

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
2 March 2012 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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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.

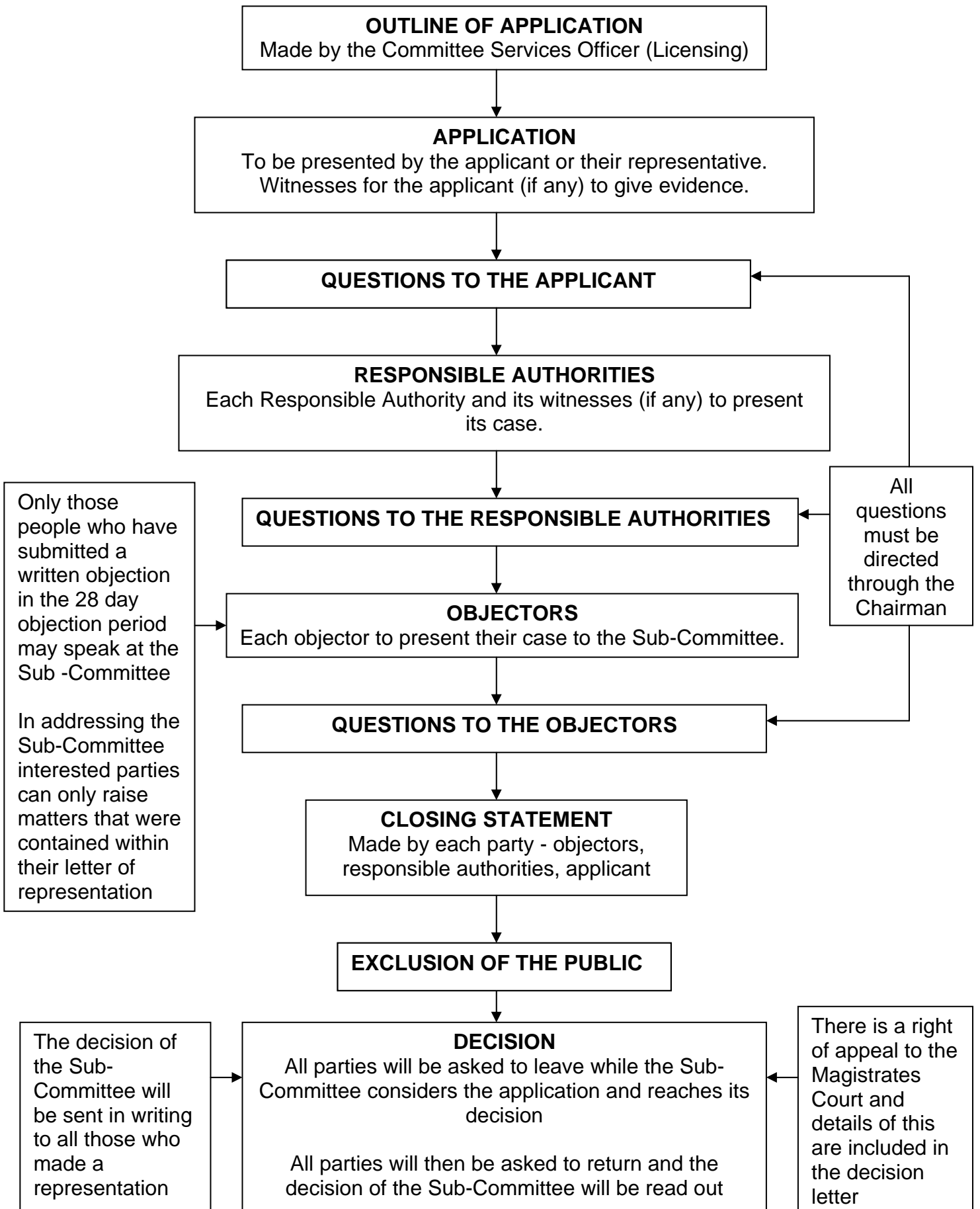
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
2 March 2012 at 10:00am**

Members

Councillors Barrie Cook, Christopher Garnett 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 the 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 - 7

To confirm as a correct record the minutes of the meeting held on 9 and 16 December 2011.

5. Applications under the Licensing Act 2003

8 - 53

Castle Park, High Street, Colchester CO1 1TS

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

9 December 2011

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 9 December 2011 at 10.00 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Cook
Councillor Garnett
Councillor Lilley for Councillor Hazell

1. Membership

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meeting held on 29 July 2011 were confirmed as a correct record.

4. Licensing Applications

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.

- **Belle Vue Social Club**

The Sub-Committee considered an application for to vary the club premises certificate in respect of Belle Vue Social Club to permit the supply of alcohol; the provision of indoor sporting events; live and recorded music; facilities for dancing; and facilities for music for increased hours.

In Attendance

Applicant: Mrs S Knight, Club Secretary; Mr B Millard, President; Mr D Allen, Vice-President; Mr McKnight, Committee Member; Mr P Reynolds, Committee Member
Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing)

Objectors: Councillor Sypvee, Councillor Frame on behalf of local residents; Mr Gascoyne; Mrs Williams; Ms Skinner

Supporters: Mr D Laws

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that 6 representations had been received from interested parties opposing the application, 2 from ward councillors and 4 from residents. Five relevant representations had also been received from interested parties supporting the application. The objections concerned the licensing objective of the prevention of public nuisance. There were no outstanding representations from responsible authorities, the applicant having agreed conditions with the Police and Environmental Control.

The applicant circulated a copy of a plan of the premises to the parties at the hearing. The plan showed the layout of the premises and in particular the location of the function room and smoking areas in relation to the rest of the premises. Residents were able to indicate to the Sub-Committee the position of their properties in relation to the premises. The plan also contained noise readings that had been taken around the premises on a night when musical entertainment was taking place.

