

Licensing Sub-Committee Hearings

Tuesday, 03 September 2019

Attendees: Councillor Simon Crow, Councillor Dave Harris, Councillor Patricia Moore

Substitutes: No substitutes were recorded at the meeting

Also Present: Also in attendance:

Piers Warne, Solicitor for the Applicant

Councillor G. Oxford, Objector

Rebekah Straughan, Legal Adviser

Sarah White, Licensing Officer

Amanda Chidgey, Democratic Services Officer

Councillor Lyn Barton, Observing

41 Appointment of Chairman

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

42 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 16 August 2019 be confirmed as a correct record.

43 Rovers Tye

The Committee considered a report by the Assistant Director Communities concerning an application under the Licensing Act 2003 to vary the licensing plan at the Rovers Tye, Ipswich Road, Colchester to include external areas incorporating an external bar for sale and consumption of alcohol.

Sarah White, Licensing Officer, provided details of the application, explaining that two representations had been received from local residents and another from Councillor Gerard Oxford. In addition comments had been received from Environmental Protection recommending use of the external bar by customers cease by 22:00 hours Sunday to Thursday and 23:00 on Saturdays and that the external bar be located on the north side

of the entrance to the external area.

Prior to commencement of the meeting details were circulated to all parties of a garden management plan, together with four conditions offered by the Applicant in the event that the Sub-Committee was minded to grant the application.

Piers Warne outlined the application explaining that, the applicant was seeking to locate the external bar to the south of the entrance to the external area as this had been considered to offer considerable benefits to nearby residents on the grounds that it would reduce the number of tables being occupied in that area whilst providing additional supervision and security due to the location of two dedicated members of staff and because the applicant considered it would be detrimental to residents for the child's play area to be relocated from the north side of the external area to accommodate the external bar. He further explained that the applicant was seeking to close the external bar at 22:00 hours on each trading day. He also outlined the health and safety and management benefits of the introduction an external bar in relation to the safer serving of food from the kitchen area. He referred to the two known matters of complaint on record at the premises and the proactive and prompt approach that had been taken to resolve such issues. He indicated the applicant's willingness to work with local councillors and residents to resolve any concerns. Mr Warne responded to questions from the Sub-Committee members and clarified some matters raised.

The Licensing Officer confirmed that the Licensing Authority would have concerns should the Sub-Committee be minded to seek the relocation of the child's play area closer to residents, being mindful that such play areas could be a potential cause of considerable disturbance to local residents.

Councillor Gerard Oxford addressed the Sub-Committee on the matters outlined in his representations. He referred to the proximity of the proposed external bar to local residents, a lack of response to complaints made to Telephone 101, damage to a picket fence, occasional episodes of bottles and cans being thrown into residents' gardens and older residents' feelings of intimidation

Councillor Oxford also referred to a further letter of representation which had been submitted by Councillors Chuah and Hogg. The Licensing Officer confirmed that this had been received outside the consultation period.

In response to Councillor Oxford's comments, Mr Warne encouraged the reporting of concerns directly to the applicant so that they could be dealt with proactively, he reiterated the establishment's previous good record in relation to complaints and repeated the many benefits to customers and local residents as a consequence of the proposal. Mr Warne also offered, on behalf of the applicant, two further conditions providing for the of all alcohol from the external bar at the end of each trading day and the provision of a direct line telephone number for the reporting of complaints.

RESOLVED that the application to vary the licensing plan at the Rovers Tye, Ipswich Road, Colchester to include external areas incorporating an external bar for sale and consumption of alcohol be granted subject to:

(i) The following conditions offered by the applicant:

- The external bar must not be used by customers after the hours of 22.00 any day of the week;
- When the external bar is closed, it is to be fully secured to ensure that guests cannot access it or any alcohol stored inside;
- Signs are displayed in prominent positions and by the exits leading to the garden areas to request guests be respectful to the premises' neighbours;
- A complaints log will be maintained and any complaints from residents about noise will be recorded in the log, along with any action taken to deal with the complaint;
- All alcohol to be removed from the external bar at the end of each trading day;
- A direct line telephone number be provided for the reporting of complaints.

(ii) The following additional conditions imposed by the Sub-Committee:

- That regular meetings and liaison be offered to the local Councillors and residents;
- Adequate signage must be displayed to indicate no alcohol is stored overnight in the outside bar;
- The complaint log from the direct line telephone number must be shared with the Licensing Authority on a quarterly basis.

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 the objectors both in writing and at the Hearing. The Sub-Committee was mindful that its determination must be evidence based, justified as being appropriate for the promotion of the licensing objectives, and proportionate to what it was intended to achieve.

The Sub-Committee noted that the applicant had volunteered a number of conditions in relation to the use of the external bar and the use of the outside area which were designed to mitigate any potential negative impact on the promotion of the licensing objectives. Notwithstanding this, it considered it was appropriate to impose three further conditions to address the concerns raised by the objector at the hearing and to ensure an ongoing positive dialogue between residents and the premises.

44 Exclusion of the Public (not Scrutiny or Executive)

The Sub-Committee resolved to exclude the public from the meeting for the following item, under the provisions of the Licensing Act 2003, as it was likely to

involve the disclosure of confidential information.

45 Minutes of Previous Meeting (New)

RESOLVED that the minutes of the meeting held on 22 July 2019 be confirmed as a correct record.