

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
4 April 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.

Evacuation Procedures

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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you wish to call
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Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

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

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

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

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

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

The Council's case:-

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

The Applicant's case:-

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

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

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

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

(15) Each party will present their case.

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

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

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

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

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

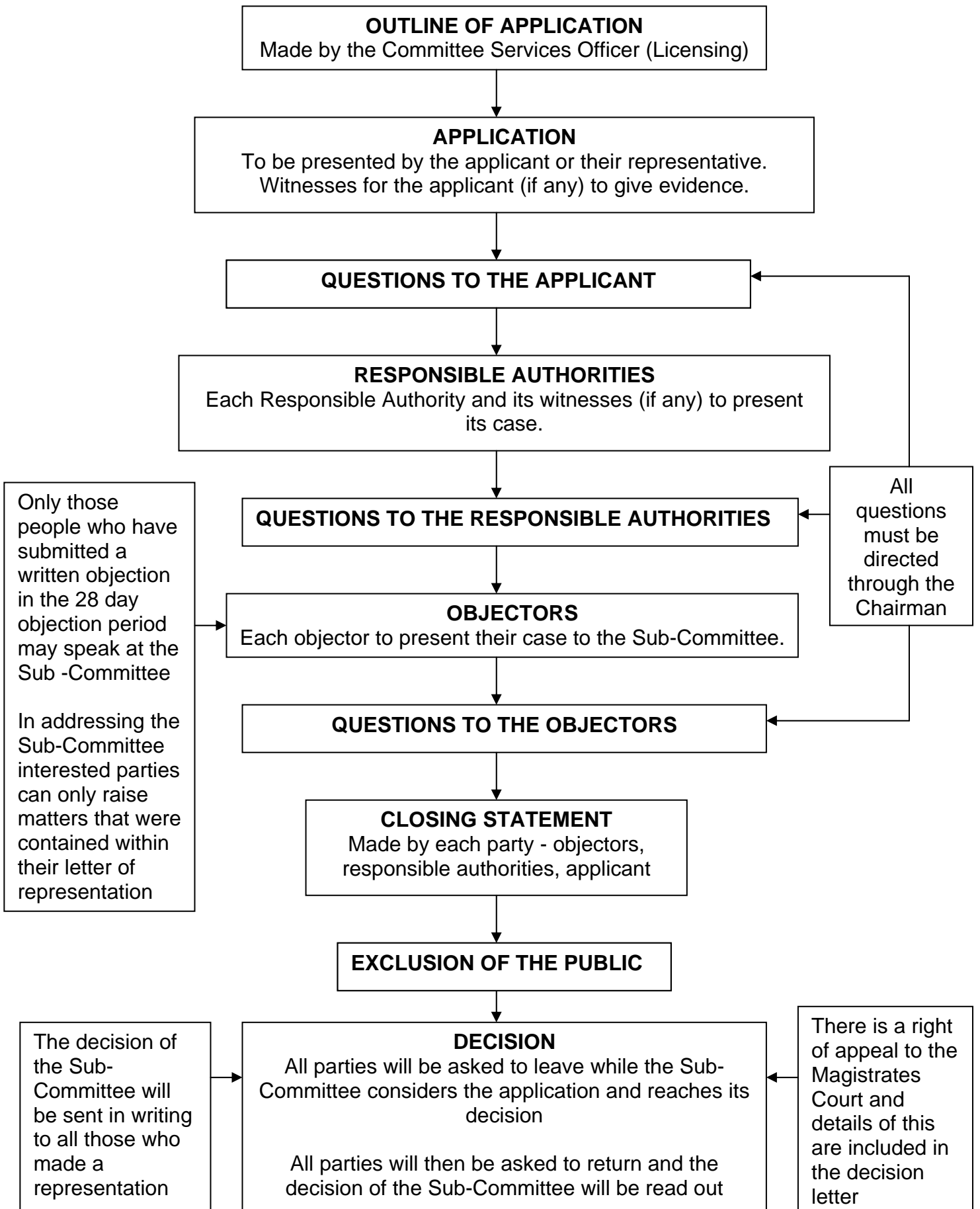
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

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

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

The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL
LICENSING SUB-COMMITTEE HEARINGS
4 April 2011 at 10:00am**

Members

Councillors Nick Cope, Mark Cory and Christopher Garnett.
(Chairman and Deputy Chairman to be appointed at first meeting)

Substitute Members :

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

Pages

1. Appointment of Chairman

To appoint a Chairman for the meeting.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

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

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

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

If a Councillor declares a personal interest they must also consider

whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

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

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

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

4. Application under the Licensing Act 2003

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Chequers Inn
The Street
Great Tey
Colchester
Essex
CO6 1JS



Licensing Committee – 18 March 2011	Agenda Item 4
Chequers Inn	FOR GENERAL RELEASE

Premises	Chequers Inn, The Street, Great Tey, Colchester CO6 1JS	Ward: Great Tey Stress Area: No Flare Ref: 073072 Author: Colin Daines
Application	Application for a variation of a premises licence to permit- The provision of indoor sporting events; extend the hours for the supply of alcohol on and off the premises, late night refreshment and hours the premises are open to the public.	Appendix 1
Street Plan		Appendix 2
Existing Conditions		Appendix 3
Interested Parties		
Local Residents		Appendix 4
Parish Council		Appendix 5
Responsible Authorities		
Environmental Control	Comments received	Appendix 6

Variation 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.

