

# Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 01 June 2022 at 18:00**

**The Licensing Committee** deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

## **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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

### **Have Your Say!**

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# **COLCHESTER BOROUGH COUNCIL**

## **Licensing Committee**

**Wednesday, 01 June 2022 at 18:00**

### **Members:**

Councillor Roger Buston\*  
Councillor Michelle Burrows\*  
Councillor Helen Chuah\*  
Councillor Jeremy Hagon\*  
Councillor Dave Harris\* (Chairman)  
Councillor Mike Hogg\* (Deputy Chair)  
Councillor Martin Leatherdale\*  
Councillor Patricia Moore\*  
Councillor Steph Nissen\*  
Councillor Beverley Oxford\*  
Councillor Tim Young\*

\*Subject to approval at Full Council on 25  
May 2022

### **Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel.

## **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 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.

### **2 Substitutions**

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

### **3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

### **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**

Councillors will be invited to confirm that the minutes of the Licensing Sub-Committee meetings held on 25 March 2021, 8 July 2021, 5 August 2021, and 5 January 2022, together with the minutes of the Licensing Committee held on 19 January 2022. are a correct record.

<b>Licensing Sub-Committee draft Minutes 25 March 2021</b>	7 - 10
<b>Licensing Sub-Committee draft Minutes 8 July 2021</b>	11 - 16
<b>Licensing Sub-Committee draft minutes 5 August 2021</b>	17 - 18
<b>Licensing Sub-Committee draft minutes 5 January 2022</b>	19 - 22
<b>Licensing Committee draft Minutes 19 January 2022</b>	23 - 26

**6 Have Your Say!**

Members of the public may make representations to the meeting. This can be made in person at the meeting. Each representation may be no longer than three minutes.

There is no requirement to pre register for those attending the meeting in person.

**7 Licensing update** 27 - 28

The Committee will receive a verbal update on the work of the Licensing Team and planned activities for the forthcoming municipal year.

**8 Licensing Committee Work Programme 2022-2023** 29 - 30

The Committee will consider a report setting out the work programme for the forthcoming municipal year.

**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).

## **Part B**

(not open to the public including the press)



**Licensing Sub-Committee**  
**Thursday, 25 March 2021**

**Present:** Councillor Harris\*, Councillor B. Oxford\*,  
Councillor Wood\*

**Substitutes:** None

\*attended remotely

**56. Appointment of Chairman**

*RESOLVED* that Councillor Harris be appointed Chairman for the Sub-Committee meeting.

**57. Alcohol Licensed Premises Gaming Machine Permit – Hollywood Bowl**

Sarah White, Senior Licensing Officer, attended the meeting to present the report. The Sub-Committee considered a report inviting it to determine an application which had been made for an Alcohol Licensed Premises Gaming Machine Permit which had been submitted by The Original Bowling Company. The Sub-Committee was advised that no complaints or representations had been received in respect of the application, and the Sub-Committee were required to determine the application solely as a result of the requirements of Colchester Borough Council (the Council)'s Gambling Act 2005 Licensing Policy, which stipulated that applications for five or more gaming machines must be determined by the Sub-Committee.

Ewen MacGregor of TLT Solicitors, represented the applicant and addressed the Sub-Committee. It was confirmed that no concerns had been raised in respect of the application, and the referral to the Sub-Committee was in accordance with Policy. The Sub-Committee was being asked to consider two applications as part of the published agenda, and as they were extremely similar, it was proposed that they be considered jointly. The Original Bowling Company had two main brands, which were Hollywood Bowl and Puttstars, and two sites were to be located in the redevelopment at Colchester's Northern Gateway site, together with other entertainment and leisure establishments. Both proposed premises had been granted alcohol licences under the Licensing Act 2003, and the Sub-Committee had been provided with documentation supporting the applications, including training policies and layout plans of the premises.