Mrs Knight presented the application on behalf of Belle Vue Social Club and outlined its history, member profile and method of operation. The Club had been in existence for 85 years and offered a range of social club activities. The average age of members was 60-65 years. Mrs Knight explained that it was not the intention of the Club by applying to extend its licence to substantially increase the Club's hours of operation. The extension was sought to ensure that current events were always within the terms of the licence, for example if a darts match took longer to complete than anticipated the Club was currently in danger of exceeding the times on their licence and the extension would overcome this problem, if granted.

Mrs Knight mentioned that the function room was hired out for private parties and since October 2011 three events had taken place at the premises using this room. Mrs Knight reported that the events had gone very well and there had been no problems with music from the premises causing a disturbance. However, Mrs Knight mentioned that there had been an issue with taxis not arriving when ordered and that one such incident had led to concerns about a group of individuals waiting outside the premises for their taxi to arrive. Mrs Knight explained that when a request to hire the premises was received, it was placed before the management committee who made the decision as to whether the event could take place. Hirers were asked to supply a guest list and this was scrutinised to identify any potential trouble makers. A larger deposit was also required for 18th and 21st birthday parties.

Mrs Knight informed the Sub-Committee that the Club took the issues raised in the letters of objection very seriously and had met a number of the objectors and succeeded in allaying their concerns and getting them to withdraw their objections to this application. They had discussed the issues raised with Councillor Spyvee and agreed some additional measures and had also spoken to Mr Milham of Environmental Control and agreed to all the conditions he suggested. Mrs Knight informed the Sub-Committee that the Management Committee had had the car park surveyed with a view to relocating the smoking areas but had been advised that they were best left where they currently were.

Mr Milham informed the Sub-Committee that he had visited the premises and felt that the external appearance of the building belied the fact that it was of a reasonable solid construction and that the mitigation measures that had been put in place were successful in ensuring that there was little noise leakage from the building. There were no opening windows in the function room which would help to prevent the escape of noise. Mr Milham commented on the noise level readings taken outside the premises and gave his view that these compared very favourably to the World Health recommended levels for gardens of

55dB(A) and that of normal conversation of 60dB(A). He was satisfied that noise from events within the premises should not be a problem. In responding to questions concerning the smoking area, he responded that the enclosure of such areas helped to contain sound and stop it travelling into neighbouring gardens but that this containment had to be done within the existing limits on enclosure set by the smokefree legislation. It was mentioned that problems with noise from people using the smoking area at the premises were linked closely to the introduction of the smoking ban and that the Club was, like many others, a victim of national legislation in this regard.

The Sub-Committee heard from a number of interested parties who had made representations opposing the application. The comments of residents and ward councillors centred on the problems caused by the use of one of the two smoking areas. It was mentioned that the tables and chairs in that area encouraged people to remain outside to smoke and that if these were removed it may discourage people from lingering in the area and socialising. There was concern that, by allowing an extension until 02.00, the disturbance in this area would continue until much later. The Licensing and Enforcement Manager outlined the situation with regard to the application for and granting of Temporary Event Notices. It was noted that even if the application were not granted as applied for, the Club could still use Temporary Event Notices as a way of extending its hours and these could not be opposed by residents. Ms Skinner expressed her concern at the blanket approach which had been taken to the extension of hours and expressed her view that the Club should only have applied for what it actually needed. Residents expressed the view that the disturbance they experienced at the moment was bearable but they did not want to experience the same problems at 02.00. Mr Laws addressed the Sub-Committee in support of the application. Mr Laws stated that he lived in the vicinity of the premises but was not disturbed by the activities that took place there. He wished to see a peaceful co-existence between residents and the Club to ensure its long term survival as he would not wish it to be replaced by high density housing.

The Decision

RESOLVED that the application be granted as follows –

- The supply of alcohol on the premises for the following hours-
Mondays to Sundays 12.00 to 00.00
Non Standard Times –Christmas Day 12.00 to 16.00;
From 10.00 New Year’s Eve until 00.00 New Year’s Day;
Bank Holiday Weekends (Fridays, Saturdays and Sundays)
12.00 to 01.30
- Provision of indoor sporting events as follows-
Sunday to Thursday 12.00 to 23.30
Friday and Saturday 12.00 to 00.00
- Provision of live music as follows-
Mondays to Thursdays 19.00 to 23.00
Fridays 19.00 to 00.00
Saturdays 12.00 to 00.00
Sundays 12.00 to 23.00
- Provision of facilities for dancing as follows-
Monday to Friday 19.00 to 00.00
Saturday and Sunday 12.00 to 00.00

- Provision of recorded music as follows-
Monday to Sunday 12.00 to 00.00
- Premises to be open as follows-
Mondays to Sundays 12.00 to 00.30

Non Standard Times –Christmas Day 12.00 to 16.30,
From 10.00 New Year’s Eve until 00.00 New Year’s Day,
Bank Holiday Weekends (Fridays, Saturdays and Sundays)
12.00 to 02.00

Conditions

The Committee considered it was necessary and proportionate to impose the following conditions in order to promote the licensing objective of the prevention of public nuisance-

1. Customers must wait inside the building for taxis after 23.00.
2. No tables and chairs permitted in the Smoking Areas.
3. No drinks to be taken outside the building.
4. No more than 5 people in each Smoking Area at any one time.
5. Professional guidance must be sought on measures to be taken and implemented to reduce noise emanating from the Smoking Areas.
6. The Management Committee to take effective action to monitor compliance with the conditions 1-5 above.

The licence was also granted subject to the conditions set out below-

Conditions agreed with Environmental Control:

1. The external areas must not be used by customers after the hours of 24.00, except for smoking. No glasses to be taken outside after 24.00.
2. All external doors/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.
Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.
3. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff.

Note to applicant: The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration / checking by the owner or operator. Maintenance records must be kept for 12 months.

4. Prominent and clear notices will be displayed at all exits (and external areas) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Condition 1 agreed with Interested Parties:

1 Recorded music to be reduced in sound level so that it is inaudible outside of the building after 00.00

Mandatory Conditions

The relevant mandatory conditions would be applied to the licence as required by the Licensing Act 2003.

