

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
11 April 2014 at 10.00am**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings with the exception of Standards Committee meetings.. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices or at www.colchester.gov.uk .

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

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you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:
 - (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
 - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
 - (b) orally at the Hearing.
- (7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.
- (8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:
 - (a) their application, representations or notice(as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- (9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.
- (10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date (notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or

(b) hold the Hearing in the party's absence

Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other parties (these will include Interested Parties, Ward Councillors (who are an interested party themselves or are acting in the capacity as a representative of an Interested Party) and representatives from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or the interested parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

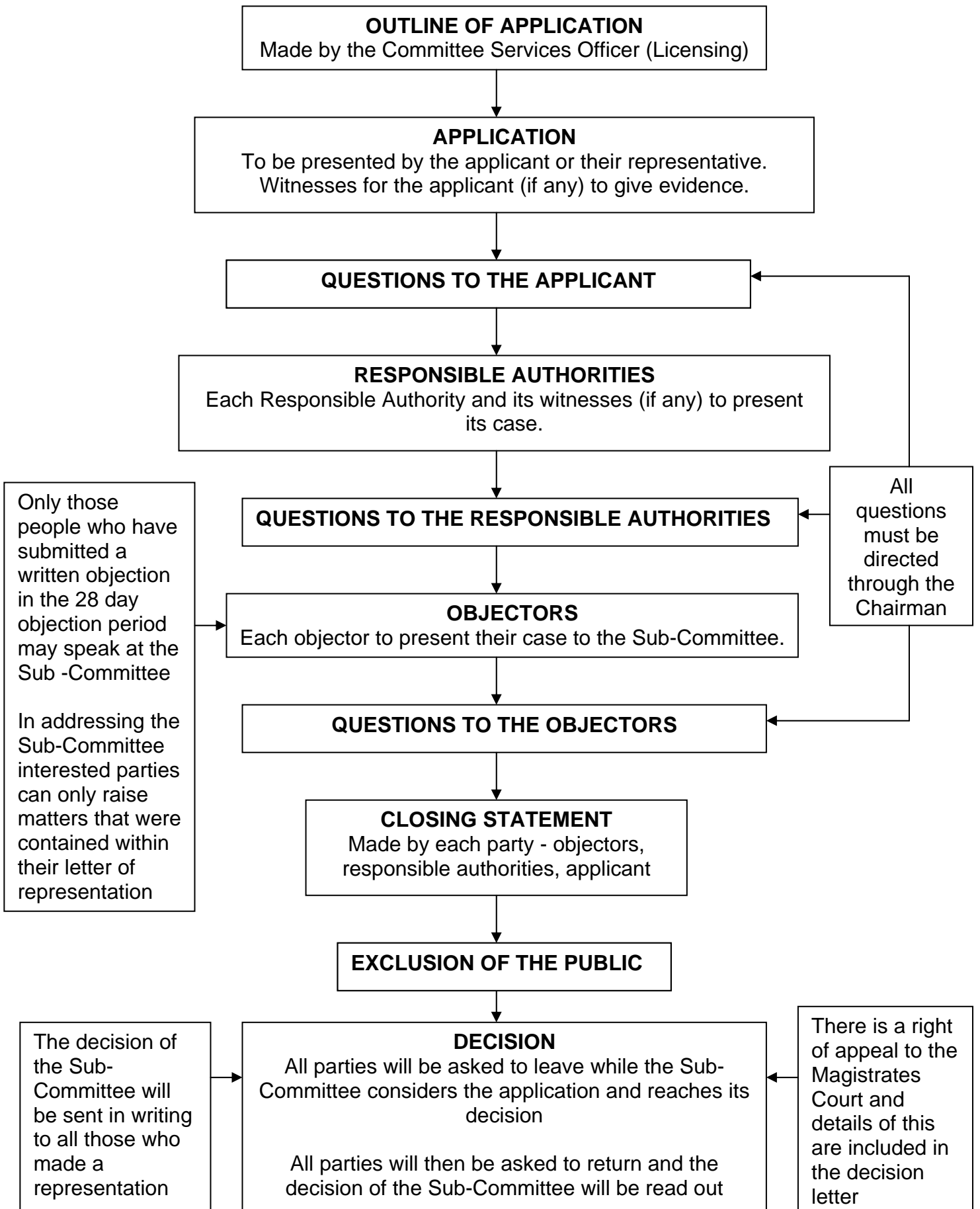
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, Interested Parties, Ward Councillors, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, Interested Parties and Ward Councillors, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL
LICENSING SUB-COMMITTEE HEARINGS
11 April 2014 at 10:00am**