Existing Premises Licence

The existing premises licence permits-

- The sale of alcohol on the premises:

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 the above: Christmas Eve, Christmas Day, Boxing Day, 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 open from 09.00 to 01.00

- Performance of live music, playing of recorded music and facilities for dancing:

19.00 to 01.00 Fridays and Saturdays

19.00 to 23.30 Sundays

Non standard timings for the above: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays 19.00 to 01.00. New Year's Day annual Petanque club match open from 09.00 to 01.00

Non-Standard Times for the above: Special occasions e.g. Birthdays and Weddings 15.00 until 00.30.

- Late Night Refreshment

23.00 to 00.00 Mondays to Thursdays

23.00 to 01.00 Fridays and Saturdays

23.00 to 23.30 Sundays

Non standard timings for the above: Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays 23.00 to 00.00. New Year's Day annual Petanque club match open from 09.00 to 01.00

- Hours the premises are open to the public:

11.00 to 00.30 Mondays to Thursdays

11.00 to 01.30 Fridays and Saturdays

11.00 to 00.00 Sundays

Non standard timings for the above: Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays 11.00 to 01.30. New Year's Day annual Petanque club match open from 09.00 to 01.30

Policy Guidelines – Chequers Inn, The Street, Great Tey, Colchester, Essex

The Licensing Authority has received four letters of objection to this application (shown in Appendix 4) and one letter of support (shown in Appendix 5). In addition, comments have been made regarding the application by Environmental Control (shown in Appendix 6).

In reaching its decision on the application the Sub-Committee is only able to consider those matters in relation to the promotion of the licensing objectives and therefore specific matters relating to parking and planning cannot be considered by the Sub-Committee as they are matters which lie outside its remit.

Colchester Borough Council's Statement of Licensing Policy

Assessing Applications

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

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

The Policy goes on to add in paragraph 3.9 that "however, along with the great expectations and opportunities for business expansion, the Licensing Act has also

brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture”.

Policy

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

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

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

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

Prevention of Crime and Disorder

The Council’s Statement of Licensing Policy states under paragraph 5.18 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 **5.20** of the Policy states that:

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

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue, the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police’s effective management checklist (see Appendix 18 of the Council’s statement of Licensing Policy) has been taken into account. This provides a 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 has been one relevant representation received from an interested party in regard to this licensing objective. This representation refers to existing problems with vandalism to nearby residential properties which they believe to be caused by patrons leaving the premises. The resident has also raised their concerns about the potential criminal activity which could result from the sale of alcohol off the premises.

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

Public Safety

Paragraph 5.23 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 5.24 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 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 **5.27** 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 **5.28** 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 **5.29** 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 four relevant representations received from interested parties in regard to this licensing objective. The representations detail existing problems regarding the noise and anti-social behaviour allegedly generated by customers whilst at, and on departure from, the premises. The representations also make particular reference to public nuisance which occurred at the Chequer's Inn last New Year's Eve. Residents are also concerned that the proposed off-sales at the premises could lead to customers congregating outside the premises late at night, particularly in the rear car park. Two of the representations refer to alleged breaches of the conditions on the licence which have resulted in public nuisance to residents and also to problems caused by patrons in the beer garden to the rear of the property

Environmental Control has submitted comments in relation to the application which are shown at Appendix 6. It has no concerns over the inclusion of New Years Eve and the addition of sporting events but expresses concern that the application will permit off-sales, including from the village shop, until late and that in a small village location this may have the potential to cause public nuisance from alcohol consumption away from the premises. This echoes the concerns expressed in the letters of representation from local residents.

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 **5.33** 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 **5.34** 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 5.36 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 5.37 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 5.38 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 5.39 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 **3.100** 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 **3.101** 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 **3.45** and **3.46** 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 **3.47** and **3.48** 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 **3.49** 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 **3.50** 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 **3.51** 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 **3.52** 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.

Off Sales/Shops and Supermarkets

Paragraph **3.41** of the Policy states that:

The Licensing Authority recognises that, in accordance with the Government's guidance, shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the hours that they intend to trade, provided that there is no negative impact on the promotion of the licensing objectives as a result.

Premises with Outdoor Seating Facilities

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

The Licensing Authority will also consider applications from restaurants, bars and public houses that apply to serve alcohol to customers seated at tables and chairs and in public areas adjacent to, or immediately outside, the frontage of their premises.

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

It may however ask for evidence to be supplied as part of the applicant's operating schedule, that the applicant has either the relevant agreements or permissions as may be required by the Highway Authority and Planning Authority to use the public highway, or confirmation that the applicant intends to apply for such permission.

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

The applicant may also be asked to deposit a plan with the Licensing Authority as part of their operating schedule which clearly defines the area of the table

and chair arrangement and should show in their operating schedule the measures that they will reasonably and proportionately take to promote the licensing objectives in this regard.

Rural Areas

Paragraph **3.102** of the Council's statement of Licensing Policy states that "within the rural areas of the Borough, there are a number of village halls, community facilities, local pubs and shops that make an important contribution to the social, recreational and cultural life of rural communities and as such are key in sustaining their vibrancy and viability. A number of these benefit from premises licences which allows for the sale of alcohol and the provision of regulated entertainment. There are also a number of shops and pubs that have off-licence facilities".

Paragraph **3.103** of the Council's statement of Licensing Policy states that it "is keen to maintain the provision of active and vibrant rural community facilities, including public houses, village halls, church halls, community centres and village shops and welcomes the provision of additional similar facilities".

Paragraph 3.104 of the Policy states that:

Therefore where reasonable, proportionate or appropriate to do so, the Licensing Authority will endeavour to apply a light touch, risk assessed approach to applications for Village Hall or Community Centres in particular, in order that regulatory conditions are only applied in instances where it is needed to promote one or more of the licensing objectives.

Paragraph **3.105** of the Council's statement of Licensing Policy states that "it is important to realise that with most premises licence applications, it is likely that a balance may have to be struck between the rights of those community or commercial facilities and the customers who wish to enjoy those facilities, with the rights of residents living in the immediate vicinity of such premises to enjoy the peaceful enjoyment of their homes and possessions".

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of that property must be balanced against all other public interests or representations in this matter that the Licensing Sub-Committee may wish to consider reasonable and proportionate in relation to the application that has been submitted and also the representations that have been received against it.

In making their decision as to whether to grant this application, Members of the Licensing Sub-Committee should in particular consider Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property and also Article 8 that everyone has the right to respect for his private and family life, his home and his correspondence.

Crime and Disorder Implications

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

The Guidance issued by the Secretary of State for Culture, Media and Sport under the

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Greene King Retailing Limited

(Insert name(s) of applicant)

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

Premises licence number 004042
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Chequers The Street Great Tey Essex			
Post town	Colchester	Post code	CO6 1JS

Telephone number at premises (if any)	01206 210814
Non-domestic rateable value of premises	£14,100

Part 2 – Applicant details

Daytime contact telephone number	(01284) 763222		
E-mail address (optional)			
Current postal address if different from premises address	Greene King Retailing Limited Abbot House		
Post town	Bury St Edmunds	Post code	IP33 1QT

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	

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

- To vary opening and late night refreshment hours to include New Years Eve.
- To vary alcohol hours to on and off sales and to include New Years Eve.
- To add sporting events.
- To attach amended licensing plan to include village shop.

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 type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input 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 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 type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input 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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) Pool, darts etc tournaments, exhibition matches
Day	Start	Finish	
Mon	11:00	00:00	
Tue	11:00	00:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	11:00	00:00	
Thur	11:00	00:00	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)
Fri	11:00	01:00	Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday, Easter Saturday, Sunday & Monday and all other bank Holidays 11.00 to 01.00. New Years Day annual Petanque Club match 09.00 - 01.00
Sat	11:00	01:00	
Sun	11:00	23:30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainments take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for the boxing or wrestling entertainments</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Thur				
Fri			<u>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</u> (please read guidance note 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place 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 entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

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

J

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

K

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
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) New Years Eve from 23:00 to 05:00.		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	23:30	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) Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday & Monday and all other bank Holidays 11.00 to 01.00. New Years Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day. New Years Day annual Petanque Club match 09.00 - 01.00		

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)
AWP's, sale of cigarettes.

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			
Tue			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) New Years Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day.
Wed			
Thur			
Fri			
Sat			
Sun			

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

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 the steps you intend to take to promote the four licensing objectives:

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

The licensing objectives have been carefully considered taking account of the premises and their location. The premises will promote the licensing objectives in accordance with the Section 182 Guidance.

b) The prevention of crime and disorder

Responsible management of the premises. Keeping to the capacity levels of 100. Training and supervision of all staff. Liaison with local community police officer. Provision of litter bins and other security measures e.g. lighting outside the premises.

c) Public safety

Risk management assessment checked weekly. Effective and responsible management at all times. Training and supervision of those employed. Consideration of CCTV. Regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety. Exterior lighting. Risk Register kept on site.

d) The prevention of public nuisance

Responsible management at all times. Training and supervision to prevent incidents of public nuisance. Regular visits to all parts of the premises including the exterior and deliveries etc. outside opening hours. Management of people including staff and traffic arriving and leaving the premises. External lighting and security lighting installed. Collection and management of litter and effective ventilation systems to prevent nuisance from odour. Full external lighting reduced from 23:30.

e) The protection of children from harm

Provision of sufficient staff to secure the protection of children from harm with appropriate training. Children only permitted on the premises between 11.00 and 20:00 except in non smoking restaurant/function room until 23:00. Children must be accompanied by adults in the restaurant/function room which will be controlled by the supervisor at the time. Proof of age scheme and or photo-id driving licences. Refusals Register kept on site.

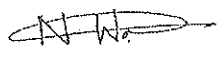
Please tick yes

- 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	20 January 2011
Capacity	Licensing Officer

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 postal address for correspondence associated with this application (please read guidance note 13)			
Natasha Wade (Licensing Officer)			
Greene King Pub Partners			
Licensing Department			
Abbot House			
Westgate Brewery			
Post town	Bury St. Edmunds	Post code	IP33 1QT
Telephone number (if any)	01284 763222		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
licensingpp@GreeneKing.co.uk			

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

Drinks Promotions

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.

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

Strong management controls and effective training of all staff to be aware of the licensing objectives and in particular to ensure:- no underage drinking, drunkenness on the premises, drunkenness in public, use of drugs, violent and antisocial behaviour and protect children from harm.

Prevention of Crime & Disorder

Responsible management of the premises. Keeping to the capacity levels of 100. Training and supervision of all staff. Use of proof of age schemes, Portman Group. Liaison with local community police officer. Provision of litter bins and other security measures e.g. lighting outside the premises.

Public Safety

Risk management assessment checked weekly. Effective and responsible management at all times. Training and supervision of those employed. Consideration of CCTV. Regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety. Exterior lighting.

Prevention of Public Nuisance

Responsible management at all times. Training and supervision to prevent incidents of public nuisance. Regular visits to all parts of the premises including the exterior and deliveries etc. outside opening hours. Management of people including staff and traffic arriving and leaving the premises. External lighting and security lighting installed. Collection and management of litter and effective ventilation systems to prevent nuisance from odour. Full external lighting reduced from 23.30

Protection of Children

Provision of sufficient staff to secure the protection of children from harm with appropriate training. Children only permitted on the premises between 11.00 and 20.00 except in non smoking restaurant/function room until 23.00. Children must be accompanied by adults in the restaurant/function room which will be controlled by the supervisor at the time. Proof of age scheme and or photo-id driving licences.

Adult Entertainment Details

AWP's, Pool, Sale of cigarettes and alcohol, entertainment

The garden/patios/courtyard must not be used by customers after the hours of 23.00.

All external doors/windows must be kept closed after 23.00 other than for access and egress, in all rooms when events involving amplified sound are taking place.

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

No music or speech shall be relayed via external speakers.

There will be no adult entertainment on the premises which will give rise to concern for children.

*Mr J W & Mrs S L Dyer
1, Guildhall Cottages
The Chase
Great Tey
Colchester
CO6 1JY*

**The Licensing Manager
Environmental & Protective Services
Colchester Borough Council
P.O.Box 889, Rowan House,
33, Sheepen Road,
Colchester CO3 3WG.**

Tuesday 15th February 2011

**The Chequers Inn, The Street, Great Tey - Licence Variation Application
21-01-2011.**

Dear Sir/Madam,

We have serious concerns regarding the above application to vary the existing licence at the Chequers Inn.

We have lived here for over 30 years and seen many changes in the tenants at the Chequers. Because of the history that goes with the property it is always very worrying when there is yet another change of tenant.

Under the management of Tracey Sweeney (up to March 31st 2009) we and other neighbours suffered a living hell. All of the conditions attached to the licence were broken on a regular basis.

There was loud music until 3am in the morning on a regular basis and neighbours had to get out of bed, get dressed and go in and ask for it to stop. There were lock ins on a regular basis where drunk clients would sleep in the pub overnight. Drink was served over licensed hours regularly. There were also known drug users frequenting the premises. The exterior of the premises was never kept clean. Drink glasses and bottles, usually broken were strewn about the Pub forecourt, The Street & The Chase. Clients would regularly urinate up the walls of the Pub on The Chase side and also up neighbouring fences and vehicles. Vomit was always visible at the top of the Chase and never cleaned up, as were cigarette ends from people smoking outside and not using the ash box on the front wall of the Pub. During one drunken episode we had the tyres slashed on two of our vehicles parked in The Chase.

The beer garden, located to the side of our property was where clients went when they had drunk too much. This area is not visible from the Pub itself and is not policed by the designated supervisor. The behaviour that went on in there cannot be written, but was most definitely anti-social again involving urinating, vomiting, noise, and property damage.

Eventually after contacting Steve Swain & Mark Stevens (licensing) with the numerous problems and Rita Parkin (Environmental Services) a noise abatement notice was served on Tracey Sweeney.

This stopped the late night music and noise, but the other problems still went on until she left the premises for good.

Greene King installed John Young on April 1st 2009 as a short term manager, there were no problems, he left May 12th 2009.

Matthew Arnold was next in on May 13th, closed 13th & 14th, re-opened on Friday 15th May. The Pub was transformed by Matthew and Rachael into a clean, tidy, well kept establishment. They spent a lot of time and money upgrading the premises and they ran a very orderly house. We could talk to them and discuss any concerns that arose. They would take action if required and had no problem banning undesirable clients. They regularly cleaned up all the cigarette ends at the top of the Chase and had staff clearing the picnic benches of glasses etc.

Most of the problems we and other neighbours experienced during the time of Tracey Sweeney stopped as the people responsible were banned by Matthew.

Although still a country Pub they had raised it out of the gutter and given it a high profile, they were very professional. It is unfortunate and a great loss that they had to leave.

There was no need to contact Licensing during this time, as Matthew & Rachael knew what their responsibilities were and this won them much respect. They left the Pub on November 22nd 2010.

Terry Hunter took over on November 23rd and has already failed to work within the prescribed hours and times as laid down by the existing licence. For example on Friday 11-12-2010 1.10am (Sat 12th) Pub still open, all exterior lights still on, people still inside. 1.25am still open, lights still all on, lighting should be reduced at 11.30pm. 1.40am lights off but people still inside. This was witnessed after our late night trip to Sainsbury's.

On New Years Eve clients from the Chequers were seen from this house coming down the Chase with fireworks. They then let off several display type fireworks right outside our house, some of which were aimed at the house. These were display fireworks that should be 25 metres away at least. We know who was responsible for this, they were the lads who were banned by Matthew Arnold. Their gloves and 2 irons poles, used to launch rockets were thrown down at the top of the Chase along with a pile of vomit that was on top of them. We had to call the Council to get them removed. This was the job of the designated supervisor.

To increase the licensing hours on New years Eve, will only give more opportunity for the type of behaviour already described, causing loss of amenity, crime and disorder to those in the near vicinity and possibly the larger community as people make their way home after a drunken night out.

We feel it is excessive and **not** necessary in this very small village to be licensed until 5.00am Jan 1st to sell alcohol, on or off the premises.

To allow sale of alcohol **off** the premises 11.00 to 00.00 Monday to Thurs, 11.00 to 1.00 Friday & Sat. 11.00 to 23.30 Sun. is of great concern. At present alcohol has to be sold on the premises, and is usually consumed on the premises. If sold to go off the premises then there is an opportunity to purchase a large quantity to be consumed in our local park which is predominately an area for small children. This could lead to further criminal activity, litter, under age drinking, anti-social behaviour etc. as it has in the past when drinks have been consumed off the premises.

We have within our Village a Village Hall which can host licensed events. This is

struggling to attract users and is a community owned amenity. It seems counter-productive to allow a commercial venture to be in direct competition with a Village amenity we cannot afford to lose.

The area to be used as the Off-Licence is also to be used as a shop. This is a domestic sitting room at present, a residential part of the premises. It has no planning permission to be used in this commercial venture and to grant a licence for this area would set a precedent for it's commercial use which the planning department would find hard to resist when full change of use was applied for.

We are concerned about the amount of deliveries that will be taking place in an area of The Street that is a bottle neck as it is so narrow. There is no off road parking for houses opposite the Chequers so The Street is full of parked cars most of the time. Any deliveries should be unloaded on the Pub forecourt, to prevent obstruction of The Chase and The Street.

We also understand from the plan for the restaurant extension that the picnic tables at the front of the premises adjacent to The Chase are occupying space that is designated for parking. This was a condition of the planning consent to provide the required amount of spaces.

There has never been any planning consent to allow the benches to be in that location. As our whole family and visitors have to pass these benches to get to our house, it can be extremely intimidating, especially in the Summer when more people sit outside, to have to walk or drive past lots of people staring, laughing, pointing and on occasions shouting things out to you. It affects our quality of life.

According to the existing license all clients are to be inside the premises by 11.00pm. In the summer this does not happen, people have been out on the benches well past closing time.

On the plan, the external drinking area behind the gents toilets, is currently the bottle store and not used by the public. This is adjacent to The Chase and near our property. If this area were used for the sale and consumption of alcohol , it would cause us further loss of amenity and more noise nuisance. There is already quite enough noise from the beer garden, next to our property and the petanque playing area at the foot of our property.

We understand that the Management of the Chequers is the sole responsibility of the designated supervisor, Terry Hunter. Who makes checks to ensure that he is adhering to the licence and all the conditions attached to it.?

It should not be the job of the local residents to "micro manage the premises", but unfortunately, as you can see from the history, that is what we have all had to do for far too long .

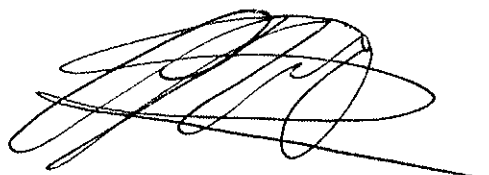
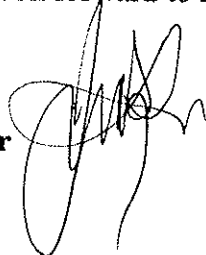
We realise that new tenants have new ideas, that is great, but they should not be to the detriment of anyone living in close proximity.

All activities should be kept within the boundary of the premises and not spill out onto The Chase or The Street.

We hope the Committee will give careful consideration to the points raised before coming to a decision. We look forward to hearing from you in due course.

Yours sincerely,

Mr. I.W. & Mrs. S.L.Dyer



GREAT TEY FRIENDSHIP/BOWLS CLUB

The bowls league made a good start on 5th November, with seven teams again playing five ends on three mats. Members are reminded that the Christmas lunch at The Chequers is now at 12.30pm on 6th December.

Bowls dates for December are 1st, 8th and 15th – the 8th being an extra day. For further details contact Len King on 01206 211270 or Paul Phillips on 01206 210521.

Club dates for January 2011 are 7th and 21st and Winter Bowls League dates are 14th and 28th.

The Great Tey Winter Indoor Bowls League

TEAM	PLAYED	WON	DREW	LOST	FOR	AGAINST	POINTS
Bowls Club A	6	5	1	1	39	15	16
Bowls Club B	6	4	0	2	37	18	12
Hot Shots	6	3	0	3	24	24	9
Poles Apart	6	3	0	3	18	38	9
Jack the Lads	6	2	1	3	27	26	7
Guns'n Roses	6	2	0	4	20	26	6
Mace	6	2	0	4	17	37	6

NEW YEAR'S EVE FAMILY DISCO

Great Tey Primary School's PTA have been asked to host this year's New Year's Eve family disco which will be on Friday 31st December from 7.30pm to 12.30am at Great Tey Village Hall.

As well as a disco there will be activities for the children and a fun family atmosphere. Come along and see in the new year in style! Please bring your own drinks, glasses and nibbles.

Tickets are available from the school office (tel: 01206 210415), the Drop-In or Pre-school. Tickets are £25 per family (2 adults and 2 children) or £10 per adult and £5 per child. Any profit will go to the PTA.



.....
 When Christmas and the New Year have passed, the
 Sales are all over and you have the January Blues –
 cheer yourself up at the "FROCK SWOP"
 details in February

Because of the holiday period there will not be a January issue. The copy deadline for the February issue will be

Friday 21st January

Please deliver all copy by this date to: Roger Brewer, Purbeck, Chappel Road, Great Tey or e-mail David Edwards on edwardsdj@btinternet.com

THE CHEQUERS

The Chequers will be under new management from Monday 22nd November.

Experienced Publicans Terry and Natalie are delighted to announce that the Chequers will once again return to a warm and friendly Public House with its log fire, real ales and fresh home-cooked food, prepared by our experienced Chef Bob who has worked at the pub for many years.

We also have a children's menu and special "Pensioners Day". We will be hosting various themed events throughout the coming year.

Spaces are still available for Christmas Lunch. We hope to see you at our New Years Eve Disco, everyone welcome.

Food Opening times:

Lunch: Tuesday – Saturday 12.00 – 2.30pm

Evenings: Wednesday – Saturday 6.00 – 9.00pm

Sunday Lunch: 12.00 – 3.00pm

Parties and special occasions catered for.

Terry and Natalie look forward to offering you a warm welcome at the Chequers.

For bookings and general enquiries please call 01206 210814.

GREAT TEY WI

The WI had an enjoyable evening on 2nd November with members making home made mince meat and Elizabethan pomanders - many thanks to Christine and Carol for organising the evening.

Our next meeting is on Tuesday 7th December for our Christmas meal which this year will be at The Five Bells at Colne Engine at 7.30pm, with lifts from the Village Hall available at 7pm. Please contact Christine if you would like a lift.

The January meeting will be our Birthday meeting on Tuesday 4th January at the Village Hall at 7.30pm. All are welcome and it will be an opportunity for anyone who wants to join the WI to meet members and learn of our busy programme for next year. For further information please contact Christine Lucock on 01206 210872.

A BIG THANK YOU to everyone who gave so generously to this years Poppy Appeal. An excellent result – many, many thanks. *Marion Cherry*

GREAT TEY FRIENDSHIP/BOWLS CLUB

The club met again on 5th January after the Christmas break and it was good to get going again – we needed the exercise! We also enjoyed a very nice lunch at The Chequers on 12th.

Dates for February are 2nd and 16th, with lunch at The Chequers on 9th. February 16th is also the A.G.M. so all members who are able are asked to attend, please.

Further information from Len King (01206 211270), Paul Phillips (01206 210521), Friday bowls league – Mike Holliday (01206 210709).

The Great Tey Winter Indoor Bowls League Week 4 – 15/01/2010

TEAM	PLAYED	WON	DRAW	LOST	FOR	AGAINST	POINTS
Bowls Club B	24	17	0	7	142	72	51
Jack The Lads	24	12	1	11	142	91	37
Hot Shots	24	12	0	12	105	97	36
Mace	24	11	2	11	92	108	35
Poles Apart	24	10	2	12	70	131	32
Bowls Club A	24	9	2	13	111	111	29
Guns'n Roses	24	9	1	14	88	113	28

League nights for February are 11th and 25th.

GREAT TEY PRE-SCHOOL

Open Morning

We would like to invite you to our Open Morning on Tuesday 8th March. You can join us for our normal session, take part in our activities and meet our Aunties.

Quiz Night

Our annual quiz takes place on Friday 25th March at The Thatchers pub. Tickets are £5 per person and can be booked through Mitch on 01787 227460. Teams of up to six are welcome and The Thatchers will be offering a quiz menu. All proceeds will go to the Pre-School.

Child Sessions

Spaces are available for some sessions. If you interested please ring 07712967081 or e-mail mail@greatteypreschool.co.uk



GREAT TEY COUNCIL

The Parish Clerk, David Williams, is contactable on 01787 224895 or david@greenlandsfarm.freeserve.co.uk The Parish Council meets the second Tuesday in every month at 7.30pm in the Village Hall.

THE CHEQUERS

VILLAGE STORE OPENING EARLY FEBRUARY

Terry and Natalie are opening a village store offering a reasonable choice of everyday goods.

'The Chequers Village Store' will be located at the back of The Chequers Pub in the building to the left of the car park

Please support us to ensure the store stays in your village.

GREAT TEY FOOTPATH GROUP

In December we attended our usual Ramblers and Cyclists Christmas Carol Service in Lawford church, Manningtree preceded by a perfect circular walk from East Bergholt to Flatford. Then a local walk just prior to Christmas found the village snowbound, so we trekked along Chappel Road to collect a few essential supplies from Chappel Stores.

East Mersea beckoned for our January walk which took us right across the island and half way around it's coastal circumference on a perfect sunny, clear, temperate day starting and returning from Cudmore Grove Country Park.

February 20th will be our Snowdrop walk starting from the village hall at 2.30pm. Anyone and everyone is welcome to join us on this 3-4 mile search for these beautiful flowers. Just turn up at the village hall, or call Peter Wakeling on 01206 211887 for details.

This is just an early reminder that our AGM will be held at 25 Chrismund Way, Great Tey on Saturday 05 Marc at 8pm. We look forward to seeing you at either of these events.

YAC

The next YAC meeting is on February 4th. We are still welcoming any new members from year 6. The 18th February meeting will be a special one, as it is Scalextric GRAND PRIX night.

Please bring along your best racing cars and some track and build the biggest track in Gt Teys' history. Who will be the best driver in the club? Come along and find out!

The copy deadline for the March issue will be **Friday 18th February**

Please deliver all copy by this date to: Roger Brewer, Purbeck, Chappel Road, Great Tey or e-mail edwardsdj@btinternet.com

*Mr I W & Mrs S L Dyer
1, Guildhall Cottages
The Chase
Great Tey
Colchester
CO6 1JY*

**The Licensing Manager
Environmental & Protective Services
Colchester Borough Council
P.O.Box 889, Rowan House,
33, Sheepen Road
Colchester CO3 3WG**

Thursday 17th February 2011

**The Chequers Inn, The Street, Great Tey - Licence Variation Application
21-01-2011.**

Dear Sir/Madam,

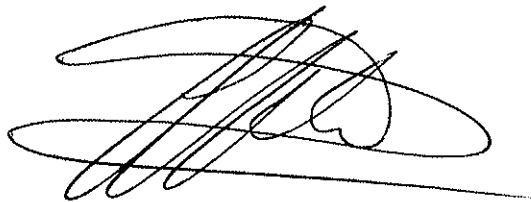
I have today hand delivered our letter of 15th February 2011 to Dierdre Barham at Rowan House.

Unfortunately it contains a typing error that you need to be aware of. Second page, second paragraph, third line, should read:

Friday 10-12-2010 1.10am (Sat 11th)

Please amend your records accordingly.
Apologies for any inconvenience caused.

Yours sincerely,



Mr I.W. & Mrs S.L. Dyer

Mrs M. Dyer

2, Guildhall Cottages, The Chase, Great Tey, Colchester. CO6 1JY

The Licensing Manager
Environmental and Protective Services
Colchester Borough Council
P.O.Box 889,
Rowan House
33, Sheepen Road,
Colchester
CO3 3WG.

16th February 2011

Ref: The Chequers, The Street, Great Tey.

Dear Sir,

I am aware that the new tenants of the Chequers wish to vary and extend the existing licensing hours and areas within the premises.

I am a senior citizen and very worried about security and people wandering about near my property late at night. Any extension to the opening times will cause me more worry as people will be around even later at night than they are now.

My boundary fence runs the whole length of the Chequers property and I am very affected by any noise or nuisance behaviour. This can be from the beer garden which I can see from my window or the petanque area, where my fence is often battered by steel balls, which has caused damage.

The ground level in the beer garden is a lot higher than on my property, customers can see into my garden, which invades my privacy, and causes loss of amenity. It can be quite intimidating.

When the premises is closed for business it is expected that customers will leave the area, but that is not always the case.

If the Off License is open for late night sales, this could encourage people to congregate in the car park area late into the night, drinking. This is of great concern to me.

Could you please take into account my concerns when considering this application. I look forward to hearing from you.

Yours sincerely,

M. E. Dyer.

Mrs. M. Dyer.

**Great Yard Cottage
The Street
Great Tey
Colchester
Essex CO6 1JX**

The Licensing Manager
Environmental and Protective Services
Colchester Borough Council
PO Box 889
33 Sheepen Road
Colchester
Essex
CO3 3WG

14th February 2011

Dear Sir

**Chequers Inn, The Street, Great Tey, Colchester C0 1JS
Premises License Number 004042**

We have lived directly opposite the Chequers for almost thirty years and have enjoyed good relations with the landlords and have had little reason to complain about noise or rowdiness. We believe the village needs a thriving pub and confirm our stance that it and its neighbours live in harmony. However this changed in 2009 when I asked the environmental team to visit and witness unreasonably loud music and singing at 2.30 am on two or three occasions. This led to the serving of a Noise Abatement Notice. We have also had to put up with broken glass, shouting, vomiting, urinating and generally anti-social behaviour.

Last New Year's Eve we were disturbed by loud music until 01:45 and were unable to sleep. I spoke to the licensee on New Year's Day, explained why I had called and was assured that disco nights are likely to be few and far between. Mark Stevens is aware of this incident.

We understand Greene King and the licensee have applied for the licensing hours to be extended to include an off license and to extend the New Years Opening. The licensee has said that he does not wish to be open "all hours", so there does not seem to be any justification for extending the hours which would mean more noise from people coming and going from the pub all night, and could also encourage more drunken behaviour. There would also be people drinking and smoking outside and there is no need to expose neighbours to unreasonable noise late into the night.

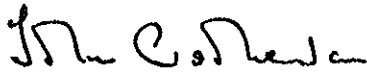
We understand the off license application is for the shop they are hoping to open. They have indicated that this will close at 7 o'clock at night so therefore there is no need for a licence beyond its opening hours.

This is a rural village and it is unrealistic to expect regular checks to be made on licensed premises in rural areas to ensure that all conditions are adhered to - turning off the main outside lighting at 11.30 does not always happen!

On a point of detail the plan shows a patio area adjacent The Street. This is part of the car park and should be used as such particularly as the number of car parking spaces in the vicinity is inadequate. Also, provision for car parking was specifically discussed when the extension to the dining area was granted and the available number (including the "patio" area) was considered by the planning authority to be barely sufficient.

We urge you not to agree to the extension of opening hours for all the above reasons.

Yours sincerely



John Crookenden



Celia Crookenden

3 Rose Cottages
The Street
Great Tey
Colchester
CO6 1JZ

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

14th February 2011

Dear Sir/Madam,

Re: The Chequers Inn, The Street, Great Tey, Colchester.
License No: 004042

Further to my telephone conversation concerning the amendments to the above license, I understand that there is currently an application pending with regard to a village shop at the above premises with the intention to also sell alcohol. My concerns are, therefore, raised as to the opening times of this off-license. Likewise, the public house, especially in the New Year, where there is a proposed extension to 05:00 in the morning.

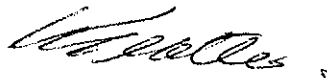
In the past we have had to involve your enforcement officers due to the noise levels not helped by open windows in the public house. There has also been a considerable amount of noise when customers have left and sometimes a scattering of people being sick outside.

When the extension of the restaurant was built, it moved the premises considerably closer, especially to my main bedroom window which looks out on that side. I was under the impression that certain restrictions had been added like the closure of the side gate at 23:30. However, this is not enforced. Likewise, customers sit outside, especially in the summer, late into the night. This no doubt aggravated by the smoking ban.

Now off-sales are also to be sold. Could this lead to people gathering along the entrance to the back car park; maybe until late into the night?

With the public house being so close to residential properties in a village location, I trust that these concerns will be taken into consideration when the extended license application is considered..

I look forward to a reply



C. A. Teather (Ms)

Cc: Mark Stevens, Enforcement Officer, Licensing Department

Licensing Committee

From: David Williams [david@greenlandsfarm.freeserve.co.uk]
Sent: 14 February 2011 16:14
To: Licensing Committee
Subject: Premises Licence Application - Great Tey Ward

Follow Up Flag: Follow up
Flag Status: Completed

> Thank you for sending to us details of the proposed variation to the
 > licence for The Chequers, Great Tey. The parish council support this
 > application.
 >
 > Regards
 > David Williams
 > Clerk
 > Great Tey Parish Council
 >>
 >> Premises Licence Applications
 >> Week Ending Friday 28 January 2011
 >>
 >>
 >> Variation of Existing Licence
 >>
 >> NAME OF PREMISES ADDRESS OF PREMISES END OF OBJECTION PERIOD NATURE
 >> OF PROPOSED VARIATION Chequers The Street, Great Tey, Colchester 18
 >> February 2011 To allow for the provision of indoor sporting events
 >> and supply of alcohol off the premises 11.00 to 00.00 Mondays to
 >> Thursdays inclusive, 11.00 to 01.00 Fridays and Saturdays and 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 and Monday and all other Bank Holidays 11.00 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.
 >>
 >> Indoor Late Night Refreshment - 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.
 >>

Consultation Response

Environmental Control Officer: Guy Milham

Licensing Reference No: 073072

Ward: Great Tey

Location: Chequers Inn The Street, Great Tey, Colchester, CO6 1JS

Details: Application to Vary Premises Licence

Scheduled Response Date:

Environmental Control's Comments: -

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

We have no concerns over inclusion of New Years Eve and the addition of sporting events.

However, we are concerned that this application will permit off-sales, including from the village shop, until late and that in a small village location this may have the potential to cause public nuisance from alcohol consumption away from the premise.

Signed: Guy Milham
Environmental Control Officer

Date: 25/01/2011

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