Reasons for the Determination

The Sub-Committee gave careful consideration to all the representations and evidence and was satisfied that the Club was well managed and gave consideration to the relevant representations in support of the application. It noted that the applicant had agreed to a range of additional conditions and had proactively sought to address residents' concerns.

The Sub-Committee considered that the case made by the local residents opposing the application and by ward councillors was not proved sufficiently to justify refusing the application. However, the Sub-Committee being familiar with the area and the relationship of the premises to residential properties considered that the imposition of further conditions to promote the licensing objective of preventing public nuisance was necessary and proportionate in the light of the concerns raised by residents.

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and the Sub-Committee was satisfied that the most appropriate way forward was to grant the application with reduced hours and subject to the operating schedule; the relevant mandatory conditions in the Licensing Act 2003; and all the conditions agreed between the applicant and the responsible authorities and interested parties.

5. Close of Meeting

The meeting closed at 13.40.

Chairman:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

16 December 2011

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 16 December 2011 at 10.00 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Cook
Councillor Kimberley

1. Membership

Councillor Blandon was not in attendance at the meeting and the applicant's consent had been requested and obtained to proceeding with the hearing with two Councillors.

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Applications

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.

- **K & M Convenience Store**

The Sub-Committee considered an application for the grant of a premises licence in respect of K&M Convenience Store, 37 Mile End Road, Colchester to permit the supply of alcohol.

In Attendance

Applicant: Mr Oakes, Solicitor for the applicant; Mr A Bajaj
Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuel, Legal Services; Mrs White, Committee Services Officer (Licensing)

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that 3 representations had been received from interested parties; Myland Community Council; a local business; and local residents. The objections concerned the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. It was noted that matters concerning highway safety, planning and need for another premises to sell alcohol were not matters that could be considered by the Sub-Committee under the terms of the Licensing Act 2003. There were no outstanding representations from responsible authorities, the applicant having agreed amendments to

the operating schedule with the Police. The objectors were not at the hearing to present their cases. The Chairman confirmed that the representations had been read by the Sub-Committee members.

The applicant's representative Mr Oakes presented the application and outlined the experience of the applicant and his father in running licensed premises. The sale of alcohol was intended to be ancillary to the sale of other general store items and to meet the needs of local people. Its close proximity to other stores selling alcohol was noted. The premises had off street parking at the rear for patrons and a bin was provided at the premises for trade waste.

The Decision

RESOLVED that the application be granted as applied for to permit the supply of alcohol and the premises to be open from 07.00 to 23.00 Mondays to Sundays inclusive.

Conditions

The licence was granted subject to the conditions set out in the operating schedule and the mandatory conditions as applied by the Licensing Act 2003.

Reasons for the Determination

The Sub-Committee had given careful consideration to all the representations and evidence, and was satisfied that the concerns raised in the representations from the interested parties were adequately addressed by the applicants' operating schedule. The Sub-Committee considered that some of the evidence presented by the interested parties was not within the remit of the Sub-Committee. The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. For the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to the operating schedule and to the relevant mandatory conditions in the Licensing Act 2003.

4. Close of Meeting

The meeting closed at 10.25.

Chairman:



Licensing Committee – 2 March 2012	Agenda Item 5a
Castle Park	FOR GENERAL RELEASE

Premises	Castle Park High Street Colchester CO1 1TS	Ward: Castle Stress Area: No Civica Ref: 076165 Author: Gary O'Shea
Application	Application for the variation of a premises licence to permit an increase in the capacity of the premises from 4,999 to 9,999 to allow for large scale events throughout the year.	Appendix 1
Street Plan		Appendix 2
Existing Licence		Appendix 3
Responsible Authorities	Environmental Control – conditions agreed Essex Police – No objections	Appendix 4
Interested Parties		
Local Resident	Objection letter	Appendix 5

Variation Application
To permit an increase in the capacity of the premises to 9,999 persons.

Existing Premises Licence
The existing premises licence has a capacity of 4,999 persons.

Policy Guidelines – Castle Park, High 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 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.

Public Safety

Paragraph 5.17 of the Council's 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 5.18 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.**
- (vii) Whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.**

There has been one relevant representation received from a local resident in regard to this licensing objective. The resident's objection centred on the fact that he was unable to view the application on the website or at Angel Court and therefore in the absence of any information to support the application he objected on the grounds that if granted there may be serious public safety issues arising from an increase in the capacity to 9,999.

The resident's complaint has been fully investigated and a response has been sent together with a full copy of the application. Prior to the objection period ending it came to the Licensing Authority's attention that the public notice requirements had not been fulfilled and therefore the notice period was restarted and ended on 8 February 2012. The objector was informed of the situation but no further correspondence has been received in this period and therefore the original letter of representation stands in relation to the application.

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.**

Environmental Control has commented that it has no objection to the capacity increase per se for a limited number of events. However, it expressed concern that in order to accommodate the increase in capacity for events involving amplified sound the orientation of any stage may in future be changed from facing the river to facing the Upper Castle Park.

Environmental Control was concerned that by hanging the orientation of the stage and therefore propagating the sound towards the Castle as this may potentially increase noise levels affecting properties close to the Upper Castle Park unless the amplified sound was carefully controlled. However, it considered that the number of events involving the additional capacity is likely to be limited to one or two events a year and that the premises license was currently heavily conditioned with live and recorded music not permitted to continue beyond 23:00 (22:00 on Sundays), which was recognised sleep time.

In order to ensure that the level of noise affecting local residents was adequately controlled it recommend the following condition (the noise levels in which have proved successful when managing large Castle Park events to date and are stipulated in the Castle Park Noise Management Policy) :-

- The Music Noise Levels (MNL) when measured 1 metre from the boundary of any noise sensitive premises for events taking place between 09:00 and 23:00 should not exceed 65dB(A) over a 15 minute period for up to three concert days per calendar year, or the background noise level by more than 15dB(A) over a 15 minute period for between 4 and 12 concert days per calendar year.

