

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
24 June 2011 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.

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you wish to call
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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.

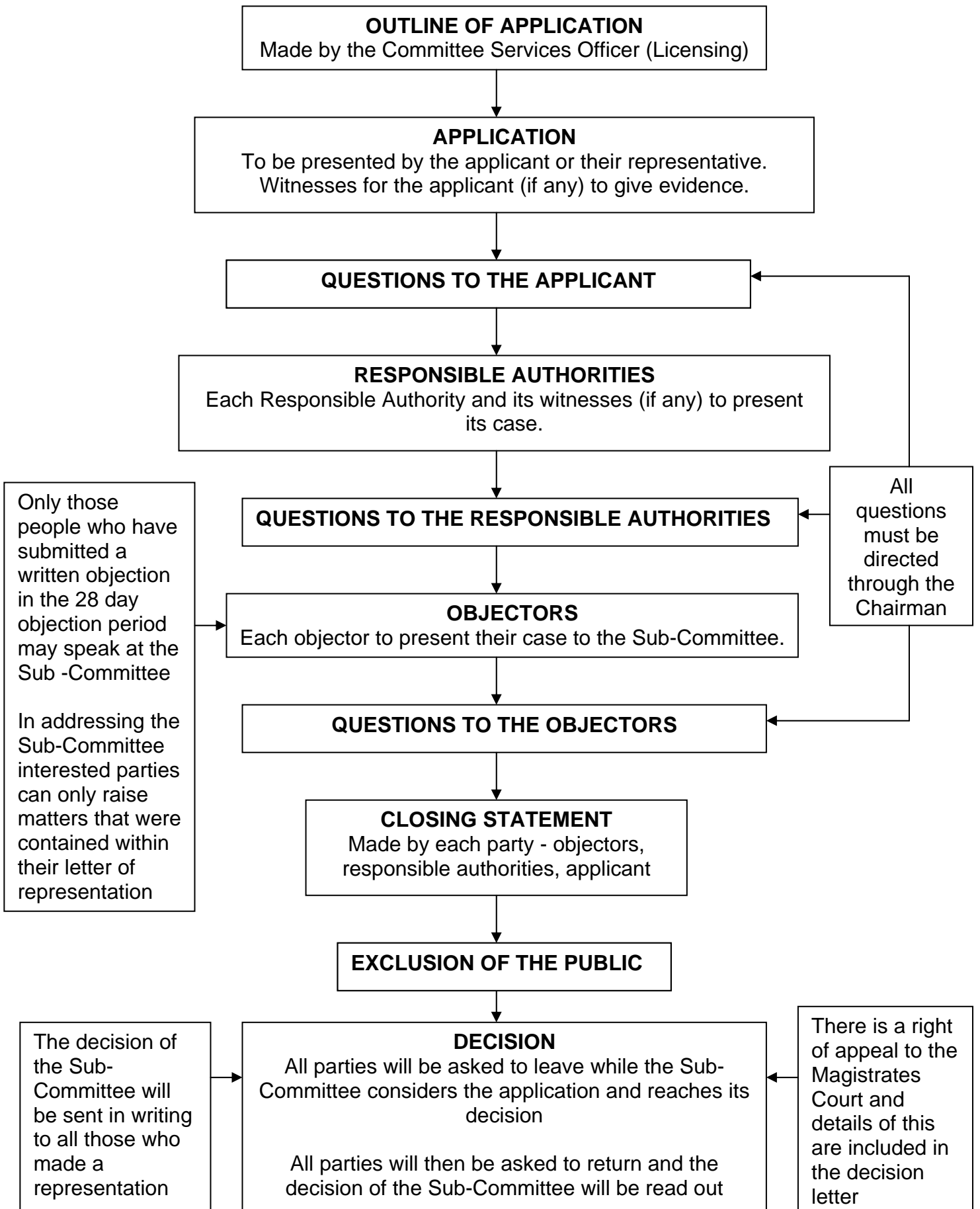
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
24 June 2011 at 10:00am**

Members

Councillors Mary Blandon, Barrie Cook and
Margaret Kimberley.
*(Chairman and Deputy Chairman to be appointed at first
meeting)*

Substitute Members :

Agenda - Part A
(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint a 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 personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

4. Minutes

1 - 5

To confirm as a correct record the minutes of the meeting held on 20 May 2011.

