

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
29 July 2011 at 10.00am**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings with the exception of Standards Committee meetings.. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices or at www.colchester.gov.uk .

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

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

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you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

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

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

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

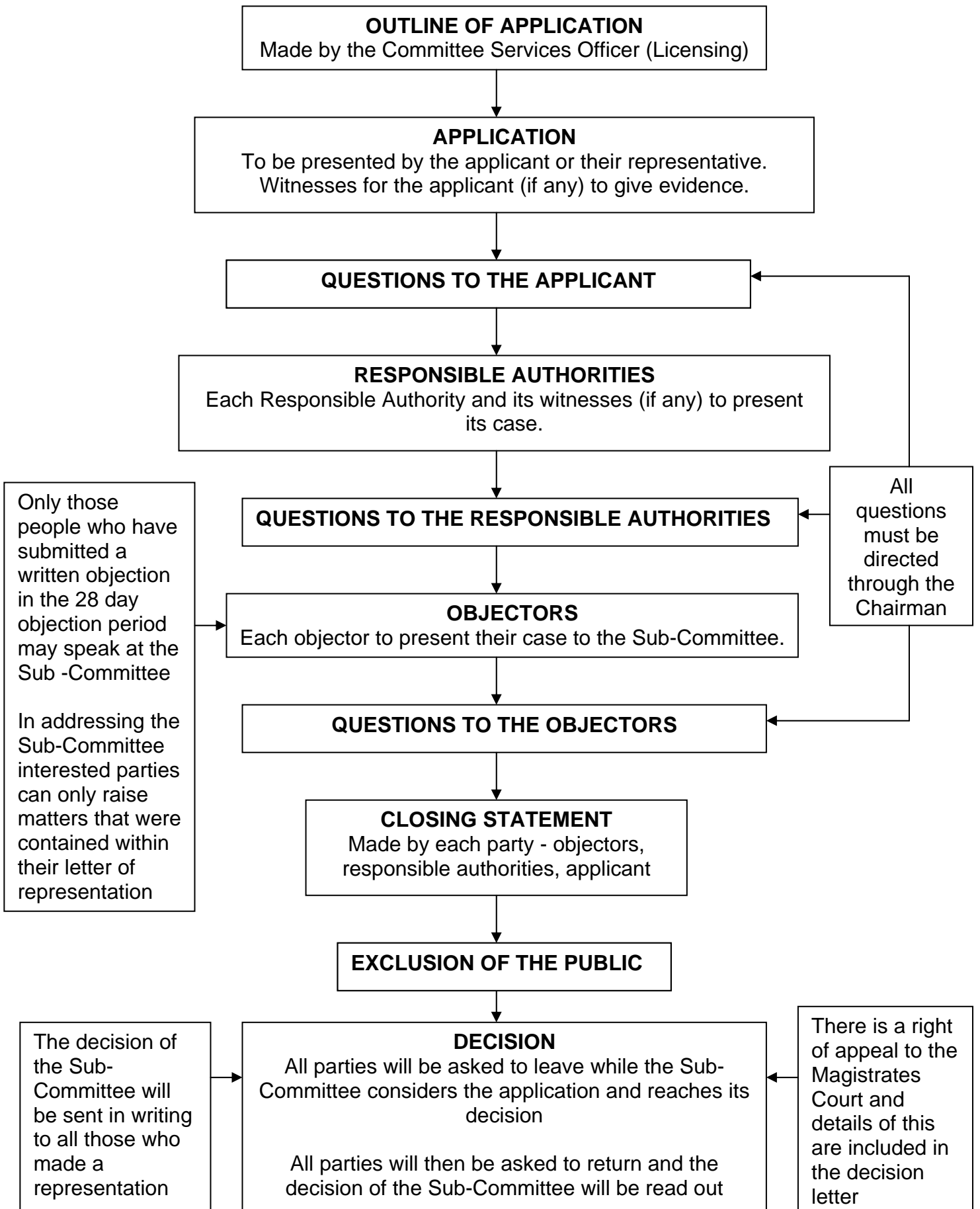
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
29 July 2011 at 10:00am**

Members

Councillors Mary Blandon, Barrie Cook and
Margaret Kimberley.
*(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. Minutes

1 - 3

To confirm as a correct record the minutes of the meeting held on 10 June 2011.