The Sub-Committee were advised that the applicant was the single largest provider of ten pin bowling facilities in the United Kingdom, and the applications which had been made were to provide gaming facilities which were common to the applicant's

other sixty sites. It was the applicant's aim to provide a fun-filled and safe environment to as broad a range of its clientele as possible. Since the formation of the applicant's company in 2010, no issues had been raised in respect of any Alcohol Licensed Gaming Machine Permits which it held, and none had been the subject of any regulatory action.

The applicant had gained considerable experience in opening new sites, and the application for 5 category 'C' gaming machines and 35 category 'D' gaming machines was, in their experience, proportionate for their business model which was dependent on the individual sites for which permits were held. Permits for identical numbers of machines has been issued in recent years to the applicant at a wide variety of locations throughout the country.

The Sub-Committee were assured that all staff at every level of the organisation received training in age verification before they were permitted to start work, and they were empowered to challenge customers who appeared to be under the age of 18 when buying alcohol or when using age restricted gaming machines. Daily machine and age verification checks were carried out, and the results of these recorded in a due diligence logbook. As part of the applicant's commitment to due diligence, the premises were audited by internal auditors, and were the subject of 'mystery shopper' and security checks. The category 'C' gaming machines were all located within sight of the bar to allow staff to ensure that no one under the age of 18 was playing them, and the applicant had adopted a 'challenge 25' policy with regard to age verification on both alcohol sales and gaming machine usage. These machines all bore stickers confirming that nobody under the age of 18 was allowed to use them, together with stickers advertising the services of gambling support 'Gamcare'. With regard to the category 'D' gaming machines, the Sub-Committee was advised that these constituted 'crane grabber' or 'penny falls' type machines, and not amusement with prizes (traditional fruit machine) style games.

In response to a question from Councillor Oxford, Darryl Lewis, Chief Operating Officer for the Hollywood Bowl Group, addressed the Sub-Committee. He explained that the gaming machines which would be offered at the two sites were supplementary to the main activities of the sites, which were the provision of bowling and miniature golf facilities. Although people attended the sites primarily to participate in these core activities, it was the applicant's intention to provide a space in which families would dwell and socialise in when they attended the site. The provision of a variety of gaming machines increased the time that patrons lingered onsite, and provided an additional income stream for the applicant, of which the over 18 gambling machines provided a tiny part.

**RESOLVED** that: the licensed premises gaming machine permit applied for by The Original Bowling Company (t/a Hollywood Bowl) in respect of the premises Unit L4, Ground Floor, Northern Gateway Leisure, United Way, Colchester, CO4 5UP be



granted. The permit authorises the provision of 5 category C gaming machines, and 35 category D gaming machines.

### **Reasons for the determination**

In reaching its decision, the Sub-Committee examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, self-exclusion policies and machine placement, and expressed confidence in the way that the management of the premises had been presented.

### **58. Alcohol Licensed Premises Gaming Machine Permit – Puttstars**

*RESOLVED* that: the licensed premises gaming machine permit applied for by The Original Bowling Company (t/a Puttstars) in respect of the premises Units L1 and L4, First Floor, Northern Gateway Leisure, United Way, Colchester CO4 5UP be granted. The permit authorises the provision of 5 category C gaming machines and 35 category D gaming machines.

### **Reasons for the determination**

In reaching its decision, the Sub-Committee examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, self-exclusion policies and machine placement, and expressed confidence in the way that the management of the premises had been presented.



**Licensing Sub-Committee**  
**Thursday, 8 July 2021**

**Present:** Councillor Buston\*, Councillor Harris\*, Councillor Hogg\*

**Substitutes:** None

\*attended remotely

**59. Appointment of Chairman**

*RESOLVED* that: Councillor Buston be appointed Chairman for the Sub-Committee meeting.

**60. Declarations of Interest**

Councillor Hogg declared a non-pecuniary interest, by virtue of the fact that he was the holder of a licence issued under the Licensing Act 2003 on behalf of a registered charity.

**61. Minutes of the previous meeting**

*RESOLVED* that: the minutes of the meeting held on 9 March 2021 were a correct record.

