

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Tuesday, 03 May 2022 at 13:00**

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

Information for Members of the Public

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Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Tuesday, 03 May 2022 at 13:00

The Licensing Sub-Committee Hearing Members are:

Mike Hogg - Member, Martin Leatherdale - Member, Patricia Moore - 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 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.

4 Substitutions

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

LA 2003 hearings process flowchart

5 - 6

5 New premises licence - Leather Bottle Public House

7 - 34

The Sub-Committee will be asked to determine an application for a new premises licence under the Licensing Act 2003, which has been received in respect of the Leather Bottle Public House, Shrub End Road, Colchester.

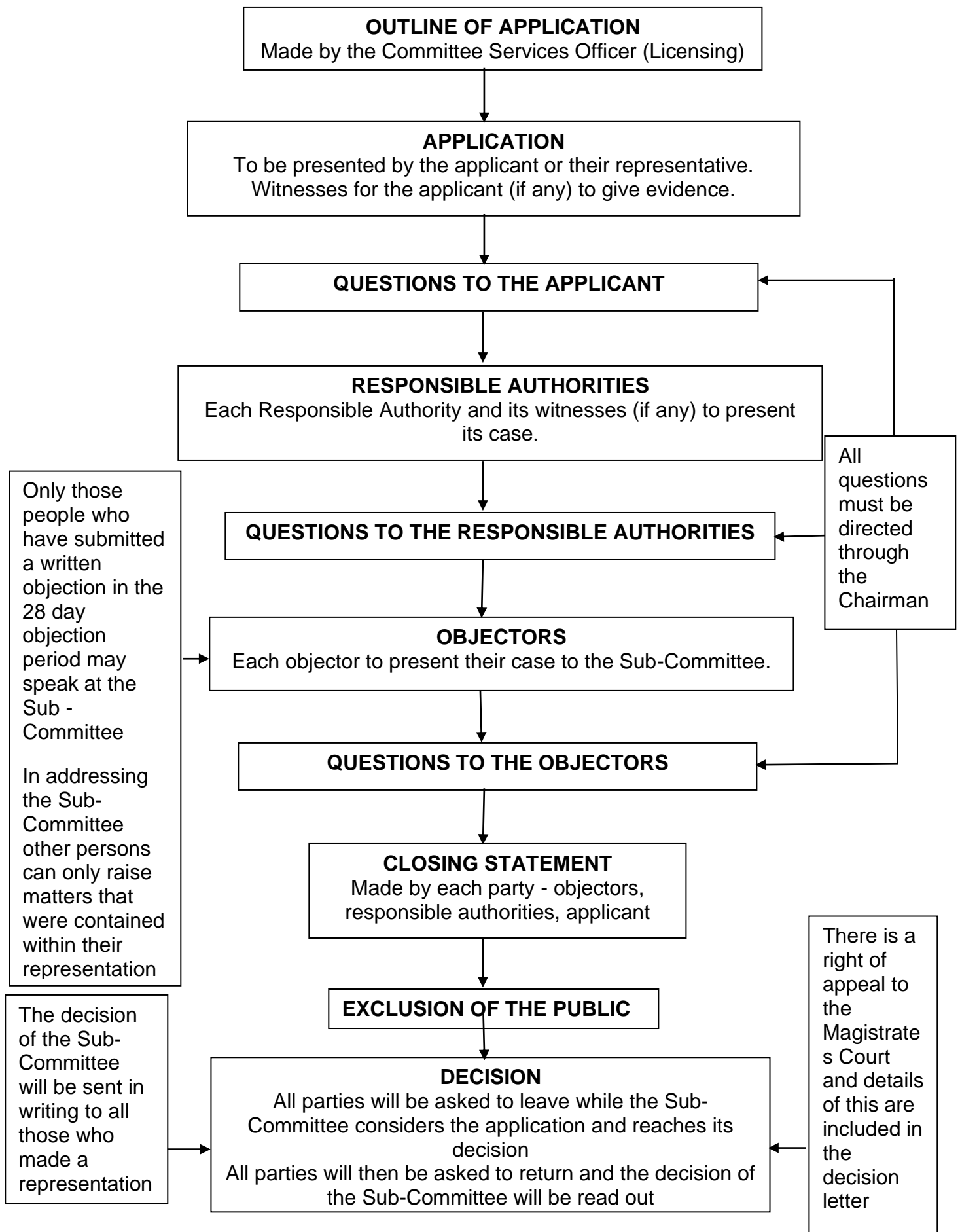
Exclusion of the Public (not Scrutiny or Executive)