5. Application under the Licensing Act 2003

4 - 43

Shell Sextons Service Station
124 Coggeshall Road
Marks Tey
Colchester
Essex
CO6 1LT

LICENSING SUB-COMMITTEE HEARINGS

10 JUNE 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors John Bouckley (Former Mayor) and
Michael Lilley

1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meetings held on 19 November 2010, 26 November 2010, 17 December 2010 and 20 April 2011 were noted and confirmed as correct records.

4. Application under the Licensing Act 2003

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

- **Elite, 6 Queen Street, Colchester, Essex**

The Sub-Committee considered an application for a new premises licence in respect of Elite to permit the supply of alcohol on the premises and late night refreshment on and off the premises.

In Attendance

Applicant: Mr Mert and Mr Kaya-Flack, Applicant's Representative

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

Interested Parties: Mrs Edwards, Colchester Civic Society

Ms Tuthill, Committee Services Assistant (Licensing), briefly introduced the application advising that one representation had been received from Colchester Civic Society in relation to the application.

Mr Kaya-Flack introduced the application advising the Sub-Committee that the

premises was a Turkish Social Club with 88 members who came to the premises to socialise after work and to play board games and snooker and to watch sports. Members were also advised that most of the applicant's business would be in the evenings as the majority of the Club's members worked in restaurants and bars and therefore did not finish work until late, which was why they were applying to be open until 02.30. The applicant's representative also commented that because of many of the members' beliefs, large amounts of alcohol would not be consumed. Anti-social behaviour would not be tolerated at the premises as they wanted the premises to be a space where community members could relax, socialise and play games. The applicant did not believe that the application, if granted, would add to the cumulative impact in the town's Stress Area due to the nature of the premises; the capacity was limited to 25-30 people; and that most members were aged between 35-40 and tended to go home after visiting Elite rather than moving on to any of the other licensed premises in the Stress Area. Mr Kaya-Flack believed that this application would make a positive contribution to Queen Street.

The applicant was asked to clarify what drinks and late night refreshment would be available at the premises and Mr Kaya-Flack explained that there would be some alcohol although not on display, and that traditional Turkish drinks and limited food such as toast would be available for consumption on the premises but would not be allowed off the premises. Alcohol would only be sold to members and not to guests of members. Mr Mert indicated that he intended to become the Designated Premises Supervisor in the near future.

When asked about the Club's membership details, Mr Kaya-Flack explained that the premises was open to all communities although members must meet certain criteria. The premises also operated a registration and signing-in system (with a two week waiting period for new members) and had strict rules and conditions which members must comply with. The applicant confirmed that the door to the premises would be locked at 23.00 and that only members would be allowed to access the premises after then.

Mrs Edwards addressed the Sub-Committee on behalf of the Colchester Civic Society and commented that the Society supported the ideals behind the application but had real concerns about its location in the Stress Area. Mrs Edwards said that she did not believe that the information supplied by the applicant at the hearing tied in with the application submitted and was concerned about the future of the premises if the Social Club was not successful.

The Decision

RESOLVED that having considered the application, the contents of the report and the submissions made at the Hearing the Sub-Committee was unable to determine the application as it believed that the premises should have applied for a Club Premises Certificate. The applicant was informed that he should submit an application for a Club Premises Certificate and in doing so the Council would absorb the associated costs.

5. Close of Meeting

The meeting closed at 11.25.



