

Licensing Sub- Committee Hearings

**Council Chamber, Town Hall
20 April 2011 at 10.30am**

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

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

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Colchester Borough Council, Angel Court, High Street, Colchester
Telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number
you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

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

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

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

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

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

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

The Council's case:-

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

The Applicant's case:-

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

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

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

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

(15) Each party will present their case.

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

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

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

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

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

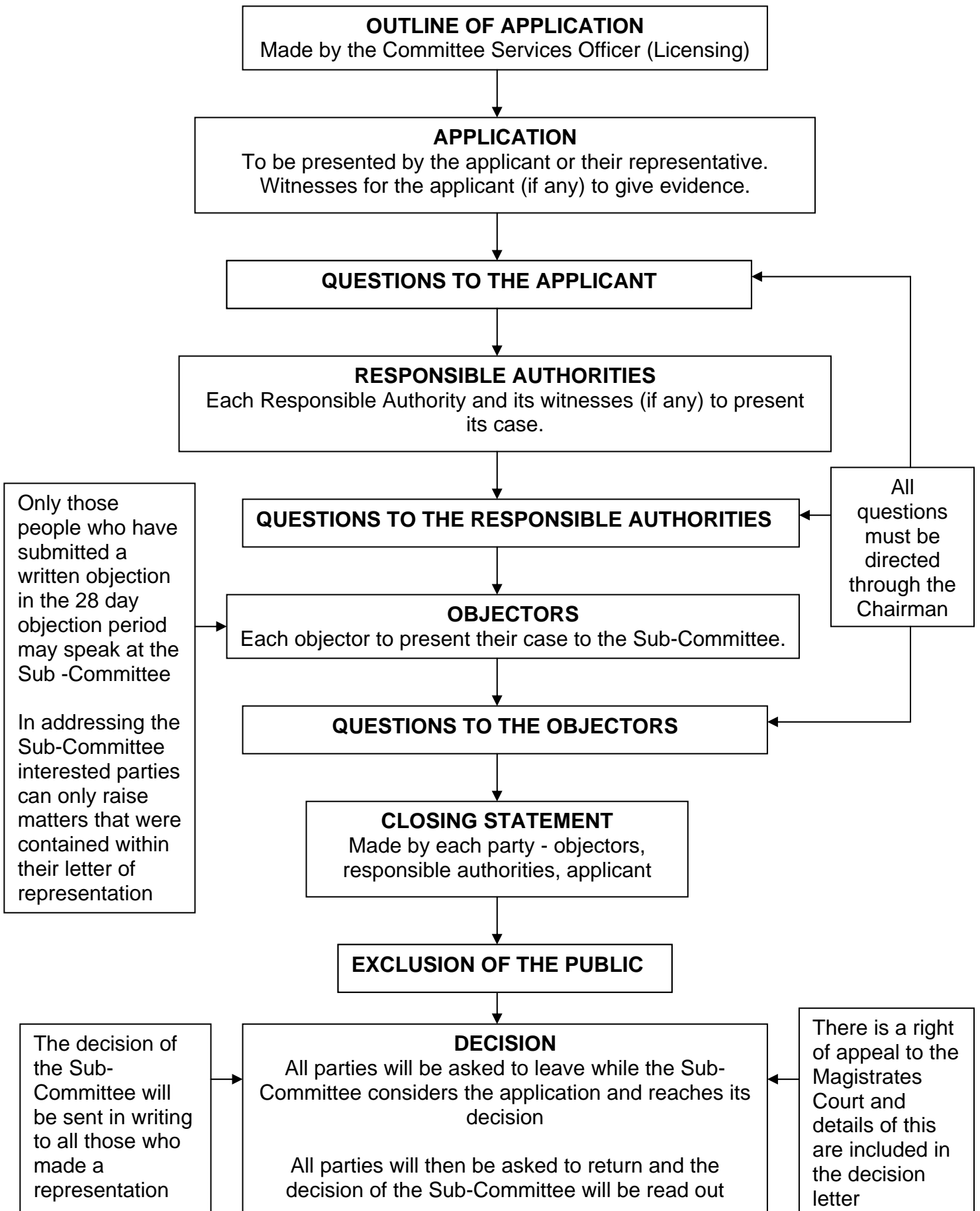
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

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

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

The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL
LICENSING SUB-COMMITTEE HEARINGS
20 April 2011 at 10:30am**

Members

Councillors Barrie Cook, Michael Lilley 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. 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.