Members

Chairman : Councillor Nick Cope.
Councillors Brian Jarvis and Margaret Kimberley.

Substitute Members :

Agenda - Part A

(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint the Chairman for the meeting.

2. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

4. Applications under the Licensing Act 2003

1 - 32

Silk Road, 4 St Botolph's Street, Colchester



Licensing Committee – 11 April 2014	Agenda Item 4a
Silk Road Review	FOR PUBLICATION

Premises	4 St Botolph's Street Colchester	Ward: Castle Stress Area: Yes Flare Ref: 083569 Author: Jon Ruder
Premises Licence Holder	Osman Rasih	
Application	Request to review the premises licence by Essex Police	Appendix 1
Responsible Authorities	Trading Standards letter in support of Police review	Appendix 2
Premises licence		Appendix 3

Existing Licence
<p>Sale of alcohol and the provision of live and recorded music, performance of dance and other music or dance entertainment, facilities for making music and facilities for dancing and other facilities for music and dance for the following hours:- Sundays to Tuesdays inclusive from 11.00 to 02.00 Wednesdays to Saturdays inclusive from 11.00 to 03.00</p> <p>Provision of late night refreshment for the following hours:- Sundays to Tuesdays inclusive from 23.00 to 02.00 Wednesdays to Saturdays inclusive from 23.00 to 03.00</p> <p>Premises to be open for the following hours:- Sundays to Tuesdays inclusive from 11.00 to 02.30 Wednesdays to Saturdays inclusive from 11.00 to 03.30</p>

Grounds for Review from Essex Police
<p>There are concerns around the licensable activities at the premises in particular on Thursday, Friday, Saturday and Sunday evenings/early hours of the morning. Since July 2013 police records detail more than 35 incidents from within the premises, with the large proportion of those being assaults against the person. Several of these assaults have resulted in serious injury.</p> <p>Amongst that number there are also several allegations of assault by Security Industry Authority approved/regulated door staff. Additionally, there are further incidents of crime and disorder in the Queen Street area which can be attributed to alcohol sales/patronage of Silk Road.</p>

Application for a Review of a Premises Licence – Licensing Act 2003

Application for review of premises licences – Section 51 Licensing Act 2003

- (1) Where a premises licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.
- (2) Subsection (1) is subject to regulations under section 54 (form etc of applications etc)
- (3) The Secretary of State must by regulations under this section:
 - a) require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;
 - b) require the authority to advertise the application and invite representations about it to be made to the authority by interested parties and responsible authorities
 - c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any interested party
 - d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied:
 - a) That the ground is not relevant to one or more of the licensing objectives or
 - b) In the case of an application made by a person other than a responsible authority, that:
 - c) That the ground is not relevant to one or more of the licensing objectives or
 - d) In the case of an application made by a person other than a responsible authority, that:
 - i. the ground is frivolous or vexatious or
 - ii. the ground is a repetition
- (5) For this purpose a ground for review is a repetition if:
 - a) It is identical or substantially similar to:
 - i. a ground for review specified in an earlier application for review made in respect of the same premises licence and determined under section 52 or
 - ii. representations considered by the relevant licensing authority in accordance with section 18, before it determined the application for the premises licence under that section or
 - iii. representations which would have been so considered but for the fact that they were excluded representations by virtue of section 32, and

- b) A reasonable interval has not elapsed since that earlier application for review or the grant of the licence (as the case may be).
- (6) Where the authority rejects a ground for review under subsection (4) (b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly the requirements imposed under subsection (3)(a) and (b) and by section 52 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

The Licensing Authority has accepted the application for a review of the premises licence held in respect of the Silk Road, 4 at Botolph's Street, Colchester which was made by Essex Police (**Appendix 1**). The application, received by the Licensing Authority on 14 February 2014 was accepted and duly served and advertised by the Licensing Authority in accordance with the above section of the act and the regulations that accompany it.