Licensing Committee – 29 July 2011	Agenda Item 5
Shell Sextons Service Station	FOR GENERAL RELEASE

Premises	Shell Sextons Service Station 124 Coggeshall Road Marks Tey Colchester Essex CO6 1LT	Ward: Marks Tey Stress Area: No Flare Ref: 074027 Author: Colin Daines
Application	Application for a new premises licence to permit the supply of alcohol and the provision of late night refreshment	Appendix 1
Street Plan		Appendix 2
Interested Parties Marks Tey Ward Councillor – Councillor Blundell		Appendix 3

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol off the premises for the following hours- 00.00 to 24.00 Mondays to Sundays inclusive. - Provision of late night refreshment indoors for the following hours- 23.00 to 05.00 Mondays to Sundays inclusive - Hours the premises are open to the public for the following hours- 00.00 to 24.00 Mondays to Sundays inclusive.

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 Public Nuisance

Paragraph 5.21 of the Council's statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph 5.22 of the Council's statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises".

Policy

Paragraph 5.23 of the Policy states that:

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

- (i) The potential for nuisance associated with the style, characteristics and activities for the proposed licensable activities to be carried on at the premises, and the potential steps that could be taken to reduce the risk of nuisance occurring. This particularly may apply where residents live in the immediate vicinity of the premises;**
- (ii) Whether operating schedules contain adequate measures to prevent noise and vibration, either air-borne or structure-borne, and which are generated from within the premises or outside it, causing disturbance to people in the immediate vicinity of the premises. Regard will be given to disturbance of people whether at home or at work or otherwise staying in or visiting that area. Stricter conditions on noise control will be imposed in areas that have denser residential accommodation or residents living in the immediate vicinity of the premises.**

There have been no relevant representations received from any of the relevant responsible authorities in regard to this licensing objective. One relevant representation has been received from a Ward Councillor in relation to public nuisance, which raises concerns about the cumulative impact that increases in noise from traffic and customers, light pollution, litter and exhaust emissions would have on local residents and the area if the application is granted.

Additional Policy Guidance – Public Nuisance

The Council's statement of Licensing Policy goes on to give the following policy advice in relation to the promotion of the Prevention of Public Nuisance licensing objective

Paragraph 5.27 of the Policy states that:

The Licensing Authority encourages applicants to set out in their operating schedules the steps taken or proposed to be taken to deal with the potential for public nuisance arising from the operations of the premises.

Paragraph 5.28 of the Policy states that:

When addressing the issue of prevention of public nuisance, where it is reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.

These may include:

- The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of opening between 11.00pm and 7.00am.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.
- The design and layout of the premises; particularly the presence of noise limiting features.

Additional Policy Guidance – General

The following additional policy guidance is taken from the Council's statement of Licensing Policy and is included in this report for the advice and information of the Licensing Sub-Committee, the applicant and for any other interested party concerned with this application.

Areas outside of the Stress Area Policy

Paragraph 3.103 of the Policy states that:

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

Paragraph 3.104 of the Policy states that:

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

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

Late Night Refreshment

Paragraphs 3.50 and 3.51 of the Council's statement of Licensing Policy state that "all premises selling hot food or drink for consumption either on or off the premises between the hours of 11.00pm and 5.00am will require a premises licence. The same requirement to hold a licence will also apply to burger/hot dog/fast food vans trading after 11.00pm and up to 5.00am the following day. There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of the Policy, along with the definition of what constitutes a licensable activity for the sale of hot food and hot drink between the hours of 11.00pm and 5.00am".

Paragraphs 3.52 and 3.53 of the Policy state that "the Licensing Authority is concerned that premises offering hot food and drink between the hours of 11.00pm and 5.00am, either for consumption on or off the premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed. Many of these customers may have consumed alcohol excessively before seeking this

refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates from or around the vicinity of fast food takeaways”.

Paragraph 3.54 of the Council’s statement of Licensing Policy states that “the consumption of food outside take-aways and mobile fast food vans also often results in unacceptably high levels of food waste and litter being deposited onto the street. This can occur to such an extent that it is the cause of public nuisance and cost to residents and the Council in litter and food being removed and cleaned from these pavements and roads”.

