

LICENSING SUB-COMMITTEE HEARINGS

24 OCTOBER 2008

Present :- Councillor Barrie Cook (Chairman)
Councillors Helen Chuah and Nick Cope

1. Membership

The Committee Services Officer (Licensing) advised that there were no changes to the membership.

2. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

3. Applications under the Licensing Act 2003

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

4. Mersea Outdoors, Rewsalls Lane, East Mersea, Colchester, Essex

The Sub-Committee considered an application for the variation of a premises licence in respect of Mersea Outdoors, Rewsalls Lane, East Mersea to extend the opening hours, hours for the supply of alcohol on the premises, provision of plays, films, indoor sporting events, boxing/wrestling, live music, recorded music, performance of dance, facilities for dancing, facilities for making music, facilities for entertainment of a similar description (karaoke) and provision of late night refreshment.

In Attendance

Applicant: Mr Button (Manager)

Responsible Authorities: Mr Milham, Environmental Control

Residents: Mrs Pittock and Mrs Jacobs

Officers: Mr Essex, Solicitor, Mr Harvey, Licensing Manager, Mrs White, Committee Services Officer and Miss Tuthill, Committee Services Assistant.

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that three letters of representation had been received from local residents. A letter of support of the application had also been received from Mersea Island Vineyard.

The applicant explained that the premises was seeking to vary its premises licence as

its existing licence did not allow any flexibility and that it had been using Temporary Event Notices as a result to licence a number of events. Varying the licence would enable the organisation to cater to a wider audience and increase the use of the centre which in turn would hopefully generate more income as the youth camp had recently had its funding withdrawn. Mr Button informed the Committee that the centre had always been mindful of its neighbours and had a number of systems already in place to comply with the four licensing objectives. The conditions put forward by Environmental Control and Essex Child Protection had been agreed by the applicant.

Environmental Control stated that it had previously visited the site and at the time had not witnessed any noise problems. However, Mr Milham did confirm that depending on the direction of the wind, noise could be carried from the premises to the nearest residential properties. Mr Button said that his intention would be for regulated activities outside to end at 23.30 and then to allow 30 minutes for clearing the area afterwards.

Residents informed the Committee that they were regularly disturbed by noise from Mersea Outdoors particularly during the summer and had previously been kept awake all night due to the noise. One resident commented that they did not have a problem with the noise that the children themselves made but were disturbed by the sound from amplified noise and events. In response to the concerns expressed by the residents, the applicant responded that he was not looking to increase the overall number of events.

The Decision

RESOLVED that having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report and the submissions made at the Hearing the Sub-Committee determined to vary the premises licence to permit –

- The provision of plays, films, indoor sporting events, boxing or wrestling entertainment, live music, performances of dance and anything of a similar description, provision of facilities for making music and provision of facilities for dancing and anything of a similar description, these activities to take place indoors, for the following hours:-

11.00 to 02.00 Mondays to Sundays inclusive

- The provision of recorded music indoors for the following hours:-

10.00 to 03.00 Mondays to Sundays inclusive

- The provision of late night refreshment indoors and outdoors for the following hours:-

23.0 to 03.00 Mondays to Sundays inclusive

- The provision of plays, films, indoor sporting events, boxing or wrestling entertainment, live music, performances of dance and anything of a similar description, provision of facilities for making music and provision of facilities for dancing and anything of a similar description, these activities to take place outdoors, for the following hours:-

11.00 to 00.00 Mondays to Sundays inclusive

- The supply of alcohol for the following hours:-

11.00 to 02.00 Mondays to Sundays inclusive

- The provision of recorded music outdoors for the following hours:-

10.00 to 00.00 Mondays to Sundays inclusive

- The premises to be open for the following hours:-

09.00 to 03.00 Mondays to Sunday inclusive

Reason for the Determination

The Sub-Committee noted the conditions already agreed with Environmental Control and Essex Child Protection and the condition offered by the applicant, Mr Button, to install door closing devices on all land facing doors to address the licensing objective of the prevention of public nuisance.

The Sub-Committee also noted the conditions agreed with Essex Child Protection to address the licensing objective of the protection of children from harm.

The Sub-Committee was concerned at the location of the premises close to residential properties and felt it was appropriate to impose a condition requiring that a noise limiter be fitted to all amplified equipment, the levels to be set in conjunction with Environmental Control.

The Sub-Committee noted the residents' concerns regarding the traffic on Rewsalls Lane but this matter was not within the Sub-Committee's remit, neither did the Sub-Committee have the ability to restrict the number of events to be held at Mersea Outdoors.