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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The Licensing Sub-Committee Hearings Process



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

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

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

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

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

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

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

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

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

Live and Recorded Music

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

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

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

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

Late Night Refreshment

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

2. Conditions

Conditions agreed with the Responsible Authorities

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

Conditions Agreed between the Applicant and Essex Police

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

Conditions Agreed between the Applicant and Environmental Protection

The following conditions forwarded by the applicant shall apply: -

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

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

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

Operating schedule as amended

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Representations

Local Residents		Appendix 2
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4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

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

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

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

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

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

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

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

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

3 Key Factors

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

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

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind down or chill out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

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

KF2 - The location of licensed premises

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

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

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

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

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

KF3 - Hours for licensed premises

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

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

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

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

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

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

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

KF4 – Standards to promote the licensing objectives

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

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

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

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

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

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

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

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

11 Designated Premises Supervisors

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

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

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

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

5. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Location Plan
Appendix 2	Representations
Appendix 3	Plan of the proposed licensed area

Report Author

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

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William Harris Way

This is ludicrous!!!!

The new licensee is associated to the previous one. This is a well known drug house and it has taken a long time to get this pub to close. They OPENLY sell drugs.

To allow this pub to have a music licence is beyond belief it is in a residential area.

This will actually cause more of a problem with noise nuisance,

It will be a nightmare for local residents.

Please can it be allowed for Toby Carvery or Vintage Inn to purchase this, as a family pub is more what is needed.

If this goes ahead I shall have to contact higher authorities within government.

Sutton Park

This area is primarily residential and because of the geographical location many of these residents are very close to the building. In the past before the pub was closed down we experienced terrible noise pollution from loud music and general people mixing together, both during opening times and leaving the venue after closing. This could be groups on foot and cars both of which show no consideration to local residents.

Sutton Park

This is a residential area and music to mid-night up to 4 nights a week and 3 nights till 1am seems unreasonable on residents.

I understand that the owner is unchanged from when the licence was cancelled; this seems to suggest that granting a licence may mean no lessons have been learned with regard to drugs.

Have the Police got the man power to follow up all the items that have been put in place if the licence is granted? Can the Borough Council guarantee that all the safeguards put in place can be checked for compliance? I strongly object to this licence being granted

Straight Road

I feel this application is very unsuitable for this residential area because of noise levels also rowdy behaviour and concern of damage to properties owing to the fact there are no street lights after 12.00pm

Straight Road

We would like to object to this application for the following reasons:

1. Our ability to peaceful enjoyment of our own property was regularly disrupted by the actions resulting from the previous licence at this venue. We regularly witnessed heavily intoxicated

people leave the pub and cause a public nuisance to local residents by:

- a. Intimidating local residents
- b. Staggering onto our property or the road
- c. Urinating on walls/in gardens
- d. Waking us up by shouting loudly, often using foul and offensive language
- e. Discarding/throwing glasses onto our property

We regularly witnessed cars dangerously entering and exiting the car park at high speed

These experiences stopped as soon as the previous licence was suspended

2. We felt unable to report previous experiences due to concern for our safety based on the intimidating actions of the previous licence holder and staff

3. There is no need to have a late-night venue within a residential area as there are many existing late-night venues within the town centre which benefit from the multi-agency Town Centre Action Plan

4. In December 2021 the previous licence was suspended due to criminal behaviour and granting a licence with the venue opening until 1.00 am is likely to attract the same or similar criminal activity as the area is not regularly policed and does not benefit from the multi-agency Town Centre Action Plan. In turn, this will prevent us from peaceful enjoyment of our own property

5. Those travelling from outside the area may be tempted to drive under the influence of drink/drugs as there is limited public transport available and no public transport after 11.30 pm

6. If a licence was granted for The Leather Bottle to return to a family friendly eating/drinking establishment closing at 11.00 pm (rather than 1.00 am) local residents will be much more likely to use it and support the local economy

