

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
20 May 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.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

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Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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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.

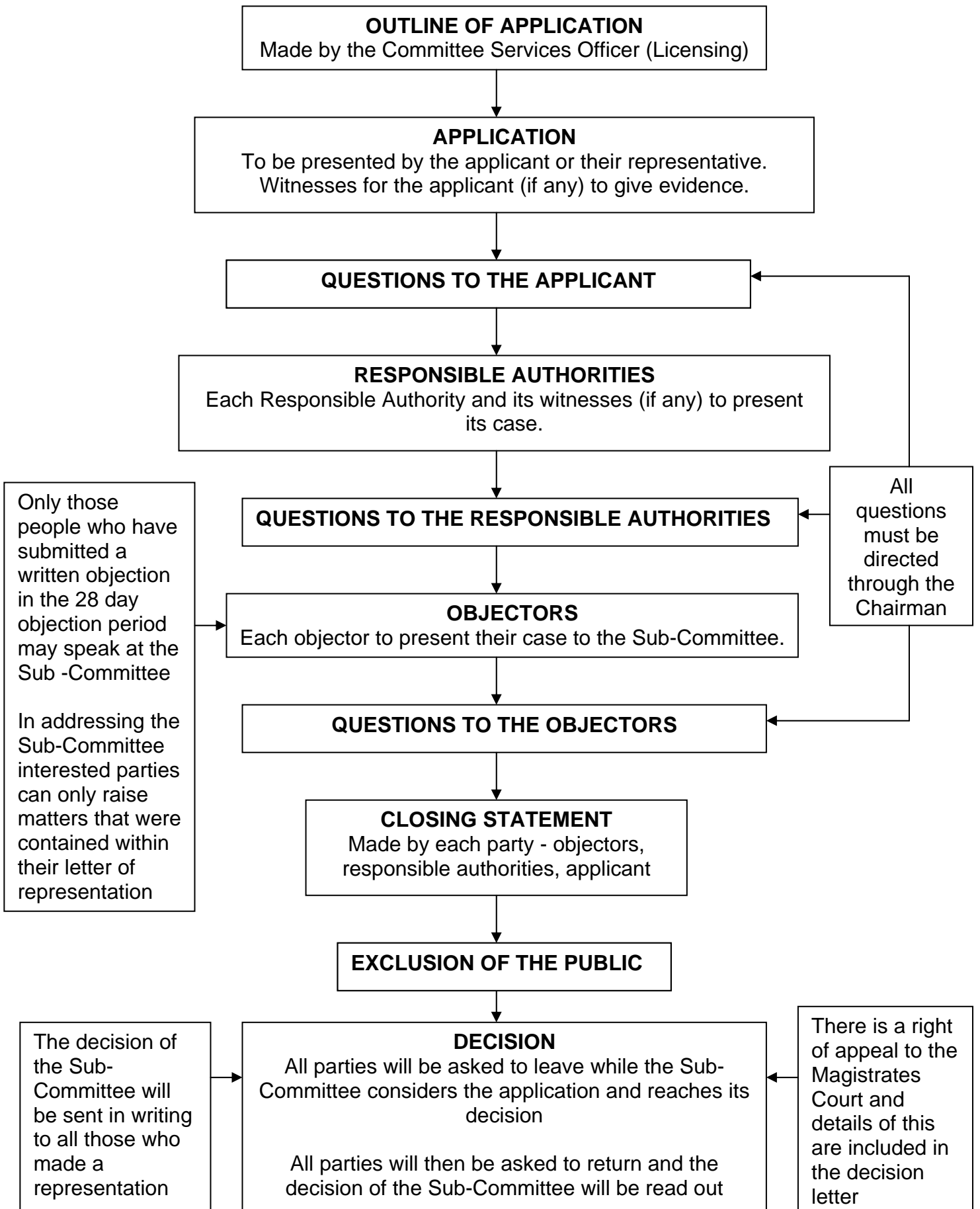
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
20 May 2011 at 10:00am**

Members

Councillors Barrie Cook, Michael Lilley and Ann Quarrie.
(Chairman and Deputy Chairman to be appointed at first meeting)

Substitute Members :

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

Pages

1. 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.

2. 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.

3. Minutes

1 - 14

To confirm as a correct record the minutes of the meetings held on 11 March and 4 April 2011.

4. Applications under the Licensing Act 2003

15 - 72

Liquid/Envy
131 High Street,
Colchester,
Essex
CO1 1SP

LICENSING SUB-COMMITTEE HEARINGS

11 MARCH 2011

Present :- Councillors Nick Cope, Dave Harris and Ann Quarrie

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application for a Review 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.

Bar B Q House, 45 North Station Road, Colchester

The Sub-Committee considered an application for the review of a premises licence in respect of Bar B Q House, 45 North Station Road, Colchester in relation to the following licensing objective -

- Protection of children from harm

.

In Attendance:

Applicant: Mr Groves (Trading Standards) and Ms Yarnell (Trading Standards)
Premises Licence Holder and Designated Premises Supervisor: Mr G Morina
Officers: Mr Daines, Head of Protective Services; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer)

Ms Tuthill, Committee Services Assistant (Licensing) briefly introduced the application made by Trading Standards to review the premises licence of Bar B Q House, 45 North Station Road, Colchester. The review had been sought on the grounds of the protection of children from harm.

Mr Groves addressed the Sub-Committee on behalf of Trading Standards and explained that within a six month period two test purchases had been carried out by Trading Standards which the premises had failed as alcohol had been sold on both occasions to underage customers. The first of these incidents occurred on 9 April 2010, after which a warning letter was sent to Mr Morina but there was no response. The second test purchase took place on 21 October 2010.

Ms Yarnell, who was present at both failed test purchases, then read her witness statement aloud and circulated photographs of the underage volunteers used on both occasions to the Sub-Committee.

Mr Groves stated that he understood that since the second failed test purchase Mr Morina had adopted the Challenge 25 scheme and implemented a record book at the premises. However, Mr Groves considered that the conditions set out in the 'Minimum Desired Outcomes' included in the review application would further address Trading Standards concerns.

The Chairman asked Mr Morina if he understood what was being said and if he was aware that he could have had representation. Mr Morina confirmed that he did.

Mr Morina then addressed the Sub-Committee and stated that he was unaware that underage sales had been occurring. He confirmed that since the second failed test purchase, the premises had adopted "Challenge 25" and a record book of sales. In response to questions posed by members, Mr Morina said that there was no excuse for the failed test purchases but that he could not guarantee that it would not happen again as he was dependent on his delivery staff to carry out the conditions of the licence. However, since the two incidents, customers are being asked to produce proof of age as part of all telephone orders taken.

Following a question from Mr Weavers, Legal Services, Mr Groves confirmed that Trading Standards only sort to suspend the supply of alcohol on the premises licence and not the entire licence. It was suggested that the suspension should be for a period of at least a month to allow the suggested conditions to be implemented.

Each party chose not to give a closing statement.

The Decision

That the reasons for the review brought by Trading Standards be upheld and the conditions set out below be applied to the Premises Licence:

1. Customers who appear under the age of 25 will be asked for identification before the alcohol is handed to the customer.
2. Any customer ordering alcohol via telephone shall be asked if they are over 25 and if they are under 25 they shall be warned that they will be required to provide identification upon delivery of the alcohol.
3. All staff (including drivers) to undertake and successfully pass the Trading Standards Institute Fair Trading Award Underage Sales Module before being permitted to sell age-restricted products.
4. Refresher training to be provided annually for all staff (including drivers) on underage sales.

5. Records to be kept of all staff (including drivers) training which will be made available to Trading Standards or the Police upon request.

6. A challenge book shall be maintained by each member of delivery staff which will be made available to Trading Standards or the Police upon request.

7. That all new members of staff receive immediate verbal or written training from the Designated Premises Supervisor followed by formal training within one month of the start of their employment. In the event that this training cannot be provided such staff shall not take orders or deliver any alcohol.

Also, the permission to supply alcohol on the premises licence shall be suspended for a period of six weeks from the date of this hearing to allow sufficient time for these conditions to be implemented.

Considerations

The review had been sought by Trading Standards following two sales of age restricted products to persons under 18 years of age the final sale being made in October 2010. The review request had been supported by the Children's Safeguarding Service although it was noted that they were not in attendance.

Photographs of the volunteers used were circulated to the members.

Reasons for the Determination

The Sub-Committee had given due weight to the evidence presented by Essex Trading Standards and had regard to the conditions to support the licensing objectives of the protection of children from harm.

The Sub-Committee considered the changes to the operation of the premises that Mr Morina had implemented since the failed test purchases but considered it necessary to impose the additional conditions as a necessary and proportionate measure in order to further the licensing objective of the protection of children from harm.

4. Application 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.

4 High Street, Rowhedge

The Sub-Committee considered an application for a premises licence in respect of the premises at 4 High Street, Rowhedge

In Attendance

Applicant: Mr Aylott (Agent for the Applicant) and Mr Kandasamy Mohanathan (Applicant)

Officers: Mr Daines, Head of Protective Services; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer)

Objectors: Councillor Lilley, Ward Councillor for East Donyland; Councillor Bayham, East Donyland Parish Council; Mr Niland, resident

Mrs White, Committee Services Officer (Licensing) advised that an application had been received for a new premises licence to permit the supply of alcohol from 06.00 to 23.00 Mondays to Sundays inclusive. Representations had been received opposing the application from local residents, Councillor Lilley and East Donyland Parish Council.