5. Application under the Licensing Act 2003

6 - 44

Tin Pan Alley
7 Queen Street
Colchester
Essex
CO1 2PG

LICENSING SUB-COMMITTEE HEARINGS

20 MAY 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors Michael Lilley and Ann Quarrie

1. Membership

Councillor Cook was appointed as Chairman for the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meetings held on 11 March and 4 April were confirmed as correct records.

4. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

a) Liquid/Envy

The Sub-Committee considered an application for the grant of a new premises licence in respect of the Premier CK Food and Wine to permit the supply of alcohol off the premises.

In Attendance

Applicant: Mr Smith, Solicitor for the Applicant; Mr Price, Designated Premises Supervisor; and Mr Gorrie, Luminar Leisure
Officers: Mr Daines, Head of Protective Services; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer), Mrs White, Committee Services Officer (Licensing)
Ward Councillors: Councillor Barlow and Councillor Spyvee
Interested Parties: Mr Murray, Dutch Quarter Association

Mrs White, Committee Services Officer (Licensing) briefly introduced the application advising that representations had been received from local resident, the Dutch Quarter Association and Ward Councillors. Mr Smith outlined the background to the application which sought not only to extend the hours for licensable activities on Sundays to Thursdays but also to amend and remove duplicated conditions, old public entertainment licence applications and Dispersal Procedure conditions.

Mr Smith requested that the application as submitted be amended to remove the requested extension of hours on Mondays, Wednesdays and Sundays. The hours on these days would remain unchanged. Mr Smith also asked that consideration be given to the granting of an additional 30 occasions on which the premises could open until 03.30 with licensable activities until 03.00. The applicant undertook to give notice to the Police and Licensing Authority of these events which it considered would provide it with increased flexibility, it was noted that these events would not take place on Sundays. In response to a question by the Chairman, Mr Smith responded that he could not guarantee that temporary events would not also be used alongside the 30 flexible occasions.

In seeking to remove a number of conditions on the licence, Mr Smith explained that the night bus had not been very successful and he circulated statistics on its use which indicated that at the stop outside Liquid/Envy, between two and eight people had got on the bus on each of the evenings that had been monitored. Mr Smith contended that the money that currently was used to fund the night bus could be used to fund other initiatives such as making a donation to the work of the SOS bus if it could be demonstrated that there was a need to do so. It was proposed to provide a Taxi Marshall from 02.30 for the extra hours that the premises were open. On Saturday a Marshall would be provided from midnight. Mr Smith indicated that sufficient notice would be given of the cessation of the night bus to enable the bus company to give the correct notice to decommission the route.

In response to the letters of representation the Sub-Committee was informed that six temporary events had taken place recently until 03.00 with the premises closing at 03.30. The Police had consulted their records and found there had been no increase in crime and disorder on those occasions. It was hoped that by extending the hours, more patrons would be encouraged to remain in the club and this would assist in helping to reduce migration between premises and resulting disturbance to local residents. A table showing the numbers of patrons leaving the premises and the direction of their travel was circulated to the Sub-Committee and it appeared to indicate that the increase in persons who could be expected to exit through the Dutch Quarter from Liquid/Envy on Tuesdays and Thursdays was not significant and was unlikely to be more than 11 people.

Councillors Barlow and Spyvee attended the meeting and addressed the Sub-Committee. Councillor Barlow explained that he had no problems with the management of the premises but that the proposed extension in hours had to be balanced against the needs of residents in the Dutch Quarter some of whom had raised the issue with him during the election period when he was canvassing. The issue of the Neighbours Charter was discussed and it was explained that liaison meetings had not taken place for the last two or so years. This was partially attributed to a change in management at

the premises but it was also noted by the applicant's representative that in this time complaints had not been made to the premises or Environmental Control which may indicate an absence of problems with the operation of the premises.

Mr Murray addressed the hearing on the general issues that faced residents in the Town Centre and on the exit routes from the town, which included the Dutch Quarter for those going north of the town. Mr Murray informed the Sub-Committee that he believed that people had given up complaining and expressed his view that the only time the premises was interested in talking to local residents was when it was seeking to extend its hours. Mr Smith in response to questioning on the Neighbour Charter responded that this was circulated to residents in East and West Stockwell Streets as they were considered close neighbours of the premises.

