

# Licensing Sub- Committee Hearings

Grand Jury Room, Town Hall  
9 December 2011 at 10.00am

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

# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://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](http://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.

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

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[www.colchester.gov.uk](http://www.colchester.gov.uk)

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

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

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

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

(b) hold the Hearing in the party's absence

Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other parties (these will include Interested Parties, Ward Councillors (who are an interested party themselves or are acting in the capacity as a representative of an Interested Party) and representatives from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or the interested parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

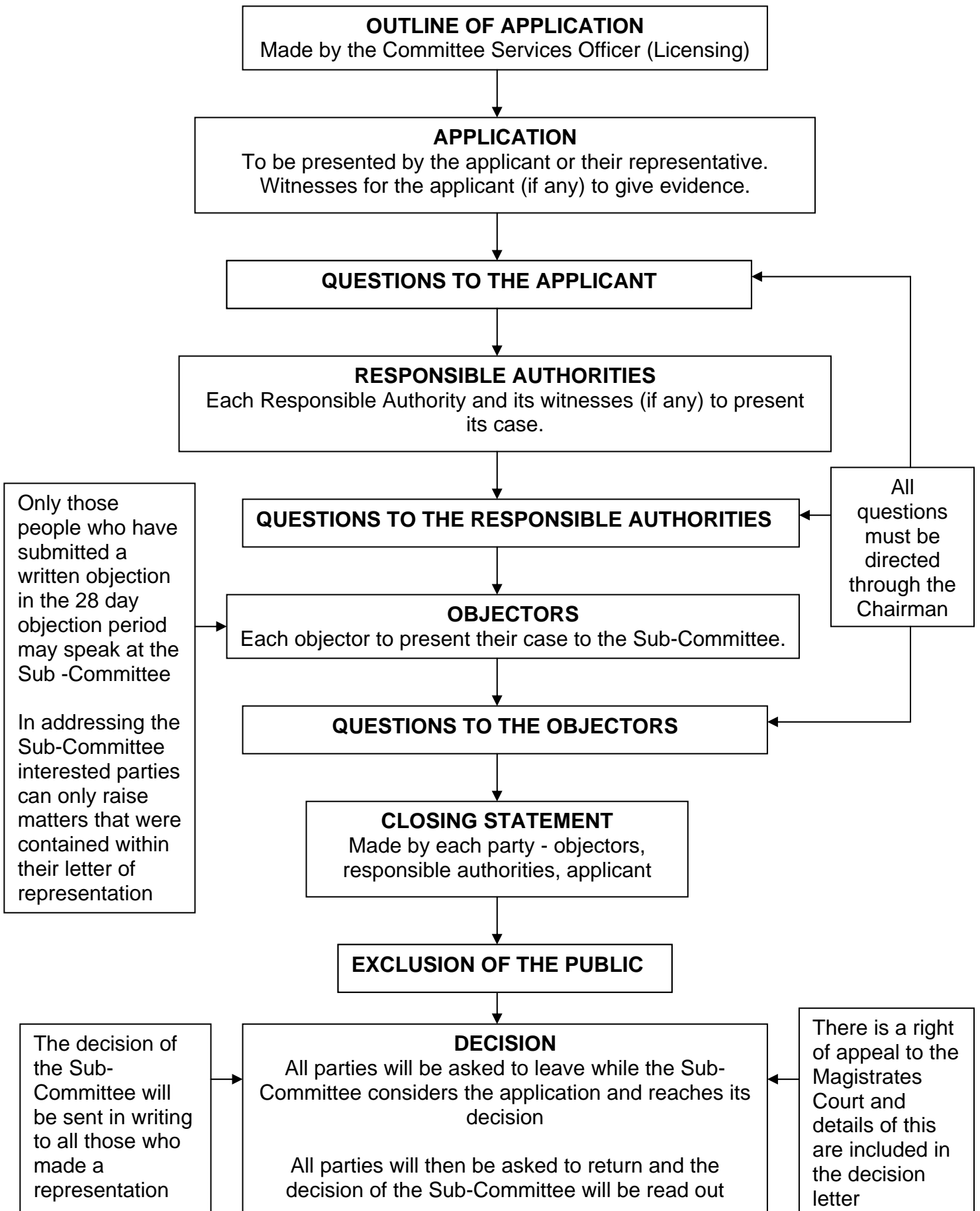
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, Interested Parties, Ward Councillors, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, Interested Parties and Ward Councillors, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

# The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL  
LICENSING SUB-COMMITTEE HEARINGS  
9 December 2011 at 10:00am**

**Members**

Councillors Mary Blandon, John Bouckley, Barrie Cook, Nick Cope, Christopher Garnett, Dave Harris, Pauline Hazell, Mike Hogg, Margaret Kimberley, Michael Lilley, Colin Mudie and Ann Quarrie.  
*(Chairman and Deputy Chairman to be appointed at first meeting)*

**Substitute Members** :

**Agenda - Part A**  
(open to the public including the media)

**Pages**

**1. Appointment of Chairman**

To appoint a Chairman for the meeting.