Ash Way

I have lived here for several years and this is my home. For the last few years we have had to put up with a lot of anti-social behaviour from The Leather Bottle. Due to the fact

some people park their cars in our Car Park, which is 'Private', we got a lot of late night disturbance. I have confronted a couple of people, making them aware this is 'Private Land' (as per the signage) but they took no notice and continued to park here. Car head lights shone into my bedroom windows and disturbed me during the early hours of the mornings. They threw all their rubbish from their cars out and on two occasions I rang the Council to come and remove items left here as they could not be placed in the rubbish bins. What are we suppose to do when we have to put up with the anti-social behaviour during the early hours of the morning? It is no good ringing the Police. There is no way the 'List of conditions' for the Licence Application will be adhered to! We have had 3 months of 'normal' living. It would be an 'injustice' if this was granted

Straight Road

we will unfortunately be extremely affected if a late-night licence is awarded.

We believe the granting of this licence would be profoundly detrimental to our lives as well as to the other surrounding residents.

As you know this pub has been subject to many issues over the last few years and unfortunately, as one of the nearest neighbours, we have suffered greatly as a result. E.g. extreme noise levels, fighting and violence, drug using, drug dealing, rat infestations, unlicensed use of the chalet area for patrons to drink alcohol, large parties during Covid, people living long term in the chalets, people jumping the fence and running through our back gardens to escape police and many other types of generally antisocial behaviour.

For years we have suffered as a result of the pub and its patrons and allowing a late-night licence would be devastating for all surrounding residents. Whilst we understand that music will be kept within the pub itself, we will still suffer the loud noise levels from the patrons in the smoking area, beer garden and car park which has always been a major issue. To allow this to continue until 12pm in the week and 1am during the weekend would be absolutely unbearable.

The area surrounding this pub is a highly built-up residential area which includes many young children as well as vulnerable persons. Incidentally our son is autistic and can become very upset and agitated by loud noises in the street. Allowing high noise levels to continue until such a late time when many residents are trying to sleep would be very troublesome.

We are also concerned that as the pub is still owned by the same person that the issues will continue, although we do understand the landlady has now left. However, the owner was made aware by one of the neighbours regarding the above issues with the pub but unfortunately, he seemed to turn a blind eye to it.

In addition, we note that a number of the Licence Conditions appear to be completely unenforceable and even relatively small periods of non-compliance such as leaving doors open for even short periods with loud music playing can cause a significant nuisance and disturbance.

We also object to the application on the grounds that the 'Premises' are not clearly defined. To the rear of the Public House there is chalet accommodation which we understand was intended to be used as overnight accommodation in association with the Leather Bottle Public House. The chalet accommodation is therefore ancillary to the Public House but the Licence Conditions make no reference to this accommodation which has been used for various purposes not conducive to a residential area including the consumption of alcohol presumably purchased at the Public House, loud music, parties with a general cacophony of disruptive sound and nuisance at all hours. It is not clear as to whether the owner of the Public House or the Licence Holder will take responsibility for ensuring that the chalet accommodation will be used solely as overnight accommodation and for no other purpose. Historically the accommodation would appear to have been used for social gatherings and for the consumption of alcohol on unlicensed premises as well as allegedly the use and dealing in other substances and other nefarious activities.

Should the Council be minded to grant a licence (which we strongly contest), such licence should not extend beyond 11pm for the reasons stated in this objection

Ash Way

As a local resident I am concerned about noise levels, the continued anti social behavior, patrons of the Leather Bottle pub regularly park in our carpark, even occurred during the period December -January, feeling unsafe in my own private area. Could the pub install cctv in our carpark for monitoring? The internal space of the pub does not support the idea of live events, what is the number of internal persons permitted? I cannot see on application. Music from this pub has been so loud on occasions, both day and night, you can hear in your own home. Is there a control in place for the letting accommodation? I believe the pub remains under the same ownership, what guarantee is given that changes will be made? Ideally a family restaurant and pub is what is needed.