The Decision

RESOLVED that –

(i) having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report and the submissions made at the Hearing the Sub-Committee determined to grant the application to permit –

- The provision of films, boxing or wrestling entertainments, live music, performances of dance, facilities for making music, facilities for dancing and the supply of alcohol for the following hours –

Tuesdays and Thursdays 11.00 to 03.00

- Late night refreshment for the following hours –

Tuesdays and Thursdays 23.00 to 03.00

- The premises to be open for the following hours –

Tuesdays and Thursdays 11.00 to 03.30

- The removal of those conditions set out in the relevant section of the application submitted on 21 March 2011.

(ii) the permission sought at the hearing to hold licensable activities on an additional 30 other flexible occasions be refused.

The Licence was granted subject to the following conditions –

Conditions offered by the applicant at the Hearing

1. To adopt the additional Taxi Marshall condition proposed under Section 6 of the Dispersal Policy, circulated at the hearing, in relation to Tuesdays and Thursdays.

Conditions imposed by the Sub-Committee at the Hearing

1. To have regular liaison meetings with residents or representatives of residents in the Dutch Quarter.

Considerations

The Sub-Committee noted that 4 relevant representations had been received from interested parties and that the Dutch Quarter representative and Ward Councillors Spyvee and Barlow attended the hearing speaking on their own behalf. The Sub-Committee noted that there had been no representations from the Responsible Authorities.

The applicant submitted additional paperwork in support of the application on the numbers of people using East and West Stockwell Street, the number of people getting on the night bus outside Liquid/Envy, the dispersal policy, Thwaites case and the temporary event notices that had been submitted recently. This paperwork had been submitted to all parties.

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and the interested parties under the Licensing Act 2003 and had regard to the section 182 Guidance and the Council's Statement of Licensing Policy.

Reasons for Determination

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. The applicant's representative submitted that there was no significant evidence that he considered would constitute a breach of the licensing objectives. Temporary events had been held to the terminal hours proposed on occasions and no evidence had been presented by responsible authorities or interested parties to indicate that problems had occurred specifically at the premises.

The Sub-Committee after carefully weighing the evidence of all parties considered that this was an application for a variation of a premises licence from an applicant with a good and established record, an absence of any reviews or representations from responsible authorities and with a proven track record through TENS of operating at the times requested. The applicant had suggested a range of possible additional measures including working with local residents to address their concerns. The Sub-Committee felt that when weighed against the evidence presented by the interested parties, some of which was not within the remit of the Sub-Committee and referred to the general problems of the night-time economy, it preferred the evidence of the applicant.

The Sub-Committee felt that the case made by the objectors in respect of the likely noise nuisance and crime and disorder as a result of the application was not proved sufficiently to justify the refusal of the application or the imposition of further conditions, other than the two above.

5. Close of Meeting

The meeting closed at 12.43.



Licensing Committee – 24 June 2011	Agenda Item 5
Tin Pan Alley	FOR GENERAL RELEASE

Premises	Tin Pan Alley 7 Queen Street, Colchester, Essex CO1 2PG	Ward: Castle Stress Area: Yes Flare Ref: 073755 Author: Colin Daines
Application	Application for a variation of a premises licence to vary: The hours for the supply of alcohol on the premises, late night refreshment and the hours the premises are open to the public.	Appendix 1
Street Plan		Appendix 2
Existing Conditions		Appendix 3
Responsible Authority Environmental Control		Appendix 4

Variation Application
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol on the premises <ul style="list-style-type: none"> 11.00 to 00.00 Mondays to Thursdays inclusive 11.00 to 02.00 Fridays and Saturdays New Year's Eve from 11.00 until 02.00 the following day. - Late night refreshment indoors <ul style="list-style-type: none"> 23.00 to 00.00 Mondays to Thursdays inclusive 23.00 to 02.00 Fridays and Saturdays. - Hours the premises are open to the public <ul style="list-style-type: none"> 11.00 to 00.30 Mondays to Thursdays inclusive 11.00 to 02.30 Fridays and Saturdays New Year's Eve from 11.00 to 02.30 the following day.

Existing Premises Licence

The existing premises licence permits-

- The supply of alcohol on the premises

11.00 to 23.00 Mondays to Thursdays inclusive

11.00 to 00.30 Fridays and Saturdays

12.00 to 22.30 on Sundays.