It should be noted that if the number of concert days per calendar year is expected to exceed three, the second noise level should apply to **all** events. Based on experience of the Castle Park concerts this will probably reduce the MNL by 10-20dB(A) which is likely to be too low for audience enjoyment at large events.

This condition has been agreed by the applicant.

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.**
- **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.**

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.**

Diversity of Premises

Paragraph 3.86 of the Council's statement of Licensing Policy states that "Colchester's STAND (Strategy to Tackle All Night-time Disorder) initiative highlighted that too many single-use premises in a confined area, combined with patrons turning out of licensed premises all at the same time, create the potential for alcohol related violence, crime, disorder, anti-social behaviour, noise and disturbance. It therefore recommended a mixed use of venues, providing a variety of entertainment for a wide-ranging age group across a wide choice of opening hours".

Paragraph **3.87** of the Policy states that:

The Licensing Authority believes that genuine diversity would provide buoyancy against changing markets and trends and attract a more diverse range of customers from different age groups who have different interests and attitudes toward the consumption of alcohol. It would also provide the potential for positively changing the ambience of Colchester Town Centre, which in turn may have a positive effect on reducing the fear that residents and visitors alike have of crime and disorder in the town centre, especially in the evenings or late at night.

Paragraph **3.88** of the Policy states that:

It is also to be hoped that such a positive outcome would lead to an increase in the number, age and diversity of visitors to Colchester in the early evening and also late at night, which in turn may have a beneficial effect on reducing

alcohol related crime and disorder and therefore also benefit the overall evening and night-time economy scene in Colchester town centre as a whole.

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 to vary a premises licence 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 Colchester Borough Council
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 005257
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Castle Park High Street			
Post town	Colchester	Post code	CO1 1TS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 – Applicant details

Daytime contact telephone number	01206 282905		
E-mail address (optional)	ian.baalham@colchester.gov.uk		
Current postal address if different from premises address	Po Box 331 Town Hall		
Post Town	Colchester	Postcode	CO1 1GL

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To increase the capacity of the premises/Park from 4,999 to 9,999 to allow for large scale events throughout the year.

Plans of premises to remain the same

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

9999

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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)

Sale by retail 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)			Will the performance of a play 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					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
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			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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)			Will the boxing or wrestling entertainment 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					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
			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 (please read guidance note 5)		
Fri					
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					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<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)		
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					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

I

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

J

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

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			<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)		
Fri					
Sat			<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)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment 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 provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

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 type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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	Opening	Closing
Mon			1 January-14 February	07.30 17.00
			15 February-29 February	07.30 17.00
Tue			1 March-14 March	07.30 18.00
			15 March-31 March	07.30 19.00
Wed			1 April-14 April	07.30 20.00
			15 April-30 April	07.30 20.00
Thur			1 May-14 May	07.30 20.30
			15 May-31 May	07.30 20.30
Fri			1 June-14 July	07.30 20.30
			15 July-31 July	07.30 20.30
Sat			1 August-14 August	07.30 20.30
			15 August-31 August	07.30 20.30
Sun			1 September-14 September	07.30 20.00
			15 September-30 September	07.30 19.30
			1 October-14 October	07.30 19.00
			15 October- 31 October	07.30 18.00
			1 November-31 December	07.30 17.00
			Opening closing times vary depending on time of year to coincide with hours of daylight.	
			<u>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</u> (please read guidance note 5)	
			The park will be opened at differing times in the following circumstances:	
			Open between 05.00 to 07.30 for guided walks, volunteer working parties etc.	
			Open after official closing times (up to 23.00 hours) for evening events.	
			Open up to 01.00 hours for events where permission has been granted by Licensing Authority to extend opening time.	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
None

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

All conditions to remain as per current operating schedule

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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 DECEMBER 2011
Capacity	PREMISES LICENCE HOLDER

