

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 16 June 2022 at 11:00**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003.

Information for Members of the Public

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Thursday, 16 June 2022 at 11:00

The Licensing Sub-Committee Hearing Members are:

Jeremy Hagon - Member, Dave Harris - Member, Beverley Oxford - Member

The Licensing Sub-Committee Hearing Substitute Members are:

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

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 4 are normally dealt with briefly.

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 Application to vary a premises licence

5 - 32

The Sub-Committee will determine an application to vary a premises licence which has been made in accordance with the Licensing Act 2003, in respect of a premises known as Jan & Phils, 83 Barrack Street, Colchester.

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)

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website: www.colchester.gov.uk

| | |
|--------------------------------|----------------------------|
| Licensing Sub-Committee | Item 5 |
| Jan & Phil's store | FOR GENERAL RELEASE |

| | |
|------------------------------|--|
| Purpose of the Report | <p>To determine an application, made under the Licensing Act 2003, to vary the premises licence of Jan & Phil's store (83 Barrack Street), to permit the sale of alcohol for 24 hours a day and for Late Night Refreshment (23.00 until 05.00).</p> <p>In addition, the removal of non-enforceable/primary legislation conditions, relating to light levels, fire and first aid, from 'General – All Objectives':</p> <p>12. The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.</p> <p>13. The premises licence holder shall ensure that in the absence of adequate day light suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.</p> |
|------------------------------|--|

1. Application

| Applicant and Premises | |
|-------------------------------|---|
| Application Type | Variation of premises licence (M080181) |
| Applicant | Mr Sundaralingam Thirulogasanthar |
| Premises | Jan & Phil's Store |
| Premises Address | 83 Barrack Street, Colchester |
| Ward | New Town |

| Supply of alcohol | | | | | | | | |
|----------------------|-------|-------|-------|-------|-------|-------|-------|--|
| Off the premises | | | | | | | | |
| Day | Mon | Tues | Wed | Thurs | Fri | Sat | Sun | |
| Start | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | |
| End | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | |
| Seasonal variations | | | | | | | | |
| Non-standard timings | | | | | | | | |

| Late Night Refreshment | | | | | | | | |
|------------------------|-------|-------|-------|-------|-------|-------|-------|--|
| Off the premises | | | | | | | | |
| Day | Mon | Tues | Wed | Thurs | Fri | Sat | Sun | |
| Start | 23:00 | 23.00 | 23.00 | 23.00 | 23.00 | 23.00 | 23.00 | |
| End | 05.00 | 05.00 | 05.00 | 05.00 | 05.00 | 05.00 | 05.00 | |
| Seasonal variations | | | | | | | | |
| Non-standard timings | | | | | | | | |

Current Licence

| Supply of alcohol | | | | | | | |
|----------------------|-------|-------|-------|-------|-------|-------|-------|
| Off the premises | | | | | | | |
| Day | Mon | Tues | Wed | Thurs | Fri | Sat | Sun |
| Start | 06.00 | 06.00 | 06.00 | 06.00 | 06.00 | 06.00 | 06.00 |
| End | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 | 00.00 |
| Seasonal variations | | | | | | | |
| Non-standard timings | | | | | | | |

The current premises licence does not allow for 'Late Night Refreshment' - (the sale of hot food and drink between the hours of 23.00 and 05.00).

2. Conditions

| Suggested conditions |
|--|
| No additional conditions to mitigate changes, as conditions in place are considered sufficient by applicant. |

3. Representations

| | | |
|--------------------------|--------------------------------------|------------|
| Local Residents | Four objections from local residents | Appendix 3 |
| Essex Police | No objection | |
| Environmental Protection | No objection | |

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 |
|------------------|-----------------|----------------------------------|--------------------|
| Off-Licence | Yes until 22:00 | Yes until midnight | Yes until midnight |

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.

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.

KF5 Off-sales of alcohol

3.34 The Council has a Public Space Protection Orders (PSPO) in place for the Town Centre to help address and prevent numerous problems caused by public consumption of alcohol which are having a detrimental impact on the quality of life of those in the locality. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale

3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular

consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.

3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00.