- Late night refreshment indoors

23.00 to 00.15 Fridays and Saturdays

- Hours the premises are open to the public

11.00 to 23.20 Mondays to Thursdays inclusive

11.00 to 01.00 Fridays and Saturdays

From 10.00 New Year's Eve to 02.30 New Year's Day.

Policy Guidelines – Tin Pan Alley

Colchester Borough Council's Statement of Licensing Policy

Assessing Applications

Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant's operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.

Paragraph **3.8** of the Council's Statement of Licensing Policy recognises that "the new Licensing Act 2003 has brought with it great expectations and challenges, not least of which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and takeaways".

The Policy goes on to add in paragraph **3.9** that "however, along with the great expectations and opportunities for business expansion, the Licensing Act has also brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture".

Policy

Paragraph **3.10** of Colchester Borough Council's statement of Licensing Policy advises that:

The Licensing Authority wishes to work with the licensed trade to promote best practice, the responsible consumption of alcohol and the effective management of licensed premises. It will therefore consider sympathetically any applications for extended licensing hours from well-operated, well managed premises, whose operating schedules responsibly reflect how they are going to effectively promote the four licensing objectives.

Paragraph 3.11 of Colchester Borough Council's statement of Licensing Policy also advises that:

Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.

Prevention of Crime and Disorder

The Council's statement of Licensing Policy states under paragraph 5.12 that "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".

Policy

Paragraph 5.14 of the Policy states that:

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 Council's statement of Licensing Policy) has been taken into account. This provides a compressive list of best practice.**
- (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.**
- (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 area 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.

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

Public Safety

Paragraph 5.17 of the Council's statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

Policy

Paragraph 5.18 of the policy states that:

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

- (i) Where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises.**
- (ii) Whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency.**
- (iii) Whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and re-admissions.**
- (iv) Whether patrons can arrive at, and depart from, the premises safely.**
- (v) Whether there may be local overcrowding in parts of the premises.**
- (vi) Whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).**
- (vii) Whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key areas identified are:**

- Prevention of overcrowding**

- **Air conditioning and ventilation**
- **Availability of drinking water**
- **Further measures to combat overheating**
- **Overall safety.**

(vii) Whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

Prevention of Public Nuisance

Paragraph **5.21** of the Council's statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph **5.22** of the Council's statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises".

Policy

Paragraph **5.23** of the Policy states that:

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

- (i) The potential for nuisance associated with the style, characteristics and activities for the proposed licensable activities to be carried on at the premises, and the potential steps that could be taken to reduce the risk of nuisance occurring. This particularly may apply where residents live in the immediate vicinity of the premises;**
- (ii) Whether operating schedules contain adequate measures to prevent noise and vibration, either air-borne or structure-borne, and which are generated from within the premises or outside it, causing disturbance to people in the immediate vicinity of the premises. Regard will be given to disturbance of people whether at home or at work or otherwise staying in or visiting that area. Stricter conditions on noise control will be imposed in areas that have denser residential accommodation or residents living in the immediate vicinity of the premises.**

There has been one relevant representation received from Environmental Control in regard to this licensing objective. Environmental Control has commented that they have witnessed noise outbreak from the front and rear of the premises at 1.00am, that

windows and doors have been seen to be left open until 1.00am and that drinking has been observed at the front of the premises. The authority has also commented that the type of music played at the premises does not seem to be Jazz and Blues as the applicant stated it would be at the Licensing Sub-Committee hearing in December 2010. Environmental Control also comment that the structure of the building makes it extremely difficult to retain noise, hence the noise that they have already witnessed, and they are concerned that this could worsen during the summer months and disturb residents nearby.

No representations have been received from any interested parties in relation to this licensing objective.

Additional Policy Guidance – Public Nuisance

The Council's statement of Licensing Policy goes on to give the following policy advice in relation to the promotion of the Prevention of Public Nuisance licensing objective

Paragraph 5.27 of the Policy states that:

The Licensing Authority encourages applicants to set out in their operating schedules the steps taken or proposed to be taken to deal with the potential for public nuisance arising from the operations of the premises.

Paragraph 5.28 of the Policy states that:

When addressing the issue of prevention of public nuisance, where it is reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.

These may include:

- **The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.**
- **The hours of opening between 11.00pm and 7.00am.**
- **The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.**
- **The design and layout of the premises; particularly the presence of noise limiting features.**
- **The provision of toilet facilities on the premises.**
- **The safe capacity of the premises.**
- **The availability of public transport or taxis.**
- **A wind down period between the end of the licensable activities and closure of the premises.**
- **The last admission time.**

Protection of Children from Harm

Paragraph 5.32 of the Council's statement of Licensing Policy states that "the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications".