Paragraph 3.55 of the Policy states that:

The Licensing Authority will therefore seriously consider any relevant representations made by the Police, responsible authorities or any other interested party such as local residents, to limit the opening hours of fast food take-away premises or any other action that is reasonable and proportionate in relation to the level of the complaint made. This would apply either in the area identified as a cumulative impact or stress area, or anywhere else in the Borough where it can be reasonably established that the late opening hours of such an establishment are attracting or leading to violence, crime and disorder, anti-social behaviour or noise and disturbance to the detriment of the living and working conditions of local persons.

Paragraph 3.56 of the Policy states that:

Where relevant representations have been made, the licensing authority will where necessary impose conditions on the licence, such as a limitation on opening hours or other measures, in order to promote the licensing objectives of the prevention of nuisance or crime and disorder.

Paragraph 3.57 of the Policy states that:

Such measures may include for example the employment of SIA registered door staff for the prevention of crime and disorder, digital CCTV cameras and litter picking around the immediate vicinity of the premises. This list is not exhaustive and other measures may be requested by the Police, responsible authorities or local residents for example.

Off Sales/Shops and Supermarkets

Paragraph 3.46 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.

Rural Areas

Paragraph 3.105 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 3.106 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 3.107 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 3.108 of the Council's statement of Licensing Policy states that “it is important to realise that with most contested 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 their homes and possessions in peace”.

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 for a premises licence to be granted
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 SHELL UK OIL PRODUCTS LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
SHELL SEXTONS COGGESHALL ROAD MARKS TEY			
Post town	COLCHESTER	Post code	CO6 1LT

Telephone number at premises (if any)	01206 215040
Non-domestic rateable value of premises	£86000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name SHELL UK OIL PRODUCTS LIMITED
Address SHELL CENTRE LONDON SE1 7NA
Registered number (where applicable) 3625633
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) 0207 934 1234
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
0	6	0	7	2	0	1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		

Please give a general description of the premises (please read guidance note1)

THIS 990 SQ FT (APPROX) CONVENIENCE STORE IS LOCATED ON A FORECOURT TRADING 24 HOURS PER DAY SERVING BOTH THE LOCAL COMMUNITY AND THOSE FROM FURTHER AFIELD. IT PROVIDES A RANGE OF SNACK FOODS, GROCERIES, CONFECTIONERY, SOFT DRINKS, HOT BEVERAGES AND TOBACCO PRODUCTS TRADING UNDER THE COMPANIES OWN RETAIL FORMAT WITH PARKING FOR CUSTOMERS AVAILABLE ON THE FORECOURT.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply 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)			<u>Will the performance of a play 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	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri						<u>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</u> (please read guidance note 5)		
Sat								
Sun								

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music 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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music 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	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>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</u> (please read guidance note 5)		

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"/>
				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 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					
Fri			<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)		
Sat					
Sun					
			<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)		

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
			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					
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
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)		

L

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	23.00	05.00	Please give further details here (please read guidance note 3) PROVISION OF HOT DRINKS, SOUPS, PIES & PASTRIES CONSISTENT WITH A TAKE AWAY SERVICE FOR CONSUMPTION ON OR OFF THE PREMISE.		
Tue	23.00	05.00			
Wed	23.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	05.00			
Fri	23.00	05.00	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 (please read guidance note 5)		
Sat	23.00	05.00			
Sun	23.00	05.00			

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 checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name COLIN HINSON	
Address 4 DESMOND CLOSE LOWESTOFT SUFFOLK	
Postcode	NR32 3JY
Personal Licence number (if known) NOT YET KNOWN	
Issuing licensing authority (if known) WAVENEY DISTRICT COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	<p>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)</p>
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

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)

