

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
9 April 2009 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

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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 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.

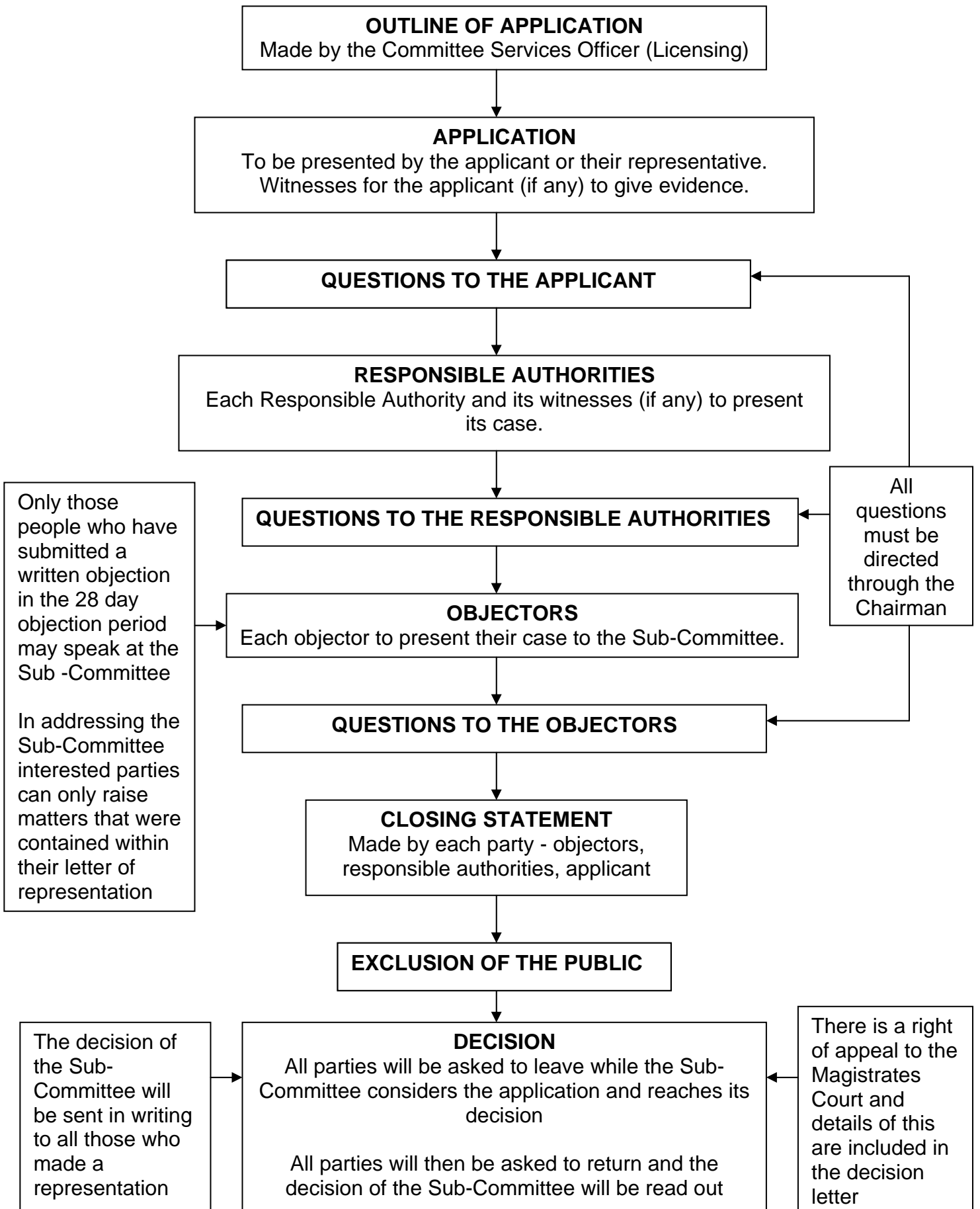
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
9 April 2009 at 10:00am**

Members

Deputy Chairman : Councillor Christopher Garnett.
Councillors Helen Chuah and Laura Sykes.

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 to 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. Applications under the Licensing Act 2003

- a. Candi, 21 Osborne Street, Colchester

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See report by the Head of Environmental and Protective Services.



Licensing Committee – 9 April 2009	Agenda Item 4a
Candi	FOR GENERAL RELEASE

Premises	Candi 21 Osborne Street Colchester Essex	Ward: Castle Stress Area: No Flare Ref: 18778 Author: Simon Harvey
Application	Application for a new premises licence To Permit:- - the provision of films, live music, recorded music, performances of dance and anything of a similar description, provision of facilities for dancing an anything of a similar description, the provision of late night refreshment and the supply of alcohol	Appendix 1
Street Plan		Appendix 2
Responsible Authorities	Letters of representation from:- Child Protection – condition agreed Environmental Control Essex Police Planning	Appendix 3 Appendix 4 Appendix 5 Appendix 6
Interested Parties		
St John's Green Conservation Society	Letter of Objection	Appendix 7
Local Resident	Letter of Objection	Appendix 8