Paragraph 5.33 of the Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard".

Policy

Paragraph 5.34 of the Policy states that:

The Licensing Authority will rarely impose a complete ban on access to licensed premises for children. In exceptional circumstances and only where it is reasonable proportionate or necessary to do so to promote the licensing objective, conditions restricting access or excluding children completely may be considered necessary.

Paragraph 5.35 of the Policy states that:

The Licensing Authority will not impose conditions requiring that children be entitled to access to the premises. This is a matter for the sole discretion of the individual premises or club or person who is applying for a Temporary Event Notice.

There have been no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

Additional Policy Guidance – General

The following additional policy guidance is taken from the Council's statement of Licensing Policy and is included in this report for the advice and information of the Licensing Sub-Committee, the applicant and for any other interested party concerned with this application.

Stress Area Policy

Paragraph 3.96 of the Policy states that:

After full consultation, the Licensing Authority will continue to apply a special policy relating to cumulative impact to the Queen Street/St Botolph's Street area of Colchester town centre. This area continues to be identified as being under stress because of the cumulative effect of the concentration of late night food and alcohol and entertainment premises, which results in serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses located in that area.

Paragraph 3.97 of the Policy states that "although the stress area policy is being maintained, each and every application to grant or vary a premises licence in this area will be considered on its own individual merits and in its own right and in relation and relevance to any representations received that are pertinent to the application and also

to the licensing objectives. Applicants should be aware however that all applications received within the stress area may receive closer scrutiny from the responsible authorities, particularly from Essex Police, in order to ensure that the application will not have a negative impact on the licensing objectives, especially where the objectives of the prevention of crime and disorder and the prevention of public nuisance are concerned”.

Paragraph **3.98** of the Policy states that:

The Special Policy applies to applications for new licences and to variations which are relevant to the licensing objectives. This may include extensions of hours or capacities at the premises. Applicants are expected to state in their operating schedule how it is proposed to ensure that the application will not add to the cumulative impact currently being experienced in the stress area. Their operating schedule is likely to receive the close scrutiny of responsible authorities.

Paragraph **3.99** of the Policy states that:

Where no relevant representations are received, the application will be granted. Where, however, relevant representations are received the application will normally be refused unless the applicant demonstrates that the application will not add to that impact. The Licensing Authority may attach further or modified conditions to the licence where this is necessary to meet those concerns. This Policy is not an absolute bar on new applications. Where relevant representations are received, the individual merits of the application will always be considered and a decision made as to whether it is appropriate to make an exception to the Policy.

Paragraph **3.101** of the statement of Licensing Policy states that “the Licensing Authority welcomes the provision of a diverse choice of alternative entertainment where this is suitable, in order to reduce or ameliorate the impact of clubs, pubs, bars and fast food takeaway outlets situated within the stress area”.

Late Night Refreshment

Paragraphs **3.50 and 3.51** of the Council’s statement of Licensing Policy state that “all premises selling hot food or drink for consumption either on or off the premises between the hours of 11.00pm and 5.00am will require a premises licence. The same requirement to hold a licence will also apply to burger/hot dog/fast food vans trading after 11.00pm and up to 5.00am the following day. There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of the Policy, along with the definition of what constitutes a licensable activity for the sale of hot food and hot drink between the hours of 11.00pm and 5.00am”.

Paragraphs **3.52 and 3.53** of the Policy state that “the Licensing Authority is concerned that premises offering hot food and drink between the hours of 11.00pm and 5.00am, either for consumption on or off the premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed. Many of these customers may have consumed alcohol excessively before seeking this refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates from or around the vicinity of fast food takeaways”.

Paragraph **3.54** of the Council's statement of Licensing Policy states that "the consumption of food outside take-aways and mobile fast food vans also often results in unacceptably high levels of food waste and litter being deposited onto the street. This can occur to such an extent that it is the cause of public nuisance and cost to residents and the Council in litter and food being removed and cleaned from these pavements and roads".