**62. Variation of a premises licence – Atik, Colchester High Street**

Kate Pearsall, Licensing Enforcement Officer, attended the meeting to present the report. The Sub-Committee considered a report inviting it to determine an application which had been made under the Licensing Act 2003 to vary the premises licence in respect of the premises known as Atik, High Street Colchester. The application was to be determined by the Sub-Committee as the result of relevant representations having been received from local residents, the Colchester Civic Society and the Dutch Quarter Residents Association during the statutory consultation period. Essex Police had confirmed that they had no objections to the application, and Colchester Borough Council's Environmental Protection Department had not made a representation as they had agreed additional licence conditions with the applicant, and which were contained within the report. Prior to the hearing, the applicant had agreed to reduce the hours for licensable activities which had been applied for, and documentation was before the Sub-Committee, and all interested parties, detailing

the changes. The Sub-Committee was advised of the options which were available to it when determining the matter.

Johnathan Smith of Poppleston Allen Solicitors, represented the applicant and addressed the Sub-Committee. The Sub-Committee heard that the application they were being asked to determine was to vary the hours for licensable activities in respect of premises known as Atik, which had a long history of being operated as a licensed venue. The application had initially been to extend the hours for licensable activities until 04.00am, seven days a week, with seasonal variations until 06.00am but the hours which were now being requested had been amended to reduce them. Documentation summarising the reduced hours had been presented to all parties prior to the meeting, and the hours applied for, for all licensable activities were:

02:00 Mondays (except for first Monday of Freshers Week - 04:00)

03:00 Tuesdays (as existing)

03:00 Wednesdays

04:00 Thursdays to Saturdays

01:00 Sundays (except for first Sunday of Freshers Week - 04:00)

05:00 Bank Holiday Sundays and Christmas Eve, St Patrick's Day, Halloween and Boxing Day

New Year's Eve - end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (as existing)

Start of British Summertime - +1 hour (as existing)

Conditions had been agreed with Colchester Borough Council (the Council's) Environmental Health Officer, and these were set out in the officers report, including the closure of the smoking area at 03.30am, and the monitoring of closed circuit television (CCTV) cameras.

The Sub-Committee heard that the premises classed itself as a night club, and the variation had been applied for to ensure that its hours of operation matched those of other local bars and takeaway food establishments. The hospitality industry had been particularly badly hit by the Coronavirus pandemic, and needed to recover. The General manager of the premises had been employed there for six years, and was a member of the local Pub Watch scheme. The hours during which licensable activity was permitted at the premises had been extended by way of a variation three times in the past, and no concerns had been raised by the environmental health officer of the Council or Essex Police in respect of these extensions.

The premises had extended its hours by way of Temporary Event Notices (TENS) on various days of the week in the past and no objections had been received to these from either Environmental Services or Essex Police.

The premises manager was aware of two complaints received from local residents over the past few years, one in relation to the time that trade waste was being collected from the premises, and the other about the use of the smoking terrace.

There were routinely up to fourteen members of door staff working at the premises, searching all patrons as they entered, and a robust dispersal policy was in place. At least three door staff monitored the front of the premises during the period in which it was shutting down for the night, and a member of door staff was also stationed at the top of East Stockwell Street, which was the street which led into the town's Dutch Quarter. Monitoring had been carried out at the previous weekend and the Sub-Committee was informed that after 12.30am on Friday night, no patron from Atik had walked down East Stockwell Street, while on Saturday two people had walked down East Stockwell Street. Two members of door staff also acted as taxi marshals on the taxi rank on the High Street, and would do so during extended hours if the application was to be granted.

Although the licence holder was not aware of any complaints having been received from local residents, they were happy to provide a contact number which could be telephoned in the event of any issues arising as a result of the operation of the premises, and would also facilitate meetings with residents and local hoteliers every 6 months.

The hours which were being sought were no greater than other premises operating in Colchester, and the attention of the Sub-Committee was drawn to the opening hours of other local venues.