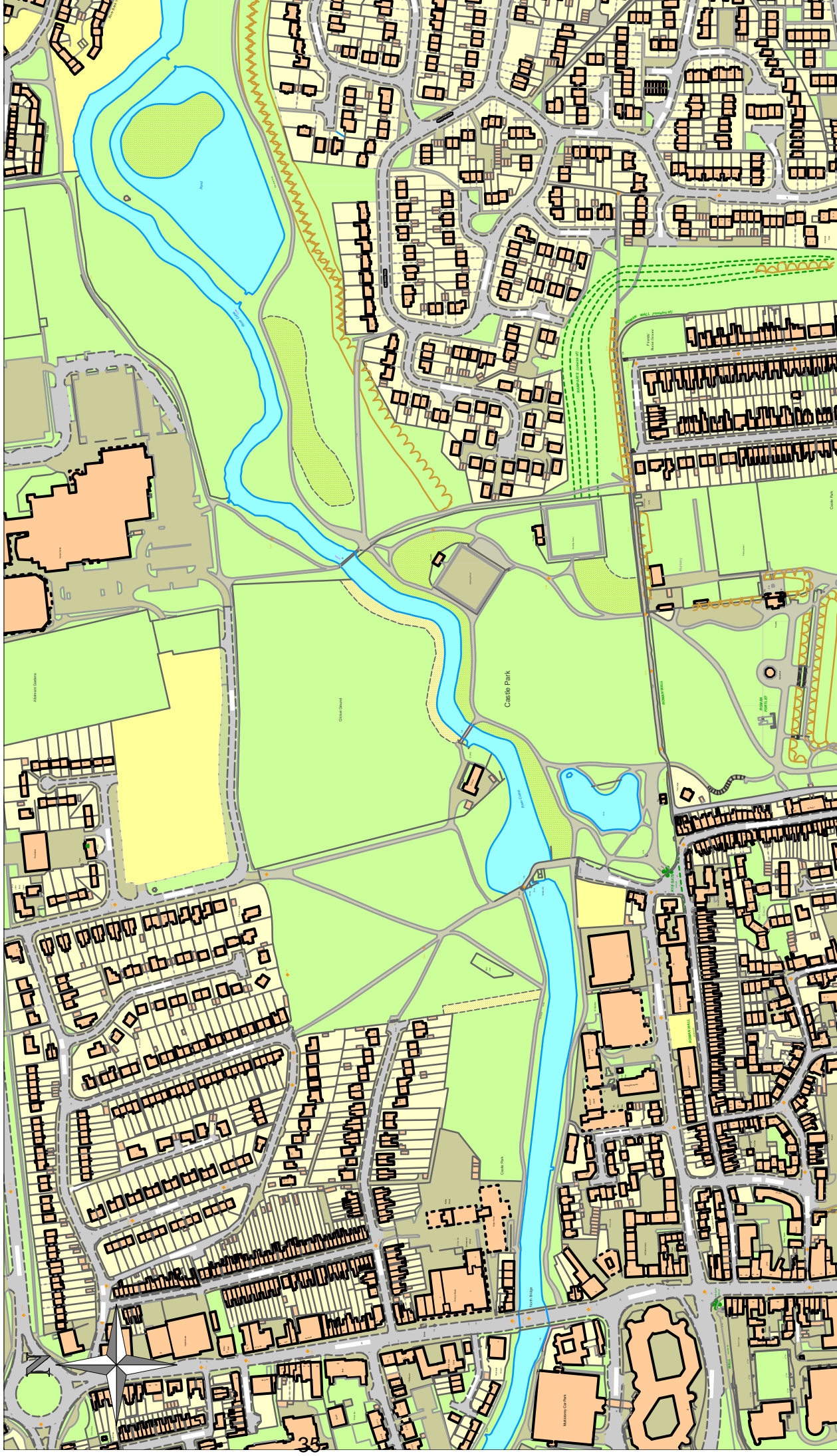
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	12/12/11
Capacity	Head of Life Opportunities

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Castle Park





Colchester Borough Council

Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council
 Licensing Team
 Rowan House
 33 Sheepen Road
 Colchester CO3 3WG

Premises licence number: 005257

PART 1 - PREMISES DETAILS	
Castle Park High Street Colchester	
Post town: Colchester	Post code: CO1 1TS
Telephone number at premises:	

Date Licence Granted: 27 January 2006

Regulated Activities authorised by this licence:	
Performance of Plays	Licensed
Film Exhibitions	Licensed
Indoor Sporting Events	Licensed
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	Licensed
Other Music or Dance Entertainment (see Schedule)	Licensed
Facilities for Making Music	Licensed
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	Licensed
Late Night Refreshment	Licensed
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	11.00 to 22.30	
Tuesday	11.00 to 22.30	
Wednesday	11.00 to 22.30	
Thursday	11.00 to 22.30	
Friday	11.00 to 22.30	
Saturday	11.00 to 22.30	
Sunday	11.00 to 21.30	
Seasonal Variations		
Non-Standard Times	11.00 to 00.30 for occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday	09.00 to 23.00	09.00 to 23.00
Tuesday	09.00 to 23.00	09.00 to 23.00
Wednesday	09.00 to 23.00	09.00 to 23.00
Thursday	09.00 to 23.00	09.00 to 23.00
Friday	09.00 to 23.00	09.00 to 23.00
Saturday	09.00 to 23.00	09.00 to 23.00
Sunday	10.00 to 22.00	10.00 to 22.00
Seasonal Variations		The majority of films will be screened during the period April 1st to 30th October, but plays may take place at other times of year inside a marquee or where seasonal conditions permit.
Non-Standard Times	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday	09.00 to 23.00	
Tuesday	09.00 to 23.00	
Wednesday	09.00 to 23.00	
Thursday	09.00 to 23.00	
Friday	09.00 to 23.00	
Saturday	09.00 to 23.00	
Sunday	10.00 to 22.00	

Seasonal Variations	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.	
Non-Standard Times		
	Performance of Live Music	Playing of Recorded Music
Monday	09.00 to 23.00	09.00 to 23.00
Tuesday	09.00 to 23.00	09.00 to 23.00
Wednesday	09.00 to 23.00	09.00 to 23.00
Thursday	09.00 to 23.00	09.00 to 23.00
Friday	09.00 to 23.00	09.00 to 23.00
Saturday	09.00 to 23.00	09.00 to 23.00
Sunday	10.00 to 22.00	10.00 to 22.00
Seasonal Variations	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.
Non-Standard Times	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.
Further Details	Amplified and un-amplified music to include large open air concerts, buskers, bandstand concerts, smaller concerts and performances, concerts staged inside marquees, military music, performances of church music etc.	

	Performance of Dance	Other Music or Dance Entertainment
Monday	09.00 to 23.00	09.00 to 23.00
Tuesday	09.00 to 23.00	09.00 to 23.00
Wednesday	09.00 to 23.00	09.00 to 23.00
Thursday	09.00 to 23.00	09.00 to 23.00
Friday	09.00 to 23.00	09.00 to 23.00
Saturday	09.00 to 23.00	09.00 to 23.00
Sunday	10.00 to 22.00	10.00 to 22.00
Seasonal Variations	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.
Non-Standard Times	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.
	Facilities for Making Music	Facilities for Dancing
Monday	09.00 to 23.00	09.00 to 23.00
Tuesday	09.00 to 23.00	09.00 to 23.00
Wednesday	09.00 to 23.00	09.00 to 23.00
Thursday	09.00 to 23.00	09.00 to 23.00
Friday	09.00 to 23.00	09.00 to 23.00
Saturday	09.00 to 23.00	09.00 to 23.00
Sunday	10.00 to 22.00	10.00 to 22.00
Seasonal Variations	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.
Non-Standard Times	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.
	Other Facilities for Music & Dance	Late Night Refreshment
Monday	09.00 to 23.00	23.00 to 01.00
Tuesday	09.00 to 23.00	23.00 to 01.00
Wednesday	09.00 to 23.00	23.00 to 01.00
Thursday	09.00 to 23.00	23.00 to 01.00
Friday	09.00 to 23.00	23.00 to 01.00
Saturday	09.00 to 23.00	23.00 to 01.00
Sunday	10.00 to 22.00	23.00 to 01.00

Seasonal Variations	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.	The majority of events will be taking place during the period April 1st to 30th October, but events may take place at other times of year where seasonal conditions permit.
Non-Standard Times	For occasional civic events and events of regional and national significance and charitable or non-profit making events on festival days with 21 days notice to and approval by the Licensing Authority.	21 days notice to and approval by the Licensing Authority.