I have previously submitted an objection, but, after reading an article in the Daily Gazette on Wednesday 23rd March 2022 regarding the Leather Bottle licence application I would like to add. If a safe is being installed to store confiscated drugs are the owners/licencee not encouraging and not discouraging the same clientel as previous !!!!

Ash Way

I have lived in my home for over 25 years and the last few years have been horrendous! On a Friday/Saturday night when music was played inside The Leather Bottle I had to turn my TV up due to what I can only describe as a constant deep, dull, thumping sound. With all that has gone on there, we have to put up with so much antisocial behaviour! Shouting, cars screeching, people urinating in our car park, drug dealing and our car park is used as a meeting place where people run across the road and 'deal' in our car park as not to be seen. Cars are left here overnight and they throw all their rubbish (Take-aways, bottles, cans, glasses, cigarette ends, plastic cutlery, sandwiches) all in our car park despite the signs saying 'Private - For Residents Only'! This was stripped of its Alcohol Licence for a reason! It was the 'Heart of a LARGE scale cocaine business'!! Has everyone forgot? How this could even be given the time and consideration is beyond us all.

To want a late night Licence to allow music to be played on the premises until 1.00am (Thurs to Sat) and midnight (Sunday to Wed) is outrageous in this highly residential area. We are the ones having to endure this whilst you sleep! We are the ones that are having to put up with the constant antisocial behaviour once again! Weapons and cocaine, I cannot believe this Application would even be given consideration as it is the same people involved in running it. It is 'outrageous'! The whole community are saying 'surely it won't be granted'! It can't! The comments added to the Gazette article 23rd March:- And pigs might fly. They could have done this before. Odds on it ever being implemented? and will they be banning those who were dealing there? some were regulars. Be interesting to see if the same old faces are back there. If it is implemented I'd say the chances of it remaining after a few weeks are extremely low. Same faces/dealers will be there and it will back to trading as usual in no time. EVERYONE can see it, why can't Colchester Borough Council. If the 'List of Conditions' issued were adhered to then 'yes', but we all know this will not happen. It would be a disservice to the local community if this was granted. Surely it wont!?

Greystones Close

Whilst the leather bottle is historically a pub/restaurant, the applied for use of live music in and out is new and out of keeping with a residential area Also the operating hours applied for are likely to cause a noise problem for the area. car parking is limited and cars are likely to park in the adjacent residential streets which will add to the noise problems specifically at closing times in the early hours of the morning. If the application is approved i would like to see the operating hours to be restricted every day to 2300hrs, and specific music/ entertainment events requiring a one off special licence each time.

Shrub End Road

Previously the late music has provoked rowdy behaviour into the early hours. The back door being propped open or constantly used to access the smoking hut, creates on/off music virtually in our garden. This is unacceptable when I have to get up for work at 5,30am Monday to Friday. The overnight block is also used as a gathering point, this will result in an increase in the noise levels. I will have no hesitation in recording this and reporting to environmental health, even when this occurs just once because the door has been left open. The music set up is in the wrong part of the pub where neighbours are trying to enjoy peace in their homes or in their gardens

Gosbecks Road

Objecting this application due to repeated problems with excessive noise and anti-social behaviour on the property, which has spilled into the residential areas surrounding the property. Current application includes late license on nights during the week which will impact on local residents, especially those with children. Late night opening hours will increase an atmosphere of fear and intimidation for local residents.

Straight Road

The opening hours appear to be extended patrons of the pub previously leaving are very noisy and you can often hear people that are in the car park/beer garden. I believe it would be disruptive to the residents of straight road and shrub end road if the pub is allowed open until 1am, particularly on week nights. I feel this is unreasonable in a residential area. Live music until 1am would also be very disruptive when the football is on at the pub you can hear it from my house and there are many houses in a closer proximity than mine who would experience greater disruption.

Shrub End Road

I and others are anxious that the proposed activities at The Leather Bottle will bring about a repetition of the unacceptable behaviour under the operation of the previous licence. Namely:

- 1) bottles and glasses deliberately smashed and strewn on driveways, pavement and road.
- 2) plastic bottles, with or without liquid remnants and food wrappings, with or without uneaten contents
- 3) damage or interference to property (damaged brick wall, gates lifted out from hinges)

In spite of there being a refuse bin near the bus stop, the above involved residents at least weekly out of concern for both themselves and pedestrians having to clear up to prevent injury or illness.