Application for a new Premises Licence

The application seeks the following -

- **Supply of alcohol on the premises for the following hours-**

Sundays to Wednesdays 10.00 to 00.00
Thursdays to Saturdays 11.00 to 03.00

Non standard timings

An additional hour on Thursday, Friday, Saturday. Sunday and Monday of all Bank Holiday weekends

- **Provision of films, live music, recorded music, performances of dance and anything of a similar description, provision of facilities for dancing and anything of a similar description, all activities to take place indoors, for the following hours-**

Sundays to Wednesdays 10.00 to 00.00
Thursdays to Saturdays 11.00 to 03.00

- **Provision of late night refreshment-**

Sundays to Wednesdays 23.00 to 00.00
Thursdays to Saturdays 23.00 to 03.00

- **Hours the premises are open to the public-**

Sundays to Wednesdays 10.00 to 00.30
Thursdays to Saturdays 10.00 to 3.30

Policy Guidelines – Candi, 21 Osborne Street, Colchester

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 take aways".

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.

The Prevention of Crime and Disorder

The Council's adopted statement of Licensing Policy states under paragraph 5.18 that “the Council is committed to further improving the quality of life for the people living in the borough of Colchester by continuing to reduce crime and the fear of crime”.

Policy

Paragraph 5.20 of the Policy states that:

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

- (i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a compressive list of best practice;**
- (ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour;**
- (iii) whether the operating schedule includes management measures to prevent crime and disorder;**

- (iv) whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.**

There have been three relevant representations received in regard to this licensing objective. These have been made by Essex Police, The St John's Green Conservation Association and a St John's Green resident.

The applicant has agreed to the request by Essex Police to reduce the hours of operation sought for licensable activities on Thursdays, Fridays and Saturdays to 02.00. In addition Essex Police suggest that the following conditions be applied to the grant of any licence –

- CCTV of high digital quality to be retained and maintained in good order for a 31 day period and handed upon request to police officers investigating incidents.
- Substantial food and non intoxicating beverages (including drinking water) will be available at all times the premises are open in accordance with the Council's Statement of Licensing Policy in respect of Café/Bars/Wine Bars.
- No bottles or glasses to be taken off the premises.
- Only toughened glasses to be used.
- Challenge 21 Proof of Age Scheme to be operated at all times.

St John's Green Conservation Association in its letter expresses its concern that the acts of vandalism against property and vehicles on St Johns Green at night will increase if the application is granted. This concern is echoed in the letter from the local resident.

Public Safety

Paragraph 5.23 of the Council's adopted statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

Policy

Paragraph 5.24 of the policy states that:

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

- (i) where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made**

available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises;

- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency;
- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and re-admissions;
- (iv) whether patrons can arrive at, and depart from, the premises safely;
- (v) whether there may be local overcrowding in parts of the premises;
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);
- (vii) whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key areas identified are:
 - Prevention of overcrowding
 - Air conditioning and ventilation
 - Availability of drinking water
 - Further measures to combat overheating
 - Overall safety;
- (viii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

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

The Prevention of Public Nuisance

Paragraph 5.27 of the Council's adopted statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph 5.28 of the Council's adopted statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its

widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises”.

Policy

Paragraph 5.29 of the Policy states that:

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

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

Additional Policy Guidance – Public Nuisance

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

Paragraph 5.33 of the Policy states that:

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

Paragraph 5.34 of the Policy states that:

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

These may include:

- The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;**
- The hours of opening between 11.00pm and 7.00am;**
- The nature of activities to be provided, including whether those**

activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises;

- **The design and layout of the premises; particularly the presence of noise limiting features;**
- **The provision of toilet facilities on the premises;**
- **The safe capacity of the premises;**
- **The availability of public transport or taxis;**
- **A wind down period between the end of the licensable activities and closure of the premises;**
- **The last admission time.**

There have been four relevant representations received in regard to this licensing objective. These have been received from the Council's Environmental Control Team, the Councils Planning Authority, the St John's Green Conservation Association and a St John's Green resident.

Environmental Control has recommended the refusal of the application on the grounds that the premises is close to a number of residential properties and the activities applied for would be likely to cause a noise nuisance. It considers that the building is unsuitable for the activities sought, specifically amplified and live music, due to its structure and layout and that the hours are unreasonable in a residential area. It has also recommended however that should the Licensing Sub Committee agree the grant of this application, that the following conditions be attached to such a grant –

- No live or amplified music to be played in the open air (including temporary structure such as marquees and tents).
- No music or speech shall be relayed via external speakers.
- A designated premises supervisor will assess the impact of any noisy activities on any noise sensitive premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased. A record shall be kept and any noisy incidents logged.
- Any outside area, which is used for the consumption of alcohol, shall cease to be so used after midnight.