The Opening Hours of the Premises																																																																									
Monday																																																																									
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Non-Standard Times	<p>The park will be opened at differing times in the following circumstances:</p> <p>Open between 05.00 to 07.30 for guided walks, volunteer working parties etc.</p> <p>Open after official closing times (up to 23.00 hours) for evening events.</p> <p>Open up to 01.00 hours for events where permission has been granted by Licensing Authority to extend opening time.</p>																																																																								

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol may be served ON the premises
Alcohol may be served OFF the premises

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence

Licence Holder 1

Licence Holder 2

Colchester Borough Council

PO Box 331
Town Hall
Colchester
CO1 1GL
Tel: 01206 282905
E-mail: ian.baalham@colchester.gov.uk

Tel:
E-mail:

Registered number of holder; for example, company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Ian Mark Baalham
95 Lexden Road
West Bergholt
Colchester CO6 3BP

Tel: 01206 282905

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

6019
Colchester BC

Colin Daines

Colin Daines - Protective Services Manager

Date of Issue
13 February 2012

Annex 1 – Mandatory Conditions

Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority

Please note that Conditions 1,2,3 and 5 below do NOT apply to those premises ONLY authorised for off sales of alcohol

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Exhibition of Films

1. Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

2. Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the Licensing Authority's Statement of Licensing Policy

Annex 4 – Conditions Consistent with the Operating Schedule

Conditions Offered by Applicant in the Operating Schedule

1. Colchester Borough Council be responsible for managing the prevention of crime and disorder in the park through its policies and procedures and the deployment of resources to manage the Park. The Council will promote the four licensing objectives through its daily management of the site and its comprehensive event application and assessment process.
2. The event organiser is required to appoint their own stewards, security and First Aid staff in accordance with HSE Guidelines to ensure compliance with the licensing objectives are being met.
3. All event organisers are required to have adequate insurance, risk assessments and emergency evacuation plans in place. Organisers of larger events are also required to complete Event Management Plans and liaise with the relevant authorities prior to the event taking place.
4. The Parks and Recreation Officer to be responsible for the day to day management of the site and for ensuring the deployment of park rangers and security staff during operational hours, and liaison with the Police and other relevant authorities.
5. During normal opening hours, the Council will employ SIA accredited security contractors to patrol the park and deal with any disturbances or anti-social behaviour. These contractors and the Park Rangers will work as a team to prevent or minimize the impact of anti-social behaviour in the park. Park Rangers and security staff are authorised to remove individuals from the park who have committed crimes, infringed on the park byelaws or who are responsible for anti-social behaviour. Security staff to keep in regular contact with the police and Colchester CCTV operatives and have access to the 'Town Link' radio network.
6. The Designated Premises Supervisor and/or Park Rangers will be on duty in the Park during each event to monitor public behaviour and to liaise with organisers. Organisers of large events and/or events where alcohol is on sale will be required to appoint their own SIA accredited security staff and liaise with the local police regarding procedures for dealing with crime and disorder.
7. Parts of the Cowdray Crescent and Middle Mill areas of the park to be covered by CCTV.
8. Castle Park to be closed after dark, except when the Park is used for an evening event. On these occasions access is by ticket only.
9. The Parks and Recreation Officer and Park Rangers to regularly liaise with local resident associations, youth groups, community wardens and the police to improve their knowledge of potential sources of crime and to develop strategies and procedures for the prevention of crime and disorder in the park.
10. Park Rangers to undertake daily health and safety inspections of Castle Park in accordance with the Council's Health and Safety policy and procedures, and take action where appropriate to prevent risks and hazards to park users.

11. During normal operating hours, Park Rangers and security staff are responsible for evacuation of the park if required.

12. Contractors operating within the Park will be required to undertake risk assessment and work areas will be closed to the public where appropriate.

13. The Parks and Recreation Officer and/or Park Rangers will be in attendance at all events in the park to monitor health and safety on behalf of the Council.

14. All event organisers, contractors and event participants will be required to comply with all relevant Health and Safety Legislation and undertake risk assessments. These are inspected and approved by the Council where practicable.

15. During night-time events, organisers are required to provide adequate lighting to all main pedestrian access points, exits and entrances. Organisers are required to provide First Aiders in accordance with HSE guidelines based on the event attendance. For small Council organized activities qualified Ranger administer First Aid.

16. Event organisers are required to have in place an evacuation procedure, approved by the Council and other relevant authorities where appropriate. All stewards are required to be adequately trained in this procedure and shall be in Radio contact with event control at all times.

17. Guidance on evacuation procedures is given by Colchester Borough Council as part of the Application Pack sent to all event organisers.

18. Public access is restricted to event areas during the setting up and setting down of events.

19. Colchester Borough Council will consider the potential for public nuisance and local disruption when determining the suitability of events to be staged in the park.

20. To encourage responsible management by organisers to limit the impact of any event on other park users and local residents. For large musical concerts, organisers are required to inform local residents of the event in writing.

21. Public notices are posted in advance of the park or part of the park being closed and organisers are required to clearly mark diversionary routes for users during the period of the event.