The Sub-Committee sought assurance that should the variation be granted this would not result in additional journeys taking place throughout the high street, with the potential for disturbance that this could encourage. Assurances were given that it was intended that the longer hours would serve to hold patrons in the venue and prevent additional journeys in town. The management team of the premises were in regular contact with the local police licensing officer, as well as other licensed venues in the area to discuss any issues which were experienced, and a good relationship was maintained with Essex Police.

It was pointed out to the applicant that although they had highlighted the opening hours of other licensed venues in the town centre, the Council's own policy required the Sub-Committee to judge each application on its own merits, and the opening hours of other venues could not be used as a reason to grant or refuse an application. Although the applicant had contended that very few complaints had been received from local residents over the previous few years, the Sub-Committee noted the volume of representations which had been received in respect of the application, raising concerns about the licensing objectives, including the prevention of crime and disorder and prevention of public nuisance.

The applicant considered that the application was supported by the fact that the premises had run under extended hours using TENS in the past with no issues, and additionally the fact that no responsible authority had raised any representations in respect of the application, suggesting that there were no issues with how the venue

traded. Of key importance to the operation of the premises was the robust dispersal policy and mechanisms which were enforced to minimise disruption as much as possible. It was confirmed that the member of door staff stationed at the top of East Stockwell Street would be instructed to patrol up and down the street should the variation be granted.

Dimitri Murray, representing the Dutch Quarter Association attended the meeting to address the Sub-Committee. He was surprised that Essex Police had made no representation in respect of the application, citing a number of instances when he believed that the police had been called to disturbances at Atik. The most serious of these was in 2018 when a large scale brawl had taken place outside the premises which had required the imposition of a dispersal order. The Dutch Quarter had grown in size as commercial building within it had been converted for residential use, and Mr Murray did not consider that any public benefit to extending the hours of the premises had been demonstrated, considering that providing more alcohol to patrons was the cause of issues in the town centre. He noted that Atik was considerably the largest venue in Colchester town centre, and therefore considered that its' patrons would be the largest contributor to anti-social behaviour in the town centre. The Sub-Committee heard that residents of the Dutch Quarter had no front gardens, and properties were close together bordering the street with single glazed windows, and late night disturbances therefore had a greater impact on residents than may be the case elsewhere in the town. He welcomed the circulation of a contact phone number to residents.

The applicant noted that although concerns had been raised with regard to disturbances at the premises, the police were duty bound to have made a representation in respect of the application if they had any issues with what had been applied for. The Council's Statement of Licensing Policy recognised that there was benefit in providing a range of activities and experiences in the night time economy, and it was considered that in this respect Atik did provide a benefit to the town, as young people and students liked to go to a night club to dance. It was considered that the objections which had been made to the application were very general in nature, and were in relation to the situation in the town centre as a whole, without really ascribing any specific issues to Atik as an individual premises. The Sub-Committee were reminded that any decision that it made was required to be based on evidence which was associated directly with the premises.

**RESOLVED** that: the application to vary the premises licence, as amended by the applicant at the hearing, and held by CC Stim UK Tradeco 3 Limited in respect of the

premises known as Atik, 131 High Street, Colchester, CO1 1SP; be granted subject to the following additional conditions:

1. The premises licence holder will provide a contact telephone number for the duty manager to the Dutch Quarter Association, and ensure that the telephone is answered during the hours that the premises are open for business.
2. The premises licence holder will offer and host meetings with local residents at least every six months, (or quarterly if requested by residents) to discuss any issues that may have arisen.

### **Reasons for the determination**

In reaching its decision, the Sub-Committee carefully examined all the documents submitted, and the representations received from local residents, and it considered the submissions that were made during the hearing. The Sub-Committee took notice of the fact that although concerns had been raised around crime and disorder issues, Essex Police had not made a representation in respect of the variation application.