The representation received from the Planning Authority strongly objects to the application on the grounds of public nuisance. It sets out the terms of the Planning consent granted in respect of this premises which restricted the hours in the interests of residential amenity. The applicant was advised at the time of their Planning consent being granted that the local Planning Authority would resist any application made to the Licensing Authority for later opening hours. The Planning Authority also comment in their representation that the premises licence application is far in excess of the Planning consent granted and the Planning Authority is concerned at the possible effect this will have on residential amenity, especially given the applicants intent to provide live or recorded music until 03.00 in a poorly insulated building in proximity to residential properties.

The Planning Authority further considers that although the premises is located within the town centre, this area has passing foot traffic rather than large numbers of people remaining in the vicinity for entertainment and states its belief that for this to be allowed to occur until such a late hour is wholly unacceptable.

St John's Green Conservation Association considers that the granting of additional hours will result in an increase in nuisance in the early hours of the morning emanating from the licensed activities at the premises and from parking and increased traffic and rowdy behaviour from clients leaving the premises.

The St John's Green resident states that they already suffer noise nuisance which carries across Southway and any increase in this would be intolerable. Concern is also expressed in their representation at the potential for further nuisance from revellers moving south from the town and the provision of late night refreshment in the application which they consider will lead to increased nuisance from associated smells and littering.

The Protection of Children from Harm

Paragraph 5.36 of the Council's adopted statement of Licensing Policy states that 'the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications'.

Paragraph 5.37 of the Council's Licensing Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard".

Policy

Paragraph 5.38 of the Policy states that:

The Licensing Authority will rarely impose a complete ban on access to licensed premises for children. In exceptional circumstances and only where it is reasonable proportionate or necessary to do so to promote the licensing objective, conditions restricting access or excluding children completely may be considered necessary.

Paragraph 5.39 of the Policy states that:

The Licensing Authority will not impose conditions requiring that children be entitled to access to the premises. This is a matter for the sole discretion of the individual premises or club or person who is applying for a Temporary Event Notice.

There has been a relevant representation from Essex Child Protection in regard to this licensing objective and the applicant has agreed to the addition of the following condition being added to the licence –

- Children under the age of 16 years will be accompanied by an adult after the time of 21.00.

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 responsible authority or interested party concerned with this application.

Areas outside of the Stress Area Policy

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.

Paragraph **3.100** of the Policy states that:

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

Paragraph **3.101** of the Policy states that:

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

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

Café Bars

3.53 The Licensing Authority will look favourably on applications which seek a grant of licence or variation of a licence for a café bar that offers or views the consumption of alcohol as an ancillary accompaniment to the enjoyment of food purchased and eaten by their customers on the premises.

3.54 Any such grant or variation agreed could however, be subject to the following conditions, which would be applied in circumstances where it was reasonable and proportionate to do so, and in order to prevent the premises from gaining a licence to sell alcohol and then simply converting to an ordinary public house or bar that relies more on the sale of alcohol and vertical drinking than it does on the provision of food.

These conditions, which relevant applicants are encouraged to include in their operating schedules, could be:

- (i) The supply of intoxicating liquor and other beverages shall be made by waiter/waitress service solely for the consumption of persons seated at tables.**
- (ii) Substantial food shall be available at all times.**

Late Night Refreshment

- 3.45 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.
- 3.46 There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of this 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.
- 3.47 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.
- 3.48 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 take-aways.
- 3.49 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.

3.50 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.

3.51 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.

3.52 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.

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

LICENSING DEPARTMENT
RECEIVED
18 FEB 2009

Reference number:

(1)

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

(2) I/We Benjamin Colin Pace

apply for a premises licence under section 17 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
21 Osborne Street - "CANAL"
COLCHESTER

Post town COLCHESTER

Postcode CO2 7DA

Telephone number at premises(if any)

Non-domestic rateable value of premises

£ 18750.00

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)

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

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

- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or Please tick yes
- 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 Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over Please tick yes

Date of birth

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

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Date of birth

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

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

Address

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc.)

Telephone number (if any)

E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licences to start?

Day	Month	Year
01	02	2009

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 note 1)

We anticipate during the day operating as a bistro/cafe switching to a winebar aiming for to appeal older customers.

There will be permanent seating in the venue so will be approx. 60/40 vertical drinking venue.

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

--

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 for:

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

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	10.00	0.000	Please give further details here (please read guidance note 3)
Tue	10.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 4)
Wed	10.00	00.00	Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	10.00	0300	
Fri	10.00	0300	
Sat	10.00	0.300	
Sun	10.00	00.00	

C

Indoor sporting events			Please give further details here (please read guidance note 3)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	1000	0000	
Tue	1000	0000	State any seasonal variations for the performance of live music (please read guidance note 4)
Wed	1000	0000	
Thur	1000	0300	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0000	

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	1000	0000	
Tue	1000	0000	State any seasonal variations for the playing of recorded music (please read guidance note 4)
Wed	1000	0000	
Thur	1000	0300	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0000	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon	1000	0000	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue	1000	0000	Please give further details here (please read guidance note 3)
Wed	1000	0000	State any seasonal variations for the performance of dance (please read guidance note 4)
Thur	1000	0300	
Fri	1000	0300	Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	1000	0300	
Sun	1000	0000	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon	1000	0000	Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Tue	1000	0000	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Wed	1000	0000	Please give further details here (please read guidance note 3)
Thur	1000	0300	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0000	Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)

