

# Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Monday, 22 July 2019 at 10:00**

**The Licensing Sub-Committee** hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

## **Information for Members of the Public**

### **Access to information and meetings**

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

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### **Facilities**

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

### **Evacuation Procedures**

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[www.colchester.gov.uk](http://www.colchester.gov.uk)

## **Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003**

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:
  - (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
  - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
  - (b) orally at the Hearing.
- (7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.
- (8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:
  - (a) their application, representations or notice(as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and
  - (b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- (9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.
- (10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:
  - (a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date ( notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or
  - (b) hold the Hearing in the party's absence

Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

- (11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

- (12) The Applicant and/or representative will begin with their opening remarks and present their case.
- (13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.
- (14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other persons or their representatives and from Responsible Authorities:-

- (15) Each party will present their case.
- (16) Each party's witnesses (if any) will give evidence in support of the party's case.
- (17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.
- (18) Each party may question their witness again to clarify any points which may have arisen.
- (19) If the Applicant or other parties wish to question each other, questions may be directed through the Chairman.
- (20) Closing Statements may be made by the Applicant and/or representative.
- (21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

- (22) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.
- (23) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

**COLCHESTER BOROUGH COUNCIL**  
**Licensing Sub-Committee Hearings**  
**Monday, 22 July 2019 at 10:00**

**Member:**

Members of the Committee and the Chairman to be appointed at the meeting.

Simon Crow - Member, John Elliott - Member, Dave Harris - Member

**Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

**AGENDA - Part A**  
(open to the public including the press)

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**1 Appointment of Chairman**

To appoint a Chairman for the meeting

**2 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**3 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5 Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 10 April 2019.

**10 April 2019 - Amphora Leisure World**

7 - 8

**Flowchart - Personal Licence Application**

9 - 10

## **Part B**

(not open to the public including the press)

### **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

#### **6 Personal licence application**

The Licensing Sub-Committee have been asked to determine an application for a personal licence made under the Licensing Act 2003.

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website: [www.colchester.gov.uk](http://www.colchester.gov.uk)

# **COLCHESTER BOROUGH COUNCIL**

## **LICENSING SUB-COMMITTEE**

**10 April 2019**

### **MINUTES OF PROCEEDINGS**

At a meeting of the Licensing Sub-Committee held on 10 April at 10.00am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope  
Councillor Dundas  
Councillor Hogg

#### **1. Membership**

*RESOLVED* that Councillor Dundas be appointed Chairman.

#### **2. Minutes of Previous Meeting**

*RESOLVED* that the minutes of the hearings held on 30 November and 7 December 2018 be approved as a correct record.

#### **3. Licensing Application**

The Assistant Director, Communities, submitted a report in relation to the following premises.

- **Charter Hall, Cowdray Avenue, Colchester**

#### **In Attendance**

James Young, Events Manager for Amphora Trading Ltd - Applicant  
Georgia Tamblyn, Colchester Civic Society - Objector  
Rebekah Straughan, Legal Services  
Jon Ruder, Licensing, Food & Safety Manager  
Zoe Gentry, Democratic Services Officer

Mr Ruder outlined the application to which an objection had been lodged by Mrs Tamblyn, on behalf of the Colchester Civic Society. The application sought a licence in the name of Colchester Amphora Trading Ltd for Charter Hall, Colchester. The premises already had the benefit of a licence held by Colchester Borough Council. There had been no responsible authority representations to the application.

Mr Young gave a brief introduction to the application explaining that the application had been made to enable events to be operated under the banner of Amphora Trading but it was not anticipated that there would be a substantial change in the type of events that were offered to those that had been run under the existing Charter Hall Leisure World licence, for which Mr Young was the Designated Premises Supervisor.

The application had sought a slight increase in the hours for the sale of alcohol, late night refreshment and overall opening relative to the licence currently in place. Mr Young also requested off sales to enable alcohol to be purchased at events such as Gin Fayres, and taken home for consumption.

Mrs Tamblyn then addressed the Sub-Committee explaining that she was there to represent the Colchester Civic Society and to speak on behalf of its members. Mrs Tamblyn gave further details in relation to her objection which centred on the Council's current Statement of Licensing Policy.

**RESOLVED** - to grant the application as follows and subject to the conditions as set out in the operating schedule of the application -

- A) The sale of alcohol on the premises Mondays to Thursdays from 06.00 to 02.00, Friday and Saturdays from 06.00 to 03.00 and Sundays from 06.00 to 02.00; and the sale of alcohol off the premises from 09.00 to 20.00 Mondays to Sundays inclusive.
- B) The performance of plays, provision of films, indoor sporting events, live and recorded music and performances of dance indoors Mondays to Thursdays from 06.00 to 02.00, Friday and Saturdays from 06.00 to 03.00 and Sundays from 06.00 to 02.00
- C) The provision of late night refreshments Mondays to Thursdays from 23.00 to 02.00, Friday and Saturdays from 23.00 to 03.00 and Sundays from 23.00 to 02.00

### **Reasons for the determination**

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and Mrs Tamblyn from the Colchester Civic Society.

The Sub-Committee carefully considered the representation made by Mrs Tamblyn regarding its 2016 statement of licensing policy and that it should take precedence. the Sub-Committee noted that none of the responsible authorities had made any representations regarding this application. Furthermore the existing premises licence had not been the subject of a call for a review by any of the responsible authorities or members of the public and it noted that the existing premises licence has been operating satisfactorily.

With regard to sale of alcohol off the premises the Sub-Committee did not consider that the case was proved sufficiently to justify granting off sales as applied for in the application and therefore determined to restrict the hours for off sales to 09.00 to 20.00 Mondays to Sundays.



## Licensing Act 2003 - Personal Licence Application