The Sub-Committee noted that the applicant had responded to the representations received and the concerns raised by voluntarily reducing the hours originally applied for. The Sub-Committee was encouraged by the applicants offer to extended patrols of door management and security staff in East and West Stockwell Street within the Dutch Quarter.

The Sub-Committee wishes to remind residents of their right to call any premises licence for review if it can be demonstrated that issues are associated with any premises. When considering a premises licence via the review process, the Licensing Sub-Committee would remind residents that it has extremely wide ranging powers to modify, or revoke, a premises licence to ensure that the licensing objectives are both promoted and upheld.





**Licensing Sub-Committee  
Thursday, 5 August 2021**

**Present:** Councillor Buston\*, Councillor Cope\*, Councillor Harris\*,

**Substitutes:** None

\*attended remotely

**63. Appointment of Chairman**

*RESOLVED* that: Councillor Buston be appointed Chairman for the Sub-Committee meeting.

**64. Alcohol Licensed Premises Gaming Machine Permit – Mersea Island Holiday Park**

Sarah White, Senior Licensing Officer, attended the meeting remotely to present the report. The Sub-Committee were advised that the application had been made by Away Resorts Limited for an alcohol licensed premises gaming machine permit for six machines at its premises at Mersea Island Holiday Park. The application had been referred to the Sub-Committee as the result of the requirements of Colchester Borough Council (the Council)'s Policy which required any application for more than four machines to be referred to the Sub-Committee, and not as a result of any objections having been received.

Christopher Grunert, of John Gaunt and Partners Solicitors, attended the meeting to represent the applicant. The Sub-Committee heard that the applicant was an operator of significant size which utilised gaming machine permits at its other sites without issue. The facilities at the site were restricted for the use of guests to the park only, and were not open to the general public. The application was for six machines, one of which would be an age restricted category C 'fruit machine', and the remaining five machines would be category D machines which were not age restricted, and which were open to all to use in an adjacent family room. The category C machine would be located in the bar of the premises, within clear line of site of staff working there and in accordance with guidance and the Council's own Policy. Members of staff would regularly monitor all areas in which the gaming machines were sited, and the category D machines would not be sited near to the category C machine.

The applicant had adopted a 'Challenge 25 Policy' in respect of all age restricted items, including alcohol and the use of the category C gaming machine, and all members of staff were trained in this as part of their induction and in addition attended an annual training course provided by the gaming machine supplier.

The holiday park was a family friendly environment, and it was not intended to create a focussed gambling environment. Guests were subject to a good behaviour clause which could potentially be utilised to exclude them from the area if it was felt that the machines were being abused for any reason.

The Sub-Committee heard that the applicant felt that the size of the application was appropriate for the location and its guests, and was compliant with the Council's own policy and guidance issued by the Gambling Commission.

Nathan Roots, General Manager of the park, advised the Sub-Committee that there were two hundred mobile holiday homes on the park, with one hundred and eighty of these owner by holiday homeowners. At a maximum there would be approximately eight hundred guests in the park at any one time. The request for the gaming machines was consistent with the applicant's brand, and was intended to provide a service to guests when they were relaxing. The Sub-Committee were assured that the category C machine would be sited directly opposite the bar, and that even when the bar area was busy, it would still be clearly visible to staff working there. The category C machine would carry signage for problem gambling support charities, and additional signage would be displayed in the bar itself.

*RESOLVED* that: the licensed premises gaming machine permit applied for by Away Resorts Limited in respect of the premises Mersea Island Holiday Park, Fen Lane, East Mersea, Colchester, CO5 8UB be granted. The permit authorises the provision of 1 category C gaming machine, and 5 category D gaming machines.

### **Reasons for the decision**

In reaching its decision, the Sub-Committee examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, signage, and machine placement.

**Licensing Sub-Committee  
Wednesday, 5 January 2022**

**Present:** Councillor Buston\*, Councillor B. Oxford\*,  
Councillor T. Young\*,

**Substitutes:** None

\*attended remotely

**65. Appointment of Chairman**

*RESOLVED* that: Councillor Buston be appointed Chairman for the Sub-Committee meeting.