2. 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.

3. Applications under the Licensing Act 2003

1 - 23

Premier C K Food and Wine

6 The Willows

Colchester

CO2 8PZ



Licensing Committee – 20 April 2011	Agenda Item 3
Premier CK Food & Wine	FOR GENERAL RELEASE

Premises	Premier CK Food & Wine 6 The Willows Colchester	Ward: Berechurch Stress Area: No Flare Ref: 073398 Author: Colin Daines
Application	Application for a new premises licence to permit the supply of alcohol	Appendix 1
Street Plan		Appendix 2
Interested Parties		
Local Resident		Appendix 3
Ward Councillor		Appendix 4
Local Business		Appendix 5
Petition		Appendix 6

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol off the premises Mondays to Sundays 07.00 to 23.00 inclusive - The premises to be open Mondays to Sundays 07.00 to 23.00 inclusive

Policy Guidelines – Premier CK Food & Wine
<p>Colchester Borough Council’s Statement of Licensing Policy</p> <p>Assessing Applications</p> <p>Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to be 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.</p> <p>Paragraph 3.8 of the Council’s Statement of Licensing Policy recognises that “the new</p>

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 Crime and Disorder

The Council’s statement of Licensing Policy states under paragraph 5.12 that “the Council is committed to further improving the quality of life for the people living in the borough of Colchester by continuing to reduce crime and the fear of crime”.

Policy

Paragraph 5.14 of the Policy states that:

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

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue, the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police’s effective management checklist (see Appendix 18 of the Council’s statement of Licensing Policy) has been taken into account. This provides a comprehensive list of best practice.**

- (ii) **Whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour.**
- (iii) **Whether the operating schedule includes management measures to prevent crime and disorder.**
- (iv) **Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.**

There have been no relevant representations received from any of the relevant responsible authorities in regard to this licensing objective. Representations have been received from interested parties in relation to this objective. The letters from a local resident, business, Ward Councillor and the petition submitted by over two hundred residents cite the potential for anti-social behaviour to increase in the event that the licence is granted. In considering the petition it is noted that a number of the signatories do not live within the vicinity of the premises and therefore cannot be counted. The other representations refer to the potential increase in anti-social behaviour

Councillor Harris refers to the work that has been done by the local police in the past to combat anti-social behaviour in the area and expresses concern that these problems will return if the licence is granted for the hours applied for. Councillor Harris suggests a reduction in the closing time granted to 18.00.

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 have been no relevant representations received from any of the relevant responsible authorities in regard to this licensing objective. One letter of representation cites public safety, although the concerns that it raises fall within the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

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 two relevant representations received from interested parties in regard to this licensing objective. The representations refer to the possible increase in noise and litter if the licence is granted.

Additional Policy Guidance – Public Nuisance

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

Paragraph **5.27** of the Policy states that:

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

Paragraph **5.28** of the Policy states that:

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

These may include:

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

- The design and layout of the premises; particularly the presence of noise limiting features.
- 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.

Protection of Children from Harm

Paragraph 5.32 of the Council’s statement of Licensing Policy states that “the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications”.

Paragraph 5.33 of the Policy states that “the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard”.

Policy

Paragraph 5.34 of the Policy states that:

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

Paragraph 5.35 of the Policy states that:

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

There have been no relevant representations received from any of the relevant responsible authorities. Two of the interested parties raise concerns regarding the undermining of this objective and express the view that young people may be encouraged to drink more.

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.

Stress Area Policy

Paragraph 3.96 of the Policy states that:

After full consultation, the Licensing Authority will continue to apply a special policy relating to cumulative impact to the Queen Street/St Botolph's Street area of Colchester town centre. This area continues to be identified as being under stress because of the cumulative effect of the concentration of late night food and alcohol and entertainment premises, which results in serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses located in that area.

Paragraph 3.97 of the Policy states that "although the stress area policy is being maintained, each and every application to grant or vary a premises licence in this area will be considered on its own individual merits and in its own right and in relation and relevance to any representations received that are pertinent to the application and also to the licensing objectives. Applicants should be aware however that all applications received within the stress area may receive closer scrutiny from the responsible authorities, particularly from Essex Police, in order to ensure that the application will not have a negative impact on the licensing objectives, especially where the objectives of the prevention of crime and disorder and the prevention of public nuisance are concerned".