Provision of facilities for making music			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 8)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	1000	0000	Please give further details here (please read guidance note 3)
Tue	1000	0000	
Wed	1000	0000	State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur	1000	0300	
Fri	1000	0300	Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Sat	1000	0300	
Sun	1000	0000	

K

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	1000	0000	Please give further details here (please read guidance note 3)
Tue	1000	0000	
Wed	1000	0000	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Thur	1000	0300	
Fri	1000	0300	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 from those listed in the column on the left, please list (please read guidance note 5)
Sat	1000	0300	
Sun	1000	0000	

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	2300	0000	Please give further details here (please read guidance note 3)
Tue	2300	0000	
Wed	2300	0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur	2300	0300	
Fri	2300	0300	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	2300	0300	
Sun	2300	0000	

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Mon	1600	0000	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	1000	0000	
Wed	1000	0000	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5) To include Thurs, Fri, Sat, Sun and Mon of all Bank Holiday weekends - 1 EXTRA HOUR
Thur	1000	0300	
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0000	

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

Name Benjamin Colin Pace

Address

Postcode

Personal Licence number (if known)

Issuing licensing authority (if known)

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)

Day	Start	Finish
Mon	1000	0030
Tue	1000	0030
Wed	1000	0030
Thur	1000	0330
Fri	1000	0330
Sat	1000	0330
Sun	1000	0030

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use 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 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)

Fully trained barstaff
Fully trained Security

b) The prevention of crime and disorder

Fully trained barstaff
Fully trained Security
Professionally installed CCTU throughout
A one in ten drug search policy
There are two minicab offices within 50 metres of Venue

c) Public safety

Will follow all recommended inspection/service intervals for all electrical and gas systems on the premises
Fully trained security staff
Fully trained barstaff
Smoke detectors + Fire services
Professionally installed CCTU

d) The prevention of public nuisance

Toilets available for public use
Fully trained door staff
ample parking in close proximity
Professionally installed CCTU

e) The protection of children from harm

fully trained door/barstaff
We will taking part in the challenge 21 scheme
Soft drinks available
Professionally installed CCTU

CHECKLIST:

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. (Please read guidance note 11)
If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

12/2/09

Capacity

For joint applications signature of 2nd applicant, 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)

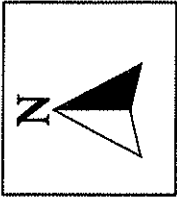
Post town

Postcode

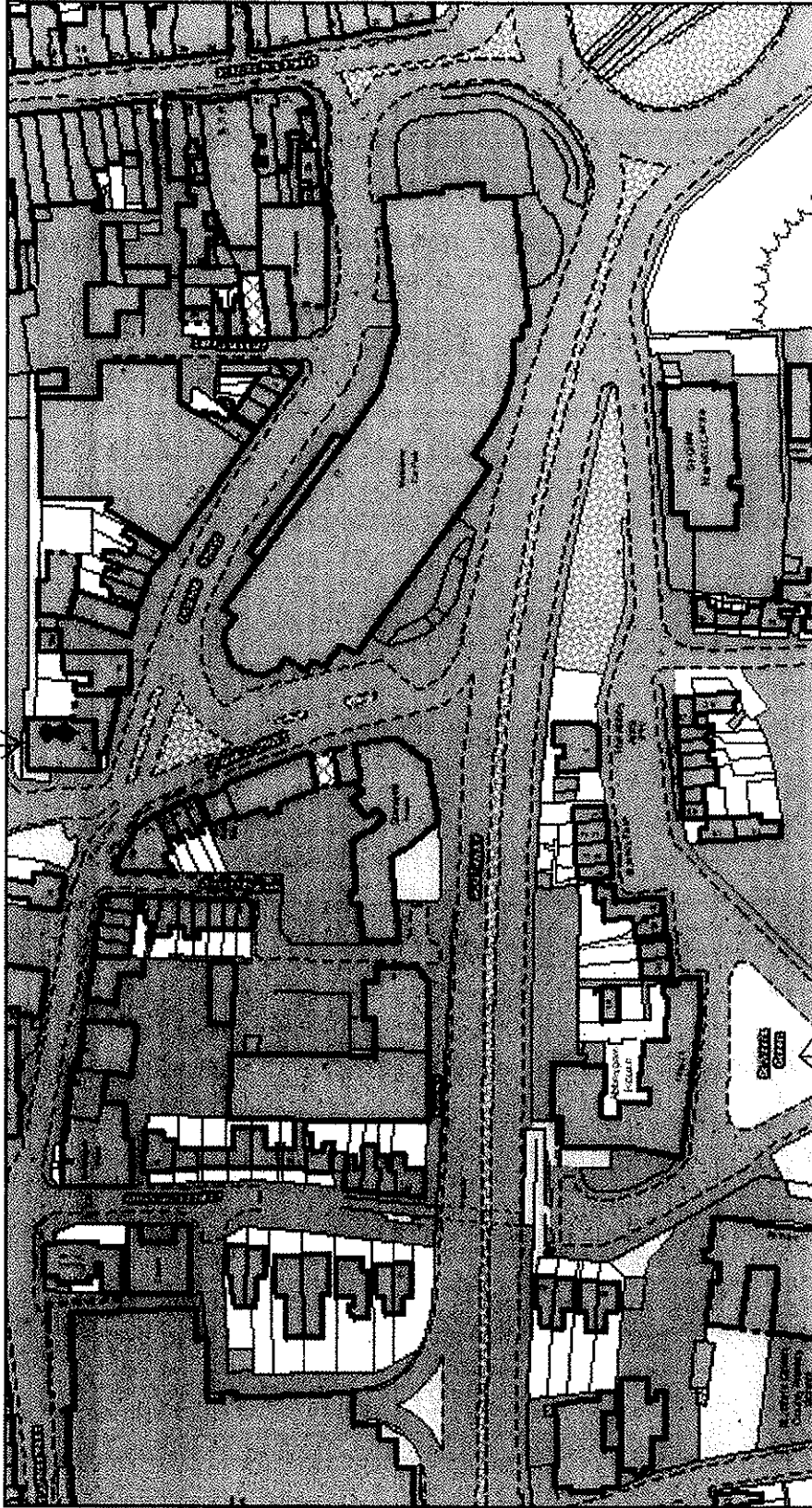
Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Premises Location Plan