Mr Aylott, on behalf of the applicant, outlined the application and explained that the premises would be a general convenience store selling alcohol in addition to other goods including newspapers. In the event that the licence was not granted the shop would open for the same hours but without selling alcohol. Mr Mohanathan had been working in the trade for 15 years and had another premises in the area. He intended to have 2 or three staff at the premises and whilst Mr Mohanathan would be the Designated Premises Supervisor initially, it was anticipated that his wife would obtain a personal licence and become the DPS at the store in Rowhedge.

Mr Aylott drew the Sub-Committee's attention to the schedule of conditions included in the operating schedule which he believed were comprehensive and would address a number of the concerns expressed by residents. Condition 3 of the Schedule concerning the disposal of refuse was amended to reflect the hours in the Council policy prohibiting the disposal of rubbish between 19.00 and 07.00 and this condition was extended to include the prohibition of deliveries in this period although the delivery of newspapers would be exempt. Mr Aylott explained that deliveries would be by way of small van and not large lorry deliveries. A training manual was submitted for consideration by the Sub-Committee and objectors and Mr Aylott confirmed that Challenge 25 would be operated at the premises as sought by Councillor Lilley in his letter of representation.

Mr Aylott addressed the points raised in the letters of representation and outlined those areas which he did not consider fell within the terms of the licensing act in promoting the four licensing objectives such as planning, need for an additional premises, traffic and parking issues. In addition the issue of vicinity was considered in relation to two of the objectors who he believed outside of the immediate vicinity of the premises. Mr Aylott reiterated that there were no representations from the responsible authorities including Essex Police.

Councillor Lilley addressed the Sub-Committee on the points raised in his letter of

representation and on the issue of underage drinking which had been raised. Parish Councillor Bayham addressed the Sub-Committee on behalf of the Parish Council and reiterated the concerns of local residents. Mr Niland then addressed the Sub-Committee on the issues set out in his letter of representation. As a very close neighbour of the premises Mr Niland explained that they would be directly affected by the premises and its operation. He informed the Sub-Committee that they had already had occasion to phone the Council's Environmental Control team with regard to noise and he was concerned that the shop would bring increased traffic and noise from slamming car doors late at night. Mr Niland expressed his concern regarding the effect of deliveries on already congested roads in the area and in particular on Darkhouse Lane which ran adjacent to the shop and his house. Darkhouse Lane was a narrow, gravel, no through road giving access to properties in the Lane and access was already restricted on occasion by general parking in the area and the situation was unlikely to be improved if the licence was granted.

Mr Aylott responded to the concerns raised by drawing attention to the schedule of conditions and the proposed amendments, to the lack of representations by the responsible authorities, and the Section 82 guidance and the case law in relation to the consideration of planning matters and evidence.

The Decision

RESOLVED that a premises licence be granted for 4 High Street, Rowhedge to permit-

- The supply of alcohol off the premises Mondays to Sundays inclusive 06.00 to 23.00
- The premises to be open Mondays to Sundays inclusive 06.00 to 23.00

Reasons for the Determination

The applicant's representative submitted that there was no significant evidence that the licensing objectives would be undermined and the Sub-Committee after carefully weighing the evidence of all parties noted that this was an application for a new licence and that there were no representations received from responsible authorities. It felt that when weighed against the evidence presented by the interested parties, some of which was not within the remit of the Sub-Committee, it gave greater weight to the evidence of the applicant and believed that the interested parties concerns could be successfully addressed with the conditions set out in the operating schedule and those imposed by the Sub-Committee.

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. For the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to the operating schedule and to the relevant mandatory conditions in the Licensing Act 2003.

The Sub-Committee would remind all parties that they have the right to request a review if problems occurred once the new licence was in operation. All parties had the right of

appeal against the decision and all parties were encouraged to maintain a constructive dialogue.

The Licence was granted subject to the following conditions –

Conditions set out on the Operating Schedule

1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises shall disperse quickly and do not congregate.
3. The premises licence holder shall ensure that that there is no external disposal of refuse after 19.00 or before 07.00 daily and that deliveries of goods and alcohol, except newspapers, are not permitted within these hours.
4. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once every trading day.
5. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
6. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff as documented above.
7. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
8. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
9. The premises licence shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
10. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
11. The premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as possible.
12. The premises licence holder shall ensure that an alarm system will be installed and

in the event of its failure, repaired as soon as practicable.

13. The premises licence holder shall ensure that that adequate first aid equipment and fire safety materials are available on the premises.

14. The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.

15. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.

16. The premises licence holder shall ensure that an incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following :- any complaints received, violence by any person against another, any other criminal incidents, any visit by a relevant authority or emergency service.

17. The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the premises.

18. The premises licence holder shall ensure that there is no access to the premises through the 'fire exit only'.

19. The premises licence holder shall operate a "Challenge 25" scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photocard driving licence or an industry approved proof of age identity card.

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

21. The premises licence holder shall ensure that any refusals of sale of age related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to the this effect.

Conditions imposed by the Sub-Committee at the Hearing

1. The premises licence holder shall make best endeavours to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

2. Waste to be stored in an adequate secure storage space at the premises until collection.

3. The applicant must proactively engage by regular informal forums with the local community.

Mandatory conditions where licence authorises supply of alcohol

1. No sale of alcohol may be made under the premises licence-

a) at a time when there is no designated premises supervisor in respect of the premises licence.

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. 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.

4. 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. Close of Meeting

The meeting closed at 14.03.

LICENSING SUB-COMMITTEE HEARINGS

4 APRIL 2011

Present :- Councillors Nick Cope
Substitute Members :- Councillor Michael Lilley for Councillor Mark Cory
Councillor Mary Blandon
for Councillor Christopher Garnett

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application under the Licensing Act 2003

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

Chequers Inn, The Street, Great Tey, Colchester, Essex

The Sub-Committee considered an application for the variation of a premises licence in respect of the Chequers Inn, The Street, Great Tey to permit -

- Supply of alcohol off the premises
- Extension of hours for the supply of alcohol on the premises during non-standard timings
- Extension of opening hours over New Year
- Provision of indoor sporting events
- Provision of late night refreshment over New Year
- To amend the licensable area to include a Village Shop.

In Attendance:

Applicant: Mr Grimsey (Solicitor for the Applicant) and Mr Hunter (Designated Premises Supervisor, Greene King)

Responsible Authority: Mr Milham, Environmental Control

Officers: Mr Daines, Head of Protective Services; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer)

Resident: Mr Crookendon

Ms Tuthill, Committee Services Assistant (Licensing) briefly introduced the application advising that Environmental Control had commented on the application and that four representations had been received in response to the application as well as one letter of support from the Parish Council. Ms Tuthill asked the applicant to clarify exactly what they were seeking as part of this application as the Licensing Authority believed that some negotiations had taken place between the applicant and Environmental Control prior to the Hearing.

Mr Grimsey introduced the application and confirmed that the main reason for making the application was to allow the supply of alcohol off the premises from the shop, although they were also seeking the supply of alcohol off the premises in the public house area to allow late diners to be able to take their unfinished drinks home with them. Indoor sporting events had been applied for to allow spectators at Darts matches which take place at the premises once a fortnight.

Mr Milham, Environmental Control confirmed that Greene King had already agreed that the opening times for the shop would be 11.00 to 21.00 Mondays to Fridays and 11.00 to 15.00 Saturdays and Sundays. Mr Grimsey confirmed this and apologised for any confusion caused. Mr Milham confirmed that he was happy with the agreed shop opening times.

The Designated Premises Supervisor, Mr Hunter advised the Sub-Committee that since taking the public house over in November 2010, he had tried to turn the business back into a local, traditional, food-led public house and that the village shop had come about following requests from the local community.

The Solicitor for the applicant informed the Sub-Committee that he was aware that there have been some problems surrounding the Chequers Inn in the past but that these were not related to Mr Hunter who had only been at the premises since November last year.

Having read some of the local residents concerns in their letters of representation about the sale of alcohol to those underage, the Chairman asked Mr Hunter what provisions were already in place to prevent underage sales, to which Mr Hunter said that the premises had already adopted Challenge 21 in the shop and public house. However, it was noted that this was not a condition on the existing premises licence and that the current standard being adopted in licensed premises was Challenge 25.

In regards to some of the issues raised in the residents' letters of representation, Mr Hunter confirmed that on 10 December 2010, the lights had been left on to allow those leaving the premises to see where they were going otherwise it would be pitch black. In reference to the fireworks incident on New Year's Eve 2010, Mr Hunter said that he had been in bed at the time of the incident, that it was unrelated to the premises and that he had not known anything about it until he was approached by the Parish Council in mid-January. With regards to damage to nearby properties, Mr Hunter said that he was not aware of any incidents or complaints and had spoken to the Petanque Club which use the car park and they had not thought there had been an incident in about 20 years. Councillor Lilley asked Mr Hunter if he had arranged any meetings with local residents

to discuss their issues and concerns surrounding the application and Mr Hunter confirmed that he had tried to talk to all of the objectors.

Mr Grimsey advised the Sub-Committee that Mr Hunter was an experienced licensee who wanted to work with the local community and develop a business during a difficult time.

Mr Crookendon (resident) then addressed the Sub-Committee and informed it that he had lived in the village for 30 years and was supportive of the application, but that there had been some confusion amongst residents about the shop opening hours. Mr Crookendon also commented that historically there had been noise and behavioural problems caused by patrons of the premises and that there had been a problem with noise there on New Year's Eve 2010. Mr Crookendon said that he had telephoned Mr Hunter on New Year's Eve about the problem and said that if the problem continued he would invite Mr Crookendon to his home to listen to the noise and that he was keen to work with Mr Hunter to resolve any issues that arose. Mr Crookendon said that he had found working with Greene King difficult and sought clarification surrounding the Noise Abatement Notice which had been served on a previous landlady and wondered whether it still applied to the premises. Mr Milham confirmed that the Noise Abatement Notice only applied to the Designated Premises Supervisor upon which it was served and therefore did not apply to Mr Hunter.