Paragraph 3.98 of the Policy states that:

The Special Policy applies to applications for new licences and to variations which are relevant to the licensing objectives. This may include extensions of hours or capacities at the premises. Applicants are expected to state in their operating schedule how it is proposed to ensure that the application will not add to the cumulative impact currently being experienced in the stress area. Their operating schedule is likely to receive the close scrutiny of responsible authorities.

Paragraph 3.99 of the Policy states that:

Where no relevant representations are received, the application will be granted. Where, however, relevant representations are received the application will normally be refused unless the applicant demonstrates that the application will not add to that impact. The Licensing Authority may attach further or modified conditions to the licence where this is necessary to meet those concerns. This Policy is not an absolute bar on new applications. Where relevant representations are received, the individual merits of the application will always be considered and a decision made as to whether it is appropriate to make an exception to the Policy.

Paragraph 3.101 of the statement of Licensing Policy states that "the Licensing Authority welcomes the provision of a diverse choice of alternative entertainment where this is suitable, in order to reduce or ameliorate the impact of clubs, pubs, bars and fast food takeaway outlets situated within the stress area".

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.**

Off Sales/Shops and Supermarkets

Paragraph 3.46 of the Policy states that:

The Licensing Authority recognizes that, in accordance with the Government's guidance, shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the hours that they intend to trade, provided that there is no negative impact on the promotion of the licensing objectives as a result.

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of that property must be balanced against all other public interests or representations in this matter that the Licensing Sub-Committee may wish to consider reasonable and proportionate in relation to the application that has been submitted and also the representations that have been received against it.

In making their decision as to whether to grant this application, Members of the Licensing Sub-Committee should in particular consider Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property and also Article 8 that everyone has the right to respect for his private and family life, his home and his correspondence.

Crime and Disorder Implications

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

The Guidance issued by the Secretary of State for Culture, Media and Sport under the Licensing Act 2003 underlines the importance of the provisions of Section 17 when considering applications for premises licences under the new licensing legislation and in particular if a local authority is considering having a policy regarding the issue of new licences in areas where there may have been concerns about crime and disorder issues put forward by local residents and or the Police and the Council are considering the cumulative effect of the number of licences in existence in a designated area.

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We CHAMINDA KUMARA DELSAHANAWATTESEDARA
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description PREMIER CK FOOD & WINE 6 THE WILLOWS			
Post town	COLCHESTER	Post code	CO2 8PZ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 8100	

Part 2 - Applicant Details

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

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

CONVENIENCE STORE

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

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

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

Provision of regulated entertainment

NO

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:

NO

- 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)

NO

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

GO TO PAGE 17 →

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			
			<u>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</u> (please read guidance note 5)		

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

Name	CHAMINDA KUMARA DELSAHAWATTESEWARA
Address	114 E BRAMFORD ROAD IPSWICH
Postcode	IP1 2LL
Personal Licence number (if known)	IPS/2008 05770-1
Issuing licensing authority (if known)	IPSWICH

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 (except for the sale of alcohol)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0750	2350	<p><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 (please read guidance note 5)</u></p>
Tue	0750	2350	
Wed	0750	2350	
Thur	0750	2350	
Fri	0750	2350	
Sat	0750	2350	
Sun	0750	2350	

P Describe the steps you intend to take to promote the four licensing objectives:

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

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL

b) The prevention of crime and disorder

CCTV INSTALLED AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES.
RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE
SHUTTERS AT FRONT WINDOWS

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK WILL BE REFUSED THE SALE OF ALCOHOL

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ALL STAFF WILL BE TRAINED TO ACCEPT ONLY A PROOF OF AGE (PASS SCHEME) CARD, PASSPORT OR PHOTO DRIVING LICENCE AS ACCEPTABLE FORMS OF ID WHEN SELLING ALCOHOL TO YOUNG PEOPLE.
SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'
REFUSAL BOOK TO BE KEPT AT THE PREMISES AND MAINTAINED AT ALL TIMES

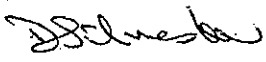
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	1/3/11
Capacity	AGENT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	AGENT