Candi



St John's Green

Licence Application Reference: 018778

Premises Name & Address: Candi 21 Osborne Street Colchester

Date Produced: 23 March 2009

MAP NOT TO SCALE

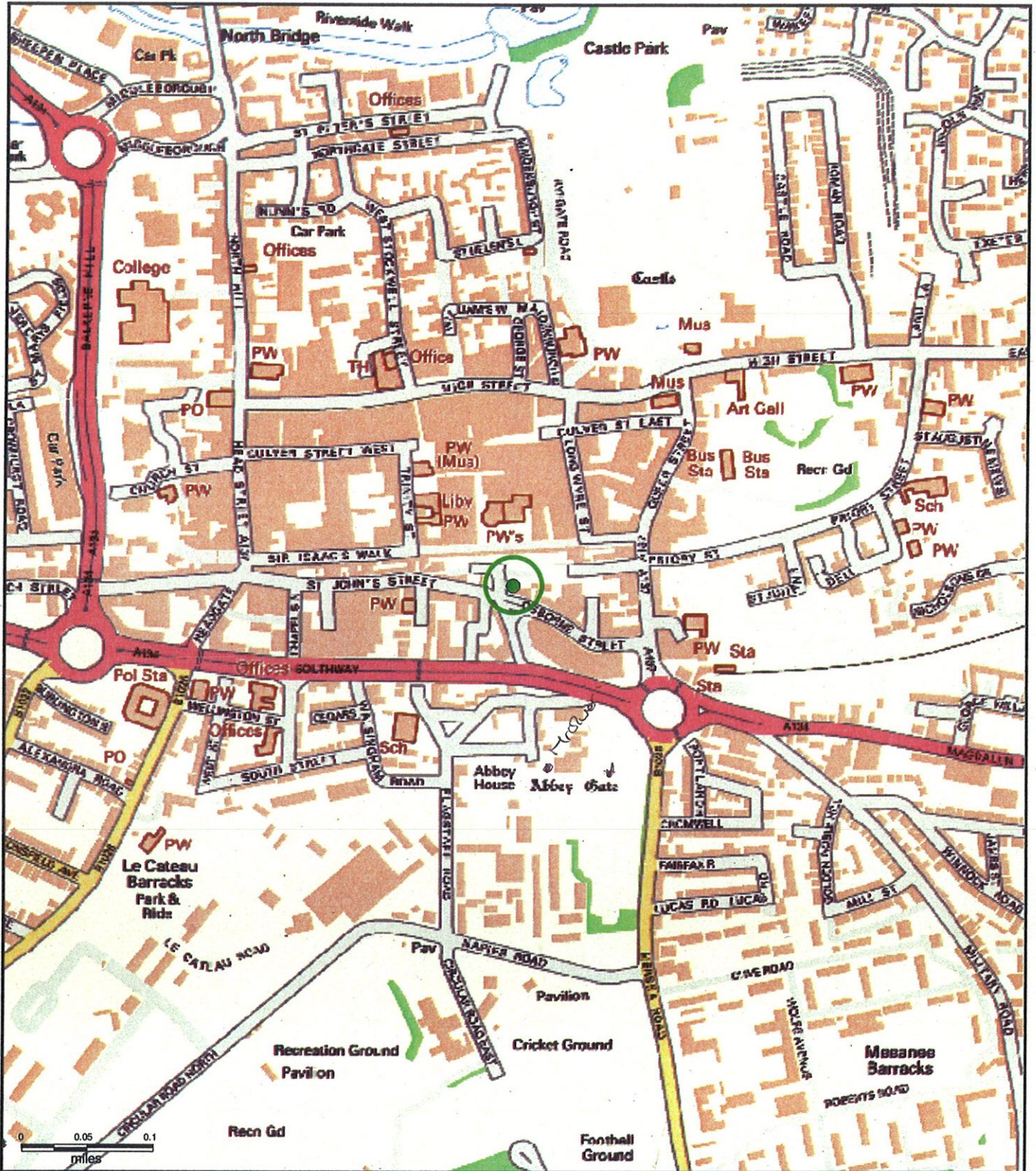


Address Osborne St
Colchester, Essex CO2
UK



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21 Osborne Street



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Map of CO2 7DA



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100 yards [Terms of use](#)