In his closing statement, Mr Hunter acknowledged that there had been an issue on New Year's Eve and that he and Mr Crookendon had, had a discussion about the problem. Mr Hunter confirmed that he did not want to have live bands and discos on a regular basis, but may want them for occasions such as New Year's Eve which many local residents attend. Mr Hunter informed members that it was his intention to keep a nice village country pub and that he could not see any issues that would result from this application, particularly in relation to residents concerns regarding the possibility of people congregating outside the premises.

The Decision

RESOLVED that 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 –

- Provision of regulated entertainment and entertainment facilities as follows-

Indoor sporting events and supply of alcohol off the premises for the following hours-

11.00 to 00.00 Mondays to Thursdays

11.00 to 01.00 Fridays and Saturdays

11.00 to 23.30 Sundays

Non standard timings for indoor sporting events: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays 11.00 to 01.00. New Year's Day annual Petanque

club match 09.00 to 01.00

- Non standard timings for the supply of alcohol on and off the premises:

New Year's Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day.

- To permit the provision of Late Night Refreshment indoors

Non standard timings: New Year's Eve 23.00 to 05.00

- Hours the premises are open to the public: New Year's Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day.

- To amend the licensable area to include a Village Shop.

The Licence was granted subject to the following conditions –

Conditions set out on the Operating Schedule (previously not included):

1. The licensing objectives have been carefully considered taking account of the premises and their location.
2. The premises will promote the four licensing objectives in accordance with the Section 182 Guidance.
3. Risk Register kept on site

Conditions imposed by the Sub-Committee at the Hearing:

1. The "Challenge 25" scheme be adopted.
2. Only approved proof of age identification showing a photograph, date of birth and holographic mark will be accepted. Approved forms include passport, photo driving licence and pass accredited card.

Conditions agreed with Environmental Control prior to the Hearing:

1. That the hours for the supply of alcohol off the premises for the shop be as follows:
11.00 – 21.00 Mondays to Fridays inclusive
11.00 – 15.00 Saturdays and Sundays

Considerations:

The Sub-Committee noted that one letter of support had been received and that four relevant representations opposing the application had been received from interested parties and that one resident attended the hearing either speaking on their own behalf.

The Sub-Committee noted that the majority of the objections of the interested parties concerned the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee also noted that comments had been submitted by Environmental Control and that as a result the hours for the sale of alcohol off the shop premises had been reduced to Mondays to Fridays 11:00 to 21:00 and Saturdays and Sundays 11:00 to 15:00.

Policy:

The Sub-Committee considered the guidance issued under section 182 of the Licensing Act 2003 and its own policy particularly those paragraphs dealing with off sales/shops and supermarkets and rural areas.

In arriving at its 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.

Reasons for the Determination:

The Sub-Committee weighed the evidence of all parties giving careful consideration to all the representations and the evidence presented by each party.

It was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and it was satisfied that the most appropriate way forward was to grant the licence with amended hours for the sale of alcohol off the shop premises Mondays to Fridays 11:00 to 21:00 and Saturdays and Sundays 11:00 to 15:00; and subject to the additional conditions relating to Challenge 25 and proof of age identification.

The Sub-Committee found that some of the evidence presented by the interested parties was not within the remit of the Sub-Committee or pertinent to the decision being matters that involved a previous designated premises supervisor. In view of this it felt that the case made by local residents 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 further amendments to the hours. The Sub-Committee noted that the pub was generally not responsible for anti social behaviour committed away from the premises and outside the applicant's direct control however it urged the applicant./DPS to maintain a constructive and open dialogue with local residents in order to quickly address any issues of concern.

The Sub-Committee considered it necessary and proportionate, in order to promote the licensing objective of the prevention of children from harm and to address the concerns that had been expressed in relation to underage drinking, to impose conditions relating to the implementation of the Challenge 25 scheme.

4. Close of Meeting

The meeting closed at 11.40.



Licensing Committee – 20 May 2011	Agenda Item 4
Liquid/Envy	FOR GENERAL RELEASE

Premises	Liquid/Envy 131 High Street Colchester	Ward: Castle Stress Area: No Flare Ref: 073516 Author: Colin Daines
Application	Application for the variation of a premises licence- To permit the supply of alcohol and the provision of regulated entertainment and late night refreshment for extended hours. To amend and remove duplicated conditions, old public entertainment licence conditions and Dispersal Procedure Document conditions	Appendix 1 Appendix 1a
Street Plan		Appendix 2
Existing Licence		Appendix 3
Interested Parties		
Local Residents		Appendix 4
Dutch Quarter Association		Appendix 5
Councillor Barlow, Castle Ward Councillor		Appendix 6
Councillor Spyvee Castle Ward Councillor		Appendix 7

Variation Application for a Premises Licence

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 –

Mondays to Thursdays 11.00 to 03.00

Sundays 12.00 to 03.00

- Late night refreshment for the following hours –

Sundays to Thursdays 23.00 to 03.00

- The premises to be open for the following hours –

Mondays to Thursdays 11.00 to 03.30

Sundays 12.00 to 03.30

The conditions to be removed are set out in Appendix 1a.

Existing Premises Licence

The current licence allows the following on the days on which variations are sought. Timings on other days are unaffected:-

- 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 –

Mondays to Thursdays 11.00 to 02.00

Sundays 12.00 to 01.00

- Late night refreshment for the following hours –

Sundays to Thursdays 23.00 to 02.00

- The premises to be open for the following hours –

Mondays to Thursdays 11.00 to 02.30

Sundays 12.00 to 01.30

- The conditions listed for removal are listed on the existing premises licence shown at Appendix 3.

Policy Guidelines – Liquid/Envy, 131 High Street, Colchester

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.

Four letters of representation have been received opposing the application. The letters have been submitted by ward Councillors, the Dutch Quarter Association and local residents. It is noted that some letters make general points in relation to the situation in the Town Centre at night. Under the terms of the Licensing Act 2003 the Sub-Committee can only consider those parts of the letters specifically relating to four licensing objectives and the application by Liquid/Envy.

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 17 of the Council's statement of Licensing Policy) has been taken into account. This provides a comprehensive 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 in regard to this licensing objective. Letters have been received from the interested parties in relation to this objective and the representations make reference to criminal damage, disorder and anti-social behaviour which already occurs late at night. The letters from the Ward Councillors refer to the measures that are currently in place at the weekend to help mitigate any problems and to the fact that these measures are not in place at the times requested in the current application. Mr Murray, on behalf of the Dutch Quarter Association, believes that the measures put in place have not had a significant impact on the problems faced by residents in the Dutch Quarter but wonders how bad the situation would be without such measures in place. Mr Murray states that it is unacceptable that the disturbance experienced at the weekends should be extended into weekday mornings. There are also letters from residents of West Stockwell Street outlining the issues currently experienced by them.

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 have been no relevant representations received from any of the relevant responsible authorities in regard to this licensing objective. The representations received from interested parties address the issue of public nuisance and in particular the noise nuisance experienced by those resident in the Dutch Quarter. It is considered that later opening hours would exacerbate existing problems and residents would be subjected to such disturbance during the week as well as during weekends..

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.

Areas outside of the Stress Area Policy

Paragraph **3.103** of the Policy states that:

The absence of a stress area policy for a particular area does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a premises licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However where no relevant representations are received the application must be granted automatically.

Paragraph **3.104** of the Policy states that:

Applications outside of the Stress Area will be judged on their own individual merits, but the Licensing Authority may take into consideration the following:

- (i) Existing levels and concern about crime and disorder or public nuisance, and the impact that the proposed use will have on a locality.**
- (ii) The proximity of residential properties to the proposed use.**

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.

AMENDED - Colchester Borough Council

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.

We Luminar Gems Limited 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 004573
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Liquid/Envy 131 High Street			
Post town	Colchester	Post code	CO1 1SP

Telephone number at premises (if any)	01206762555
Non-domestic rateable value of premises	£141,000.00

Part 2 – Applicant details

Daytime contact telephone number	01908 544100		
E-mail address (optional)			
Current postal address if different from premises address	Deltic Avenue Rooksley		
Post Town	Milton Keynes	Postcode	MK13 8LW

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the sale of alcohol, regulated entertainment and late night refreshment Sunday to Thursday until 0300 the following morning, premise to close at 0330 the following morning; all other hours and activities to remain as existing; also to amend and remove conditions regarding duplicated conditions, old Public Entertainment Licence conditions and Dispersal of Procedures Document conditions.