-CCTV SYSTEM WITH RECORDING FACILITIES IN PLACE AT SITE, IMAGES CAN BE MADE AVAILBALE UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.
-APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.
-REFUSALS BOOK WILL BE OPERATED AND MAINTAINED.
-CHALLENGE 25 POLICY WILL BE OPERATED AT THE PREMISES, ACCEPTABLE FORMS OF PROOF OF AGE WILL BE A PASSPORT, A PHOTO CARD DRIVING LICENCE OR PASS ACCREDITED IDENTIFICATION CARD.

b) The prevention of crime and disorder

-CCTV SYSTEM WITH RECORDING FACILITIES IN PLACE AT SITE, IMAGES CAN BE MADE AVAILABLE UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.
-SPIRITS LOCATED BEHIND THE COUNTER.
-APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.

c) Public safety

-CCTV SYSTEM WITH RECORDING FACILITIES IN PLACE AT SITE, IMAGES CAN BE MADE AVAILABLE UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.

d) The prevention of public nuisance

-APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF RESPONSIBLE AUTHORITY.

e) The protection of children from harm

-APPROPRIATE STAFF TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. TRAINING RECORDS CAN BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY.
 -REFUSALS BOOK WILL BE OPERATED AND MAINTAINED.
 -SPIRITS LOCATED BEHIND THE COUNTER.
 -CHALLENGE 25 POLICY WILL BE OPERATED AT THE PREMISES, ACCEPTABLE FORMS OF PROOF OF AGE WILL BE A PASSPORT, A PHOTO CARD DRIVING LICENCE OR PASS ACCREDITED IDENTIFICATION CARD.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>M. Zaffar</i> P.D. Lockett + co
Date	2 ND JUNE 2011
Capacity	LOCKETT & CO - DULY AUTHORISED AGENTS.

For joint applications signature of 2nd applicant 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)

LOCKETT & Co
13 CHURCH STREET

Post town	KIDDERMINSTER	Post code	DY10 2AH
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Telephone number (if any)	01562 864488
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If you would prefer us to correspond with you by e-mail your e-mail address (optional) info@lockett.uk.com
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Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

***Premises Licence
Application***
on behalf of
SHELL UK OIL PRODUCTS LTD
Sextons Service Station
Coggeshall Road
Marks Tey
Colchester
Essex
CO6 1LT

Background History

This is a well established SHELL forecourt which has a retail area of approximately 990 sq ft.

The Shop

This purpose built shop has been designed to serve both the local community and those from further a field, trading as a full convenience store under the company's own format. A range of fresh foods, groceries and other products are offered and the off-licence is an important part of the service that such a store is expected to provide.

The Operation

The store is operated by the Manager, assisted by a team of staff, many of whom live locally. The Designated Premises Supervisor, is trained and certified through an accredited scheme and is responsible for training all staff and keeping and maintaining ongoing training records utilising the Staff Training Manual. The **Challenge 25** trading initiative is used supported by the refusals system with records kept in the **Refusals Book** to tie in with the CCTV system.

Security

The **digital CCTV system** benefits from a **recorder** and recordings can be made available to Police if required.

Sextons Service Station Forecourt Shop.



Retail Trading Area

990 sq ft (approx.)

Opening Hours

Monday	-	00.00 hours to 24.00 hours
Tuesday	-	00.00 hours to 24.00 hours
Wednesday	-	00.00 hours to 24.00 hours
Thursday	-	00.00 hours to 24.00 hours
Friday	-	00.00 hours to 24.00 hours
Saturday	-	00.00 hours to 24.00 hours
Sunday	-	00.00 hours to 24.00 hours

Summary

Convenience Trading Format

Staff Training Manual

Challenge 25

Refusals Book

CCTV with recorder

Range of goods – Sextons Service Station

A.



B.



C.