The pavements are particularly busy with school children

Straight Road

I am writing to object to the Leather Bottle's latest application for the licence.

1. I do not agree that allowing this pub to operate beyond 11pm at night is suitable so close to a residential area with families and elderly people.

2. I note in December 2021 we were subject to criminal behaviour on the premises which resulted in the suspension of the licence by the council as reported here; <https://www.gazette-news.co.uk/news/19773960.leather-bottle-handed-alcohol-ban-amid-police-investigation/>

I have read the terms of the licence in progress and am puzzled to understand why the council would even consider extending these hours, therefore creating further the notion that it could return to a late(r) night venue and attract criminal activity.

3. Being an out of town venue, it will encourage drivers who may then risk drinking and driving and put members of the public at risk.

4. I have lived on Straight Road for 22 years and have been witness to the revellers leaving the pub at 11pm, walking past houses, urinating on walls, shouting loudly down the street, discarded glasses thrown in our gardens - (ok I accept the pub was here long before me and people like a good time). But to close at 1am some nights, just when the street lights are going out (<https://www.essexhighways.org/roads-and-pavements/street-lighting>) is only going to increase the disorientation and behaviour of these people in absolute darkness.

5. I do not want to live in a world where I fear that going out at 1am to ask people to be quiet, might result in some drug and alcohol fuelled person threatening me or my family.

6. There are plenty of venues in the heart of Colchester town which can serve perfectly well as a late night venue, in keeping with the surrounding areas, where people can disperse without upsetting local residents.

7. If the council were to support the Leather Bottle to return to a family eating/drinking establishment for all people, which closed at 11pm, then the local residents would support and actually use it, rather than feel intimidated by the recent years of unsavoury characters which have frequented the venue.

Please CBC, do the right thing here.

Shrub End Road

I have objection to the late Night Licence being to 1pm on Thursday, Friday and Saturday and midnight for the rest of the week. Given this is in a large residential area. I think midnight would be acceptable at the weekend (Friday and Saturday) and Sunday + Weekdays should be 11 to 11.30. Also concerned given the previous drugs issues that this is again going to be a bar. I think the local population would be more accepting to a restaurant / coffee bar establishment. There is a lot of concerns given what transpired previously and we would some sort of reassurance that this wouldn't happen again.

Sutton Park Avenue

We have had problems with loud music from this site in the past and can see no reason for it to be allowed beyond normal pub opening hours and for the entire week, we know that in summer windows and doors are opened so the indoor aspect is not going to make any difference. we also feel that the application to sell alcohol outside, although in sealed containers will attract antisocial problems. we cannot see the need for the premises to be open beyond normal pub hours and any permission granted beyond that is bowing to nightclub culture which already stretches our services to the limit. we therefore strongly object to this proposal..

Shrub End Road

I have been made aware the Leather Bottle Public House has applied for a late night licence to allow music to be played on the premises 7 days a week which is totally unacceptable in this primarily residential area.

We have experienced unacceptable and uncontrolled noise disturbances over a number of years and despite making complaints to the authorities no action has ever been taken. The building is totally unsuitable for this type of event and unless substantial improvements are made to the building structure the break-out of noise will continue at unacceptable levels. I personally do not believe adequate controls can be placed on either the licence or the property to alleviate the noise levels I have previously experienced.

Previously doors and windows have been opened during summer months and both the music and alcohol spill out onto the forecourt disturbing sleep patterns with noise levels exceeding WHO levels.

As the Licensing Authority are well aware The Leather Bottle PH do not observe rules and regulations at all and this late night licence should be rejected as being wholly unacceptable in a residential area

Straight Road

Dear Sir/Madam,

My husband and I have just bought the property at Straight Road (we received the keys on yesterday) and as soon as we arrived a neighbour informed us about the possibility of such a licence being granted to the pub near us.

We would just like to mention that we have two small children and we are very concerned about the possibility of having loud music until midnight/1am at the respective pub.

I would like to ask to please consider the worries of the residents nearby so that the area becomes quiet and nice, rather than more noisy than it already is.