In support of its application for a review of this premises licence, Essex Police has outlined the grounds under which it is applying for the review and has also submitted detailed background information to evidence the reasons why it believes such a review is necessary. This evidence is attached as **Appendix 1** of this report.

A letter of support for the case has been received from Essex Trading Standards. The letter was received in the representation period and has been accepted by the Licensing Authority. The letter is shown as **Appendix 2** of this report.

Colchester Borough Council's Statement of Licensing Policy

The following policy guidance is taken from the Council's Statement of Licensing Policy in relation to the Licensing Authority's Premises Policies regarding off sales, shops and supermarkets, to the licensing objectives that are the basis of this review and also in relation to applications made to review a premises licence. The Policy was prepared in accordance with the Licensing Act 2003 and the guidance and regulations that accompany the Act and offered as advice and guidance for applicants, relevant responsible authorities, interested parties, authorised persons and the Licensing Authority itself.

Reviews

4.25 The Licensing Authority or a relevant responsible authority will give early warning, where possible and appropriate, to licence holders of any concerns about problems identified at the premises and of the need for improvement.

4.26

Responsible authorities and/or interested parties such as residents living in the immediate vicinity of a premises can trigger a review of a premises licence, but a clear case based on evidence would need to be presented to the Licensing Authority. Such evidence may for example be in the form of written, recorded, filmed or photographic evidence.

4.27

No more than one review from interested parties (such as residents) will normally be accepted by the Licensing Authority within any 12 month period on similar grounds, except in exceptional and compelling circumstances.

4.28 The Licensing Authority may exercise a wide range of powers that has been given to it to promote the licensing objectives, when determining a representation that has called for a review of a premises licence.

4.29 Steps that can be taken by the Authority could include:

- taking no action.
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition) for example, by reducing the hours of opening times or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

4.30 All of the above measures are shown as examples only of what action the Licensing Authority could take when determining an accepted relevant representation which seeks a review of a premises licence and are in accordance with paragraphs Chapter 11, paragraphs 11.1 to 11.28 of the guidance issued under Section 182 of the Licensing Act 2003.

4.31 Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under the age of 18. The consumption of alcohol by children can impact on the health, educational attainment, employment prospects and propensity for crime and anti-social behaviour of young people.

4.32 The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003, and the Licensing Authority will consider representations that such offences have occurred with the utmost seriousness when they arise in connection with the grant or review of a premises licence.

4.33 In regard to a review that may be applied for by the Police for example in connection with serious criminal activities occurring on or around, or because of a licensed premises, the following criteria may apply as reasons for such a review being sought and are in accordance with paragraph 11.26 of the guidance issued under Section 182 of the Licensing Act 2003. These may include:

- the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;

- the sale and distribution of illegal firearms;
- the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- prostitution or the sale of unlawful pornography;
- organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly gangs;
- the organisation of racist activity or the promotion of racist attacks;
- unlawful gaming and gambling and
- the sale of smuggled tobacco and alcohol.

4.34 While it is not the role of the Licensing Authority to determine the innocence or guilt of individuals charged with licensing or other offences committed on licensed premises, that is down to the judgment of the Courts, there is however no reason why representations received by the Licensing Authority that give rise to a review of a premises licence should be delayed pending the outcome of any criminal proceedings. (See paragraph 11.25 of the guidance issued under Section 182 of the Licensing Act 2003)

4.35 It is therefore the intention of the Licensing Authority to proceed with such a review should such circumstances prevail, although it does acknowledge that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence, the priority of the Licensing Authority will be to promote the licensing objectives, whether or not there has been fault on the part of the licensee or staff.