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input checked="" type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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"/>
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	03:00	Please give further details here (please read guidance note 3)		
Tue	11:00	03:00			
Wed	11:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	11:00	03:00			
Fri			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)		
Sat					
Sun	12:00	03:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish	 (This section is crossed out with a diagonal line) 	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			State any seasonal variations for indoor sporting events (please read guidance note 4)	
			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 (please read guidance note 5)	

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 checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	11:00	03:00				
Tue	11:00	03:00	NO CHANGE			
Wed	11:00	03:00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur	11:00	03:00				
Fri			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)			
Sat						
Sun	12:00	03:00				
			NO CHANGE			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	03:00	NO CHANGE		
Tue	11:00	03:00			
Wed	11:00	03:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	03:00			
Fri					
Sat			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)		
Sun	12:00	03:00	NO CHANGE		

F – NO CHANGE

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					
Sat			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)		
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)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	03:00			
Tue	11:00	03:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed	11:00	03:00			
Thur	11:00	03:00	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)		
Fri					
Sat					
Sun	12:00	03:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	11:00	03:00	NO CHANGE	
Tue	11:00	03:00		
Wed	11:00	03:00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	11:00	03:00	NO CHANGE	
Fri				
Sat				
Sun	12:00	03:00	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 (please read guidance note 5)	

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 checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon	11:00	03:00	NO CHANGE	
Tue	11:00	03:00		
Wed	11:00	03:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	11:00	03:00	NO CHANGE	
Fri				
Sat				
Sun	12:00	03:00	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 (please read guidance note 5)	

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			<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)		
Fri					
Sat			<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)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)			Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>		
Day	Start	Finish		Both	<input type="checkbox"/>		
Mon	23:00	03:00	<u>Please give further details here</u> (please read guidance note 3)				
Tue	23:00	03:00	NO CHANGE				
Wed	23:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)				
Thur	23:00	03:00					
Fri			<u>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</u> (please read guidance note 5)				
Sat							
Sun	23:00	03:00	NO CHANGE				

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)		
Mon	11:00	03:00			
Tue	11:00	03:00			
Wed	11:00	03:00			
Thur	11:00	03:00	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) NO CHANGE		
Fri					
Sat					
Sun	12:00	03:00			

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)

NONE

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)		
Day	Start	Finish			
Mon	11:00	03:30			
Tue	11:00	03:30			
Wed	11:00	03:30			
Thur	11:00	03:30	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) NO CHANGE		
Fri					
Sat					
Sun	12:00	03:30			

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

Remove Annex 3 conditions 3, 8, 10, 18, 20, 21 and 22

Remove Annex 4 conditions 1, 2, 3, 9, 11, 12, 15, 16

Remove Annex 4 "General – all objectives" conditions 1, 2, 3

Remove Annex 4 "Prevention of Crime & Disorder" in it's entirety (duplicated conditions already on page 15 of the current licence)

Remove Annex 4 "Public Safety" in it's entirety (duplicated conditions already on page 17 and 18 of the current licence)

Remove Annex 4 "Prevention of Public Nuisance" in it's entirety (duplicated conditions already on page 17 and 18 of the current licence)

Remove Annex 4 "Protection of Children" in it's entirety (duplicated conditions already on page 17 and 18 of the current licence)

Annex 5 conditions 1 (mandatory condition), 3 and 4

Annex 6 "General" in it's entirety (duplicated conditions already on page 17 and 18 of the current licence)

Annex 6 "Prevention of Crime and Disorder" conditions 1 – 11 (duplicated conditions already on page 17 and 18 of the current licence)

Annex 6 "Public Safety" conditions 1 – 10 (duplicated conditions already on page 17 and 18 of the current licence)

Annex 6 "Protection of Children from Harm" in it's entirety (duplicated conditions already on page 17 and 18 of the current licence)

Also remove the following:-

Content of Dispersal Procedure Document – 1. Relevance of Licensing Conditions:

The Stage Bar will become a dedicated soft drinks and coffee bar only for the last hour prior to cessation of sale of alcohol. (All bars sell a full range of soft drink and free drinking water is available at all times).

Content of Dispersal Procedure Document – 2. End of Evening Operational Policies:

DJ announcements may be used to both encourage a gradual dispersal, to remind customers of consideration for neighbours and encourage customers to utilise approved transport being approved taxi's or Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening and the management, door supervision and marshalling procedures which support this aim.

Content of Dispersal Procedure Document – 6. Measures to Promote Customer Dispersal and Safety:

Taxi Rank

The taxi rank is situated directly opposite to the venue and registered door supervisors will oversee the queuing arrangements and allocation of customer's taxis up until 3am, when the venue closes.

Content of Dispersal Procedure Document – 6. Measures to Promote Customer Dispersal and Safety:

Nightrider First Bus

Security Staff and management will inform customers of the Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening. Initially the tickets will be offered free to promote the bus service, however this will change once the scheme is up and running and a charge will be levied.

Content of Dispersal Procedure Document – 7. Information cards

We will distribute 'Get home safely cards', with useful info such as, Taxi location, Maps, telephone numbers, bus stops and bus routes. We will also promote the use of the Balkerne Hill car park via our printed material and website showing a street map in order to encourage traffic away from the Dutch Quarter area.

Please tick yes

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

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)

Bearing in mind the nature of this application (mainly the removal of duplicated conditions) nothing further is required save for those conditions already on the current licence and listed below.

b) The prevention of crime and disorder

1. Extra measures will be put in place to ensure customers leaving, during the later hours do promote The Prevention Of Crime And Disorder objectives; these include such measures as Marshals patrolling the immediate vicinity outside of the venue, a recognised arrangement with a private hire taxi company, signs displayed on exit from the venue, information on all printed material
2. ***There will be no admissions into the venue one hour prior to closing.***

c) Public safety

1. A person trained in first aid will be at the venue during trading hours.

d) The prevention of public nuisance

1. DJ announcements may be used to encourage a gradual dispersal, to remind customers of consideration for neighbours and encourage customers to utilize the available taxi's
2. The taxi rank is situated directly opposite to the venue. One member of door staff will oversee the queuing arrangements and allocation of customer's taxis up until 3am, at this point an additional member of door staff will be allocated to the taxi rank. The doorstaff will continue to oversee the queue until it has cleared or until 45 mins after the time the venue has closed on Fridays and Saturdays, whichever is sooner.

e) The protection of children from harm

1. 10 occasions per year to permit under 18 events subject to:
 - a) All events to take place during school holidays, if an event is required to take place outside of the school holidays then the Police and Council will be notified prior to the event taking place and the event will not proceed until approval is given;
 - b) A minimum of 6 door staff being in attendance at the event;
 - c) The maximum occupancy to be set at 750 including staff;
 - d) The events to be held from 19:00 to 23:00;
 - e) A safe room and parental link be provided;
 - f) The provision of a sign outside advertising the event;
 - g) Twenty one days notice to be given to the police of any event for under 18's taking place
 - h) The event to be for 14-17 year olds only.

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	21 March 2011
Capacity	Poppleston Allen Solicitors <i>for and on behalf of the applicant</i>

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)			
Angela Gardner - P18113/17337			
Poppleston Allen Solicitors			
37 Stoney Street			
The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
a.gardner@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish

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

Remove Annex 3 conditions 3, 8, 10, 18, 20, 21 and 22

Remove Annex 4 conditions 1, 2, 3, 9, 11, 12, 15, 16

Remove Annex 4 "General – all objectives" conditions 1, 2, 3

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Content of Dispersal Procedure Document – 2. End of Evening Operational Policies:

DJ announcements may be used to both encourage a gradual dispersal, to remind customers of consideration for neighbours and encourage customers to utilise approved transport being approved taxi's or Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening and the management, door supervision and marshalling procedures which support this aim.

Content of Dispersal Procedure Document – 6. Measures to Promote Customer Dispersal and Safety:

Taxi Rank

The taxi rank is situated directly opposite to the venue and registered door supervisors will oversee the queuing arrangements and allocation of customer's taxis up until 3am, when the venue closes.

Content of Dispersal Procedure Document – 6. Measures to Promote Customer Dispersal and Safety:

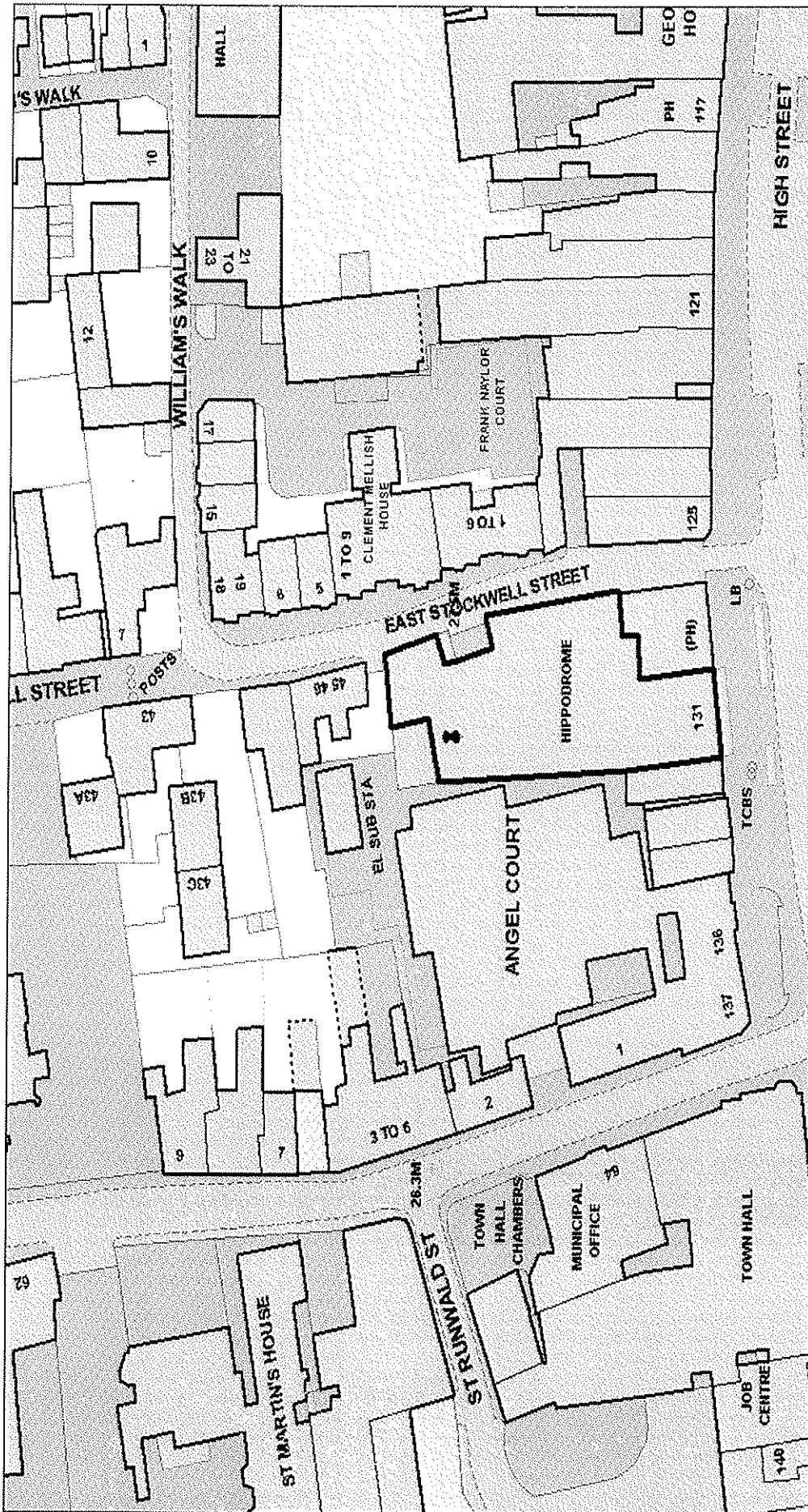
Nightrider First Bus

Security Staff and management will inform customers of the Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening. Initially the tickets will be offered free to promote the bus service, however this will change once the scheme is up and running and a charge will be levied.

Content of Dispersal Procedure Document – 7. Information cards

We will distribute 'Get home safely cards', with useful info such as, Taxi location, Maps, telephone numbers, bus stops and bus routes. We will also promote the use of the Balkerne Hill car park via our printed material and website showing a street map in order to encourage traffic away from the Dutch Quarter area.

Premises Location Plan



APPENDIX 2.

Licence Application Reference: 004573
Premises Name & Address: Liquid/Envy 131 High Street Colchester
Date Produced: 4 May 2011

MAP NOT TO SCALE

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**Premises Licence**

Granted under the Licensing Act 2003 s18

Colchester Borough Council
Licensing Team
Rowan House
33 Sheepen Road
Colchester CO3 3WG

Premises licence number: 004573

PART 1 - PREMISES DETAILS	
Liquid/Envy 131 High Street	
Post town: Colchester	Post code: CO1 1SP
Telephone number at premises: 01206 762555	

Date Licence Granted: 27 September 2005

Regulated Activities authorised by this licence:	
Performance of Plays	
Film Exhibitions	Licensed
Indoor Sporting Events	
Boxing or Wrestling Entertainment	Licensed
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	Licensed
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	Licensed
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	
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 02.00	
Thursday	11.00 to 02.00	
Friday	11.00 to 03.00	
Saturday	11.00 to 03.00	
Sunday	12.00 to 01.00	
Seasonal Variations		
Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		11.00 to 02.00
Tuesday		11.00 to 02.00
Wednesday		11.00 to 02.00
Thursday		11.00 to 02.00
Friday		11.00 to 03.00
Saturday		11.00 to 03.00
Sunday		12.00 to 01.00
Seasonal Variations		
Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holiday Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		11.00 to 02.00
Tuesday		11.00 to 02.00
Wednesday		11.00 to 02.00
Thursday		11.00 to 02.00

Friday		11.00 to 03.00
Saturday		11.00 to 03.00
Sunday		12.00 to 01.00
Seasonal Variations		
Non-Standard Times		<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>
	Performance of Live Music	Playing of Recorded Music
Monday	11.00 to 02.00	00.00 to 00.00
Tuesday	11.00 to 02.00	00.00 to 00.00
Wednesday	11.00 to 02.00	00.00 to 00.00
Thursday	11.00 to 02.00	00.00 to 00.00
Friday	11.00 to 03.00	00.00 to 00.00
Saturday	11.00 to 03.00	00.00 to 00.00
Sunday	12.00 to 01.00	00.00 to 00.00
Seasonal Variations		

Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	<p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>
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	Performance of Dance	Other Music or Dance Entertainment
Monday	11.00 to 02.00	
Tuesday	11.00 to 02.00	
Wednesday	11.00 to 02.00	
Thursday	11.00 to 02.00	
Friday	11.00 to 03.00	
Saturday	11.00 to 03.00	
Sunday	12.00 to 01.00	
Seasonal Variations		
Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	
	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 02.00	11.00 to 02.00
Thursday	11.00 to 02.00	11.00 to 02.00
Friday	11.00 to 03.00	11.00 to 03.00
Saturday	11.00 to 03.00	11.00 to 03.00
Sunday	12.00 to 01.00	12.00 to 01.00
Seasonal Variations		

Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		23.00 to 02.00
Tuesday		23.00 to 02.00
Wednesday		23.00 to 02.00
Thursday		23.00 to 02.00
Friday		23.00 to 03.00
Saturday		23.00 to 03.00
Sunday		23.00 to 01.00
Seasonal Variations		
Non-Standard Times		<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>

The Opening Hours of the Premises	
Monday	11.00 to 02.30
Tuesday	11.00 to 02.30
Wednesday	11.00 to 02.30
Thursday	11.00 to 02.30
Friday	11.00 to 03.30
Saturday	11.00 to 03.30
Sunday	12.00 to 01.30
Seasonal Variations	

Non-Standard Times	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.30 the following morning.</p> <p>Until 03.30 the following morning on Christmas Eve. All other hours to remain as existing.</p>
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Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol may be served ON 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
Luminar Leisure Limited Licensing Department Deltic Avenue Rooksley Milton Keynes MK13 8LW Tel: 01908 544100 E-mail: Rebecca.carolan@luminar.co.uk	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable): 5882675
--

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Glynn Price 15 Ely Road Ipswich Suffolk IP4 3BY Tel: 01206 762555
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: IPS/200502863-3 Ipswich BC

Colin Daines

Colin Daines - Protective Services Manager

24 January 2011

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.

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 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

The Provision of recorded music in accordance with the conversion of the Justices' Licence pursuant to Section 182 of the Licensing Act 1964.

1. The maximum number of persons allowed to be present in the various parts of the premises when it is in use for any purpose authorised by this Licence shall be as follows:

Ground Floor Premises 737 persons
First Floor General 491 persons
First Floor VIP Area 70 persons

2. Although accommodation factors have been allocated to various areas, it has been assumed that any person entering the building for Public Entertainment purposes will be able to pass through all the public spaces and designated escape routes in case of an emergency, which would necessitate complete evacuation of the building. This means ALL public areas and access/escape routes must be open at all times whilst the public are on the premises. However, the management must ensure at all times that the limit of numbers of persons is never exceeded in individual areas as indicated above.

3. Any Laser equipment used in the place shall be in line with the guidelines of the Health and Safety Executive Note PM19, shall be operated only by authorised persons suitably trained in the equipment's use and the emission levels produced by such equipment within the public areas of the place shall not exceed emission levels produced by laser equipment classified as Class 2.

4. Copies of Drawings Numbered 719-01 (REV D), 719-02 (REV E), and 719-03 (REV D) indicating Fire alarms MUST be available at ALL times.

5. Any performance involving the use of special effects to be notified to the Council 28 days in advance and such technical specifications as required by the Council be provided.

6. The adoption of and compliance with the conditions detailed by Essex Police as outlined below:-

7. 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 Local 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 CCTV system.

8. Police Officers investigating serious assaults in licensed premises have a duty to seize CCTV videotapes or discs to secure evidence. Video tapes and discs found to be defective or of inferior quality or blanked, should be regarded as a serious breach of the PEL conditions. The holder of the PEL must ensure the best available quality CCTV evidence is handed to Police Officers investigating all incidents and

in particular serious incidents. Failure to comply could jeopardise the PEL.

9. A drugs search by consent policy under CCTV cameras as a condition of entry where Door Supervisors are employed should be in place 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 times that Essex Police can dispose of those drugs lawfully. Essex Police code of practice and recommendation is that 2 in every 10 persons are searched (minimum).

10. Door security if used to be registered in accordance with the Council's Door Registration Scheme, and must be registered with the SIA (Security Industry Authority) as from the 28/02/05. The Public Entertainment Licence Holder and Licensees also have a vicarious responsibility to ensure Door Supervisors are registered and do not exceed their authority outside the premises in the street/public places beyond main entrances and should monitor the ejection of customers by Door Supervisors.

11. Toughened drinking glasses to be used at all times the premises are open.

12. No bottles or glasses to be taken off the premises

13. Windows and doors to be closed by 11pm to reduce noise levels from Public Entertainment.

14. Empty bottles and glasses to be collected as soon as possible. (Best practice to reduce incidents of glassing injuries).

15. Polite signs should be placed at all exits from the premises encouraging customers to be quiet on leaving the area and to respect the rights of people living nearby to a peaceful night.

16. Establish an acceptable sound level control system for any musical entertainment so as to avoid unreasonable disturbances to any residents in the immediate vicinity of the premises. A noise-limiting device must be installed, maintained and used for the duration of each event. Noise levels to be agreed in conjunction with Colchester Borough Council's Licensing Officer and Environmental Control.