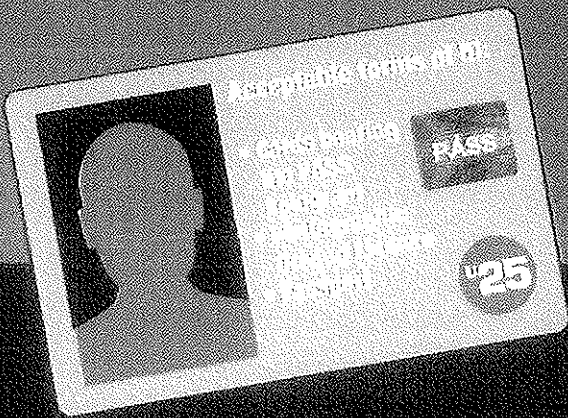
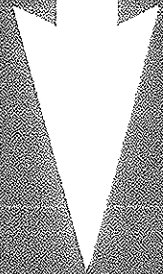


D.



UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



DRINKAWARE.CO.UK



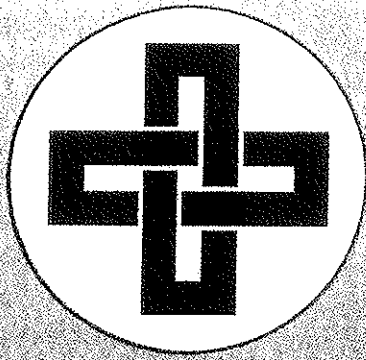
**It is an offence for
persons under 18
years to purchase
or attempt to
purchase alcohol.**

**You could receive
a fine of £1000.**



DRINKAWARE.CO.UK





Lockett & Co

Retail, Licensing & Training Consultants
www.lockett.uk.com

PROOF OF AGE CARDS AGE RESTRICTED SALES

*If there is any doubt about a persons age you are required to ask them to prove their age or you must refuse the sale
The following forms of ID are acceptable:*

1. A Passport

www.ukpa.gov.uk

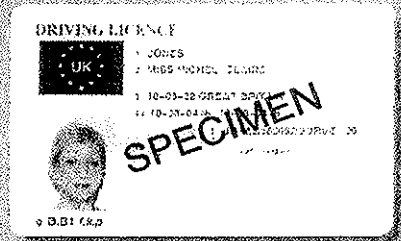


2. A Photo Driving Licence

www.dvla.gov.uk

or

Local Post Office



3. A PASS accredited proof of age card e.g.

Citizen Card

www.citizencard.com

or

Email: contact@citizencard.com



Validateuk Card

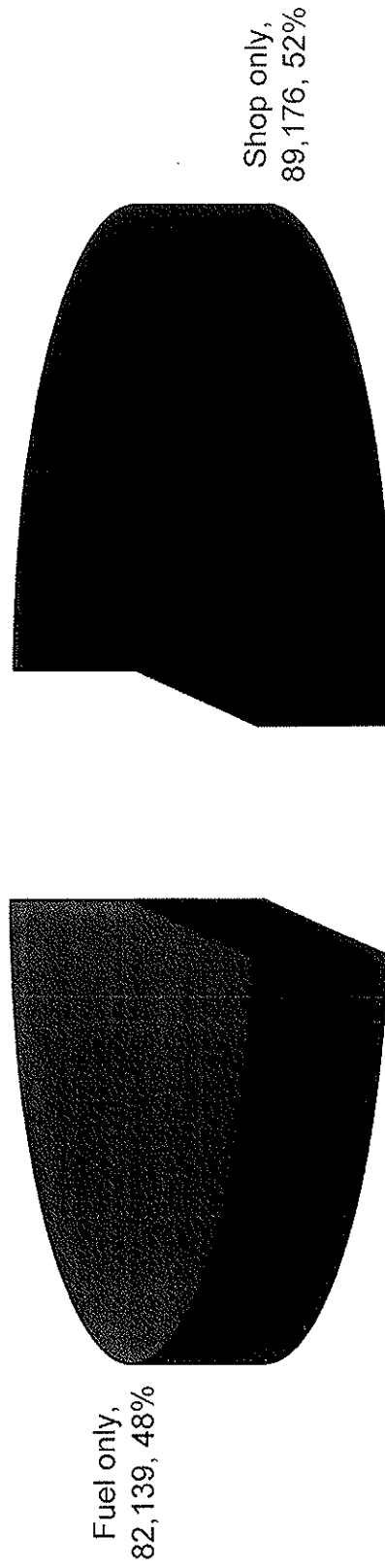
www.validateuk.co.uk

or

Tel: 01434 634996



Analysis of Customer Flow Shop v Forecourt
Shell Sextons, Coggeshall Road, Marks Tey, Colchester, Essex, CO6 1LT.
1st May to 31st July 2010 incl.