The Sub-Committee also noted the existence of the review procedure under the Licensing Act 2003 and the legislation available to Environmental Control in the case of noise nuisance and taking into account the nature of the premises and the operating schedule attached to the application, it was not considered that further conditions or restrictions should be imposed on the grant of the licence.

5. Liquid/Envy, 131 High Street, Colchester, Essex

Councillor Chuah declared that she had recently sat on the Planning Committee which had considered an application by Liquid/ Envy. The applicant confirmed that he had no objections to Councillor Chuah hearing Liquid/Envy's application to vary its premises licence.

The Sub-Committee considered an application for the variation of a premises licence in respect of Liquid/Envy, 131 High Street, Colchester to extend the hours for the supply of alcohol, for the provision of films, live music, recorded music, performance of dance, facilities for dancing, facilities for making music, late night refreshment and opening hours.

In Attendance

Applicant: Mr Smith (Solicitor), Mr Freeman (Designated Premises Supervisor) and Mr Ryan (Operations Manager)

Residents: Mr Murray on behalf of the Dutch Quarter Association

Officers: Mr Essex, Solicitor, Mr Harvey, Licensing Manager, Mrs White, Committee Services Officer and Miss Tuthill, Committee Services Assistant

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that two letters of representation had been received, one from local residents and one from the Dutch Quarter Association, opposing the request by Liquid/Envy for an extension of half an hour on a Sunday across the licensable activities.

Mr Smith outlined the application and explained that a meeting had been held with the Dutch Quarter Association regarding this application but that it had wished to maintain its objection. In order to assess the impact of the proposed later opening on a Sunday Mr Freeman had conducted a small survey the previous weekend by counting the number of patrons that had left the club and gone down East Stockwell Street. On Friday, 12 out of 856 patrons and on Saturday 31 out of 1373 patrons had gone down East Stockwell Street. Based on these figures and having traded on Sundays in the past, Mr Smith predicted that 4 - 7 Liquid/Envy patrons would go down East Stockwell Street on a Sunday after closing if the application was approved. In his opinion there was no reason for patrons to go down East Stockwell Street other than if they lived there or used it as a route home as there were no food/drink outlets or taxi ranks located there. Mr Smith mentioned that objections had not been lodged by the responsible authorities and in addition there had been no recent complaints to Environmental Control concerning noise nuisance.

Mr Smith requested that if the Sub-Committee were minded to approve the application that it do so with reference to the new dispersal policy which had been previously circulated to members and which was also circulated at the meeting. He also indicated the applicants intention to have a last admissions policy in place which would stop entry an hour before closure.

Mr Murray addressed the Committee on behalf of the Dutch Quarter Association. He outlined the problems that residents of the Dutch Quarter experienced and drew attention to the particular problems created by the ejection of patrons from the rear of the premises. In response to these concerns Mr Smith and Mr Freeman outlined the ejection policy which was that patrons should be ejected using the front doors wherever possible. However, Mr Freeman explained that there were times when this procedure was not safe or appropriate and the rear access was used, on average approximately two patrons per month were ejected through the fire escape doors at the back and the Police were called if necessary.

In concluding Mr Smith considered that the case to turn the application down had not been made by the Dutch Quarter who had raised general concerns regarding the behaviour of people using the Dutch Quarter rather than specific problems related to the patrons of the Liquid/Envy. The concerns that had been raised had been addressed through the ejection and dispersal policies.

The Decision

RESOLVED that having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report and the submissions made at the Hearing the Sub-Committee determined to vary the premises licence to permit –

- The provision of films, boxing or wrestling entertainments, live music, recorded music, performances of dance, provision of facilities for making music and provision of facilities for dancing and the supply of alcohol, these activities to take place indoors, for the following hours:-

12.00 to 01.00 on Sundays

- The provision of late night refreshment indoors for the following hours:-

23.00 to 01.00 on Sundays

- The premises to be open for the following hours:-

12.00 to 01.30 on Sundays

Reasons for the Determination

The Sub-Committee noted that there were no representations from any of the responsible authorities.

The Sub-Committee were satisfied that the applicant had proposed adequate controls through the Operating Schedule and in particular the new dispersal policy and the ejection policy which the applicant circulated to those present at the Hearing.

The Sub-Committee felt that the Dutch Quarter Association had not provided sufficient evidence that customers of Liquid/Envy specifically had been or would contribute to undermining the licensing objective of public nuisance.

6. Close of Meeting

The meeting closed at 13.10.