**2. Welcome and Announcements**

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

**3. Declarations of Interest**

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to

Speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

**4. Minutes**

**1 - 3**

To confirm as a correct record the minutes of the meeting held on 29 July 2011.

**5. Applications under the Licensing Act 2003**

**4 - 11**

Belle Vue Social Club  
1 Colne Bank Avenue,  
Colchester  
Essex  
CO1 1UU





# LICENSING SUB-COMMITTEE HEARINGS

## 29 JULY 2011

*Present :-* Councillor Barrie Cook (Chairman)  
Councillors Mary Blandon and Margaret Kimberley

### 1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Minutes

The minutes of the meeting held on 10 June 2011 were confirmed as a correct record.

### 4. Application under the Licensing Act 2003

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

• **Shell Sextons Service Station, 124 Coggeshall Road, Marks Tey, Colchester, Essex**

The Sub-Committee considered an application for the grant of a new premises licence in respect of Shell Sextons Service Station to permit the supply of alcohol off the premises and the provision of late night refreshment indoors.

#### **In Attendance**

Applicant: Mr Kent, from Lockett & Co, Solicitor for the applicant and Mr Hinson, Site Manager

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

Ms Tuthill, Committee Services Assistant (Licensing), briefly introduced the application

advising that a representation had been received from Councillor Blundell, Marks Tey Ward Councillor in relation to the application.

The applicant had submitted supplementary copies of the application brochure and a radius plan in support of the application and after confirming that this had been received Mr Kent introduced the application. Mr Kent explained that the shop at Shell Sextons had traded for over 20 years and sold a wide variety of products. The application for the sale of alcohol was in response to customer requests to be able to purchase alcohol along with other goods. Transactions after 22.00 were currently made by way of the night hatch and this practice would continue. In response to questions from the Sub-Committee Mr Kent clarified that customers would not be permitted on the premises for security purposes and that there were no facilities for consumption on the premises.

Mr Kent explained that there were 16 CCTV cameras on the site covering the shop and forecourt and that the premises had a good track record of working with the Police and Environmental Control. Shell provided a high standard of training for its staff and this was evidenced by its record in relation to the sale of age restricted goods. The staff training included the licensing laws, managing conflict, and how to challenge those wishing to purchase alcohol but suspected to be under age. In relation to the possible increase in litter as a result of the application, Mr Kent outlined that cleaning regime for the site and stated that there were 6 litter bins on the site. Shell did not wish to degrade the site by litter and noise pollution and considered that the proposals contained in its operating schedule would address any issues that may occur as a result of the application.

### **The Decision**

*RESOLVED* that the application for a premises licence for Shell Sextons be granted to permit the-

- supply of alcohol off the premises Mondays to Sundays inclusive 00.00 to 24.00
- provision of late night refreshment Mondays to Sundays inclusive 23.00 to 05.00
- premises to be open Mondays to Sundays inclusive 00.00 to 24.00

subject to the condition that there be a written authorisation from the Designated Premises Supervisor to named persons who are responsible for the supply of alcohol in the absence of the Designated Premises Supervisor and that this list be displayed on the premises and include the contact telephone number of the Designated Premises Supervisor.

### **Considerations**

The Sub-Committee noted that one relevant representation had been received from Councillor Blundell, Ward Councillor for Marks Tey concerning the licensing objective of the prevention of public nuisance, but that Councillor Blundell was not in attendance the hearing.

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

The Applicant submitted further information in relation to the application including a

radius plan and Due Diligence Package

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representation and evidence presented by all parties under the Licensing Act 2003 and its own policy in relation to the application.

### **Reasons for the Determination**

The Sub-Committee considered that the premises was not in a residential area and therefore service of alcohol and late night refreshment via a night hatch was acceptable.

The Sub-Committee had given careful consideration to the representation and evidence, and was satisfied that the concerns raised were adequately addressed by the applicants' operating schedule and Due Diligence Package. 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.

The Sub-Committee considered that some of the points raised in the letter of representation were not within the remit of the Licensing Act and therefore could not be considered by the Sub-Committee.

## **5. Close of Meeting**

The meeting closed at 11.15.