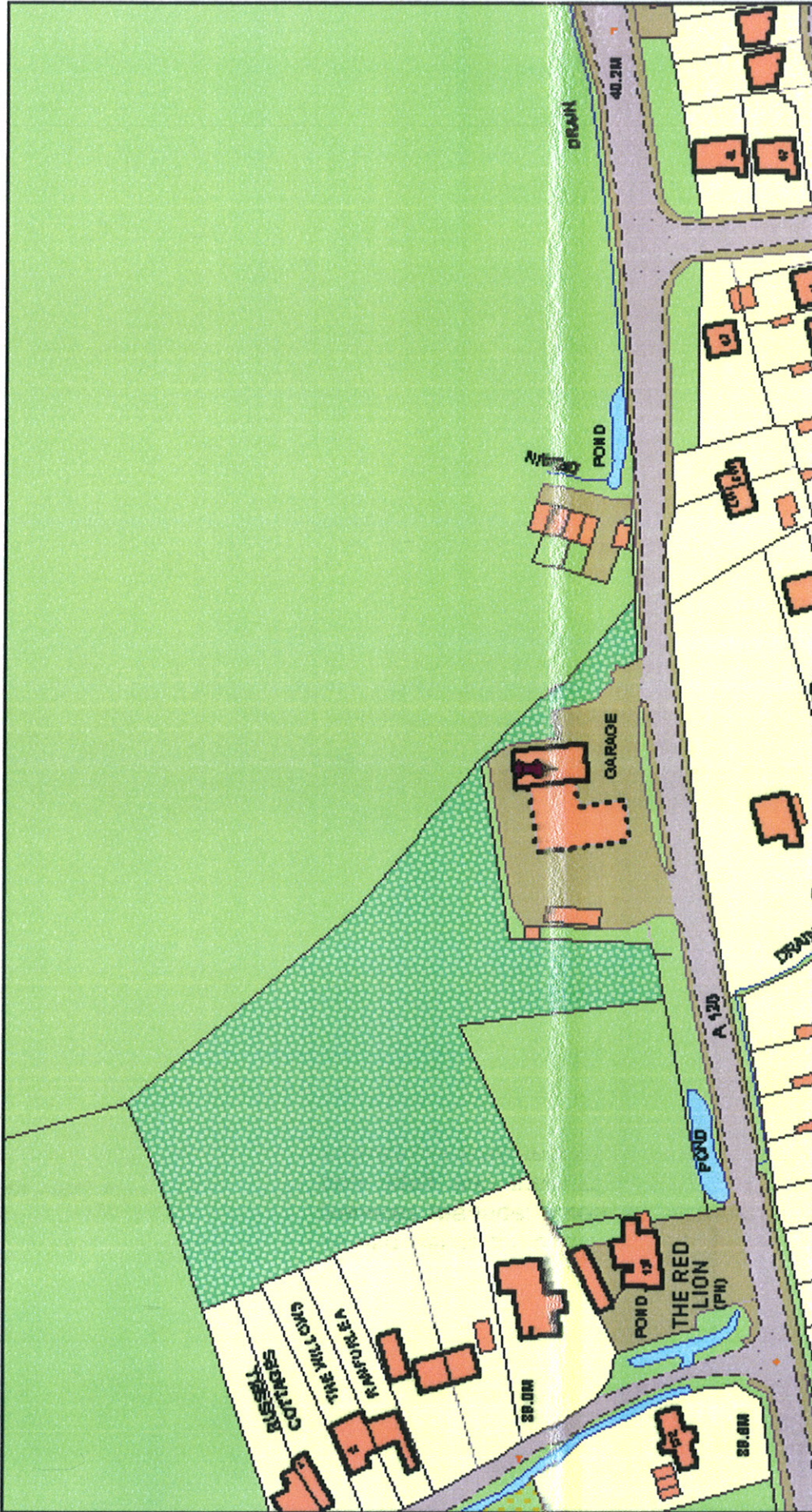
Analysis of Customer Flow, Shop v Forecourt