17. Licensees to join Pub and Clubwatch and to attend three meetings a year to discuss items of common interest working in partnership with the Local Authority, Colchester Police, Licensing Justices and other agencies as best practice to assist in the reduction of alcohol related Crime and Disorder.

18. Free unrestricted drinking water must be available where dancing and public entertainment is being performed as recommended by the Home Office Safer Clubbing guidance for Licensing Authorities, Club Managers, Promoters and Licensees.

19. Colchester Partnership Pubwatch and Clubwatch Anti-Drugs Campaign posters to be displayed on the premises in the bars/toilets to deter drug dealing and using on the premises.

20. No alteration to the purpose of this licence i.e. Music & Dancing,

will be allowed unless it has been applied for in writing by way of it being a variation to the terms and conditions of the licence issued.

21. All conditions carried forward on conversion from the Essex Building Surveyors Association Model Conditions of Management for Places of Entertainment.

22. 5 occasions per year to permit under 18 events subject to:-

- a. The five events to take place during school holidays.
- b. A minimum of 12 door staff being in attendance at the event.
- c. Tickets to be sold in advance only.
- d. The maximum occupancy to be set at 750 including staff.
- e. The events to be held from 19.00 to 23.00.
- f. A safe room and parental link be provided.
- g. The provision of a sign outside advertising the event.
- h. 21 days notice to be given to the police of any event for under 18's taking place.
- i. The event to be for 14-17 year olds only.

Annex 4 – Conditions Consistent with the Operating Schedule

Conditions Offered by Applicant in the Operating Schedule

1. The venue will continue to train its staff required by relevant legislation.
2. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate.
3. This venue will continue to comply with all of the conditions on the justices licence, public entertainment licences and other licences in force for the additional hours (in so far that they are not being varied by this application). The public entertainment licence guidelines are specific to this venue, its location and style of operation. The venue has an established capacity.
4. If a DJ is used on any night then he/she will ask customers to leave quietly.
5. The current level of lighting outside the premises will continue for the additional hours of trading.
6. The existing CCTV system will continue to operate during the additional hours of trading.
7. Notices saying that CCTV is in operation 24 hours a day will be displayed throughout the venue.
8. Any persons who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.
9. The venue will actively participate in the local pubwatch or equivalent scheme.
10. Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.
11. Toughened glass will continue to be used during additional hours of trading.
12. This venue will only accept photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram.
13. Music and dancing will continue to be prominent feature of trading.
14. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours.
15. Free drinking water will be available at all times.

16. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

17. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

18. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.

19. The seating layout shall be agreed with the appropriate authorities.

20. If a DJ is used on any night then he/she will ask customers to leave quietly.

21. Reasonable steps will be taken to recognise the need of local residents and businesses.

22. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

23. A person under 18 years will not be allowed to use any AWP machine.

The venue intends to have specially organised events for the youth market when the venue will adhere to the following attached documentation:-

Admission policy
General Policies Statement
Code of Conduct for Staff Statement
Child Protection Policy

Admission policy

UKClubCulture is an entertainment event which is only for persons who are 13 to 17 years old.

Dress policy at UKClubCulture events can be checked at www.ukclubculture.com and then select the relevant venue. The dress policy is generally expected to be cool, funky and fresh.

UKClubCulture is opposed to the use of alcohol or cigarettes by persons in this age group and Luminar opposes the use of illegal drugs within our society.

Upon admission to any UKClubCulture event appropriately trained and qualified door stewards will vet and search each person who wishes to attend.

Any customer wishing to gain entrance into a UKClubCulture event is asked to produce appropriate photo ID. If the door stewards have any doubt regarding the legitimacy of the ID produced or the age of a

customer they will not admit that person to the venue.

If the door stewards believe that a person wishing to enter the venue may have used alcohol or an illegal substance they will either not admit that person to the venue or they will take them to a designated area where they will be supervised until their parents/guardians and/or local authority are telephoned and arrive to collect them.

If the door stewards have cause to search any person at or wishing to gain entrance to, any UKClubCulture event and during such search discover any alcohol, weapon or illegal substance these will be confiscated.

LUMINAR'S MANAGEMENT RESERVE THE RIGHT TO REFUSE ADMISSION FOR ANY REASON AT ITS SOLE DISCRETION

General Policies

As part of Luminar's commitment to offering quality entertainment to 13-17 year olds in a safe and friendly environment we take the following steps:

We will ensure that:

- Entry is in accordance with our admission policy and the age restrictions are strictly adhered to. UKClubCulture events are only for people who are 13 to 17 years old. Any person wishing to gain entrance into a UKCC event is asked to produce appropriate photo ID;
- Only soft drinks are on sale;
- No alcohol branding is displayed and that no alcohol is sold or dispensed at any UKCC event;
- Cigarette machines are disabled, turned around and that smoking is prohibited at any UKCC event;
- All gaming machines are switched off and turned around for the duration at any UKCC event;
- All venues inform the local police that they are operating a UKCC event;
- All companies with which we contract to provide door security services will only provide door supervisors who are Security Industry Association (SIA) registered. In addition all such companies are obliged to comply with our service level standards and codes of conduct;
- There will be appropriately qualified first aiders at each event and that each venue will have a designated first aid area;
- All venues will have the UKCC search policy on display or available on request. We reserve the right to carry out searches of customers attending these events. Searches will usually take place on the door and are primarily undertaken to prevent weapons, alcohol and illegal substances being brought into any venue. Any persons that refuse to be searched are not permitted to attend any UKCC event. Searches will be conducted in accordance with an approved searching policy.

- Should we have to refuse entry to any person or ask an attendee to leave a UKCC event for any reason, including, without limitation, inappropriate behaviour, we will advise our Designated Child Protection Officer. We will take all reasonable steps to ensure that any such person will be supervised by the staff at the venue until their parents/guardians and/or local authority are telephoned and arrive to collect them; and
- Other than in exceptional circumstances only persons who are employed to work at or supervise the event will be present at the venue. We do not permit any customers over the age of 18 to these events although we are committed to liaising openly with parents and carers.

Code of conduct for Staff Policy

Those working at UKClubCulture events will:

- Treat all young people with respect and dignity;
- Ensure that the welfare and safety of customers is paramount at all times;
- Always act in a professional way;
- Not accept bullying, swearing or other disruptive behaviour from any customer;
- Liaise openly with parents and carers;
- Listen to, and act upon, any allegations or concerns of which they become aware in relation to young people attending our events;
- Should a difficulty occur with any UKClubCulture customer, staff will avoid being alone with a young person at all times and should any such occasion arise, our Designated Child Protection Officer will be advised and asked to be present. Minimum force should only be used as a last resort necessary to restrain any person or eject them in accordance with our normal ejection Policies; and;
- Ensure our events are fun and enjoyable.

Child Protection Policy

We recognise that the welfare of young persons who attend our UKClubCulture events is paramount and that we have a duty of care.

We will do everything we can to provide a caring environment in order for young people to be able to enjoy the entertainment we offer and be safe at our events.

We will:

- Treat all young people with respect
- Have at our events a designated manager with child protection responsibilities. This manager will be called the Designated Child Protection Officer * ; and

- Make all adults in our organisation aware of their responsibilities in regard to our customers and in particular that they are expected to share any concerns about the welfare of a child/young person with the Designated Child Protection Officer.

*Our Designated Child Protection Officer is responsible for:

- Arranging training for all staff
- Monitoring and recording concerns
- Making referrals to authorities in the case of any complaint without delay; and
- Contacting the appropriate authorities to express their concerns, in circumstances where a young person has refused to remain within the safety of the venue and it is thought that the young person is vulnerable because of drug/alcohol use or emotional difficulties.

General - all objectives

1. This venue will continue to train its staff required by relevant legislation;
2. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate;
3. This venue will continue to comply with all of the conditions on the justices licence, public entertainment licences and other licences in force for the additional hours (in so far that they are not being varied by this application). The Public Entertainment Licence guidelines are specific to this venue, its location and style of operation. The venue has an established capacity.

Prevention of Crime & Disorder

1. If a DJ is used on any night then he/she will ask the customers to leave quietly
2. The current level of lighting outside the premises will continue for the additional hours of trading
3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue;
6. The venue will actively participate in the local Pubwatch or equivalent scheme;
7. Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff
8. Toughened glass will continue to be used during hours of additional trading
9. This venue will only accept photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram;

10. Music and dancing will continue to be a prominent feature of trading.

The external area to be used for the consumption of alcohol will be covered by the existing CCTV system installed at the Premises.

Public Safety

1. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours;
2. Free drinking water will be available at all times;
3. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.
4. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.
5. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and material used to form the skirt of the ring shall be flame retardant.
6. The seating layout shall be agreed with the appropriate authorities

Prevention of Public Nuisance

1. If a DJ is used on any night then he/she will ask the customers to leave quietly
2. The current level of lighting outside the premises will continue for the additional hours of trading
3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Reasonable steps will be taken to recognise the need of local residents and businesses

Protection of Children

1. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market
2. A person under 18 years of age will not be allowed to use any AWP machine.
3. The venue intends to have specially organised events for the youth market when the venue will adhere to the following attached documentation:-
 1. Admission policy;
 2. General Policies Statement
 3. Code of Conduct for Staff Statement and
 4. Child Protection Policy.