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 | Premises Licence |
| Appendix 3 | Representations |

Report Author

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

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Colchester Borough Council

Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council
Licensing Team
PO Box 889
Rowan House, 33 Sheepen Road
Colchester CO3 3WG

Premises licence number: 080181

PART 1 - PREMISES DETAILS

Shop
83 Barrack Street
Colchester

Post town:

Post code: CO1 2LP

Telephone number at premises: 01206 799537

Date Licence Granted: 19 July 2013

Regulated Activities authorised by this licence:

| | |
|---|----------|
| Performance of Plays | |
| Film Exhibitions | |
| Indoor Sporting Events | |
| Boxing or Wrestling Entertainment | |
| Performance of Live Music | |
| Playing of Recorded Music | |
| Performance of Dance | |
| Other Music or Dance Entertainment (see Schedule) | |
| Facilities for Making Music | |
| Facilities for Dancing | |
| Other Facilities for Music & Dance | |
| Late Night Refreshment | |
| Sale by Retail of Alcohol | Licensed |

| The times the licence authorises the carrying out of licensable activities: | | |
|--|--|--|
| a) The sale by retail of alcohol :- | | |
| Monday | 06.00 to 00.00 | |
| Tuesday | 06.00 to 00.00 | |
| Wednesday | 06.00 to 00.00 | |
| Thursday | 06.00 to 00.00 | |
| Friday | 06.00 to 00.00 | |
| Saturday | 06.00 to 00.00 | |
| Sunday | 06.00 to 00.00 | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| On/Off Premises | Alcohol may be served OFF the premises | |
| Further Details | | |
| b) The provision of regulated entertainment and entertainment facilities: – | | |
| | Performance of Plays | Exhibition of Films |
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |
| | Indoor Sporting Events | Boxing or Wrestling Entertainment |
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |
| | Performance of Live Music | Playing of Recorded Music |
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |

| | Performance of Dance | Other Music or Dance Entertainment |
|---------------------|------------------------------------|------------------------------------|
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |
| | Facilities for Making Music | Facilities for Dancing |
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |
| | Other Facilities for Music & Dance | Late Night Refreshment |
| Monday | | |
| Tuesday | | |
| Wednesday | | |
| Thursday | | |
| Friday | | |
| Saturday | | |
| Sunday | | |
| Seasonal Variations | | |
| Non-Standard Times | | |
| Indoors/Outdoors | | |
| Further Details | | |

| The Opening Hours of the Premises | |
|-----------------------------------|----------------|
| Monday | 06.00 to 00.00 |
| Tuesday | 06.00 to 00.00 |
| Wednesday | 06.00 to 00.00 |
| Thursday | 06.00 to 00.00 |
| Friday | 06.00 to 00.00 |
| Saturday | 06.00 to 00.00 |
| Sunday | 06.00 to 00.00 |
| Seasonal Variations | |
| Non-Standard Times | |

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol may be served OFF the premises

Annex 1 – Mandatory Conditions

All supplies of alcohol

1. No sale/supply of alcohol shall be made under the premises licence-
 - a. At a time when there is no designated premises supervisor in respect of the premises licence; or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

Drinks promotions

3(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

3(2) In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

Provision of water

4. The responsible person must ensure that free portable water is provided on request to customers where it is reasonably available.

Age verification policy

5(1) The premises licence holder or club premises certificate holder must ensure that the an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

5(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a. a holographic mark; or
- b. an ultraviolet feature.

Alcoholic drink measures

6. The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Drinks Pricing

7(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7(2) For the purposes of the condition set out in paragraph (1)–

- a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- b. “permitted price” is the price found by applying the formula–
$$P=D+(D \times V)$$

Where –

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;
- c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the members or officer to prevent the supply in question; and
- e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 7(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) or paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- 7(4)(2) The permitted price which would apply on the first day applied to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision

8. Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out security activity, they must be licensed by the Security Industry Authority.

Exhibition of films

9(1). Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

9(2). Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the licensing authority's Statement of Licensing Policy.

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

Schedule for 83 Barrack Street, Colchester, CO1 2LW

1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that there is no external disposal of refuse after 2100 hours and before 0800 hours daily and, as far as possible, to ensure deliveries are within those hours with the exception of newspaper deliveries.
4. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
5. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
6. The premises licence holder shall ensure that all training records for existing staff shall be retained and made available to police and local authority officers upon reasonable request.
7. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
8. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
9. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
10. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
11. The premises licence holder shall ensure that 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 are open to the public.
12. The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.
13. The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.
14. The premises licence holder shall ensure that 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:- any complaints received, violence by any person against another, any other criminal incidents, any injuries on the premises and any visit by a relevant authority or emergency service.
15. The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the

premises.

16. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18 and shall adopt the Challenge 25, Retail of Alcohol Standards Group's advice for off-licences; such accredited proof of age cards for example cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

17. Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.

18. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to this effect. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

19. The premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.

20. The premises licence holder shall ensure that staff will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.

21. The premises licence holder shall ensure that spirits in re-sealed cases will not be purchased.

Prevention of Crime & Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children

Annex 5 – Conditions Agreed with Responsible Authorities

Annex 6 – Conditions Attached after a Hearing by the Licensing Authority

Artillery Street, Colchester

6/5/22

I wish to strongly object to the proposed extension of hours for the sale of refreshments and/ or alcohol beyond the current hours. We, living in the very narrow residential street beside 'Jan and Phil's' are always very negatively affected by any problems concerning unsocial or disruptive customers of late night trade! We suffer the frequent disruption and noise of vehicles being driven (and often parked in our small road). Sadly, however responsible the attempted supervision of their customers, the staff are unable to control anti-social behaviour, parking, revving of cars engines, shouting to friends, music, barking dogs, other noises, additional litter, hot food smells etc. As it is, I regularly find discarded drink cans, food containers (often with unwanted food) thrown into my garden and along the road (even smeared on cars! The prospect of such disruption extending beyond the current hours is horrific to those of us wishing a good night's sleep. Such hours would also encourage increased vandalism when the street lights are extinguished, and miscreants know that they cannot be identified. I urge you to understand the problems that we as neighbours, will be forced to endure, and that you will refuse this application. Thank you.

Artillery Street, Colchester

11/5/22

I object to the application due to the anti social behaviour that already exists in the area and how this will only increase with the granting of this application.

Artillery Street, Colchester

11/5/22

I would like to object to this application for the following reasons:-

- Anti-social behaviour is already a problem in this area/street. Selling alcohol at all times of the day and night will only encourage this problem further.
- Being in an area which is high in poverty, many people in the area suffer with a drug/alcohol problem. Having alcohol so readily available at all times of the day/night will again encourage this further.
- Parking is already a problem in the area. If the shop is able to sell more goods for longer hours, this will inevitably make the problem worse.
- Artillery Street has a lot of terraced houses which are situated right on the road. The sound of cars and other loud moving vehicles tend to keep residents awake during the early hours. Again, if the shop is able to sell goods for longer hours, this will inevitably make the problem worse.

- Rubbish is a big problem in the area. A lot of the rubbish that can be seen in the area, come from items which are sold by this shop (and others nearby).

Barrack Street, Colchester

6/5/22

Thank you for your last email giving clarity on the license regarding Jan & Phils, 83 Barrack Street, Colchester.

Whilst I appreciate in my previous email, I referred to 83 Barrack Street not causing such a problem as it is not directly next door, my comments were based on the current licensing conditions in place. I did however highlight in the said email that there have been numerous disturbances over the years caused by drink and antisocial behaviour outside of 83 Barrack Street.

A new license approving the sale of alcohol in line with the said premises opening hours and them applying for Late Night Refreshment which will allow them to sell hot drinks and food between the hours of 11pm and 5am. Will indeed have a detrimental impact on residents and the wider community overall. Allowing the sale of alcohol, and hot food will increase footfall into the area once word gets around, which will happen at an anti-social time making life a misery. Plus, more cars will be in the street as well, if there is no parking outside 83 Barrack Street they will park outside my home or the homes opposite. The noise and disturbance this would generate would be unbearable and have a serious impact. As we are all aware alcohol increases anti-social behaviour and in turn, the noise level will increase, cars engines will be left running with music systems being left playing loudly during a time when most are trying to sleep causing even more of a public nuisance to residents.

Whilst I appreciate the following is not directly involving 83 Barrack Street, as they already have a Licence in place. I am aware that back in 2013 when the Beer tent applied for a 21-hour-a-day license Essex police formally objected to the application stating the premises could exacerbate the existing crime and disorder problems in the area.

Yet here we are a few years later having to object to another license application to sell alcohol. From a resident's preceptive the above has not changed in fact anti-social behaviour and crime have increased, especially to residents' cars parked in the area. If this 24/7 license is granted to 83 Barrack Street, it will be a disaster waiting to happen. Not only encouraging alcohol abuse but underage drinking without a doubt and of course, it will also encourage the already fast-growing drug culture within the area and to be honest discarded needles are a serious threat to public health and safety.

Attached you will see two photos that I took on 3rd May at 10am, As you can see bottles, cans, glass and general rubbish litter the pavement, gutter and road. This isn't just a one-off, we contend with this each day. Young children, the elderly, and dog walkers must navigate it all. Whilst this point may not fit into the licensing objectives, the extra rubbish generated from the sale of hot food and drink left laying on the pavement will have an environmental

impact, attracting more rodents and foxes and of course animals and birds will no doubt be injured from the plastic that is left behind. Only the other morning I had to remove wine bottles from my windowsill and pick up the remains of a curry outside my front door, this will only get worse if this new license is approved.

I fail to see why we need to have alcohol on sale 24/7 within a residential area, especially when the drink and drugs culture within this country is on the rise.