4.36 Where reviews arise and the Licensing Authority has determined that the crime prevention objective is being undermined through, a licensed premises being used as a base for serious crime or in connection with serious criminal activity, in accordance with 11.27 of the guidance issued under Section 182 of the Licensing Act 2003, it will seriously consider even in the first instance, the revocation of the premises licence.

Objective 1: Prevention of crime and disorder

5.12 The Council is committed to further improving the quality of life for the people living in the borough of Colchester by continuing to reduce crime and the fear of crime.

5.13 Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to do all that it reasonably can to reduce crime and disorder. The Licensing Act 2003 and the Anti-Social Behaviour Act 2004 reinforce this duty.

General Policy

5.14

Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:

- i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18 of the Policy) has been taken into account. This provides a comprehensive list of best practice which may be taken into account by the Licensing Authority where relevant to the circumstances of the premises.**
- ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour (see Appendix 18 of the Policy)**
- iii) whether the operating schedule includes management measures to prevent crime and disorder.**
- iv) whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the areas set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.**

5.14 The following examples of best practice measures are only provided to assist and guide applicants, who may need to take account of them in their operating schedule after having due regard to their relevance in relation to their particular type of premises and/or activities. It should be noted that these examples are not intended as an exhaustive checklist and will not be used by the Licensing Authority to create standard conditions. All applications are considered in their own individual right and on their own individual merit. Where no representations are received a licence must be granted.

- effective and responsible management of premises by consideration within an applicant's operating schedule of the issues listed in Appendix 17 of the Policy.
- training and supervision of staff including the use and maintenance of CCTV

systems on the premises and awareness of alcohol and drug misuse.

- adoption of best practice guidance, for example Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions such as the Point of Sale Promotions published by BBPA, and Security in Design published by BBPA and Drugs and Pubs.
- acceptance of accredited 'proof of age' cards, for example PASS, locally approved 'proof of age' cards such as 'Prove It' and/or 'new type' driving licences with photographs.
- provision of effective and maintained CCTV in and around premises.
- employment of Security Industry Authority licensed door staff.
- provision of toughened or plastic drinking vessels.
- provision of secure, deposit boxes for confiscated items ('sin bins').
- provision of litter bins.
- other security measures, such as effective lighting.
- membership of local 'Pubwatch' schemes or similar organisations or schemes such as the Best Bar None Award
- finger print recognition identification system e.g. "In Touch" or similar.
- search arch or wand metal detectors.
- Adoption of "Challenge 21" Scheme or "Challenge 25" Scheme.

5.15 A Premises Supervisor must be designated within the operating schedule for premises from which alcohol will be sold. **The Licensing Authority will normally expect the Designated Premises Supervisor to have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, would be present on the licensed premises sufficiently to ensure that the licensing objectives are being positively promoted and that premises licence conditions are being satisfied.** In addition to the Designated Premises Supervisor holding a personal licence, the Licensing Authority would strongly encourage this person to undertake additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

In general, conditions imposed upon premises licences and club registration certificates where relevant representations have been received by the Licensing Authority will reflect local crime prevention strategies and will be reasonable, proportionate and necessary for the promotion of one or more of the four licensing objectives.