Paragraph **3.55** of the Policy states that:

The Licensing Authority will therefore seriously consider any relevant representations made by the Police, responsible authorities or any other interested party such as local residents, to limit the opening hours of fast food take-away premises or any other action that is reasonable and proportionate in relation to the level of the complaint made. This would apply either in the area identified as a cumulative impact or stress area, or anywhere else in the Borough where it can be reasonably established that the late opening hours of such an establishment are attracting or leading to violence, crime and disorder, anti-social behaviour or noise and disturbance to the detriment of the living and working conditions of local persons.

Paragraph **3.56** of the Policy states that:

Where relevant representations have been made, the licensing authority will where necessary impose conditions on the licence, such as a limitation on opening hours or other measures, in order to promote the licensing objectives of the prevention of nuisance or crime and disorder.

Paragraph **3.57** of the Policy states that:

Such measures may include for example the employment of SIA registered door staff for the prevention of crime and disorder, digital CCTV cameras and litter picking around the immediate vicinity of the premises. This list is not exhaustive and other measures may be requested by the Police, responsible authorities or local residents for example.

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 in this matter that the Licensing Sub-Committee may wish to consider reasonable and proportionate in relation to the application that has been submitted and also the representations that have been received against it.

In making their decision as to whether to grant this application, 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

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

The Guidance issued by the Secretary of State for Culture, Media and Sport under the Licensing Act 2003 underlines the importance of the provisions of Section 17 when considering applications for premises licences under the new licensing legislation and in particular if a local authority is considering having a policy regarding the issue of new licences in areas where there may have been concerns about crime and disorder issues put forward by local residents and or the Police and the Council are considering the cumulative effect of the number of licences in existence in a designated area.

Application to vary a premises licence 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/We Douglas ARCHELL
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 004422
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 7, Queen Street,			
Post town	Colchester	Post code	CO1 2PG

Telephone number at premises (if any)	Awaits.
Non-domestic rateable value of premises	£7,200.00

Part 2 – Applicant details

Daytime contact telephone number	07867527246		
E-mail address (optional)			
Current postal address if different from premises address	108, Flemming Avenue, Leigh-on-Sea,		
Post Town	Southend-on-Sea.	Postcode	SS9 3AX

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To extend the permitted hours for the licensable activities of the supply of alcohol and provision of Late Night Refreshment on Mondays to Saturdays.

For the avoidance of doubt there is no application to extend the existing permissions for regulated entertainment.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>	
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>	
Wed				
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>	
Fri				
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>	
Sun				

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	00.00	Please give further details here (please read guidance note 3) * = The following day	Both	<input type="checkbox"/>
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	02.00*	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23.00	02.00*			
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) * = The following day New Years Eve from 11.00 until 02.00 the following day.		
Mon	11.00	00.00			
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	02.00*			
Sat	11.00	02.00*			
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) * = The following day New Years Eve from 11.00 until 02.30 the following day.
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	11.00	00.30*	
Tue	11.00	00.30*	
Wed	11.00	00.30*	
Thur	11.00	00.30*	
Fri	11.00	02.30*	
Sat	11.00	02.30*	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

All existing conditions attached to the licence shall remain and be carried forward into the proposed new hours. These conditions have succeeded in successfully promoting the licensing objectives to date and further measures are not considered necessary

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

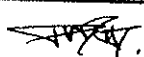
e) The protection of children from harm

- Please tick yes**
- I have made or enclosed payment of the fee
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	19 - 04 - 2011
Capacity	Licensing Consultant, on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