Nearest transport link

Your notes

Railway: Colchester Town (0.22mi, 0.35km)

[CLICK HERE](#) to save up to **75%** on reservations in over **52,000 hotels worldwide**

Appendix 3**Alexandra Tuthill**

From: Sian Caruth Safeguarding Support Officer CSS SG SCF [Sian.Caruth@essex.gov.uk]
Sent: 12 March 2009 14:48
To: Licensing Committee
Cc:
Subject: application for a new premises licence for Candi, 21 Osborne Street, Colchester.

Dear Sirs,

Regarding the application for a new premises licence for Candi, 21 Osborne Street, Colchester.

After speaking with Benjamin Pace we have come to an agreement to amend the application to include the following condition:

- Children under the age of 16 years will be accompanied by an adult after the time of 21:00 hours.

Mr Pace has expressed his intention to e-mail you to confirm our agreement. With this measure in place we are now able to discharge our duty and take no further action.

Regards,

Sian Caruth

Safeguarding Support Officer
Children's Safeguarding Service
Ednet: 40795
01245 434795

Dear Mr Pace,

Please send your confirmation of our agreement to:

licensing.committee@colchester.gov.uk and copy me in on this communication.

Many thanks,

Sian Caruth

This email (including any attachments) is intended only for the recipient(s) named above. It may contain confidential or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from your system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.

Consultation Response

Environmental Control Officer: Louise Parkin

Licensing Reference No: 018778

Ward: Castle

Location: Candi 21 Osborne Street, Colchester, CO2 7DA

Details: Premises Licence Application

Scheduled Response Date: 13/03/2009

Environmental Control's Comments: -

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

Environmental Control would recommend the refusal of this application for the following reasons:

The premises is close to a number of residential properties and the activities applied for are likely to cause a noise nuisance.

The building is unsuitable for the activities applied for, due to the structure and layout, specifically for amplified and live music.

The hours applied for are unreasonable in a residential area.

Should the application be granted Environmental Control would recommend the following conditions, although these conditions should not be considered a solution to the problem of potential noise nuisance to nearby residents.

- PPN27** No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).
- PPN31** No music or speech shall be relayed via external speakers
- PPN28** A designated premises supervisor will assess the impact of any noisy activities on any noise sensitive premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased. A record shall be kept and any noisy incidents logged.

PPN33 Any outside area, which is used for the consumption of alcohol shall cease to be so used after midnight.

Signed: Louise Parkin
Environmental Control Officer

Date: 06/03/2009

Appendix 5

Police Station,
10 Southway,
Colchester, CO3 3BU

Telephone: 01206 762212
Website: www.essex.police.uk
Facsimile: 01206 761929

Lexie Tuthill
Licensing Team
Angel Court
CO1 1FL

Your ref

12.03.09

Dear Lexie

RE – Candi, 21, Osborne Street, Colchester- Application for a Premises Licence.

Essex Police make the following representation, agreed conditions with the applicant MR Pace, and reduced hours on Thursday, Friday, Saturday until 2am for Licensable activities, as agreed with MR PACE to promote the Licensing Objectives.

CCTV High Digital Quality to be retained and maintained in good order for 31 day period and handed to Police Officers investigating incidents upon request.

Substantial food and non intoxicating beverages (including drinking water) will be available at all times the Premises are open in accordance with the Council's Statement of Licensing Policy in respect of Café/Bars/Wine Bars.

No bottles or glasses to be taken off the premises.

Toughened glasses only to be used.

Challenge 21 Proof of age Scheme Operated at all times.

Michael Aitchison
Divisional Police Licensing Officer
Eastern (Colchester).

Colchester Borough Council
PO Box 889, Town Hall, Colchester CO1 1FL
Telephone (01206) 282222 DX 729040 Colchester 15
Minicom (Textphone) (01206) 282266

Planning and Protection

Contact Mark Russell
Phone (01206) 506941
E-mail mark.russell@colchester.gov.uk
Our ref MR/DC1/Licence/Osborne 21
Date 9th March 2009

Dear Mr Pace

Licensing Act 2003
Application for an existing licence to be converted and/or varied
("Candi" 21 Osborne Street, Colchester)

I write to thank you for your letter received on 18th February 2009, regarding the above matter, seeking my comments on the planning implications of the proposal. Having considered your application I can advise you that the Local Planning Authority wishes to make the following representations:-

- The proposal conflicts with condition 02 of planning permission 081789, granted 8th October 2008, which reads as follows:

"The use hereby permitted shall not be open to customers outside of the following times:

Monday to Friday: 11:00 – 23:30; Saturday 11:00 – 24:00; Sundays (excluding Easter Sunday) 11:00 – 23:00; Bank Holidays (including Easter Sunday) 11:00 – 24:00.

