

LICENSING SUB-COMMITTEE HEARINGS 25 MAY 2012

Present :- Councillor Nick Cope (Chairman)
Councillors Michael Lilley and Colin Mudie

Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

Declarations of Interest

There were no declarations of interest.

Temporary Event Notice - Licensing Act 2003 The Silk Road, 4 St Botolph's Street, Colchester

The Head of Environmental and Protective Services submitted a report in relation to an objection notice from Essex Police and an objection from Environmental Protection in relation to a Temporary Event Notice submitted in respect of an extension of hours for The Silk Road at 4 St Botolph's Street, Colchester.

In Attendance

Applicant - Mr Osman Rasih

Environmental Control – Mrs S Riley, Environmental Protection Officer

Essex Police – Mr R Vickers, Police Licensing Officer

Licensing Authority – Ms K Newman, Public Health & Enforcement Service Manager; Mrs S White, Committee Services Officer (Licensing); Ms L Tuthill, Committee Services Assistant, (Licensing); Mr J Wilkins, Principal Lawyer, Legal Services

Ms Newman presented the report advising that a Temporary Event Notice (TEN) had been submitted in respect of the Silk Road to permit the sale by retail of alcohol; the provision of regulated entertainment; and the provision of late night refreshment until 04.00 on 3, 4 and 5 June 2012. Objections to the TEN had been received from Essex Police and Environmental Protection. It was explained to the Sub-Committee that there had been an error in the submission of the application and that the current premises licence permitted it to be open for an additional hour on the Friday, Saturday and Sunday preceding a Bank Holiday. A summary sheet was circulated giving details of

the hours permitted by the licence and those applied for under the TEN and this indicated that a TEN was not required for the Saturday night/Sunday morning when the premises could operate under its existing premises licence. The application was deemed amended accordingly and the Police withdrew their objection to this part of the TEN and accepted the position regarding permitted hours. The Sub-Committee therefore considered the amended TEN in so far as it related to the Bank Holidays of 4 and 5 June 2012.

Essex Police had objected to the TEN on the grounds that it would undermine the Licensing objective of the prevention of crime and disorder. The premises were located in a cumulative impact area which had crime and disorder issues and these were likely to be exacerbated during the period of the proposed TEN. In addition none of the conditions in place on the current premises licence would be in place when the TEN was in operation. Environmental Protection had objected on the grounds that very loud volume music emanated from the premises and there was a complaint history although no open noise complaint at this time. It indicated that in the event that the full premises licence conditions were attached to the grant of the TEN, it would withdraw its objection.

Mr Rasih addressed the Sub-Committee on his application and explained that he did not consider opening the Silk Road would contribute to crime and disorder as other premises would be open in the area. Mr Rasih thought it more likely that there would be an increase in crime and disorder if he did not open as people hoping to gain entry until 04.00 would be encouraged to remain in the street where there was potential for them to cause trouble. He considered that he would be commercially disadvantaged if the TEN were not permitted when others were open until 04.00 and also that since Queen Street was usually the last place people came in the evening he relied on the late trade after midnight. In response to questioning Mr Rasih stated that he considered there was more trouble at the top end of the town in the High Street and Head Street than in Queen Street and that he had 30 CCTV cameras at various positions on the premises, and had employed extra security when he had previously held TENs until 04.00.

Mr Vickers addressed the Sub-Committee on behalf of Essex Police and explained that the Police had objected because it believed that the extension in hours requested by the TEN would contribute to an increase in crime and disorder in the area. Mr Vickers pointed to the increase in crime and in particular violent crime that had occurred in Colchester over the past year and gave details of an initiative backed by Pub and Club Watch to try and reduce extensions in hours except for special events. There had been 46 incidents at the premises and the Silk Road was ranked 4th in a table detailing incidents of crime at premises. Mr Vickers circulated the crime statistics for the Silk Road and asked the Sub-Committee to look at and consider the seriousness of some of the incidents recorded. Mr Wilkins asked Mr Rasih if he had any objections to the documents being circulated and whether he wished an adjournment to consider them. Mr Rasih confirmed that he had no objection to the circulation of the documents and did not require an adjournment although he queried the number of incidents recorded against the premises whilst acknowledging that some of them had taken place.

Mrs Riley addressed the Sub-Committee on the representation made by Environmental Protection who were concerned at the phenomenally loud music that emanated from

the Silk Road. On one occasion when Mrs Riley had been on the late night noise service she had witnessed noise that was so loud that the fabric of the building was vibrating. Mr Rasih responded that the Silk Road was a very old building and it was impossible to contain the noise. In responding to concerns at the level of noise staff were exposed to he stated that staff had access to ear plugs if they wished to use them but that they enjoyed the music and did not want to use them.

DECISION: Based on the evidence presented, the Committee believes that there is a risk of an increase in crime and disorder if the request for extended hours is granted; the Committee further considers that there are no conditions that could be imposed that would negate the objections received by the Police. As a matter of concern, it is noted that the Police provided significant evidence on the day which the Applicant had not had an opportunity to consider. However, the concern was negated by the fact that the applicant was invited to object or adjourn, but declined.