**66. Premises Licence Summary Review Hearing – The Leather Bottle Public House**

Jon Ruder, Licensing and Food Safety Manager attended the meeting to introduce the report. The Sub-Committee heard that an application for a summary review of the Leather Bottle Public House, Shrub End Road Colchester, had been received from Essex Police and all the necessary paperwork and information was before the Sub-Committee.

The Sub-Committee was advised that it was required to determine what steps it considered were appropriate to take to ensure the promotion of the licensing objectives, and these steps were:

- The modification of the conditions of the premises licence
- The exclusion of a licensable activity from the scope of the licence
- The removal of the designated premises supervisor from the licence
- The suspension of the licence for a period not exceeding three months
- The revocation of the licence

The Sub-Committee confirmed that it was not within its function to consider any criminal proceedings, but to consider whether the licensing objectives had been compromised, or whether it was likely that they could be compromised in the future.

All members of the Sub-Committee confirmed that they had read the meeting documents and had no questions in relation to these.

A submission had been received from Mr O'Toole of John Fowler Solicitors, who had been instructed on behalf of the licence holder, which was read to the Sub-Committee by Sarah White, Senior Licensing Officer, as follows:

"I am afraid I cannot attend tomorrow as the notice is not sufficient for me to arrange court commitments where peoples liberty is at stake but would ask the review panel to lift the suspension of our clients licence.

My non-attendance is not any disrespect for the review committee.

Our clients maintain that natural justice has not been applied in this case as a peremptory decision was made without any attempt to liaise or engage before the drastic decision was made to suspend the licence with our clients.

Our client is prepared to implement any new conditions that the committee thinks suitable and categorically rejects that any members of staff or the licence holders were involved in any illegal activities such as allowing others to drug deal or commit any acts of violence either on or off the premises.

The premises have been used successfully for a long number of years as a local licensed premises both wet and dry trade and is an important hub in the local area for the neighbouring areas, has raised money for charity and has encouraged good behaviour from all its patrons.

It is our client's intension to appeal to the Magistrates Court in the event of a decision to continue the licence or premises suspension."

Alan Beckett, Essex Police Licensing Officer, addressed the Sub-Committee and confirmed that there had been no convictions in relation to offences associated with the premises which had been investigated. He did, however, state that the decision to charge the individuals involved with offences would not have been taken lightly, particularly in the light of the fact that the severity of the charges brought would result in the majority of cases being heard in the Crown Court. It was further contended that the designated premises supervisor (DPS) of the premises, as the premises licence holder's appointed representative, had been clearly aware of the criminal activity which had been associated with the pub.

**RESOLVED** that: the premises licence held by Quirebuild Limited in relation to the Leather Bottle public house, Shrub End Road, Colchester be revoked.

### **Reasons for the decision**

In reaching its decision, the Sub-Committee carefully considered the evidence which had been placed before it as part of the summary review application made by Essex Police, together with the additional evidence which had been supplied, and noted the extreme seriousness of offences which had been alleged to have been committed at the premises. Careful consideration was given to the weight of evidence which had been presented by Essex Police, together with the request that had been made for the revocation of the licence. The Sub-Committee had considered the other options which were available to it, including modification of the conditions of the premises

licence, the exclusion of the sale of alcohol by retail from the scope of the licence, and the removal of the designated premises supervisor from the licence, but it considered that none of these steps would have been sufficient to address the serious issues that had been associated with the premises and prevent the continued undermining of the prevention of crime and disorder licensing objective, as set out in the Licensing Act 2003.