<b>Licensing Committee – 9 December 2011</b>	<b>Agenda Item 5</b>
<b>Belle Vue Social Club</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Belle Vue Social Club 1 Colne Bank Avenue Colchester	Ward: Castle Stress Area: No Flare Ref: 075343 Author: Gary O'Shea
<b>Application</b>	Application to vary a club premises certificate  To permit the supply of alcohol and the provision of regulated entertainment as follows- Indoor sporting events Live music Recorded music Facilities for dancing Other facilities for music and dance	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Existing Licence</b>		Appendix 3
<b>Responsible Authorities</b>	Essex Police – Reduction in hours for live music agreed with the applicant  Environmental Control – Conditions agreed with the applicant	Appendix 4  Appendix 5
<b>Interested Parties</b>	Opposing the application  Supporting the application	Appendices 6 - 11  Appendices 12 - 16

### **Application to vary a Premises Licence**

To permit:-

- The supply of alcohol on the premises for the following hours-  
Sunday to Thursday 12.00 to 24.00  
Friday and Saturday 12.00 to 01.30  
  
Non Standard Times –Christmas Day 12.00 to 16.00, from 10.00 New Year’s Eve until 24.00 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 01.30
- Provision of live music and the provision of facilities for dancing as follows-  
Monday to Thursday 19.00 to 00.00  
Friday 19.00 to 01.30  
Saturday 12.00 to 01.30  
Sunday 12.00 to 00.00
- Provision of recorded music as follows-  
Sunday to Thursday 12.00 to 00.00  
Friday and Saturday 12.00 to 01.30
- Premises to be open as follows-  
Sunday to Thursday 19.00 to 00.30  
Friday and Saturday 12.00 to 02.00

### **Existing Premises Licence**

The existing premises licence permits-

- The supply of alcohol on the premises for the following hours-  
Monday to Thursday 12.00 to 23.30  
Friday and Saturday 12.00 to 00.00  
Sunday 12.00 to 23.00  
  
Non Standard Times –Christmas Day 12.00 to 15.00, New Year’s Eve from 12.00 to 14.30 and from 19.00 to 02.00, New Year’s Day from 12.00 to 00.00, Bank Holiday Weekends  
Fridays, Saturdays and Sundays 12.00 to 00.00
- Provision of indoor sporting events as follows-  
Monday to Friday 12.00 to 23.00  
Saturday 12.00 to 23.30  
Sunday 12.00 to 14.30 and 19.30 to 23.00
- Provision of live music, recorded music and the provision of facilities for dancing as follows-  
Friday and Saturday 20.00 to 00.00

## **Colchester Borough Council's Statement of Licensing Policy**

### **Assessing Applications**

**Boxed bold type** refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant's operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.

Paragraph **3.8** of the Council's Statement of Licensing Policy recognises that "the new Licensing Act 2003 has brought with it great expectations and challenges, not least of which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and takeaways".

The Policy goes on to add in paragraph **3.9** that "however, along with the great expectations and opportunities for business expansion, the Licensing Act has also brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture".

### **Policy**

Paragraph **3.10** of Colchester Borough Council's statement of Licensing Policy advises that:

**The Licensing Authority wishes to work with the licensed trade to promote best practice, the responsible consumption of alcohol and the effective management of licensed premises. It will therefore consider sympathetically any applications for extended licensing hours from well-operated, well managed premises, whose operating schedules responsibly reflect how they are going to effectively promote the four licensing objectives.**

Paragraph **3.11** of Colchester Borough Council's statement of Licensing Policy also advises that:

**Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.**

### **Prevention of Public Nuisance**

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

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

### **Policy**

Paragraph 5.23 of the Policy states that:

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

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

There have been 6 letters of representation opposing the application from interested parties, 2 from ward councillors and 4 from residents in the vicinity of the premises. There have also been 5 letters of representation supporting the application.

The letters of objection centre around the issue of noise emanating from the activities taking place at the premises and from those attending the events held there. They mention noise escaping from the premises when doors and windows are left open; people talking outside the premises and making a noise when they leave; and the poor construction of the building and the absence of air conditioning which leads to sound leakage from the building itself and when doors are left open in hot weather. The letters from residents highlight the problems that have occurred since the smoking ban came into operation and some suggest that the smoking area be relocated to minimise disturbance to residents. There is general concern that the problems currently being experienced will be exacerbated by longer hours for regulated entertainment and for the sale of alcohol.

The letters of support for the application come from local residents in the vicinity of the premises, some of whom use the club. The letters refer to the fact that the club is well run and plays an important part in the life of the community.

### **Amendments to the application**

Essex Police has requested a number of changes to the application in relation to live music and these have been agreed with the applicant and are set out below-

- Live Music  
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

The applicant has spoken to a number of objectors to the application and to Councillor Spyvee and as a result has agreed the following amendments to the application-

- Recorded Music  
Fridays and Saturdays from 12.00 to 01.30 (this is to cover occasional private parties held in the function room, with recorded music, subject to approval of the managing committee)  
Recorded music to be reduced in sound level so that it is inaudible outside of the building after 24.00

The applicant has also agreed the following conditions requested by Environmental Control –

- 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.
- 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.*
- 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 the 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.*
- 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.

#### **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.

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website: [www.colchester.gov.uk](http://www.colchester.gov.uk)