

Licensing Sub-Committee	Item 5
Leather Bottle Public House	FOR GENERAL RELEASE

Purpose of the Report	To determine an application, made under the Licensing Act 2003, for a new premises licence for the Leather Bottle Public House.
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1. Application

Applicant and Premises	
Application Type	New premises licence
Applicant	Ms Maxine Burch
Premises	The Leather Bottle Public House
Premises Address	Shrub End Road, Colchester CO3 4RH
Ward	Prettygate

Proposed Licensable Activities and Hours (as amended by the conditions agreed with Environmental Protection)

Sale of alcohol							
On & Off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	00.00	00.00	00.00	01.00	01.00	01.00	00.00

Recorded Music and Live Music							
Indoors							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	23.00	23.00	23.00	00.00	00.00	00.00	23.00

Entertainment of a similar description to live and record music and/or dance							
Indoors and Outdoors							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	00.00	00.00	00.00	01.00	01.00	01.00	00.00

Provision of late-night refreshment								
Indoors and Outdoors								
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	
Start	23.00	23.00	23.00	23.00	23.00	23.00	23.00	
End	00.00	00.00	00.00	01.00	01.00	01.00	00.00	

Opening hours							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	00.00	00.00	00.00	01.00	01.00	01.00	00.00

Live and Recorded Music

Application has been made for live and recorded music indoors. However, as the area in which the regulated entertainment is to take place, is also the area for which alcohol sales on the premises is sought, the premises is able to rely on the deregulation of the Licensing Act 2003 and the Live Music Act to enable it to hold live and recorded music until 23.00. The Council is accordingly unable to add conditions to a licence in relation to the provision of live music before 23.00.

The matter therefore for the Sub-Committee's consideration is the grant of these activities from 23.00 onwards. Following the amendment of the application, only the hours on Thursday, Friday and Saturday require the Committee's consideration.

Entertainment of a similar description to live and recorded music and/or dance

The application seeks the above entertainment indoors and outdoors. The plan however shows the licensed area being the building only. A licence can be granted to permit both indoors and outdoors, but the outdoor element may not be utilised without amending the licensable area to include the outside area.

Late Night Refreshment

Application had been sought for the provision of late night refreshment outdoors. Whilst this may be granted, this provision cannot be utilised without amending the licensable area to include the outside area.

2. Conditions

Conditions agreed with the Responsible Authorities

The following conditions have been agreed with Environmental Protection and Essex Police. In the light of the changes to the application, these responsible authorities have not objected to the application.

Conditions Agreed between the Applicant and Essex Police

- Amendment of the conditions relating to CCTV to cover in addition to the entrances..... all areas of the garden, the car park and entrances to the toilets. (this to be a high quality system capable of use in any light conditions)
- Access to the car park to be secured against any vehicle entry and exit from 30 minutes after closing until 30 minutes before opening.
- No sale or service to customers to be undertaken by anyone other than bona fide bar staff (employed by the DPS as such).

Conditions Agreed between the Applicant and Environmental Protection

The following conditions forwarded by the applicant shall apply: -

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

The following additional conditions have been agreed with the applicant on 4 March 2022 and shall also apply:

- Live and amplified music shall only be played between the hours of 10.00 to 23.00 Monday-Wednesday, 10.00 to 00.00 Thursday-Saturday, 10.00 to 23.00 Sunday.
- The garden must not be used by customers after the hours of 23.30.
- All windows and external doors must be kept closed other than for access and egress whilst events involving amplified sound are taking place.
- Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and external doors are shut.
- No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).

Operating schedule as amended

The following matters have been offered by the applicant in the operating schedule. The text marked in bold indicates the changes agreed between the applicant and Environmental Protection and Essex Police.

1. The licence holder must produce a written drugs policy to include an incident workflow and action plan to manage drug related incidents, which will be capable of being produced on request by a Police Office or an authorised Officer of the Licensing Authority.
2. The licence holder must maintain a drug safe at the premises for the purpose of safely storing confiscated illegal drugs and will liaise with Essex Police to arrange the safe disposal of the contents of the safe.
3. The premises shall install and maintain a high quality CCTV system, capable of use in any light conditions, to cover all entry and exit points, entrances to the toilets, **and all areas of the garden and car park enabling frontal identification of every person entering in any light condition.** The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to any police recommendations.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
5. There shall be a personal licence holder on duty on the premises from 16:00hrs every Friday and Saturday until the premises closes on that trading day.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
7. **No sale or service to customers to be undertaken by anyone other than bona fide bar staff (employed by the DPS as such).**
8. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
9. As soon as possible, and in any event within 1 month from the grant of this

licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

10. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

11. All relevant staff shall receive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed the aforementioned training. Such training shall be recorded and refresher training conducted twice per annum. Training records shall be made available to the police or local authority on request.

12. The premises licence holder shall regularly review, on a risk assessed basis, whether a guard should be deployed at the premises. If, at the conclusion of the review, it is considered necessary that this provision is made then an SIA guard shall be present at the premises during the appropriate times. Should the police advise that a security guard(s) be deployed at the venue and with rationale to support their advice then the venue shall take heed of that advice and deploy guards until such point that both the police and premises licence holder agree that they are no longer required.

13. Access to the car park to be secured against any vehicle entry and exit from 30 minutes after closing until 30 minutes before opening.

14. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21:00 hours and 08:00 hours.

15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

18. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

20. The garden must not be used by customers after the hours of 23.30.

21. All windows and external doors must be kept closed other than for access and egress whilst events involving amplified sound are taking place.

22. Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and external doors are shut.

23. No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).

24. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards)

25. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be always available for inspection at the premises by the police or an authorized officer of the Council whilst the premises is open.

3. Representations

Local Residents		Appendix 2
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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

2.8 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.

2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.

2.10 The Licensing Policy is applicable to all premises providing any licensable activity. Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

2.15 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

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.

3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly, they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - 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.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Pub** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:
to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.18 There is the need to balance the needs of residents with that of the night-time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise.
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy).
- Prevention of disturbance by people outside the premises (e.g. smoking areas).
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside of licensed premises).
- Disturbance caused by deliveries and collections at the premises including waste and bottle collection.

3.19 Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport in order to ensure customers are able to get home safely and without causing disturbance.

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the 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. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours

requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. 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.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

KF4 – Standards to promote the licensing objectives

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application and having regard to their comprehensive risk assessment of the operation of their premises. These measures are not exhaustive, and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

11 Designated Premises Supervisors

11.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).

11.2 It is expected that responsible authorities will as a rule consider developing constructive working relationships with designated premises supervisors, and the Licensing Authority expects this to be reciprocated to promote effective partnership working relations with the trade.

11.3 The Section 182 guidance states: ‘the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises by the premises licence holder including the prevention of disorder.’ The Licensing Authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.

11.4 Where, following an objection by the police, the Licensing Authority is satisfied that the appointment of a person as a DPS would undermine the crime prevention licensing objective, the policy is to refuse the appointment or, if already in post, to remove them as the DPS.

5. 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	Location Plan
Appendix 2	Representations
Appendix 3	Plan of the proposed licensed area

Report Author

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