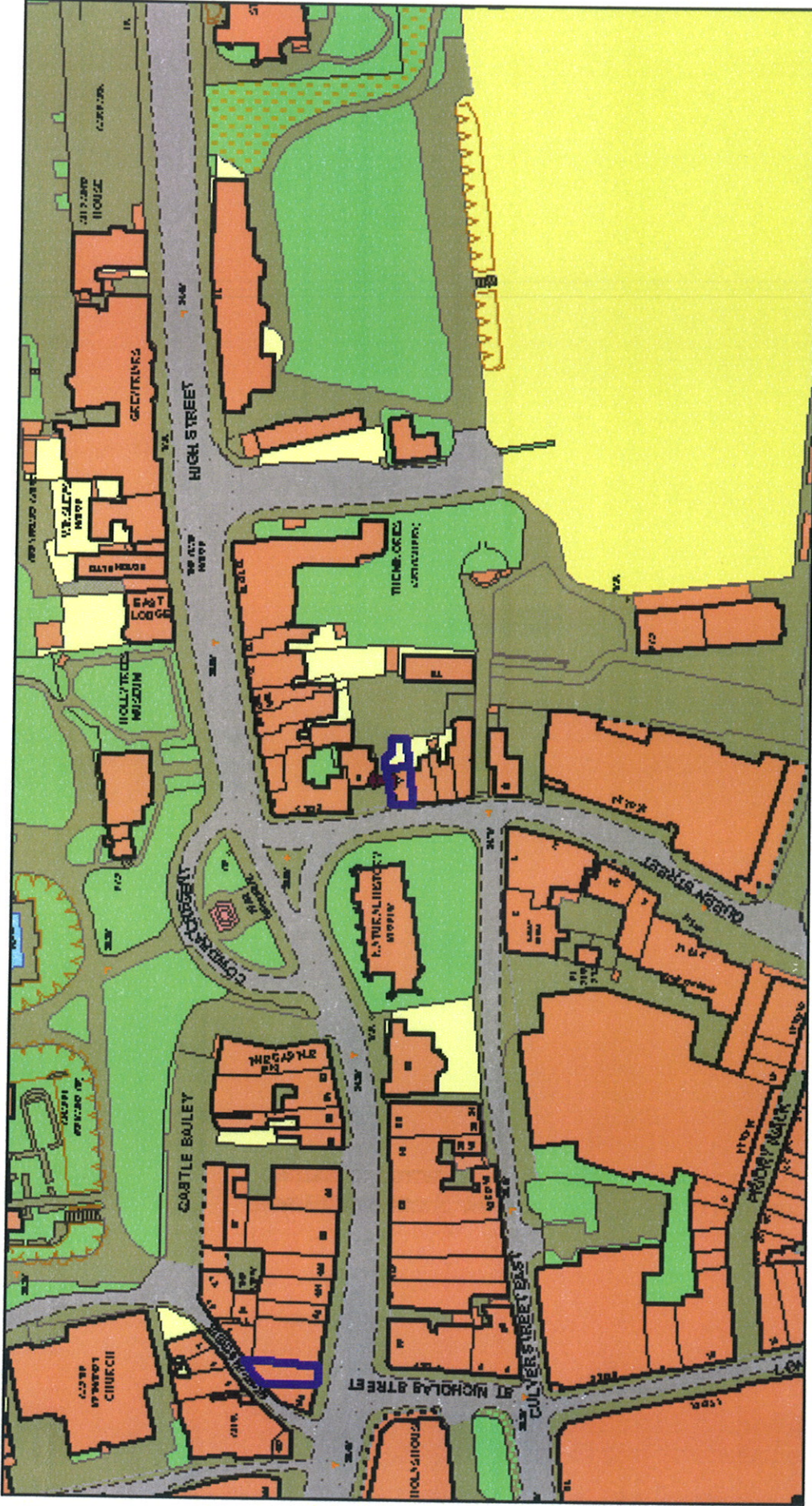
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Mr P West,
21st Century Licensing Ltd
Century House
125 Bishopsteignton

Post town	Southend-on-Sea	Post code	SS3 8BQ
Telephone number (if any)	07502 121 887		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Premises Location Plan



Licence Application Reference: 073755
Premises Name & Address: Tin Pan Alley 7 Queen Street Colchester
Date Produced: 3 June 2011

MAP NOT TO SCALE

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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.

Exhibition of Films

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

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

Annex 3 – Conditions Carried Forward on Conversion

1. That there be no gaming on the premises except for gaming by means of Amusement with Prizes Machines for which there is a permit in force under S.34 Gaming Act 1968.
2. That suitable beverages other than intoxicating liquor (including drinking water) shall be equally available during permitted hours.
3. That there shall be no off sales from the premises.

Annex 4 – Conditions Consistent with the Operating Schedule

Conditions Offered by Applicant in the Operating Schedule

1. CCTV cameras to be situated throughout the premises including male and female toilets.
2. BOBB scheme is incorporated.
3. Licencee to be member of Pubwatch and Publink.
4. All bar staff to be trained to identify and handle situations before they arise.
5. No queuing outside premises.
6. Excessive drinking is not promoted.
7. Anyone appearing drunk is not to be served and asked to leave quietly.
8. Anyone suspected of being under 18 is required to produce photo id in the form of a driving licence, passport or recognized proof of age card. Without this identification anyone suspected of being under 18 is not to be served and asked to leave the premises.
9. Doors and windows will be kept closed whilst music is being played inside the premises
10. A "Challenge 21" policy will be introduced
11. A member of staff will hold a S.I.A qualification
12. No under 18s on the premises unless accompanied by a responsible adult.