The Sub-Committee considered that the supplementary information that had been provided by Essex Police contained overwhelming evidence suggesting that extremely serious criminal activity had been associated with the premises, and the Sub-Committee took the view that the licence holder had either been aware of the activities that were referenced, or should have been aware of them. The Sub-Committee noted that the summary review process allowed the licence holder to make representations against the interim steps which had previously been imposed, however, no such representations had been made. Although a last minute email had been received from a solicitor representing the licence holder, no other evidence had been advanced by the licence holder by way of defence or mitigation. It was considered that the lack of engagement of the licence holder with the proceedings did not give the Sub-Committee confidence that the issues which had been identified at the premises would be addressed. The Sub-Committee was further concerned at the apparent disregard which had been evidenced regarding the Coronavirus regulations, and the apparent cavalier attitude towards public safety which this demonstrated.



**Licensing Committee**  
**Wednesday, 19 January 2022**

**Present:** Councillor Buston, Councillor Chuah, Councillor Cope, Councillor Hagon, Councillor Harris, Councillor Hogg, Councillor Leatherdale, Councillor Moore, Councillor B. Oxford, Councillor Tate, Councillor T. Young

**Substitutes:**

**145. Minutes of the previous meeting**

*RESOLVED* that the minutes of the meeting of 10 November 2021 be confirmed as a correct record.

**146. Have Your Say!**

Charles Isbill, chairman of the Hackney Carriage Association in Colchester attended the meeting to address the Committee in accordance with Colchester Borough Council (the Council)'s Have Your Say! procedure. Mr Isbill wished to offer his thanks to the Council's Licensing Team for carrying out the unmet demand survey, the results of which he was very happy to see. He was pleased that events in the town had been considered as part of the survey, together with engineering works and the changing layout of the town.

The Committee welcomed Mr Isbill's comments and offered its own commendation to Officers, noting that the Council wished to work together with the taxi trade to strive to improve standards in Colchester.

**147. Boats and Boatperson procedure**

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee heard that the Policy had been discussed at a previous meeting, and that as a result of this it had been amended in line with the recommendations which had been made, including an adjustment of the fees to be charged and a number of grammatical changes. If the Committee approved the document, it would be made available online to assist anyone wishing to apply for a licence.

The Committee noted the need to ensure public safety, and was pleased that this had been achieved in a manner which allowed boatpersons to continue to operate.

*RESOLVED* that: the Boats and Boatpersons Licensing Processes and Procedures document, be made publicly available to provide clear guidance to all parties.

#### **148. Unmet demand survey results**

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee heard that every three years there was a requirement for Colchester Borough Council (the Council) to carry out an unmet demand survey in order to determine whether or not there were enough licenced hackney carriage vehicles in Colchester to meet the demand for their services. The report showed that there were sufficient hackney carriage (taxi) vehicles, and that the average waiting time for a customer seeking a taxi was two minutes, which was not significant. The conclusion was that there was no significant unmet demand, and there was therefore no need to make additional taxi licences available.

The report had mentioned signage at the taxi ranks in the town, and Officers had been in consultation with Essex County Council and the North Essex Parking Partnership to improve the signage which was available in a variety of ways. The survey would be repeated in the autumn of 2024.

Councillor Harris supported additional signage to encourage the use of all available taxi ranks in the town, and noted that the Council currently had three un-allocated taxi plates; what was to happen to these? Councillor Buston confirmed that one of the plates would be allocated shortly, and supported the addition of signage to taxi ranks, to assist with their smooth function.

Jon Ruder confirmed to the committee that the cost of the survey was approximately £8,000, and the survey itself was a public document. The opportunity to apply for one taxi plate would be allocated at an upcoming Committee, and although the two additional plates referenced by Councillor Harris were not active in the borough, they were under holdship and were therefore not available for re-allocation at this time. The Council had issued licenses to 32 vehicles which had been adapted to accommodate disabled passengers. In response to a question from the Committee, it was confirmed that the requirement was to have a survey carried out every three years, and an interim survey before 2024 would not be carried out.