22. Litter bins to be provided in the park and emptied regularly. Council contractors litter-pick daily and more regularly when required in peak season. Organisers are also required to litter-pick during their event and at the end, so that the park remains in a clean condition. Extra facilities for litter disposal are provided for events by the Council.

23. Toilets on the site to be cleaned 2-3 times each day during peak season and during major events. Organisers are required to provide additional toilet facilities for major events.

24. Organisers are required to make announcements at the end of evening events requesting that people leave the park as quietly as possible. Entrance and exit points are chosen where possible to limit the impact of the event on local residents. Set up and set down procedures are closely monitored by the Council to limit disturbance to adjacent landowners. The Council request that organisers seek the advice of Environmental Health Officers to set sound levels, position amplifiers etc to minimise disturbance to local residents during their event.

25. Organisers of major events are requested to liaise with local resident organisations in advance of their event to minimise the impact that this may have on local residential areas.

26. To have a proactive approach to the issue of child protection and to demonstrate this through the Child Protection and Vulnerable Adults Policy.

27. To reflect the protection of children from harm in the day to day management of Castle Park. Security staff and Rangers will give all child related incidents priority. Staff are particularly mindful of lone adults showing an interest in children's activity and will respond immediately to concerns from parents.

28. To ensure that all Colchester Borough Council Ranger and security staff have received up to date CRB checks.

29. Event organisers to comply with the Council's Child Protection and Vulnerable Adults Policy. A copy of this Policy to be provided with the Event Application Pack for Organisers.

30. On receipt of an event application the Council will determine with the organizer if age restrictions apply. Where age restrictions do apply controlled access and proof of age will be required. Age restrictions will be clearly printed on tickets.

31. Event organisers will need to demonstrate that they have a procedure for dealing with lost children at their event and a clearly visible Event Control area where missing children or incidents can be reported.

32. At events where alcoholic beverages are being served, organisers will be required to employ SIA accredited security staff to manage bar and point of sale areas. Proof of age will be required when purchasing and stewards will be responsible for ensuring that under age drinking is not taking place.

33. The lease holder responsible for the Café, Boating Lake, Putting Green and Crazy Golf Course has completed risk assessments which have been approved by the Council.

General - all objectives

Colchester Borough Council is responsible for managing the prevention of crime and disorder in the park through it's policies and procedures and the deployment of resources to manage the Park. The Council will promote the four licensing objectives through it's daily management of the site and it's comprehensive event application and assessment process.

The park is managed by a Parks and Recreation Officer. A team of park rangers, security staff and contract gardeners are present in the park during normal operational hours (not Christmas Day and Boxing Day).

Where events take place outside of these hours, the Designated Premises Supervisor or a Park Ranger will be on duty for the duration of the event to ensure that the licensing objectives are being met.

Event organisers are required to appoint their own stewards, security and First Aid staff in accordance with HSE Guidelines to ensure compliance with the licensing objectives.

All event organisers are required to have adequate insurance, risk assessments and emergency evacuation plans in place. Organisers of larger events are also required to complete Event Management Plans and liaise with the relevant authorities prior to the event taking place.

Prevention of Crime & Disorder

The Parks and Recreation Officer is responsible for the day to day management of the site and for ensuring, the deployment of park rangers and security staff during operational hours, and liaison with the Police and other relevant authorities.

During normal opening hours, the Council will employ SIA accredited security contractors to patrol the park and deal with any disturbance or anti-social behaviour. These contractors and the Park Rangers will work as a team to prevent or minimise the impact of anti-social behaviour in the park. Park Rangers and Security staff are authorised to remove individuals from the park who have committed crimes, infringed on the park byelaws or who are responsible for anti-social behaviour. Security staff are in regular contact with the Police and Colchester CCTV operatives and have access to the 'Town Link' radio network. The Police and Community Wardens also regularly patrol Castle Park.

The DPS and/or Park Rangers will be on duty in the Park during each event to monitor public behaviour and to liaise with organisers. Organisers of large events and/or events where alcohol is on sale will be required to appoint their own SIA accredited security staff and liaise with the local police regarding procedures for dealing with crime and disorder.

Parts of the Cowdray Crescent and Middle Mill areas of the park are currently covered by CCTV. Funding has become available for a new camera close to the Castle entrance and funding is being sought for a camera that will provide coverage of the Lower Castle Park and area near to the Bandstand.

Castle Park is closed after dark, except when the Park is used for an evening event. On these occasions access is by ticket only.

The Parks and Recreation Officer and Park Rangers regularly liaise with local resident associations, youth groups, community wardens and the police to improve their knowledge of potential sources of crime and to develop strategies and procedures for the prevention of crime and disorder in the park.

Public Safety

Park Rangers undertake daily health and safety inspections of Castle Park in accordance with the Council's Health and Safety policy and procedures, and take action where appropriate to prevent risks and hazards to park users.

During normal operating hours, park rangers and security staff are responsible for evacuation of the park if required.

Contractors operating within the park will be required to undertake risk assessment and work areas will be closed to the public where appropriate.

The Parks and Recreation Officer and/or Park Rangers will be in attendance at all events in the park to monitor health and safety on behalf of the Council.

All event organisers, contractors and event participants will be required to comply with all relevant Health and Safety Legislation and undertake risk assessments. These are inspected and approved by the Council where practicable.

During night-time events, organisers are required to provide adequate lighting to all main pedestrian access points, exits and entrances. Organisers are required to provide First Aiders in accordance with HSE guidelines based on the event attendance. For small Council organised activities qualified Ranger administer First Aid.

Event organisers are required to have in place an evacuation procedure, approved by the Council and other relevant authorities where appropriate. All stewards are required to be adequately trained in this procedure and shall be in Radio contact with event control at all times.

Guidance on evacuation procedures is given by Colchester Borough Council as part of the Application Pack sent to all event organisers.

Public access is restricted to event areas during the setting up and setting down of events.

Prevention of Public Nuisance

Colchester Borough Council will consider the potential for public nuisance and local disruption when determining the suitability of events to be staged in the park.