General - all objectives

1. There will be no amplified sound emanating from any speakers attached or linked to the screen.

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

Conditions 1 and 2 were offered by Applicant at the Licensing Sub-Committee Hearing on 23 August 2005:

1. Install noise mufflers to the extractor fans.
2. Replace existing cellar door.

Conditions 3 and 4 imposed by the Licensing Sub-Committee at the Hearing on 23 August 2005:

3. External windows/doors at the side and back of the premises to be kept closed after 21.00.
4. Noise levels to be agreed with Environmental Control and maintained with noise limiter if required.

Conditions 5 - 12 were offered by the Applicant at the Licensing Sub-Committee Hearing on 17 December 2010:

5. Side door to be replaced with one of heavy construction, well acoustically designed frame and fastenings.
6. The door to be kept for emergency use only and to be fitted with an audible and visual alarm and glass bolt
7. A noise limiter to be fitted at the premises and only accessible to the installation company. The noise levels to be determined in consultation with Environmental Control.
8. Sound levels from music to be controlled to ensure that it does not give rise to statutory noise nuisance within any adjacent dwelling.
9. No music shall be provided by way of "Disc Jockey".
10. All deliveries to the venue to be made between 08.00 and 21.00.
11. No recycling or emptying of glass bottles outside the premises before 8.00 or after 20.00
12. To maintain the Noise Issues Management Policy for Tin Pan Alley set out below and that no changes be made without prior agreement to Environmental Control. Save that the said policy will deem to be amended in order to comply with the conditions set out in this decision.

Noise Issues Management Policy

- a. Entry and exit of the venue must be via the front main entrance.
- b. Self closing door stay fitted to interior front door.
- c. Fire Exit door to be kept closed at all times and no public allowed to use it unless in case of fire or other evacuation of the premises.
- d. Regular noise perimeter checks to be carried out and logged. This provides positive monitoring and demonstrates our compliance.
- e. Log any complaints made with; time, person and contact details.

- f. Follow up complaint and resolve the issue. Log resolution.
- g. Door security to monitor outside drinking, no outside drinking allowed after 21.00.
- h. Door security to monitor and control outside noise levels from clients.
- i. At least 2 designated smoking butt bins be provided and emptied each day.
- j. Alley adjacent to venue kept tidy and free from litter.
- k. All deliveries to the venue made between 08.00 and 22.00.
- l. Train all staff in our Noise Issue Management Policy.

Condition 13 was imposed by the Licensing Sub-Committee at the Hearing on 17 December 2010:

13. Music can only be played within that part of the building that is not Grade 2 listed in order to address the concerns raised by Environmental Control.

Consultation Response

Environmental Control Officer:

Licensing Reference No: 073755

Ward: Castle

Location: Tin Pan Alley 7 Queen Street, Colchester, CO1 2PG

Details: Application to Vary Premises Licence

Scheduled Response Date:

Environmental Control's Comments: -

The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective

Environmental Control would recommend refusal on three points.

- (1) **Complaint history** Environmental Control has a long history of complaints from these premises. It is acknowledged that we have not received complaints since the premises reopened. However, this is likely be due to the music currently stopping before midnight. From experience residents are less tolerant of noise after midnight and, if the opening hours were extended, we would be more likely to receive complaints.

We are also more likely to receive complaints during the summer months when bedroom windows are left open overnight and people use their garden areas more regularly.

(2) **Current Observations**

The Councils Weekend Noise Service patrolling the town at night observe that there is noise break out from these premises. This has been witnessed at the front and the rear of the property.

The doors and windows at the front of the building have been seen to be left open until 1.00am.

Drinking has been observed outside the front of the premises.

We were informed at the hearing that Blues and Jazz would be predominantly played. However it is noted from the website that this does not appear to be the case.

(3) Other Considerations

These premises are located close to residential properties, and therefore the potential for noise disturbance is greater.

The building structure is poor in regards to containing noise, and this is demonstrated as noise has been witnessed at the rear of the venue at 1.00am.

Signed: D K Martin
Environmental Control Officer

Date: 12/5/2011

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