Referring to the forthcoming allocation of a taxi plate, Councillor Young considered that the allocation procedure could be improved, and noted that there were concerns in the taxi trade. He sought assurance that anyone who was allocated the opportunity to apply for the plate was confirmed to be a suitable individual to be afforded that opportunity. It was confirmed to the Committee that the Council followed a specified procedure for plate allocation, and this procedure specified who was eligible to enter the draw. It was not possible to preclude people from applying, but the successful applicant would have to pass the same rigorous checklist as any applicant for a licence. Once an application had been received, the Council would be able to carry out the necessary 'fit and proper person' checks before any licence was issued.

In response to an enquiry from Councillor Cope, it was confirmed to the Committee that the average two minute waiting time for a taxi which had been mentioned, was in



relation to the high street taxi rank, where people were waiting for a taxi home after a night out.

*RESOLVED* that:

- That the current number of hackney carriage vehicle licences be maintained at 131.
- That the provision of better signage for the Head Street rank be investigated.
- A further unmet demand survey be carried out in the autumn of 2024.

#### **149. Work Programme 2021-2022**

Matthew Evans, Democratic Services Officer, introduced the work programme 2021-2022.

The Committee considered the last item of business of the municipal year, which was the review of Colchester Borough Council (the Council)'s Licensing Act 2003 Policy. The review of the Policy was to be considered at the last remaining meeting of the Committee in March 2022.

Officers confirmed that the proposed review of the Policy had been made difficult due to the Coronavirus pandemic and the national lockdowns which had closed businesses over the preceding couple of years. In conducting a review of the Policy, an evidence base was required which had been gathered over the course of a year, to give a clear view of activities in night time and day time economies. At the current time, clear figures were not available, and the Committee was requested to consider postponing the review to allow more evidence to be gathered. Although there was a statutory requirement to review the Policy, this required the review to be carried out every five years. The latest review had been carried out two years ago, meaning that there were three years remaining before the Policy was required to be reviewed again.

The Committee considered that there was little point in considering incomplete or faulty data when carrying out a review, and was minded to remove the item from the forthcoming agenda, and cancel the meeting scheduled to be held in March 2022.

*RESOLVED* that: the review of the Council's Licensing Act 2003 Statement of Policy be removed from the work programme for the meeting of the Committee scheduled for 23 March 2022, and if there was no further business to be brought to this meeting, that it be cancelled.



# Licensing Committee

Item  
**7**

1 June 2022

Report of	Assistant Director of Communities	Author	Jon Ruder
Title	Licensing Update		☎ 282840
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 To give the members of the Licensing Committee a verbal update on the work of the Licensing Team and the proposed key areas of work for the municipal year 2022-23.

## 2. Recommended Decision

- 2.1 The report be noted.

## 3. Alternative Options

- 3.1 This report is intended to give the Committee an update on the work carried out by the Licensing Team, and as such no alternative options are presented.

#### **4. Background Information**

- 4.1 The Licensing, Food & Safety Manager will give the Committee an update on the work carried out in 2021-22, for which the Committee is responsible, and the Covid compliance work undertaken by the Licensing, Food & Safety Team.

#### **5. Standard References**

- 5.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

#### **6. Strategic Plan References**

- 6.1 The work of the Licensing team aims to contribute to the Council's Strategic Plan objectives for Colchester and in particular to create safe, healthy and active communities and to grow a fair economy so everyone benefits.

1 June 2022

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans
Title	Licensing Committee Work Programme 2022-2023		☎ 8006
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report sets out the current Work Programme 2022-2023 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year. Members are asked to note that due to the nature of Licensing work, items on the work programme may be subject to change.

## 2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2022-2023.

## 3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

## 4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

## 5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

## 6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

## Licensing Work Plan May 2021 – April 2022

<b>1 June 2022</b>	Update on the work of the Licensing Team
<b>20 July 2022</b>	Review of the Council's Sex Establishment Policy
<b>28 September 2022</b>	Review of the Licensing Scheme of Delegation
<b>9 November 2022</b>	Legislation update
<b>18 January 2023</b>	Licensing Act 2003 Statement of Policy review
<b>22 March 2023</b>	Officer summary of the year in Licensing