Straight Road

I am writing in regards to the license application made by The Leather Bottle, Shrub End Road, Colchester - WK000067834

I would like to note my strong objections to their late night alcohol application.

We live in a neighbouring house to the pub, we share a fence with them which is at the bottom of their beer garden.

We moved into our house last year and it quickly became apparent that the pub is not somewhere we would want to take our young children and would not feel comfortable there ourselves.

At nearly any time of opening hours there would be young (possibly under age) people out the front of the pub in the car park visibly very drunk and the overall perception from our immediate neighbours was that it was common knowledge in the community that the pub was a hub for drug taking and dealing.

Therefore my only interaction with the pub has been on one occasion only, during the summer we had an incident where a man jumped our six foot fence from their garden into ours and let himself out of the back gate, whilst we were at home. I went round to the pub to let the bar staff know what had happened but quite frankly they couldn't have cared less. They didn't even stop serving customers while I spoke to them and they certainly were not interested in finding out why a person in their beer garden would need to jump a fence to get away. I was told "it is not our responsibility what people get up to while they are at the pub".

The pub owners and management have been completely negligent in the way they run the pub and the consequences have been the incident at my home as well as more

serious assaults with weapons and cars driving at people in the car park. They have failed on every aspect of;

- the prevention of crime and disorder
- the prevention of public nuisance
- the protection of children from harm
- public safety

As they have been shut since they lost their license they have not proved that there has been any changes to their clientele or to their attitude towards the local community.

For some time now the pub has not been a place the community can be proud of and I hope they have to prove that they can run the pub responsibly and effectively before being given permission to run later into the night.

Straight Road

I object because this is a residential area and DO NOT under any circumstances want loud noise going on until midnight or 1 in the morning. The noise will be terrific and this is tantamount to going back to when the army were allowed to drive in convoy down Straight Road at night. This plus the additional people visiting the pub and leaving in their cars in the early hours is totally unacceptable

Shrub End Road

A late night license that involves loud music player will, once again, have a huge impact on my life. As previously, the pub will prop open the doors to let people get to the smoking area and the accommodation area constantly. This results in the loud, late music that may as well be in my lounge and bedroom, which is a stones throw away. These areas promote gatherings (even though accommodation area should be locked, a condition of the access/planning permission) that are huge, noisy, abusive, disruptive and vandalise my wall and garden. The amount of footfall past the properties along shrub end road, very late at night will be of the same - drunken people. I doubt if the area will be free of drugs, given that drug selling is taking place behind the garage – there will be far more, drunken people to sell to, leaving drug packages etc on our drives along with the smashed bottles - causing endless punctures for cars and cycles. I have huge concerns that my grandchildren will not be able to sleep, be subjected to hear abuse behaviour whilst trying to sleep then in the morning being at risk of harm from

broken glass, drug wastage and even condoms that have been thrown over my garden wall.

I did request this before - if the band/DJ were situated at the other side of the pub, next to straight road, then the propping of doors cannot occur. The close neighbours would not be subjected to the large, noisy gathering and booming music into the early hours. I urge you to consider the objections of us local residents who have endured the antics of this nuisance pub for years. The pub has an attraction for rowdy youngsters and will encourage disruptive behaviour by the pure nature of its reputation. My final point is this - the pub is situated in a residential area, not a town centre. It should not be hosting late night music, events that directly affects the lives of its neighbours.

Environmental Protection

The following conditions forwarded by the applicant shall apply:

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

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

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

The following additional conditions have been agreed with the applicant on 040322 and shall also apply:

Live and amplified music shall only be played between the hours of 10.00 to 23.00 Monday-Wednesday, 10.00 to 00.00 Thursday-Saturday, 10.00 to 23.00 Sunday.