Reason: In the interests of residential amenity."

The decision notice carried the additional informative as follows:

"The applicant is advised that the Local Planning Authority would resist any application to the Licensing Authority for later opening hours."

The Licence proposal is far in excess of this (up to three and a half hours) and the Local Planning Authority is concerned at the possible effect on residential amenity, especially given the intention to provide live or recorded music, dancing and "facilities for entertainment of a similar description" until 03:00 in a poorly insulated building in proximity to residential properties.

We are aware that the Environmental Control team has requested a number of measures to attenuate noise nuisance which may be very difficult to achieve. We are also aware that Osborne Street is within the town centre, but this particular area has passing foot traffic rather than large numbers of people remaining within the vicinity for their entertainment. For this to be allowed to occur until such a late hour is wholly unacceptable

For these reasons, the Local Planning Authority **STONGLY OBJECTS** to this application on the grounds of:

Public nuisance.

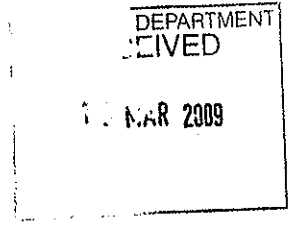
You are advised that a copy of this letter has been forwarded to the Borough Council's Licensing section for their information

Yours sincerely

Mark Russell
Planning Officer

cc Licensing Manager, Colchester Borough Council

From:
Sent: 18 March 2009 17:02
To: Licensing
Subject: Licensing Act 2003 - Objection to Application



For the attention of Simon Harvey.

ST JOHN'S GREEN CONSERVATION ASSOCIATION

Licensing Act 2003
21 Osborne Street, Colchester.
Amendment of License to extend opening hours.

I am writing on behalf of the Association to object to the extension of hours being applied for at 21 Osborne Street Colchester.

1

The Statement of Policy – 3.53 says that the Council will look favourably on applications where the consumption of alcohol is an ancillary accompaniment to the enjoyment of food eaten on the premises. The premises is to be a coffee bar during the day (when people are less likely to be drinking large quantities of alcohol) and a wine bar by night which puts the emphasis on the consumption of alcohol rather than food. There is no reason to assume that the premises will operate in accordance with the policy.

2

The hours already approved are reasonable and probably more likely to find favour with responsible drinkers. It could be an asset to the town and it would be good to find a use for an empty building.

3

The extension of hours proposed will make the premises attractive to irresponsible and socially unaware drinkers late at night when they are likely to be drinking rather than enjoying their food. This is likely to lead to increased rowdy behaviour and nuisance to neighbours in the early hours of the morning.

4

The Queen St/St Botolphs St area is defined as a stress area in the council's Statement of Licensing Policy. Residents on the Green can hear "revellers" on St John's Street and also hear music from The Dickens Hotel at the St Botolph's roundabout. Osborne St is surprisingly close to the Green! Although the premises is in a town centre location there are more residents likely to be affected than might be realised!

5

There can be significant disruption from functions held at St Giles Masonic Centre and at the Officer's Club. The Green is already subject to acts of vandalism against property and vehicles at night. Residents are concerned that there will be increased disruption and nuisance from the licensed activities in the premises and from parking and increased traffic and rowdy behaviour from clients leaving it.

This is an example of the common ploy of getting a consent for a modest and unobjectionable proposal and then asking for more. If this is granted and there are then problems it will be difficult to get it reversed.

In summary, residents of St John's Green object strongly to this application because approving it will not comply with the Council's licensing objectives for the Prevention of Crime and Disorder and for the Prevention of Public Nuisance. Please bring this to the attention of the Committee.

I am sending a copy of the objection to our ward members.

Yours sincerely

(Secretary of St John's Green Conservation Association)

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of
ne
ate
y
nu
h)

Licensing Committee

From: Licensing Committee
Sent: Thu 19/03/2009 22:23
To: Licensing Committee
Cc:
Subject: RE: Objection to application for a new premises licence - Candi, 21 Osborne Street, Colchester.
Attachments:

Dear Ms Tuthill

Thankyou for acknowledging my email.

Yes. We are an Informal Residents Association dealing with matters affecting those of us living in the vicinity of the Green on an ad hoc basis. We have been operating since 1981.

Our Chairman is [redacted] ly (presently away on holiday) who lives at [redacted] St John's Green and I am Hon Sec living at [redacted] St John's Green, CO2 7Ez.

Yours sincerely

Subject: Objection to application for a new premises licence - Candi, 21 Osborne Street, Colchester.
 Date: Thu, 19 Mar 2009 11:40:32 +0000
 From: Licensing.committee@colchester.gov.uk
 To:

Dear Ms

Thank you for St John's Green Conservation Association's letter of objection to the application for a new premises licence in respect of Candi, 21 Osborne Street, Colchester. Please could you inform me as soon as possible whether the St John's Green Conservation Association is a residents association?