Shell Sextons, Coggeshall Road, Marks Tey, Colchester, Essex, CO6 1LT

Source: Epos - 1st May to 31st July 2010 inclusive

	Shop Only	Fuel Only	Total
1st to 31st May 2010 incl	29033	26562	55595
1st to 30th June 2010 incl	29100	27171	56271
1st to 31st July 2010 incl	31043	28406	59449
Total	89176	82139	171315

Premises Location Plan



Licence Application Reference: 074027
Premises Name & Address: Sextons Service Station 124 Coggeshall Road Marks Tey Colchester
Date Produced: 13 July 2011

MAP NOT TO SCALE

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From: Elizabeth Blundell

Sent: 30 June 2011 15:29

To: Licensing.Committee

Subject: Application by Shell Sextons of Coggeshall Road, Marks Tey, for (1) the supply of alcohol off the premises 00.00 to 24.00 hours Mondays to Fridays inclusive (2) the provision of late night refreshment indoors 23.00 to 05.00 Mondays to Sundays inclusive

Follow Up Flag: Follow up

Flag Status: Completed

Dear Licensing Officer

Having discussed the above application with the Chairman and Members of Marks Tey Parish Council and assimilated their views, I wish to comment and to strongly object to this licensing application being granted for the reasons set out in my comments below:

"Clearly if successful the above application for the sale of alcohol from 00.00 to 24.00 Mondays to Sundays inclusive and also the provision of late night refreshment indoors from 23.00 to 05.00 Mondays to Sundays inclusive will considerably increase vehicular access to and egress from the Shell Sextons site on the Coggeshall Road, Marks Tey during these hours, and I would expect this increase in traffic to be mainly comprised of cars, vans, heavy goods vehicles and motor cycles.

I consider that this increased movement of vehicular traffic will constitute a Public Nuisance, for the following reasons:

1. A substantial increase in the volume of vehicular traffic will of necessity cause an equal increase in the noise of vehicle engines and traffic movement both accessing and egressing from the garage site. This, accompanied by the additional shouting and talking between extra drivers and passengers in these vehicles, will cause disturbance and interference with sleep patterns to residents in the neighbourhood, which will in turn affect their physical and mental health with the ensuing disruption this will cause to their daily working and living patterns.
2. There will be an increase in light pollution, therefore adding to the chance of local people being kept awake at night by this intrusion into their homes and neighbourhood. This is also likely to disturb local pets such as dogs, particularly when they are acting as guard animals – who are likely to make more noise when disturbed by light intrusions, and this in turn will cause their owners to suffer sleep deprivation.
3. Extra litter will certainly be dropped on the forecourt, regardless of the provision of litter bins, and this will then blow about in the area thus leading to general untidiness locally, and the risk of vermin, which would cause a health risk to local residents.
4. This same increase in vehicular traffic will also cause a serious increase in exhaust emissions, which may well damage to the local environment, thereby adding to health problems such as asthma in those residents who suffer from this illness.
5. An increase in exhaust emissions will also damage the growth, beauty and health of local flora, thereby reducing the enjoyment of areas where local residents should be able to walk, play and visit.
6. The cumulative effect of the increased movement and activities at the Shell Sextons site to which I have referred above constitutes a serious nuisance to members of the public living in the vicinity of this garage and is likely to cause damage to their freedom of enjoyment of life, their health and the exercise of their rights which every resident should be able to experience. The harmful impact on the surrounding area and the amenity of neighbouring residents of this area of Marks Tey should not be allowed."

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