The Council encourages responsible management by organisers to limit the impact of any events on other park users and local residents. For large musical concerts, organisers are required to inform local residents of the event in writing.

Public notices are posted in advance of the park or part of the park being closed and organisers are required to clearly make diversionary routes for users during the period of the event.

Litter bins are provided in the park and are emptied regularly. Council contractors litter-pick daily and more regularly when required in peak season. Organisers are also required to litter-pick during their event and at the end, so that the park remains in a clean condition. Extra facilities for litter disposal are provided for events by the Council.

Toilets on the site are cleaned 2-3 times each day during peak season and during major events. Organisers are required to provide additional toilet facilities for major events.

Organisers are required to make announcements at the end of evening events requesting that people leave the park as quietly as possible. Entrance and exit points are chosen where possible to limit the impact of the event on local residents. Set up and set down procedures are closely monitored by the Council to limit disturbance to adjacent landowners. The Council request that organisers seek the advice of Environmental Health Officers to set sound levels, position amplifiers etc to minimise disturbance to local residents during their event.

Organisers of major events are requested to liaise with local resident organisations in advance of their event to minimise the impact that this may have on local residential areas.

Protection of Children

Colchester Borough Council has a proactive approach to the issue of child protection and this is demonstrated through it's Child Protection and Vulnerable Adults Policy.

This is also reflected in the day to day management of Castle Park. Security Staff and Rangers will give all child related incidents priority. Staff are particularly mindful of lone adults showing an interest in Children's activity and will respond immediately to concerns from Parents.

All Colchester Borough Council Ranger and Security Staff have received up to date CRB checks.

Colchester Borough Council will expect event organisers to comply with the Council's Child Protection and Vulnerable Adults Policy. A copy of this Policy will be provided with the Event Application Pack for Organisers.

On receipt of an event application the Council will determine with the organiser if age restrictions apply. Where age restrictions do apply Controlled access and proof of age will be required. Age restrictions will be clearly printed on tickets.

Event organisers will need to demonstrate that they have a procedure for dealing with lost children at their event and a clearly visible Event Control area where missing children or incidents can be reported.

At events where alcoholic beverages are being served, organisers will be required to employ SIA accredited security staff to manage bar and point of sale areas. Proof of age will be required when purchasing and stewards will be responsible for ensuring that under age drinking is not taking place.

The lease holder responsible for the Cafe, Boating Lake, Putting Green and Crazy Golf Course has completed risk assessments which have been approved by the Council.

Adult Entertainment Details

Open air concerts (lyrics of content), films with certification.

Annex 5 – Conditions Agreed with Responsible Authorities

1. A scheme for noise control, including stage and speaker layout, for events involving live amplified sound between the hours of 19.00 and 23.00, or exceeding 5 hours in duration will be submitted and approved by Environmental Control at least 21 days prior to the event.
2. A competent person* 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. Where appropriate a record shall be kept, for example, in the event of complaints.
3. Local residents, in the area shown on the attached map, will be notified, in writing, at least 5 days in advance, of large music events. Information should include a telephone number of the organizer for residents to call with any queries prior to the event, and Colchester Borough Council Helpline telephone number for any complaints during the event.
4. No announcements relayed by public address system shall be clearly audible from the boundary of the park.
5. Fireworks shall be used on no more than 6 occasions per year.
6. A noise issues management policy for Castle Park will be implemented and will include the following:-
 - a. Internal communications, logging and responding to complaints within set time limits.
 - b. General advice on noise controls with useful details of advisers and suppliers.
 - c. Provision of monitoring systems to demonstrate compliance.
 - d. Training for appropriate staff.

*A competent person for the prevention of public nuisance is defined as: 'A member of the institute of acoustics or equivalently qualified and experienced person who has specialist expertise in the relevant area of noise contro'. Licensed premises: Public nuisance control, Environmental Health Guidance for licensees.



Consultation Response

Environmental Control Officer: Guy Milham

Licensing Reference No: 076165

Ward: Castle

Location: Castle Park High Street, Colchester, Essex, CO1 1TS

Details: Application to Vary Premises Licence

Scheduled Response Date:

Environmental Control's Comments: - DRAFT

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

We have no objection to the capacity increase *per se* for a limited number of events. However, we are aware that in order to accommodate the increase for events involving amplified sound the orientation of any stage is likely to be facing the Upper Castle Park. In recent years we have worked closely with the Castle Park management to minimise the impact of large events on local residents whilst ensuring that the noise levels are sufficient for audience enjoyment. This liaison has virtually eliminated noise complaints. The orientation of the stage for these events has been facing the river with sound propagated towards the open space to the rear of the park and away from the nearest properties. We are therefore concerned that orientating the stage, and therefore propagating the sound, towards the castle may potentially increase noise levels affecting properties close to the Upper Castle Park unless the amplified sound is carefully controlled.

However, we are also aware that the number of events involving the additional capacity is likely to be limited to one or two events a year and that the premises license is currently heavily conditioned and live and recorded music is not permitted to continue beyond 23:00 (22:00 on Sundays), which is recognised sleep time.

In order to ensure that the level of noise affecting local residents is adequately controlled we recommend the following condition (the noise levels in which have proved successful when managing large Castle Park events to date and are stipulated in the Castle Park Noise Management Policy) :-

The Music Noise Levels (MNL) when measured 1 metre from the boundary of any noise sensitive premises for events taking place between 09:00 and 23:00 should not exceed 65dB(A) over a 15 minute period for up to three concert days per calendar year, or the background noise level by more than 15dB(A) over a 15 minute period for between 4 and 12 concert days per calendar year.

*It should be noted that if the number of concert days per calendar year is expected to exceed three, the second noise level should apply to **all** events. Based on experience of the Castle Park concerts this will probably reduce the MNL by 10-20dB(A) which is likely to be too low for audience enjoyment at large events.*

Signed: Guy Milham
Environmental Control Officer

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