10. Interested Parties, Responsible Authorities, Representations

Reviews, Hearings and Appeals

- 10.1 Who can make representations or seek reviews?
- **‘Interested Parties’** and **‘Responsible Authorities’** may make **‘relevant representations’** in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.
- 10.2 **‘Interested Parties’** are defined as any of the following;
- A person living in the vicinity of the premises
 - A person involved in a business in that vicinity
 - A body representing persons living in that vicinity
 - A member of the Licensing Authority i.e. an elected Councillor of the Licensing Authority
- 10.3 **‘Responsible Authority’** is defined as any of the following (**see appendix 4A for further details**)
- The Chief Officer of Police for the area
 - The Fire Authority
 - The enforcing authority for Health and Safety at Work
 - The local Planning Authority
 - The Local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
 - The body representing matters relating to the protection of children from harm
 - A navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel
 - The weights and measures authority (Trading Standards).
- 10.4 **Relevant Representations** is the term used for comments and objections that:-
- Are about the likely effect of the grant of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives
 - Are made by an **‘Interested Party’** or **‘Responsible Authority’** within the prescribed period and have not been withdrawn
 - In the opinion of the Licensing Authority, are not **frivolous, repetitious** or **vexatious** (such a decision will be made by the Councils Licensing Manager).
 - Relate to the identity of the proposed premises supervisor, and are made by the Chief Officer of Police for the Colchester Borough and include a statement that the proposed premises supervisor would undermine the crime prevention objective.
- 10.5 The terms **‘frivolous’** and **‘vexatious’** have their normal meanings.
- 10.6 In the case of a review of a premises licence or certificate, a representation

will be **'repetitious'** if: -

- (a) It is identical or substantially similar to: -
- Grounds in an earlier application for review made in respect of the same premises and already determined, or
 - Representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - Representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) A reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

10.8 **Reviews**

10.8.1 The Licensing Authority must hold a hearing to review a Premise Licence or Club Premises Certificate where either: -

- **Representations** are made in the prescribed form by a **'Responsible Authority'** or **'Interested Party'** seeking a review of the licence or certificate on one or more of the licensing objectives, or
- A Magistrates' Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the Police.

Determination of application for review - Section 52 Licensing Act 2003

(1) This section applies where -

- (a) the relevant licensing authority receives an application made in accordance with section 51,
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3) (b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period of not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is

altered or omitted or any new condition is added.

- (5) Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “relevant representations” means representations which -
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are -
 - (a) that the representations are made –
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
 - (a) the holder of the licence,
 - (b) the applicant,
 - (c) any person who made relevant representations, and
 - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect -
 - (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the appeal is disposed of.

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of that property must be balanced against all other public interests or representations that the Licensing Sub Committee may wish to consider reasonable and proportionate and which relate to the application that has been submitted by Essex Police for a review of this premises licence.

In making their decision as to the outcome of this application for a review of this premises licence, Members of the Licensing Sub Committee should in particular

consider Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property and also Article 8 that everyone has the right to respect for his private and family life, his home and his correspondence.

Crime and Disorder Implications

When considering and determining this application, Members of the Licensing Sub Committee should have due regard to its duties and responsibilities under Section 17 of the Crime and Disorder Act 1998, which places a responsibility on a Local Authority to do all that it can to prevent Crime and Disorder from occurring within its area.

[NOT PROTECTIVELY MARKED]

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I CARL O'MALLEY
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Silk Road Lounge & Cocktail Bar. 4, St Botolphs Street.	
Post town COLCHESTER	Post code (if known) CO2 7DX

Name of premises licence holder or club holding club premises certificate (if known) Mr Osman RASIH
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Number of premises licence or club premises certificate (if known)
--

Part 2 - Applicant details

I am


Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

[NOT PROTECTIVELY MARKED]

[NOT PROTECTIVELY MARKED]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Essex Police Divisional Headquarter Colchester Police Station 10, Southway Colchester. CO3 3BU	
	

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

[NOT PROTECTIVELY MARKED]

[NOT PROTECTIVELY MARKED]

Please provide as much information as possible to support the application (please read guidance note 3)

There are concerns around the licensable activities at the premises in particular on Thursday, Friday, Saturday and Sunday evenings/early hours of the morning. Since July 2013 police records detail more than 35 incidents from within the premises, with the large proportion of those being assaults against the person. Several of these assaults have resulted in serious injury. Amongst that number there are also several allegations of assault by Security Industry Authority approved/regulated door staff. Additionally, there further incidents of both crime and disorder in the Queen Street area which can be attributed to alcohol sales/patronage of Silk Road.