Many Thanks,

Lexie Tuthill
 Committee Services Assistant (Licensing)
 Environmental & Protective Services
 Colchester Borough Council
 PO Box 889
 Town Hall
 Colchester
 CO1 1FL
 Tel: 01206 506016/506167
 Fax: 01206 506014
 E-mail: licensing.committee@colchester.gov.uk

Textphone users dial 18001 followed by the full number that you wish to call.

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LICENSING DEPARTMENT
RECEIVED
18 MAR 2009

Dr John Green
CO2 FEZ

18 iii 09

by fax

The Licensing Committee
Stn. Licensing Office
Colchester Borough Council

Sirs & Messrs,

Premises Licence Application for "Cardi"
21 Osborne Street CO2 7EA by Benjamin Colvin
Pare, for extended licensing hours.

I apologise for this handwritten letter. I am
having computer difficulties at present.

I object to this application and consider that
the original recommendations of the Planning Committee
for a short time of midnight should be retained.

Noise carries well across the valley (Sontbury)
to Dr John Green. We are disturbed already by the noise
from "Bliss" (Molly Malones/the Smith College) on St. Botolph's
roundabout. Any increase would be intolerable*.

② Ruellers moving south from town premises, across
Dr John Green create further noise and damage to property
as well as droppings like - flowers, bottles, cans, food waste and
wrapping etc. Also damage is caused. I have found evidence
of urination etc in the driveway to 19 and 21 Dr John Green,
weephows-gardens have been seriously damaged recently
and a couple of nights ago a neighbour's car was vandalized.

①

* I am deaf 630db/-60db,
if it is audible to me IT'S LOUD.

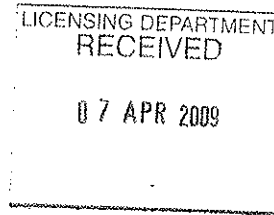
(2)

- (3) The Harrop permit - originally granted was subject to a general closing time of midnight. The applicant appears not to have queried any modification of this original permission.
- (4) The request is for 0330 closing on Saturday nights. This is not 03.30 on Sunday morning, and must not be allowed.
- (5) There are now the adequate alternative facilities literally within a couple of minutes stagger of these premises. Please project forward the rate of license applications in this area. Roughly speaking, with five years every other shop will have become a late-night bar.
- (6) The current license application for a beer shop license includes "late night refreshment". This cannot be allowed: coolip smells travel, and this would increase the use of food wrappers, wrappings, and probably vomit.
- (7) To provide basic and more drinking facilities must increase consumption, contrary to the best medical opinion, and the spirit of the concern of central government over alcohol consumption and the danger it causes and cost to the NHS.

Please let me know the outcome of this application.

Yours faithfully

Copier to John G. Conservative Association, Cornwall.



20739S
Appendix 8

TYPED COPY OF HANDWRITTEN APPENDIX 8 TO LICENSING SUB-
COMMITTEE HEARINGS 9 APRIL 2009

18 iii 09
by fax

The Licensing Committee
& the Licensing Officer
Colchester Borough Council

Sirs & Mesdames,

Premises Licence Application for "Candi",
21 Osborne Street CO2 7DA by Benjamin Colin
Pace, for extended licensing hours.

I apologise for this handwritten letter: I am having computer difficulties at present.

I object to this application and consider that the original recommendations of the Planning Committee for a closing time of midnight should be retained.

Noise (1) carries across the valley (Southway) to St John's Green. We are disturbed already by the noise from "Bliss" (Molly Malones/the Swiss Cottage) on St Botolph's roundabout. Any increase would be intolerable*.

(2) Revellers moving South from town premises across St John's Green create further noise and damage to property as well as dropping litter - glasses, bottles, cans, food waste and wrapping etc. Also damage is caused. I have found evidence of urination etc. in the driveway to 19 and 21 St John's Green, neighbours' gardens have been seriously damaged recently and a couple of nights ago a neighbour's car was vandalized.

*I am deaf (-30dB/-60dB, if it's audible to me IT'S LOUD.

(2)

(3) The planning permission originally granted was subject to a general closing time of midnight. The applicant appears not to have gained any modification of this original permission.

(4) The request is for 03.30 closing on Saturday nights. This is in fact 03.30 on - Sunday morning, and must not be allowed.

(5) There are more than adequate alternative facilities literally within a couple of minutes stagger of these premises. Please project forward the rate of licence applications in this area. Roughly speaking, within five years every other shop will have become a late-night bar.

(6) The current licence application for extended hours includes "late-night refreshment". This cannot be allowed: cooking smells travel, and this would increase the risk of food waste, wrappings and probably vomit.

(7) To provide easier and more drinking facilities must increase consumption, contrary to the best medical opinion, and the spirit of the concern of central government over alcohol consumption and the damage it causes and costs to the N.H.S.

Please let me know the outcome of this application,

Yours faithfully,

Copies: St John's Green Conservation Association, Councillors

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