Annex 5 – Conditions Agreed with Responsible Authorities

1. No films or videos of any description will be shown so that they can be viewed by persons under age of any applicable BBFC/Local Authority certification.
2. Disposal of waste (including bottles) via the side door and into the rear bin stores that are adjacent to East Stockwell Street must not occur between 21.00-09.00.
3. No entry after 02.00.
4. The provision of two shuttle bus coaches for customers or to reach an agreement with First Bus whereby Liquid/Envy will guarantee fares for Liquid/Envy customers on the shuttle bus coaches by prepaying for 75 seats on a Friday and Saturday night when the premises are trading until 03.00 for licensable activities. Liquid/Envy customers to be given a ticket for the shuttle bus coaches. Other customers requesting use of the shuttle bus coaches would pay a flat fee of £2.00 (transport dispersal policy).
5. All conditions contained with the Model Operating Schedule and Model Dispersal Procedure Policy.
6. Management and staff are reminded that it is an offence to serve alcohol to those who are drunk. Classic symptoms of drunkenness include loud, rowdy or belligerent behaviour, unsteadiness, slurred speech and glazed eyes. The staff will monitor the behaviour of its patrons and will refuse to sell alcoholic drinks to anyone who is or appears to be drunk, or who is attempting to purchase drinks for any such person. Patrons who are or appear to be drunk may be asked to leave.
7. High visibility security staff to patrol East Stockwell Street at the side of the Liquid/Envy nightclub area towards Club Valentino in the Dutch Quarter between the hours of 00.00 and 03.30 to reduce noise and disturbance for the Dutch Quarter residents from customers/members of the public in the night time economy. Door supervisors to undertake training at the first opportunity in accreditation schemes/courses as part of the extended police family.

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

Operating Schedule

Liquid/Envy, Colchester

In addition to the conditions in this schedule the Dispersal Policy will be deemed as a part of the schedule

General

1. This venue will continue to train its staff as required by relevant legislation;
2. There will be monthly training of bar service staff so they understand all areas relevant to their legal responsibilities and part in the dispersal of customers. There will be monthly training for door supervisors covering their role and function during operation, assisting with dispersal and responsibilities and limitations with serving as a Marshall;
3. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate;
4. This venue will continue to comply with all of the conditions on the Premises licence for the additional hours (in so far that they are not being varied by this application). The Premises Licence conditions are specific to this venue, its location and style of operation. The venue has an established capacity;
5. Every customer who appears to be under 21 years will need to produce an approved form of identification to prove they are over 18 years of age. This venue accepts only approved forms of photographic identification: it will accept only a new form driving licence or a passport or an identity card displaying the PASS hologram. Signage will be displayed to confirm this;
6. No bottles or glasses will be allowed onto the site. Any such items will be removed from the person. It is unlikely that they would gain admission.

Prevention of Crime and Disorder

1. The DJ will ask customers to leave quietly at half hourly intervals commencing one hour before the closure times of the bars;
2. The current level of lighting outside the premises will continue for the additional hours of trading;
3. The existing CCTV system will continue to operate during the additional hours of trading; the head cam will be used during this period;
4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;

5. The venue will continue to actively participate in the local Pubwatch scheme;
6. The CCTV/radio link will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff;
7. Door Supervisors will monitor and patrol any queue that forms and work to ensure that this does not cause disorder;
8. Toughened glass will continue to be used during additional hours of trading;
9. Any person who appears to be intoxicated or who is behaving in a disorderly manner will not be permitted to enter the venue. Any person within the venue who appears to be intoxicated or who is behaving in a disorderly manner will be offered water to drink and given care and consideration in leaving the venue, in that help will be provided in finding a taxi and locating friends in order to ensure they leave the area safely without causing nuisance to others;
10. Sufficient SIA registered Door Supervisors will be on duty during licensing hours. Two Door Supervisors will be situated at the front door at all times during operating hours 10pm - 2am/3am
11. There will be no admissions into the venue after 1am on a Monday to Thursday and after 2am on a Friday and Saturday.
12. Extra measures will be put in place to ensure customers leaving, during the later hours do promote The Prevention Of Crime And Disorder objectives; these include such measures as Marshals patrolling the immediate vicinity outside of the venue, the Nightrider bus service, a recognised arrangement with a private hire taxi company, signs displayed on exit from the venue, information on all printed material

Public Safety

1. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours;
2. Free drinking water will be available at all times;
3. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse;
4. Management will liaise fully with all relevant licensing schemes and local resident schemes to assist public safety issues.

Prevention of Public Nuisance

1. The DJs instruction will be to ask customers to leave quietly at half hourly intervals, commencing from one hour before closure of the bars.
2. The current level of lighting outside the venue will continue for additional hours of trading: the head cam will be used during this

period;

3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices displaying that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Reasonable steps will be taken to recognise the need of local residents and businesses;
6. Management will liaise with all relevant licensing schemes and local resident schemes;
7. Door Supervisors will monitor and patrol any queue that forms and ensure it does not cause public nuisance;
8. A large display notice situated by the exit door requests customers to leave quietly as the Dutch Quarter is a residential area;
9. There will be a gradual 'wind down' in the pace and volume of music during the last hour of trading in order to encourage the dispersal of customer over an extended period;
10. Customers are encouraged to leave the venue in a quiet and orderly fashion and are not permitted to leave in possession of bottles or glasses; Marshalls in high visibility jackets will be placed outside the venue to promote order and speedy dispersal. Assistance will be given to obtain taxis where required;
- 11 Following closure the exterior of club premises and surrounding area is cleared of litter;
- 12 Extra measures will be put in place to ensure customers leaving, during the later hours do promote The Prevention Of Crime And Disorder objectives; these include such measures as Marshals patrolling the immediate vicinity outside of the venue, the Nightrider bus service, a recognised arrangement with a private hire taxi company, signs displayed on exit from the venue and information will be provided to customers informing them of ways to get home by way of printed material.
- 13 Neighbours will be informed of our opening days and hours. They will have contact telephone numbers provided in case they wish to contact venue management (this will be in a designated area indicated in the appendix indicated in the operating schedule)

Protection of children from harm

1. No unaccompanied persons under 18 years will be permitted entry to the venue
2. The venue will continue to work hand in hand with the Police to give vital intelligence over the town link radio should any child be present in the High Street and likely to be a danger to themselves or any other member of the public.

LUMINAR LEISURE LIMITED

Dispersal Procedure for Liquid/Envy, 131 High Street, Colchester, CO1 1SP

Introduction

It is acknowledged by Luminar that there may be a conflict between the legitimate right of the Premises Licence Holder named to provide entertainment and other licensable activities and the equally legitimate right of neighbours to enjoy their homes and businesses without disturbance.

Luminar also acknowledges that popular venues are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and the relevant authorities.

It is an established policy of Luminar that for each venue a Dispersal Procedure (around the terminal hour) is prepared.

Definition

The Dispersal Procedure is not to be confused with The Evacuation Procedure, any design standard, any other operational policies or any agreed/enforced rules or guidelines.

The Dispersal Procedure (around the terminal hour) is dedicated to make the maximum contribution by exercising pro-active measures, towards and at the end of trading, to move customers from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

The relevance of the time of closure is recognised as meriting this special attention and concern.

The procedure document will be specific to the Liquid/Envy, Colchester and its locality.

The Dispersal Procedure has been formulated by the local management in conjunction with senior representatives of the unit. It will be discussed with the licensing officers of the local council and police and in place prior upon implementation.

The Dispersal Procedure is subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination.

Neighbours' Charter

Residential neighbours close to the Liquid/Envy, Colchester will be given a copy of the venue's 'Neighbours' Charter' prior to any change in hours. (Distribution area established in appendix A)

This charter explains the existence and aims of The Dispersal Procedure and gives clear communication lines so any neighbour can draw attention to a matter which causes concern (these may relate to customers departing or any other issue) to the Designated Premises Supervisor and, if required, to the Operations manager. Should the

venue vary the hours on any week then on Sunday or Monday a note will be dropped through each neighbours' letterbox in the agreed area.

There is a committee currently in place which comprises representatives of the venue and residential neighbours along with other persons as appropriate, this has been established with the aim of creating good and close relations. Meetings are arranged as required to ensure there are no recurring problems. The aim is to achieve speedy resolution of any problem occurrence.

Content of Dispersal Procedure Document

1. Relevance of Licensing Conditions:

The conditions of licences, around the terminal hour, will be strictly adhered to whilst it will be operated to encourage the dispersal of patrons gradually, both during the last part of trading and following the end of bar service.

During the last hour of trading the service points in each bar will be reduced and certain staff re-allocated to collecting drinking vessels, which are used throughout the venue or offering customer service in the cloakroom to assist customer departure.

The Stage Bar will become a dedicated soft drinks and coffee bar only for the last hour prior to cessation of sale of alcohol. (All bars sell a full range of soft drink and free drinking water is available at all times).

2. End of Evening Operational Policies:

During the last hour and in the period following this volume levels, type of music played and usage of lighting levels will be changed to become slower and gentler to encourage the gradual dispersal of patrons during the last part of trading and during the drinking-up period.

DJ announcements may be used to both encourage a gradual dispersal, to remind customers of consideration for neighbours and encourage customers to utilise approved transport being approved taxi's or Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening and the management, door supervision and marshalling procedures which support this aim.

The availability of Hot Dogs will be promoted in the reception area as patrons are leaving. This has proved to be an effective method in aiding a quiet dispersal throughout the Luminar estate.

3. Cloakroom:

The cloakroom is situated in order to assist the swift return of coats. Management and operation of the cloakroom plays an important part in the dispersal process. (Staffing and control systems are increased in the period prior to bar closure and beyond.)

4. Notices at Exit:

In line with company policies, highly visible notices are placed in

the foyer requesting exiting customers to leave quietly and to respect neighbours and their property.