[NOT PROTECTIVELY MARKED]

[NOT PROTECTIVELY MARKED]

Please tick ✓

yes

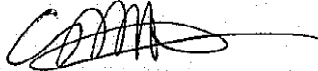
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

12/2/14

Capacity

CH / SUPT LPA COMMANDER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Fiona Philpott
Essex Police Legal Department
Police Headquarters
PO Box 2
Springfield

Post town
CHELMSFORD

Post Code
CM2 6DA

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

[NOT PROTECTIVELY MARKED]

Essex County Council
Environment, Sustainability & Highways
Trading Standards
 2 Beaufort Road
 Chelmsford
 Essex CM2 6PS



Essex County Council

Colchester Borough Council
 Licensing Section
 Rowan House
 Colchester
 CO3 3WG

Date: 28/2/2014
 Our Ref: LEW/Silk Road
 Your Ref: 30621

Dear Sir,

Licensing Act 2003

With reference to the application, by Essex Police for the review of the premises licence for Silk Road, Lounge and Cocktail Bar of 4, St Botolphs Street Colchester.

Essex Trading Standards Supports the application made by Essex Police on the following grounds. During 2012 an inspection was carried out at the premises of Silk Road as well as two other connected premises in Colchester, Copacabana and Topz Wine Bar. A quantity of 4 bottles of alcohol were removed from Silk Road, subsequently analysis found them to be alcohol of industrial origin as opposed to alcohol of agricultural origin. The samples were also deficient in alcohol by volume. This also applied to a further three bottles of alcohol removed from the premises of Copacabana.

Although these bottles were not found to be unsafe and injurious to health, they were not such that they could be referred to as 'vodka' in line with the Spirit Drinks Regulations 2008. Industrial alcohol can be harmful in certain quantities if certain chemicals are present and therefore it is vital for businesses to buy their alcohol from legitimate suppliers to eliminate the risk to consumers.

Essex Trading Standards issued the business with a formal warning letter and did not consider more punitive action because there was only a small quantity of alcohol recovered and the public analyst did not find it to be injurious to health. However, this department does view the sale of illicit alcohol as a serious criminal matter and for this reason we do support Essex Police's application for a review on the grounds of the prevention of crime and disorder.

Ctd.....

During 2013 Silk Road was re-inspected and the alcohol being sold on the premises was compliant with the law at that time.

Yours sincerely

A handwritten signature in red ink, appearing to read 'Liz Webb', with a large loop at the start and a long tail.

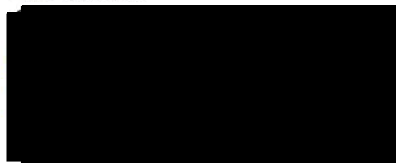
Miss Liz Webb
Trading Standards Officer

Please reply to: Liz Webb

Telephone:

Email:

Internet:





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: 018142

PART 1 - PREMISES DETAILS	
The Silk Road 4 St. Botolphs Street Colchester	
Post town:	Post code: CO2 7DX
Telephone number at premises: 01206 576010	

Date Licence Granted: 6 October 2008

Regulated Activities authorised by this licence:	
Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	Licensed
Other Music or Dance Entertainment (see Schedule)	Licensed
Facilities for Making Music	Licensed
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	Licensed
Late Night Refreshment	Licensed
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	11.00 to 02.00	
Tuesday	11.00 to 02.00	
Wednesday	11.00 to 03.00	
Thursday	11.00 to 03.00	
Friday	11.00 to 03.00	
Saturday	11.00 to 03.00	
Sunday	11.00 to 02.00	
Seasonal Variations		
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceeding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Holloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.	
On/Off Premises	Alcohol may be served ON and 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	11.00 to 02.00	11.00 to 02.00
Tuesday	11.00 to 02.00	11.00 to 02.00
Wednesday	11.00 to 03.00	11.00 to 03.00
Thursday	11.00 to 03.00	11.00 to 03.00
Friday	11.00 to 03.00	11.00 to 03.00
Saturday	11.00 to 03.00	11.00 to 03.00
Sunday	11.00 to 02.00	11.00 to 02.00
Seasonal Variations		
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceeding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Holloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceeding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Holloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.
Indoors/Outdoors	Activity may take place INDOORS	Activity may take place INDOORS
Further Details	To allow performances of live bands for entertainment value to customers visiting the premises.	Background music for customers and also for music to be played by disc jockeys.