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

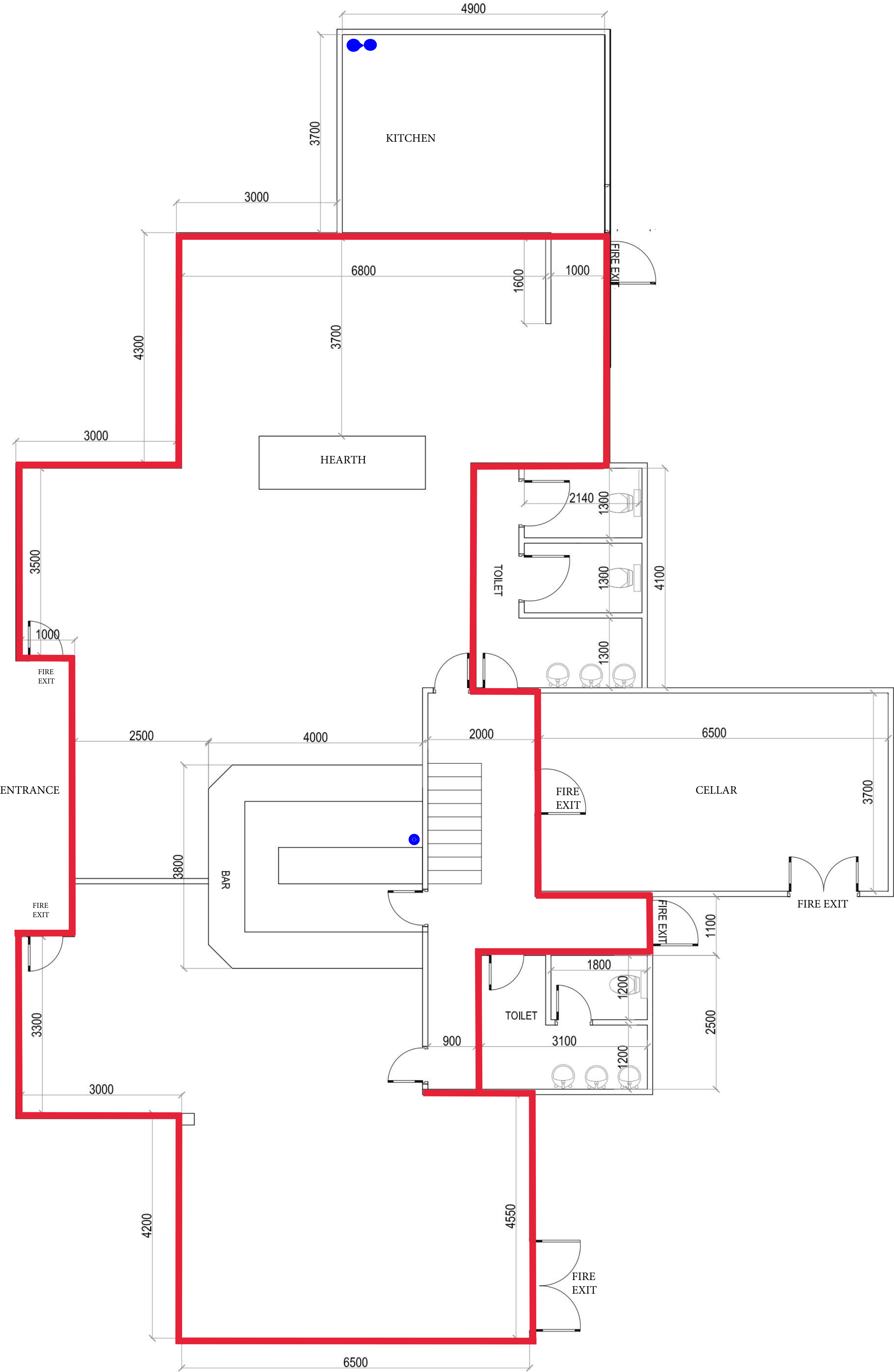
All windows and external doors must be kept closed other than for access and egress whilst events involving amplified sound are taking place.

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

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

RED LINE DENOTES LICENSABLE AREA

FIRE EXTINGUISHER



1 FLOOR PLAN
Scale 1:50

FLOOR PLAN

DESIGN:	ADDRESS The Leather Bottle, Shrub End Road, Colchester, CO3 4RH	S.P:	ISSUE: 2
STAGED PLAN: LA 2003 PLANS		SCALE 1:25 01/03/2022	
CLIENT: M. BURCH	USE FIGURED DIMENSIONS AT ALL TIMES. REFER ANY ENQUIRES TO BUILDING CONTRACTOR. ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REGULATIONS.	DWG NO: AR-001	LAND AREA:

