



Colchester
City Council

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 08 July 2024 at 11:00**

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

Information for Members of the Public

Access to information and meetings

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

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COLCHESTER CITY COUNCIL
Licensing Sub-Committee Hearings
Monday, 08 July 2024 at 11:00

The Licensing Sub-Committee Hearing Members are:

Dave Harris - Member, Claire Osborne - Member, Carl Powling - Member

The Licensing Sub-Committee Hearing Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 4 are normally dealt with briefly.

1 Appointment of Chair

To appoint a Chair for the meeting.

2 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

3 Substitutions

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

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 9 August 2023 are a correct record.

Licensing Sub-Committee draft minutes 9 August 2023 - LA03 5 - 8
public copy

6 Variation of Premises Licence - New Leather Bottle

11 - 38

The Sub-Committee will consider an application which has been made to vary the premises licence for premises known as The New Leather Bottle Public House, Shrub End Road, Colchester CO3 4RH as representations have been received in respect of this application.

7 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B
(not open to the public including the press)**

Licensing Sub-Committee draft minutes - exempt from publication

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

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**Licensing Sub-Committee
Wednesday, 9 August 2023**

Present: Councillor Harris, Councillor Mannion, Councillor Powling,

Substitutes: None

91. Appointment of Chairman

RESOLVED that: Councillor Harris be appointed Chairman for the Sub-Committee meeting.

92. Variation of a Premises Licence – 59-61 High Street, Wivenhoe

Sarah White, Licensing Team Leader, attended the meeting to introduce the report. The Sub-Committee heard that an application to vary a premises licence held by Mrs Yogaratnam had been received in relation to the premises located at 59-61 High Street, Wivenhoe, and the proposed variation to the hours during which licensable activities could be carried out were set out in the report before the Sub-Committee. The application had attracted a single representation which objected to the proposed variation, and which had been made by the Wivenhoe Society. Details of the representation were contained in the Officer's report. The Licensing Team Leader drew the attention of the Sub-Committee to statutory guidance issued under S.182 of the Licensing Act 2003, which stated that shops should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet was open for shopping unless there were good reasons, based on the licensing objectives, for restricting those hours.

Mr Yogaratnam was the son of the applicant and attended the hearing to represent her. The Sub-Committee heard that the application to vary the licence sought to extend the times during which the premises could sell alcohol to 7.00am to 11.00pm Monday to Saturday, and to 9.00am to 11.00pm on Sundays. The shop was currently open every day between the hours of 7.00am and 10.00pm, and alcohol was sold from midday until the shop closed. The premises licence had been granted approximately 1 year ago, and there had been no issues since that time. A refusals log had been created to detail incidents when the sale of alcohol had been declined, however, there had been no need to use the log in the last year as all customers had been very respectful of the shop. The fact that there had been no issues with the shop had provided encouragement to the licence holder to apply for the proposed variation, and had there been any problems associated with the sale of alcohol at the premises, then the application would not have been made. Lots of customers of the

shop had asked whether it was possible to buy alcohol earlier in the day. No anti-social behaviour had been associated with the shop, and most of the customers were regular visitors and known by name. Other shops and bars in the area sold alcohol at earlier times, and the variation would allow this premises to sell alcohol during the hours that it was open for business.

In response to questions from the Sub-Committee, Mr Yogaratnam confirmed that the clientele of the shop was mixed, and included the elderly as well as commuters who stopped at the shop on their way to and from work. It was intended to open the shop until later in the day, in line with the proposed hours for the sale of alcohol, and this would remove the need to have to decline to sell customers alcohol with their general shopping at certain times of the day.

Turning to the contents of the representation which had been received, the Sub-Committee discussed the anti-social behaviour which it had been suggested was associated with the premises; was the applicant aware of this? Mr Yogaratnam acknowledged the representation which had been made, but explained that he had been made aware of anti-social behaviour issues in the area which had happened long before the shop had opened. The pictures which had been provided in support of the representation showing littering and vandalism were not near to the shop and could not be linked to its customers - many other premises in the area sold alcohol for consumption either on or off the premises. Closed circuit television cameras had been installed in the shop, and the applicant would co-operate fully with any investigation requiring footage from the cameras to be released. The applicant considered that the Wivenhoe community had welcomed the opening of the shop, and all local residents had been extremely kind to the applicant and her family.

The Licensing Team Leader confirmed that Essex Police had not made any representations in respect of the application, and had not raised any concerns in respect of the shop.

Rebekah Straughan, Legal Advisor to the Sub-Committee, reminded it that its decision should be based on the evidence which was before it, in conjunction with the Council's own Statement of Licensing Policy, and the relevant statutory guidance.

RESOLVED that: the application to vary the premises licence in respect of premises located at 59-61 High Street, Wivenhoe, Essex, CO7 9AZ, be granted on the terms applied for.

Reasons for the decision

In reaching its decision, the Sub-Committee carefully considered the information which had been placed before it as part of the application, including the representation which had been made by the Wivenhoe Society in writing.

The Sub-Committee noted the concerns that had been raised with regard to alcohol related antisocial behaviour which had occurred in the area, but accepted that there

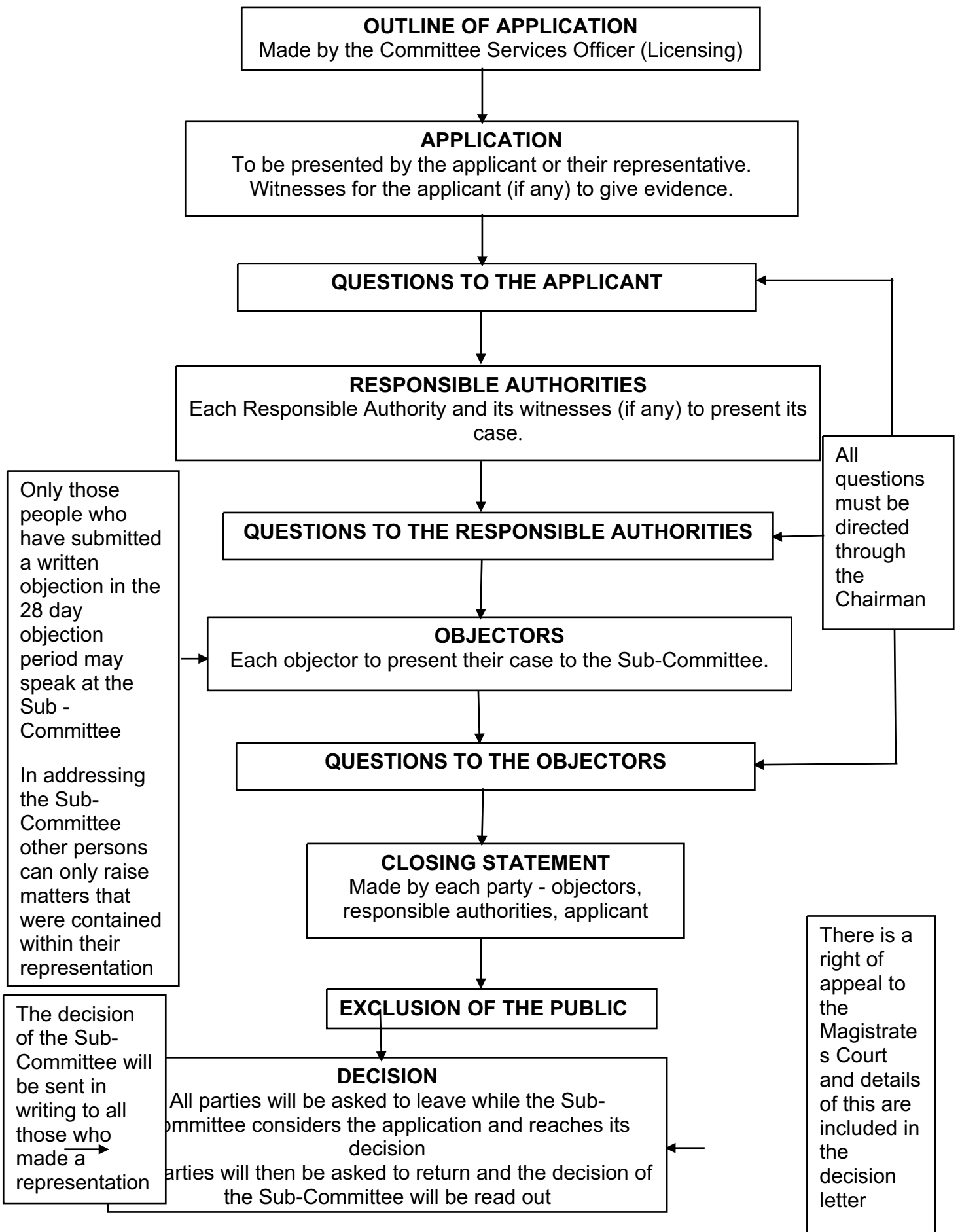
was no evidence that this behaviour could be attributed to this specific premises, which had not been the subject of any complaints since it had opened. The Sub-Committee was assured by the steps which the premises licence holder had taken to uphold the licensing objectives, including the installation of CCTV cameras and the maintenance of a log of any attempted purchases of age restricted products.

The Sub-Committee paid particular attention to the Statutory Guidance published in accordance with Section 182 of the Licensing Act 2003, which indicated that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

93. Exclusion of the Public (not Scrutiny or Executive)

RESOLVED that: In accordance with Section 100A(4) of the Local Government Act 1972, the public, including the press, be excluded from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

The Licensing Sub-Committee Hearings Process





Licensing Sub-Committee 8 July 2024	Item 6
New Leather Bottle Public House	FOR GENERAL RELEASE

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

Applicant and Premises	
Application Type	Variation of premises licence
Applicant	Mr Paul Hillier
Premises	The New Leather Bottle Public House
Premises Address	Shrub End Road, Colchester CO3 4RH
Ward	Prettygate

Current Licence

The premises licence plan is attached at Appendix 1.

Sale of alcohol							
On & Off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	23.00	23.00	23.00	23.00	23.00	23.00	23.00

Variation - Proposed Licensable Activities and Hours

(As amended following discussions with Environmental Protection and Essex Police)

Sale of alcohol							
On & Off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	23.00	23.00	23.00	23.00	00.00	00.00	23.00

Non-Standard Timings for the sale of alcohol	Closing time
Bank Holiday Sundays	10.00 - 00.00 00.30
New Year's Eve	10.00 - 01.00 01.30
Christmas Eve	10.00 - 01.00 01.30

Live and recorded music, and entertainment of a similar description to that falling within live music, recorded music or performance of dance							
Indoors							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					00.00	00.00	

Late Night Refreshment							
Indoors & Outdoors							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					23.00	23.00	
End					00.00	00.00	

Opening Hours							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	10.00
End	23.30	23.30	23.30	23.30	00.30	00.30	23.30

2. Conditions

The conditions set out below form part of the existing licence.

General

1. The premises must comply with the drugs and noise policies attached to this licence.
2. No changes are to be made to the approved policies without the consent of the relevant responsible authorities and the licensing authority.

Prevention of Crime and Disorder

3. The licence holder must produce a written drugs policy to include an incident workflow and action plan to manage drug related incidents, which will be capable of being produced on request by a Police Officer or an authorised Officer of the Licensing Authority.
4. The licence holder must maintain a drug safe at the premises for the purpose of safely storing confiscated illegal drugs and will liaise with Essex Police to arrange the safe disposal of the contents of the safe.
5. The premises shall install and maintain a high quality CCTV system, capable of use in any light conditions, to cover all entry and exit points, entrances to the toilets, and all areas of the garden and car park enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to any police recommendations.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
7. There shall be a personal licence holder on duty on the premises from 16:00hrs every Friday and Saturday until the premises closes on that trading day.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
9. No sale or service to customers to be undertaken by anyone other than bona fide bar staff (employed by the DPS as such). There must be written authorisation in place for any individual engage in the sale of alcohol.
10. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
11. All relevant staff shall receive training in relation to the sale of alcohol and their responsibilities under this licence. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed the aforementioned training. Such training shall be recorded and refresher training conducted twice per annum. Training records shall be made available to the police or local authority on request.
12. For all trading nights, the venue will conduct a risk assessment to consider the need for door staff and the numbers of door staff required. The risk assessment shall consider the following (although not exhaustive) impact factors:
 - Time of closing of venue (the later the finish the more likely door staff may be required)

- Type of event
- Music style
- Previous history of events at venue
- Capacity of venue
- Numbers of pre booked tables
- Whether a seated event only or with standing

The risk assessment must be reviewed on a regular basis and be produced upon request from Essex Police or the Licensing Authority. Where there is a disagreement on the number of door staff to be used, the final decision will be made by Essex Police and/or Licensing Authority.

13. Access to the car park to be secured against any vehicle entry and exit, except by those residing at the premises or in the chalets adjacent to the premises, from 30 minutes after closing until 30 minutes before opening.

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

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

Prevention of Public Nuisance

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

16. All windows and external doors shall be kept closed after 21:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons. Staff should check periodically to ensure compliance.

17. A noise limiter must be installed and operated at the premises when live and recorded music takes place.

Protection of Children from Harm

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

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

The following condition requested by Environmental Protection has been agreed by the applicant.

A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the music equipment. Once set such a device should be inaccessible to the licensee or staff.

3. Representations

Local Residents		Appendix 2
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4. Policy Context

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

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

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

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

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

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

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

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

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

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

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

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

3 Key Factors

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

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

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

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

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time

economy such as late-night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

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

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

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

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

Theatres and Cinemas

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

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

KF2 - The location of licensed premises

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

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

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

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

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

KF3 - Hours for licensed premises

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

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

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

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

3.24 It is expected that the hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the

business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

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

KF4 – Standards to promote the licensing objectives

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

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

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

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

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

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

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

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

11 Designated Premises Supervisors

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

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

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

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

5. Options available to the Sub-Committee

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

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

Appendices

Appendix 1	Premises Licence Plan
Appendix 2	Representations
Appendix 3	Site location map

Report Author

Sarah White, Licensing Team Leader	Licensing.team@colchester.gov.uk
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Shrub End Road

Once again, the residents that are nearby to the pub are faced with another application to extend opening hours. They are asking for Sunday to Thursday finishing at 12, Friday and Saturday finishing at 0100. With an additional 30 mins beyond the cessation of licensable activity. Friday and Saturday to include late night refreshments, live and recorded music.

Obviously, myself and neighbouring residents will be objecting to this and the following points indicates the reasons why:

1. The first and perhaps the main point is that the above requests will be in breach of the conditions in which the license was re issued
2. To close the doors at 12 midweek, a working week, will result in people hanging around , chatting, banging car doors for a possible extra 30 mins
3. Friday and Saturday live music until 1 will disturb myself and surrounding residents for the whole duration that it is playing due to its loudness, and beyond when the pub empties. A condition of the license was that the doors out the back and directly where the band sits are closed after 9pm, if I remember right? These doors are rarely shut.
4. The gate to the accommodation block is also left open so it is likely that the drinking will extend further into the close proximity of the back garden areas of at least 3 of us very close neighbours. The noise would be heard not only from my front lounge, bedroom but also my back bedrooms, especially if the windows are open due to hot weather. Basically there would be no escapism from the thud of the loud music into the early hours.
5. Again, it will be likely that empty bottles, litter, smashed glass and vomit will be left on the paths near my property or thrown into my garden. this is more likely with extended drinking and food being sold.

In addition to the above points.....

The gate leading directly to the corner of shrub end Road, Gosbeck's road is constantly left open

There is now a bouncy castle in the garden of the accommodation block. also in this area, there have been a few events held.

The back doors are often left open after 9pm

The music does appear to be louder when live music is playing, than the decibel reader is set to

There are non bottled drinks being allowed in the area outside the front of the pub

It is my understanding that these additional points are in breach of the license conditions.

Whilst i understand that a pub has to make money by bringing in the crowds, that there will be noise and to some extent nuisance behaviour, this has to be in consideration of others. Myself and the surrounding neighbours are entitled to a good nights sleep and not be deprived of it. We are also entitled to enjoy our gardens on a summers evening without the noise levels being brought into an area that should be out of bounds (condition)

Please note that this is my firm objection to the application for extended hours

In response to your reply. Yes, I would like my objection still to be put forward. I don't agree that mid week, there should be 'drinking up' time, bringing the close time to 11.30. By the time people leave the car park, it will be 12. The same applies to the proposed hours for Friday and Saturday.

As we sit here tonight, I have had to ring the pub and ask them to shut the doors. The live music might as well have been in my lounge!

On so many levels they are in breach of the set conditions that were set in order to get the license re issued....

1. Doors at the back being left open after 9pm
2. The unlicensed area to the rear being used for family entertainment, inc a bouncy castle
3. The gate leading to shrub end road being left open
4. Obviously a decibel reader is not in use as it should be

When will the licensing team understand that the pub is situated in the middle of a residential area. There has to be some consideration of the rights for people to enjoy peace and quiet in their own home, particularly in the late summers evenings

Are you able to email me the conditions that were set please

I have submitted an objection on the 20th May 2024 but would like to add an annexe/additions to that objection.

Reading on line it has been somewhat confusing as to who is the applicant, the license holder and indeed for which pub... The Leather Bottle or The New Leather Bottle. There appears to be four names involved, Maxine Burch (who has had nothing to do with the pub for over a year), Paul Hiller, Paul Hillier and a company called QL. Whether the latter two were a typing error, or indeed Maxine Burch was simply not removed as being the license holder, this surely will make this current application void and therefore the appropriate amount of notice has not been served. Also the confusion will likely to have resulted in members of the public being unable to access the correct application on the council website.

The activities at The New Leather Bottle continue to be in breach of the conditions set for the re issuing of the license in the past.

1. The rear doors that face at least 3 private gardens are continually left open. This area is where the music is played, be it live or recorded. The music and banter is so loud it might as well be in my lounge! The doors are not being marshalled by the staff otherwise they would be closed. It is very obvious by the volume of the music that the decibel reader is not being activated, if so, the music volume would be less.

CONDITIONS 16 and 17

It should not be my responsibility to ring the pub, hope that they can hear the phone ringing, then ask them to shut the doors or have to get dressed late at night to go into the pub to ask the same question.

2. There has been several occasions that a bouncy castle has been erected to the rear of the premises. This has resulted in members of the public drinking and socialising in this area. The area is for the sole use of the bed and breakfast block. It is not part of the licensed premises.

3. I have noticed on several occasions (my bathroom overlooks the car park) that there has been activity such as cars and people leaving the premises after closing which indicates that the car park is not secured against entry and exit 30 minutes after closing. CONDITION 13

I would ask the question as to why people are still in the pub late into the morning, the required CCTV may reveal this! CONDITION 14

If Paul Hillier or Hiller is deemed to be the License Holder and indeed the controlling shareholder of QL to the then The Leather Bottle and now The New Leather Bottle, then nothing has changed since the taking ownership of the pub in 2013. Apart from a brief time in 2022 when Maxine Burch was the license holder, the pub has continued to be a nuisance to members of the public with regards to the continued unsociable/nuisance behaviour both from the customers and indeed the staff by not adhering to the conditions.

Nuisance behaviour has included glasses being left on our walls, smashed on our drives, vomit and rubbish being spread across the bushes and gardens at the front of the property. Loud and abusive language has occurred amongst some of the more rowdy customers, being so loud that we are unable to have our windows open.

The pub was closed by the police due to drugs being sold within the premises, conditions were set for the re issuing of that license, conditions have continually been breached - all under the same guidance, ownership of the same license holder.

If the set conditions have not been met, why reward with granting longer hours to enable a longer endurance of unsociable behaviour. In fact, the neighbouring residents were assured that if there was a breach of the conditions then the license would be evoked.

I notice that part of the application is to allow 'music/dance in and out'. The rear to the premises is not part of the licensed ground, so no alcohols or music of any kind can be played for members of the public in that area. So where are they proposing that this should take place?

Whilst understanding that when living next to a pub will be noisy, we don't understand why this has to go on into the late night and encourage later drinking which inevitably leads to more noise and unsociable behaviour. It is expected that one can enjoy a peaceful restful night in their own homes and at a reasonable time, which are the current opening hours.

Straight Road

I am writing to object to the application of the New Leather Bottle to extend their music and alcohol license.

Primarily my objection is based on my concern that if the license is to be used to its maximum, i.e, playing music until 12am Sunday to Thursday and 1am Friday and

Saturday this will become a public nuisance to the nearby neighbours. Currently, when the pub plays music I can hear it clearly through our closed doors and windows of an evening. I believe they are supposed to close their doors at night, but from the volume and how clearly I can hear the music I don't think that is happening. There has also been several occasions where the sound is turned up for the last few songs of the night. I think this is very telling of their attitude towards the neighbours and the lack of thought or respect towards us.

The music going off at 11pm as per the current license is acceptable. I do not think past 11, especially during the week, is acceptable in a residential area. I have children who need to be asleep at a reasonable hour, as do several others of the neighbouring homes, and I feel the pub playing music into the early hours will impact their quality and length of sleep. As it also would my partner, who is up early for work.

Secondly the extension of selling alcohol will increase antisocial behaviour in the area. As previously proved in the past. There has also been a noticeable difference to the tidiness of the area since the tighter restrictions have been in place.

I feel the license as it is now works well, is manageable and fair and doesn't need to be changed.

Sutton Park Avenue

Good morning, I would like to formally oppose this application. Prior to the pub losing its licence in 2022 local residents suffered badly from noise and disruption from the site. After the license was re-applied for and granted with heavy conditions applied there has been no known problems with the site seemingly attracting a normal customer base appropriate for its location.

The application seeks to reverse the conditions imposed which I and other residents feel will change the dynamic of the site, attracting a new customer base, people who want to be drinking and enjoying loud music until 1AM, as witnessed in the city centre, are not normally the sort of people that show concern about the effects of their actions. It may be thought that my location is quite removed from the site but as the crow flies we are very close to the site.

Ash Way

Applicant Paul Hillier

Notice of variation to Premises licence under section 34 of licensing act 2003

OBJECTIONS

- Same owner as when pub was closed down
- Premises licensee never seems to be on site

- Daily operation run by people known to P Hillier
- Consistently play loud music, I have had occasion to phone pub, due to loud music, I was rudely told that they can play music until 1 am, I asked when had the licence been changed, they hung up, just after midnight I had a phonecall from the pub, when I answered they hung up
- Consistently have large rowdy groups outside by main doors
- Consistently put flood light on in garden, which is blinding, I have notified them myself and requested to be turned off, not actioned , I notified Colchester City Council to ask them to look into
- Entry to the sub powerstation in the grounds is continually blocked with rubbish, hazard
- Their customers continually park in our private carpark, even when plenty of space in the pub carpark
- Their customers gather at the side of our bin store, I wonder why?
- What is the need to have late night drinking with live music, bands and discos in a local housing community?

When the Leather Bottle was first opened after the enforced closure, the license stated that the carpark should be secured until 30 mins prior to opening and 30 mins after closing, no advertising on perimeters, no persons outside, windows and doors closed, cctv in operation, no signs displayed outside, Paul Hillier and his team have not been compliant to this, unless of course the licence was changed and I have missed the update to which I would apologise. The pub is supposed to be family and community orientated, it certainly is not that.

What is the maximum capacity allowed?

Will security personnel from a professional company be employed?

With the same people, apart from the land lady being in control, the concern is that the same clientel will be drawn back to the pub, what preventative measures will be implemented.

I do write this with personal concern, which I have said in previous communications but, know that if I do not voice my concern I will have no right to complain should the occasion arise.

To confirm I OBJECT to the variation of Premises License be granted
Written without prejudice

If it is not too late I think it should be noted the internal space and layout of the bar does not lend itself to having a disco or live band, which encourages clientele to congregate outside whic inturn means the volume level is increased

Straight Road

- Increase in hours for the sale of alcohol/late night refreshment:
 - Prevention of crime and disorder: There is a known drug history with this establishment which is known to the police. It is commented on the gazette article again, quite clearly still well known for these actions
 - Prevention of public nuisance: The car park isn't suitable if the cars are having to park in other private areas in Straight Road, I know there have been issues with cars leaving rubbish and police issues with cars in Ash Way
 - Protection of children from harm and public safety: Anywhere that drugs are a common practice provides a risk of harm to public safety and children. It's unacceptable to feel unsafe walking near the establishment in late evening
- Regulated entertainment
 - Prevention of crime and disorder: There is a known drug history with this establishment which is known to the police. It is commented on the gazette article again, quite clearly still well known for these actions. This is not the location for late night live music, it is a residential area. If the establishment did not have such a bad name or bad habits the community would have probably embraced this
 - Prevention of public nuisance: The car park isn't suitable if the cars are having to park in other private areas in Straight Road, I know there have been issues with cars leaving rubbish and police issues with cars in Ash Way. The entertainment is a public nuisance, unfortunately it attracts clientele who hold no morals or manners, and cause issues within the community. Again, police records will back this up
 - Protection of children from harm and public safety: Anywhere that drugs are a common practice provides a risk of harm to public safety and children. It's unacceptable to feel unsafe walking near the establishment in late evening. I would not let a child in my care go near a venue which is known for drugs and antisocial behaviour, and would strongly discourage any friends or family

Please find comments copied from the Colchester Gazette on release of the article:

Cool, still a good place to powder one's nose albeit covertly these days I here, I'm sure the residents will be over the moon knowing that it can serve refreshments further into the night and attracting lots more geezers and geezer birds to share powder room tips and tricks ;-)

i saw no powder, wasn't aware of powder, nobody told me of any powder, i cant recall, sounds like the post office enquiry lol

Just booze for sale late night or is uncle Charlie hanging around the bar? The great quote from the trial 'I just want to offer you a line of coke. You're not police are you?'

Refreshments ??? Don't they already offer this ?

Shrub End Road

I have recently read an article relating to the above and its wish to extend its licence. Which I understand to be extended opening hours across the week and it's live music licence to match. As I am very near this venue which is already next to our social centre, Asda garage and just 100 metres from the Berechurch Arms. I am wholeheartedly against this licence as I myself and family are elderly, and my neighbours around me. This will also add to the existing noise and anti social behaviour already provided by these premises. In addition to this if this licence is agreed, Then said premises will also want to extend their opening hours to match. To which again I would be wholeheartedly against this in the future.

Shrub End Road

This is an unnecessary licence, Colchester already has adequate locations where late licences are available. This establishment is in a residential area with nearby schools. Granting this licence would change the nature of the area significantly by attracting undue non residential late night traffic, noise and activity during a time when the majority of residents of the local area will be sleeping. The additional licensing hours would also contribute to additional litter and disruption. We discovered a man sleeping in the bush outside our house in the earlier hours of last weekend and our garden is regularly littered with rubbish and glasses from the pub. If this is granted will the council agree to additional street cleaning to ensure the likely vomit and glass is removed prior to the school run the next day?

Gosbecks Road

I have been resident in my house for 16 years and down the years have had bottles and glasses broken in my front garden and on one occasion all four of my car tyres stabbed and flattened (along with my neighbours car) after a particularly rowdy night at the leather bottle. I have witnessed many fights in the street and the noise in the summer keeps me awake as it is... so I strongly object to extended opening hours as this will only cause more intoxication, meaning more noise and potential aggravation later into the night.

Shrub End Road

We strongly object to the extending licensing hours for The New Leather Bottle. The hours are extreme and excessive for a highly-populated and usually-pleasant residential area. The proposed extension hours will bring discomfort and stress to both elderly residents and families alike, as it will attract a spill-over of clientele from other pubs in the area and City bringing potential anti-social issues with noise and disorder in the early hours of the morning when residents are asleep in bed.

The previous history of the illegal activity with controlled substances at this Public House is well publicised and therefore, we strongly oppose and object to any application for increased trading times and services.

Gosbecks Road

The Leather Bottle pub has had its fair share of troubles over the many years I have lived near it. It is situated in a highly populated area of houses, housing estates etc and therefore to hear music, noise and the like emitting out of there at all hours especially into the early morning is not warranted. For those considering granting this permit then put yourselves in our place and so would you like to have this near your home? We already have too much traffic around here like a lot of places and to have even more at this venue is just too much. It will attract all and sundry and the noise that will probably be created coming from this place by the patrons either by excessive drink etc or leaving the premises by foot or car is unacceptable let alone the noise from the music and in the summer months when windows are open even more so. It is just too near so many homes and people trying to enjoy their own evening or even being in bed by then. Residential means just that....occupied by residents so to consider such a permit is outlandish, unwanted, unwarranted and complete madness. Why is it even being considered? Common sense needs to be applied here. What happened to 'majority rules'? There are thousands more residents than those of the Leather Bottle who will be affected. Pleasing a few at the cost of thousands. Really?

Greystones Close

The idea of extending the opening hours of this pub causes much concern to me and my neighbours due to the likelihood of noise and disturbance not only from the live music events, but from people drinking longer and leaving later. This is a relatively quiet residential area and we already suffer when individual events are held. The proposed extension to opening hours might be well suited to a pub in the city centre, but not here in a residential area. Other neighbours have expressed concern that the pub's former reputation as a place to buy and sell drugs may also mean addicts visiting late at night in the hope of scoring a fix. We already suffer a lot of broken glasses and bottles along Shrub End Road... please don't make it any worse!

Ash Way

I object to this extension of licenced hours as a resident/neighbour of the Leather Bottle on account of the noise and disturbance that occurs near my house during the pubs opening times. I am concerned about this being extended further into unsociable hours. Patrons of the leather bottle already clog up our car park, and I have observed patrons coming into the car park to use, buy and sell drugs. I have been approached outside of my house and asked if I have 'ket' and the individual

returned to the pub after. There have been incidents where ambulances have been called to Ash Way in the small hours of the morning which is disruptive to our sleep. I am concerned that this is the situation currently, and a later licence will exacerbate this.

Residents are fearful of the owners/regulars of the LB on account of the poor behaviour exhibited by its patrons and what seems to be no effort to remedy it on their part. It's a shame as I would love to be able to go to the pub but it's not an inviting environment for local people when this behaviour is ongoing.

Shrub End Road

There is enough trouble as it is.

With later opening time can only see this becoming more of a problem.

I have a disabled husband and would not like the added stress.

Shrub End Road

Concerned about noise, violence and drugs. The pub has a past history of all of these things. Although the management has changed hands, the clientele remains the same. It is not a pleasant place to frequent. The need for further hours is unnecessary and I do not believe a late night club is required outside of the city centre. I often find evidence of drinking on my property (I.e glasses) and believe this will only get worse.

Ash Way

I am sending this email to '**Object**' to the recent 'Variation of Licence Application' you have received from The New Leather Bottle.

Of course, 'Applicants' are entitled to apply, and I know the past has no bearing on the recent Application, but I do hope careful consideration will be given due to the past experience we have all had to endure. It was originally 'Closed Down' for a reason, in which you are fully aware, and in which the Police were involved.

This is a quiet '**Residential**' area and I could understand if it was based in Colchester High Street, amongst all the other night life, but this is in a '**Residential**' area! What benefit would it be for the premises to stay open until 1.00am in the morning? There is nothing else like this in the vicinity and for customers to leave at that time in the morning, under the influence, would not only be a nuisance/disturbance to local residents, because of the noise, but also a public safety issue.

Already, when 'Live Music' is played, you can hear the constant 'under beat' of the music which is not acceptable until 1.00am when people are trying to sleep. It is not only the noise of the music but also when people leave the establishment in these early hours, under the influence, and have no respect for the local community. As the Car Park does not house that many cars they tend to park in other areas, including 'Private' places, where they tend to clear out their cars of all their rubbish and not only that you get the head lights from the cars in peoples windows; not that they should be driving anyway!

With the past antisocial behaviour, and the known drug problems, it is not a safe place where anyone wants to be in the evenings. Regulations and Conditions have previously been applied, even by the Environmental Health Department, but who actually checks these are being adhered to?

The Police are full aware of all that has gone on in the past and allowing the 'Application' to be passed is already causing great distress to the local community regarding the outcome after all they have been through before. We are the ones that live here and will have to suffer the consequences.

All we can hope for is that very careful consideration is given to the 'Application'.

Straight Road

There has been significant difficulty for local residents seeking to obtain the necessary information about the current application from the Council's website as the Notices regarding the application for a Variation to a Premises Licence refer to 'The Leather Bottle' which show no results. The correct name of the premises now seems to be 'The New Leather Bottle'. A simple error but something which has caused much confusion and perhaps you can confirm whether you consider the appropriate notice has been served. Furthermore, the proposed Variation of the licensing hours has been further amended, but this also does not seem to be on the Council's website.

The Council's website states under Premises Details that the name of the Licence Holder is Paul Hillier with a Licence date of 6th May 2022. This is repeated in the Notice. However, the most recent application for a Premises Licence was in the name of Maxine Burch and this is repeated as the Applicant for a Variation. Perhaps there has been an administrative error but we have been advised that Maxine Burch no longer has any connection with The New Leather Bottle. We were informed in February 2023 that the Premises Licence had been transferred to Mr Paul Hillier without the need for any public consultation.

A Land Registry search reveals that the freeholder of 'The Leather Bottle' as it was previously known is Quirebuild Limited (QL) (Company Registration No. 1873512) and that the property was acquired in August 2013. A search at Companies House shows that the sole director of QL is Paul Carey Hillier and the controlling

shareholder is Paul Hiller both with the same month and year of birth which would suggest this is one and the same person. The Premise Licence Holder is shown as Paul Hillier which is a very similar name to the director and shareholder of QL. If we were to suppose that this is also one and the same person then it would appear that the Premises Licence is defective and therefore the Variation Application. In the alternative the records at Companies House are defective or it is in indeed two different people. In the circumstances, perhaps the Council could investigate the matter and confirm whether it is one and the same person or indeed two different people. We believe this would bring some clarity to a somewhat confusing situation.

As you are fully aware, the New Leather Bottle has had a very chequered history in recent years, including a Police raid which resulted in its closure. This has occurred under the ownership of QL with Paul Hiller as the sole director. We believe that it would be appropriate to take into account the ownership of the New Leather Bottle in determining any variations or otherwise to the Premises Licence.

In May 2022, when a Premises Licence was granted to Maxine Burch, there were some very clear and succinct conditions that were put in place by the Council that needed to be adhered to in relation to this permission, to the operation of the pub. Whilst Ms Burch clearly did her best to adhere to these conditions, since her departure in December 2022, we are sad to say that these conditions are regularly breached and ignored.

For example, condition 16 states as follows:

All windows and external doors shall be kept closed after 21:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons. Staff should check periodically to ensure compliance.

Unfortunately, this particular condition has been breached on numerous occasions with an unbearable level of noise, and we are able to provide time stamped video evidence should proof of this breach be required. The noise level when events are being held is so disruptive to the wellbeing of local residents that one neighbour has taken to going away when events have been scheduled.

It is clear that the Licence Holder of The New Leather Bottle has not even complied with conditions of the current licence and therefore allowing any further extension of the licencing hours would only exacerbate the existing issues and add to the continued disruption that local residents face. This would in turn be disastrous for all those living in this area. Under no circumstances should any music or dance activities be allowed outside of the building.

Notwithstanding the foregoing we believe there are sufficient grounds for the existing Premises Licence to be revoked through consistent non-compliance.

We therefore sincerely urge the Licencing Team to refuse the application including any variation thereto and not allow any extension to the opening hours at The New

Leather Bottle Public House. We would also ask that the Council enforces compliance with the conditions of the existing Premises Licence.

Straight Road

I am extremely concerned to note
 The Leather Bottle has once again made
 application for a late licence to
 include music until 1a.m.
 Our house was bought in 1980 in a
 nice residential area with a pub on
 one corner and church on another.
 The only problem was the army contingent's
 driving down the road during the night
 but this was stopped after a few years.
 There were no more problems until a
 licence was granted to permit a factory
 make clothes etc 24/7 and the noise and
 smell was horrific. Thankfully the factory
 burned down and the flats were built.
 During all this time there was no trouble
 at the leather Bottle it was a lovely local
 pub doing nice food and well patronised
 by the locals.
 It was only after Dave & Grouse and
 then Paul moved to different pubs that the
 trouble started with fights and drugs.
 We do not need either of these things just
 want a nice local not a rowdy pub. We are
 mainly a retired or family neighbourhood.

Ash Way

Extending the hours is a terrible idea. Its a residential area, backing on to houses in an old un-soundproofed building. Live an recorded music should be ending at 11pm to give the local residents some respite. The reputation is bad enough already without attracting more people in need of a fix after 11pm. Drunk people sing their way down Straight Road as it is. The owners are allegedly behind on their rent and the place has rottweilers running around hassling people inside as it is. It has a drink drive problem with existing patrons which will get worse. The premises/location is not suitable for late night/early morning revelry and the owners are not responsible. Pay it a visit one evening and see for yourselves.

Gosbecks Road,

Not the right place for late night music in a residential area with lots of neighbouring properties.

The noise would not be acceptable and could also create anti social behaviour.