	Performance of Dance	Other Music or Dance Entertainment
Monday	11.00 to 02.00	11.00 to 02.00
Tuesday	11.00 to 02.00	11.00 to 02.00
Wednesday	11.00 to 03.00	11.00 to 03.00
Thursday	11.00 to 03.00	11.00 to 03.00
Friday	11.00 to 03.00	11.00 to 03.00
Saturday	11.00 to 03.00	11.00 to 03.00
Sunday	11.00 to 02.00	11.00 to 02.00
Seasonal Variations		
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.
Indoors/Outdoors	Activity may take place INDOORS	Activity may take place INDOORS
Further Details		
	Facilities for Making Music	Facilities for Dancing
Monday	11.00 to 02.00	11.00 to 02.00
Tuesday	11.00 to 02.00	11.00 to 02.00
Wednesday	11.00 to 03.00	11.00 to 03.00
Thursday	11.00 to 03.00	11.00 to 03.00
Friday	11.00 to 03.00	11.00 to 03.00
Saturday	11.00 to 03.00	11.00 to 03.00
Sunday	11.00 to 02.00	11.00 to 02.00
Seasonal Variations		
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.
Indoors/Outdoors	Activity may take place INDOORS	Activity may take place INDOORS

Further Details		
	Other Facilities for Music & Dance	Late Night Refreshment
Monday	11.00 to 02.00	23.00 to 02.00
Tuesday	11.00 to 02.00	23.00 to 02.00
Wednesday	11.00 to 03.00	23.00 to 03.00
Thursday	11.00 to 03.00	23.00 to 03.00
Friday	11.00 to 03.00	23.00 to 03.00
Saturday	11.00 to 03.00	23.00 to 03.00
Sunday	11.00 to 02.00	23.00 to 02.00
Seasonal Variations		
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Halloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.
Indoors/Outdoors	Activity may take place INDOORS	Late night refreshments may be consumed INDOORS
Further Details		For the provision of hot and cold drink, both alcoholic and non alcoholic refreshments available. Also a Thai BBQ will operate to allow customers who wish to have substantial food available.

The Opening Hours of the Premises	
Monday	11.00 to 02.30
Tuesday	11.00 to 02.30
Wednesday	11.00 to 03.30
Thursday	11.00 to 03.30
Friday	11.00 to 03.30
Saturday	11.00 to 03.30
Sunday	11.00 to 02.30
Seasonal Variations	
Non-Standard Times	At New Year from 11.00 on New Year's Eve to the start of permitted hours on New Years Day. On all Public and Bank Holidays, Maundy Thursday and all Fridays, Saturdays and Sundays preceeding such holidays and on the following notable days; Burns Night, Valentine's Day, 29th February (leap year), St David's Day, St Partick's Day, St George's Day, Holloween (31st October), St Andrews Day, Christmas Eve, 27th and 28th December the hours the premises are open to the public shall be extended for one hour.

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

Alcohol may be served ON and OFF the premises

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	Licence Holder 2
Mr Osman Rasih	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable): 05436196

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Osman Rasih
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: 200500837 Enfield
--

Karen Newman

Karen Newman – Public Health & Enforcement Service Manager

13 August 2012

Date of Issue

Annex 1 – Mandatory Conditions

Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

Door Supervision

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

Please note that Conditions 1,2,3 and 5 below do NOT apply to those premises ONLY authorised for off sales of alcohol

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or
(ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. The responsible person shall 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) customers are made aware of the availability of these measures.

