

Licensing Sub-Committee	Item 6
Rovers Tye	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a variation under the Licensing Act 2003
------------------------------	--

1. Application

Applicant and Premises	
Application Type	Variation application (ref M/095604)
Applicant	Greene King Brewing & Retailing Ltd
Premises	The Rovers Tye
Premises Address	Highwoods Approach Colchester
Premises description	Public House
Ward	Highwoods

2. Proposed variation

Nature of the proposed variation
To vary the licensing plan to include external areas incorporating an external bar for sale and consumption of alcohol.

3. Representations

Environmental Protection	<p>Environmental Protection's Comments: - <i>The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective</i></p> <p>PPN4 The external bar must not be used by customers after the hours of 22.00 Sunday to Thursday and 23.00 Friday and Saturday.</p> <p>The external bar shall be located on the north side of the beer garden bar entrance.</p>
--------------------------	--

Local Residents	<p>We object to this proposal.</p> <p>We live in St John's Close some 400 metres from the Rovers Tye (as the crow flies).</p> <p>Very occasionally there is an outdoor event with music and sometimes smells of cooking which are quite apparent even at this distance. It is not too bad a problem as things usually quieten down by 10pm.</p> <p>If, however, an outside bar leads to this sort of thing or to an increase in noise from customers on most fine evenings, it would be very disturbing - perhaps until closing time.</p> <p>Any such activity would be so much worse for those living nearby, of course.</p> <p>We hope that you will refuse this application for the benefit of local residents.</p> <hr/> <p>The three Highwoods Ward Councillors object to the application to install an outside bar. The location is approximately 20' from the nearest residential property.</p> <p>We get complaints regularly from residents some of whom have already written in. The application is likely to increase crime and disorder, noise and public nuisance.</p> <p>Beverley and I have witnessed shouting, noise, and disorder even the picket fence has been kicked out and had to be repaired on a number of occasions.</p> <p>I have to say residents have commented that sometimes walking past this garden area when it's at it's worse can be intimidating and they fear adding a bar outside is likely to increase alcohol intake and public nuisance.</p> <hr/> <p>Dear Sir or Madam</p> <p>In reference to plans to have an outside bar aat the Rovers Tye public House Highwoods.</p> <p>Being a resident close to the pub I don't like it being close to my back garden.</p> <p>We already have to put up with the occasional glass or bottle being put on the wall or thrown into the garden.</p> <p>I would like to register my disapproval of the plans for a bar being approved by the Council.</p>
-----------------	--

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.

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

2.14 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.

2.15 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

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.

4. Background Information

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

The Rovers Tye already has a premises licence in operation (see Appendix 3). The proposed variation is to vary the licensing plan to include the external areas incorporating an external bar for the sale and consumption of alcohol. No other changes to the licence are proposed.

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	Application
Appendix 2	Premises plans and location plan
Appendix 3	Existing premises Licence

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
-------------------------------	--