5. Door Supervisors:

Practices will be developed that:

- . will encourage customers to drink-up and progress to the exit throughout the drinking-up time;
- . will draw the attention of exiting customers to the notices in the foyer and ask them to be considerate;
- . will ensure the removal of all drinking vessels from any customer who attempts to leave the venue carrying one. A table and bottle skip will be positioned just inside the venue by the door to the foyer to collect any drinking vessels;
- . will actively encourage customers not to assemble outside the venue;
- . will direct customers away from the area.

6. Measures to Promote Customer Dispersal and Safety:

Taxi Rank

The taxi rank is situated directly opposite to the venue and registered door supervisors will oversee the queuing arrangements and allocation of customer's taxis up until 3am, when the venue closes.

Nightrider First Bus

Security Staff and management will inform customers of the Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening. Initially the tickets will be offered free to promote the bus service, however this will change once the scheme is up and running and a charge will be levied.

7. Information cards

We will distribute 'Get home safely cards', with useful info such as, Taxi location, Maps, telephone numbers, bus stops and bus routes. We will also promote the use of the Balkerne Hill car park via our printed material and website showing a street map in order to encourage traffic away from the Dutch Quarter area.

8. Marshals: (Area patrolled by marshals established in Appendix B).

Operating at the end of the Monday to Saturday sessions between 12am (midnight) - 3am and at the end of the Sunday sessions between 12am (midnight) - 2am, The Marshall is a patrolling security officer wearing high visibility clothing, who works close to the venue in a designated area and is in direct communication with a designated person on behalf of the management. Their aim is to create a highly visible presence and to communicate, rather than deal with, potential problems. Often their role is just to encourage our customers to disperse quickly and quietly but they have the added bonus of deterring persons who have not utilised our venue visiting the area.

Marshals will assist in the dispersal of customers from the immediate area of the Liquid/Envy. They will be in radio contact on a dedicated link. This will continue until all customers have left the venue and its immediate vicinity.

Marshals at the Liquid/Envy will assist with moving customers from the area of the premises and its vicinity and will remind customers that we are in a residential area and to be considerate of neighbours.

In certain circumstances it is possible that a marshal or marshals may be used for specific tasks.

This will always be in negotiation with the police and residential neighbours. This will be reviewed on an ongoing basis.

There are circumstances where this service is most highly valued.

9. Rubbish Patrol: (Area cleared by rubbish patrol established in Appendix C)

Management of the Liquid/Envy will send out a 'Rubbish Patrol' following closure. They pick up bottles and food wrappings in a designated area. (Rubbish may be from sources other than our venue - but will be collected and disposed of.)

On rare occasions this patrol may be faced with the result of antisocial behaviour such as vomiting. This will also be cleared.

10. Staff:

Consideration will be given to procedures for staff departures.

11. Training:

Training at all levels will be conducted to ensure understanding and implementation of the unit specific Dispersal Procedure.

All bar staff will receive monthly training in all areas relevant to their legal responsibilities and assistance with dispersal.

All Door Supervisors will receive monthly training covering their role and function during operation assisting with dispersal and responsibilities and limitations when serving as a Marshal.

Appendix A - Neighbours' Charter Area - East & West Stockwell Street

Appendix B - Marshals' Patrol Area - The High Street (including the immediate vicinity of the venue)

Appendix C - Rubbish Patrol Area - The High Street (including the immediate vicinity of the venue, especially where the queue will build up) and East & West Stockwell Street.

54, Causton Road,
Colchester,
Essex,
CO1 1RT

To whom it may concern,

On behalf of myself and my fellow ward councillors Bill Frame and Henry Spyvee, I wish to object the application by Liquid/Envy (131, High Street) to extend its opening hours during the week. We wish to object on the following grounds:

Prevention of public nuisance - It's already well established that pubs and clubs opening till late cause disruption both within the Town Centre and to neighbouring areas. At present, this is mainly confined to weekends, but to allow the opening of clubs till late on weekdays would cause this disruption to spread throughout the week. This would severely disrupt the lives of residents living in and near the town centre - particularly within the Dutch Quarter and along East Hill - who already face disruption at weekends from people dispersing from Liquid/Envy late at night.

I and local residents have regularly noticed that many patrons leaving Liquid/Envy take the quickest way out of the town centre. If they are heading to the north, this means they travel down East and West Stockwell Streets, travelling through a residential area. They are often noisy – though this is often due to temporary threshold shift from being in a loud environment, rather than deliberate – and this noise causes disruption to the lives of residents, often waking them up in the middle of the night. If the license was to be extended as requested, this nuisance would continue throughout the entire week.

Prevention of crime and disorder - A number of remedial measures, such as the street pastors and SOS Bus, are in place at weekends to minimise the disorder and anti-social behaviour caused by patrons of late-night venues like Liquid/Envy. These safeguards are not in place on weekday nights, and thus there would be more disorder within the town centre. The police would also be required to divert resources into policing the town centre at night, thus reducing the amount of time officers could spend elsewhere and leading to an increase in crime and disorder.

As stated above, the location of Liquid/Envy means that disruption caused by patrons leaving the club is experienced by residents in nearby areas. While actual crime is low, there is a substantial amount of disorder caused by patrons leaving the club, and allowing an extension of opening hours throughout the week would amplify the amount of disorder and anti-social behaviour.

Public safety - As has been already stated, safeguards and remedial measures that are in place at the weekends to counter the effects of late-night licenses are not present on the nights this application covers, and consequentially, there will be a risk to public safety in allowing this licence extension.



Cllr Nick Barlow, Cllr Bill Frame and Cllr Henry Spyvee
Castle Ward
Colchester Borough Council

16 Wakefield Close,
Colchester,
Essex,
CO1 2SD
14 April 2011

To whom it may concern,

I wish to object the application by Liquid/Envy (131, High Street) to extend its opening hours during the week. We wish to object on the following grounds:

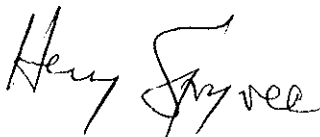
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Cllr Henry Spyvee
Castle Ward
Colchester Borough Council

DUTCH QUARTER ASSOCIATION

Working to improve the quality of life for Dutch Quarter Residents
Registered charity No. 260158

6th April 2011

Licensing Committee
 Planning and Protection
 Colchester Borough Council

Liquid/Envy, 131 High Street, Colchester
Variation to licence : Extending opening hours

The Dutch Quarter Association objects to the application for a variation of licence for the above premises on the following grounds: **Prevention of Public Nuisance, Prevention of Crime & Disorder & Public Safety.**

Considerable disturbance is caused to residents of the Dutch Quarter because of the drunken and disorderly behaviour resulting from Colchester's 'night time economy'. Not only are they subjected to noise but also frequent acts of vandalism and criminal damage and since Liquid/Envy is by far the largest nightclub in the Town Centre and immediately adjacent to the Dutch Quarter it must be assumed that this is the major source of problems, especially for those living in East Stockwell Street.

This disturbance is particularly bad on Friday and Saturday nights when they are licensed until 3.00am with a closing time of 3.30am. Patrons of Town Centre licensed premises often go onto fast food establishments and our residents are frequently woken up as late as 4.30am. on Saturday and Sunday mornings. We find it totally unacceptable that this sort of disturbance could be extended to weekday mornings particularly when many of us have to get up early for work. It is on this basis that we ask you to refuse the application

Since the new Licensing Laws came into force the efforts of the Police and the introduction of the SOS Bus and Street Pastors have not had any significant impact on the problems faced by Dutch Quarter residents but it is hard to imagine how bad it would be without their presence.

Further we think it is highly unlikely that with the impending local government budget cuts that Essex Police will be able to deploy the extra resources needed to adequately cover these extended hours.

Dimitri Murray
 Chairman

Copies to: Castle Ward Councillors, DQA Committee, Colchester Police

Please reply to: 43 Maidenburgh St, Colchester CO1 1UB
 01206 564240 e-mail: dutchquarterqassociation@yahoo.co.uk



Sarah White
Committee Services Officer (Licensing)
Planning and Protection
Colchester Borough Council
Concerning: Variation of Licence of Liquid/Envy

Dear Ms White

As residents of the Dutch Quarter, we would like to express our strong objection to extending the hours of Liquid/Envy from Sundays to Thursdays inclusive until 3:00 the following morning, the premises to close at 3:30 the following morning. Our preference would be for the reduction of the hours that Liquid/Envy is open. As it stands now, evening and night foot traffic in the town centre is disorderly, noisy and threatening. It is evident that patrons often feel that their nights out include the right to scream, run, quarrel and fight with each other, kick and smash objects--sometimes car and windows--and generally behave contrary to the norms of socially acceptable conduct. That's what a night out in central Colchester means all too frequently to them. It is not about good fellowship and cheer that no one would wish to deny anyone but rather these quite typical patrons seek freedom from the reasonable and normal constraints that govern human interactions in a civilized society. Such disorder now continues and even worsens as the nights go on into the morning under the extended opening hours. Almost every night there are people shouting, walking or running down West Stockwell Street at 1:00AM until well past two in the morning. People who stay out very late drinking tend to just make a night of it one way or another until morning. Later opening hours would only facilitate and encourage this activity destructive for the health and welfare of the drinkers as well as for the peace of town centre residents.

Extending the hours of Liquid/Envy would only have the effect of making a bad situation worse. The hours of the drinking and entertainment establishments in Colchester should be substantially shortened to accord with the rights of citizens to expect a reasonable night's sleep. Behaviour of patrons seeking entertainment in Colchester should accord with the reasonable expectation of the residents to be able to circulate at night without fear or intimidation.

Yours sincerely

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

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