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

Annex 4 – Conditions Consistent with the Operating Schedule

Conditions Offered by Applicant in the Operating Schedule

1. CCTV inside and out, outside lighting, zero tolerance, pubwatch member, door staff when used will be SIA registered.
2. Colchester Pub and Club Watch Anti-Drugs Campaign posters to be displayed in the toilets to deter drugs users and dealers.
3. High quality digital CCTV system with cameras covering the whole of the premises, including the male and female toilets, not looking directly at urinals or into cubicles and all public access areas, entrance and exit doors in order to deter drug dealing, assaults and other incidents in accordance with Colchester Crime and Disorder Strategy and section 17 of the Crime and Disorder Act 1998. The Codec format of Digital computers must be available to the Police and the Licensing Authority in order to download images. Videotapes/CD discs to be kept for 31 days). Sufficient staff to be trained efficiently, in the use of the CCTV System.
4. Police Officers investigating serious assaults and other crimes in licensed premises have a duty to seize CCTV videotapes or digital discs to secure evidence. Video tapes and digital discs found to be defective or of inferior quality or blanked should be regarded as a serious breach of the Premises Licence condition. The DPS must ensure the best available quality CCTV evidence is available for any staff to hand to Police Officers investigating all incidents, and in particular serious incidents. Failure to comply would be a breach of the licence conditions
5. A Drugs search by consent policy should be in place under CCTV cameras, where SIA door supervisors are employed to deter drugs and weapons entering the premises and an appropriate drugs safe box kept on the premises for the security of unlawful drugs, seized or found by staff and kept secure until such time the Essex Police can dispose of those drugs lawfully. Essex Police code of practice and recommendation is that 2 in every 10 persons be searched as best practice by SIA door supervisors.
6. Provision of smoke alarms on the premises.
7. Provision of extractor fans.
8. Provision of outside lighting.
9. Provision of fire exits.
10. Provision of non smoking area.
11. Regular testing of all gas and electrical appliances.
12. Provision of first aid kit on the premises.
13. No bottles or glasses to be taken off the premises.
14. Toughened drinking glasses to be adopted.
15. Litter bins to be provided outside the premises.

16. Toilets to be provided on the premises.
17. Responsible management management of the premises.
18. Proof of age to be requested.
19. Soft and non alcoholic drinks to be made available.
20. Provision of sufficient staff to secure the protection of children from harm.
21. Children must be accompanied if they enter the building to use the toilet facilities.
22. Adopt and display Challenge 21 Proof of Age Scheme poster to deter underage drinking.
23. Door Staff when used must be SIA registered.
24. Substantial food to be available at all times.

Adult Entertainment Details

Any entertainment services or activities of an adult nature provided by the applicant be restricted to times when persons under the age of 18 years have no access to the premises.

Any advertising or promotion of any such events be appropriate for all ages to see when attending the premises at any other time.

In the event of any such activities taking place, suitable steps would be taken to promote the licensing objectives and avoid any concern in respect of children.

Annex 5 – Conditions Agreed with Responsible Authorities

1. All external doors/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place. Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.
2. All windows and doors to adjacent rooms such as toilets and corridors must be kept closed other than for access and egress whilst events involving amplified sound are taking place.
3. Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut. A written record shall be made of these checks in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action.
4. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff.
5. The outside areas are not to be used after midnight except for the designated smoking area.
6. No live music or amplified music to be played in the open air (including temporary structures such as marquees and tents).

Conditions agreed at the mediation meeting

6th October 2008

1. That the noise limiter to be fitted in accordance with the conditions agreed with Environmental Control be attached to the fire door at the side of the building so as to cut off any amplified sound from escaping in the event that the door is opened.
2. That a sign be erect by this door directing customers to use the designated smoking area.
3. Door Staff at the Silk Road will actively encourage any smokers at the side area of the Silk Road (Vineyard Street) to use the designated smoking area at the rear of the premises.
4. That the DPS or some other responsible manager to be on the premises after 22.00 when any form of regulated entertainment is taking place.

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

e-mail: licensing.committee@colchester.gov.uk
website: www.colchester.gov.uk