who refused the sale
 - any visit by a relevant authority or emergency service
 - times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
5. All staff shall be trained in relevant age restrictions in respect of products, recognising signs of drunkenness, how to refuse service, the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this Premises Licence
licence; this is to ensure that there is no underage drinking, drunkenness on the premises or in public, use of drugs, violent and anti-social behaviour and to ensure the protection of children from harm.
6. This licence will operate in accordance with Colchester Borough Council's SLA with Colchester Amphora Trading Ltd.
7. The Premises Licence Holder must ensure that organisers of major events liaise with local residents organisations in advance of the event to minimise the impact that this may have on local residential areas.
8. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is

over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

9. Where age restrictions apply controlled access and proof of age will be required. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. Age restrictions will be clearly printed on the tickets.

10. The premises licence holder must ensure that there is in place an appropriate safeguarding policy and that event organisers comply with this policy.

11. Security staff will give all child related incidents priority.

3. Representations

Colchester Civic Society	<p>Dear Sir or Madam,</p> <p>On behalf of Colchester Civic Society, I here submit an objection to the licensing hours requested in Colchester Amphora Trading Ltd.'s premises licence application (No. M094839) for Charter Hall, Cowdray Avenue. The hours requested are contrary to those set out to be considered acceptable in Colchester Borough Council's own Statement of Licensing Policy 2016 - 2021, July 2018 (paragraph 3.14), which states that in a commercial district, as perhaps is the case here, a non-alcohol led venue should operate until 1 a.m. only, a bar til 2 a.m. at maximum; both end times should be midnight were the area around Charter Hall - with its increased amount of housing - to be classified as a mixed commercial and residential district.</p> <p>Point 3.21 of the Licensing Policy states, 'The Licensing Authority will have particular regard to he hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight.' 3.24: 'It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.'</p> <p>Yet applied for here is the sale of alcohol Sundays to Thursdays 6 a.m. to 2 a.m. and Fridays and Saturdays from 6 a.m. to 3 a.m.; and the, provision of late night refreshment from 11 p.m. to 2 a.m. Sundays to Thursdays and from 11 p.m. to 3 a.m. Fridays and Saturdays.</p> <p>Granted the aim is to diversify Colchester's entertainment offering, but one wonders which segment of the population will</p>
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utilise a 3 a.m. finishing time - surely not the children and families sector. More of the youth market drinking at late hours does not represent a diversification.

Members attending our most recent Colchester Civic Society meeting on 4th March were unanimous in wanting this objection submitted. The hours applied for are excessive. There is a concern that these timings will set an unwelcome precedent. Most strongly expressed was that it is wrong for Colchester Borough Council to contravene its own Licensing Policy.

Many more people now live in proximity to Charter Hall (with further housing proposed for the Cowdray Centre site). Concerns were voiced over noise disturbance as people leave venues - boisterous loud disruption, slamming car doors etc., levels of intoxication exacerbated by persons drinking before reaching venues; litter being thrown around; and the safety of persons heading back to the town centre on foot via dark footpaths.

In the case of this premises licence application, the temptation is to leave off objecting completely and thus boldly hold up how Colchester Borough Council shamelessly permits it wholly owned company Colchester Amphora Trading Ltd. to flout its very own Licensing Policy guidelines. Colchester Borough Council cannot plead ignorance. There would not be a leg to stand on when other companies make applications. Any late night aggravation at Charter Hall would always highlight this self-permitted anomaly; indeed it could be called up as an illustrative nonsense in any occasion of alcohol-led disruption in Colchester town centre's evening economy in general. It would demonstrate Colchester Borough Council's inherent weakness of authority in licensing matters.

More than in other licencing instances that I have encountered, this application points to an urgent need for Colchester Borough Council to update its licensing policy. What are its true parameters?

Yours faithfully,

Georgia Tamblyn
Colchester Civic Society

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

What we aim to encourage

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind-down or chill-out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

Please note

- The times given in the Matrix above are for licensable activities.
- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.

- Any applicant who wishes to operate outside the times given in the Matrix will need to demonstrate that its operation supports the Key Factors without undermining the Licensing Objectives. This must be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00
Pub ** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Non-Alcohol Led – e.g.Theatres etc.	Yes until 23.00	Yes until midnight	Yes until 01.00
Off-licence	Yes until 22.00	Yes until midnight	Yes until midnight
Members' Club	Yes until 23.00	Yes until midnight	Yes until 02.00
Village and Community Halls	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Wine Bars **	Yes until 23.00 midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Sports Clubs	Yes until 23.00	Yes until 00.30	Yes until 01.00
Coffee Shops	Yes until 23.00	Yes until midnight	Yes until 02.00
Caravan/Camping/Holiday Parks	Consideration will be given to the licensable activities to be provided when determining an appropriate time		
Garages/Service Stations	Consideration will be given to the licensable activities to be provided when determining an appropriate time		

*premises with limited or no seating and primarily focused on the sale of hot food to take away including delivery

** premises where customers are generally seated, the density of the premises is lower and the age spread of the customer base is wider

Operation of the Policy

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such

control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

2.18 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc. they will be required to demonstrate that their proposals will not undermine the licensing objectives.

5. Background Information

Information relevant to the licensing and/or operation of the premises

Charter Hall currently has the benefit of a premises licence held by Colchester Borough Council. This licence will continue alongside any licence granted to Amphora. The hours requested in the new application, in general, mirror those of the existing licence with the exception of the following –

- An additional 4 hours in the morning and 2 hours in the evening Sunday to Thursday and an additional 3 hours on Friday and Saturday for the provision of plays, films, indoor sporting events, boxing or wrestling and performance of dance.
- An additional hour on a Saturday morning and 2 hours on a Sunday morning for the sale of alcohol, live and recorded music and anything of a similar description.
- The premises to close 30 minutes later Sundays to Thursdays and 30 minutes earlier on Fridays and Saturdays.
- The premises to open one hour earlier on a Saturday and two hours earlier on a Sunday.
- Off sales of alcohol.

6. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Premises plans and location plan

Report Author

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