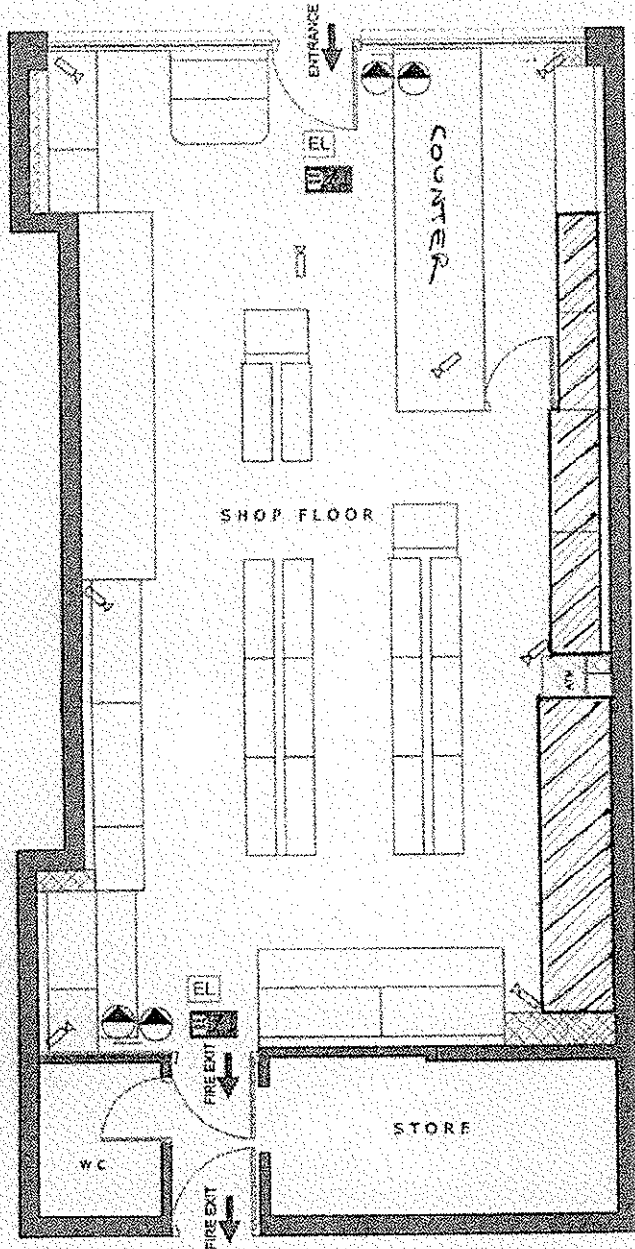
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)
LICENSING SERVICES AGENCY
16 BENGEO STREET

Post town	HERTFORD	Post code	SG14 3ES
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Telephone number (if any)	01992 584959
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

PREMIER CK FOOD & WINE
 6 THE WILLOWS
 COLCHESTER
 CO2 8PZ



GENERAL NOTES

LEGENDS

(SD) SELF-CONTAINED SMOKE ALARM

(HD) HEAT DETECTOR (MAIN OPERATED BY BATTERY BACKUP)

EL PROVIDE MAIN OPERATED WITH BATTERY BACKUP LIGHTS (EMERGENCY) FITTED WITH COMPLY BS5266

FE 1 HR FIRE RESISTANCE & SELF-CLOSING DOOR

Signages to be provided at top level of doors wherever most suitable & directing the nearest exits to comply with BS5499

(CO2) FIRE EXTINGUISHER - CO2 ACCORDANCE TO BS5499

(FOAM) FIRE EXTINGUISHER - FOAM ACCORDANCE TO BS5499

— FIRE PANEL NOTE

OFF LICENCE

CCTV

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO ANY WORKS TAKING PLACE. THIS DRAWING REMAINS THE PROPERTY OF LINK SHOPFITTING AND MAY NOT BE REPRODUCED IN ANY WAY WITHOUT PRIOR CONSENT

LINK SHOPFITTING + REFRIGERATION

UNIT 63 BARKING INDUSTRIAL PARK, ALFREDS WAY, BARKING, ESSEX IG11 0TJ
 TEL: 020 8591 2110
 FAX: 020 8594 0737 / MOBILE: 07818 231 355

100% MR. DRAMOND KUMAR

CLIENT : MR. DRAMOND KUMAR
 PROJECT :

TYPE OF DRAWING: FIRE & OFF LICENCE
 DRAWN BY: SHY BHAGWAT

PROJECT: GROUND FLOOR

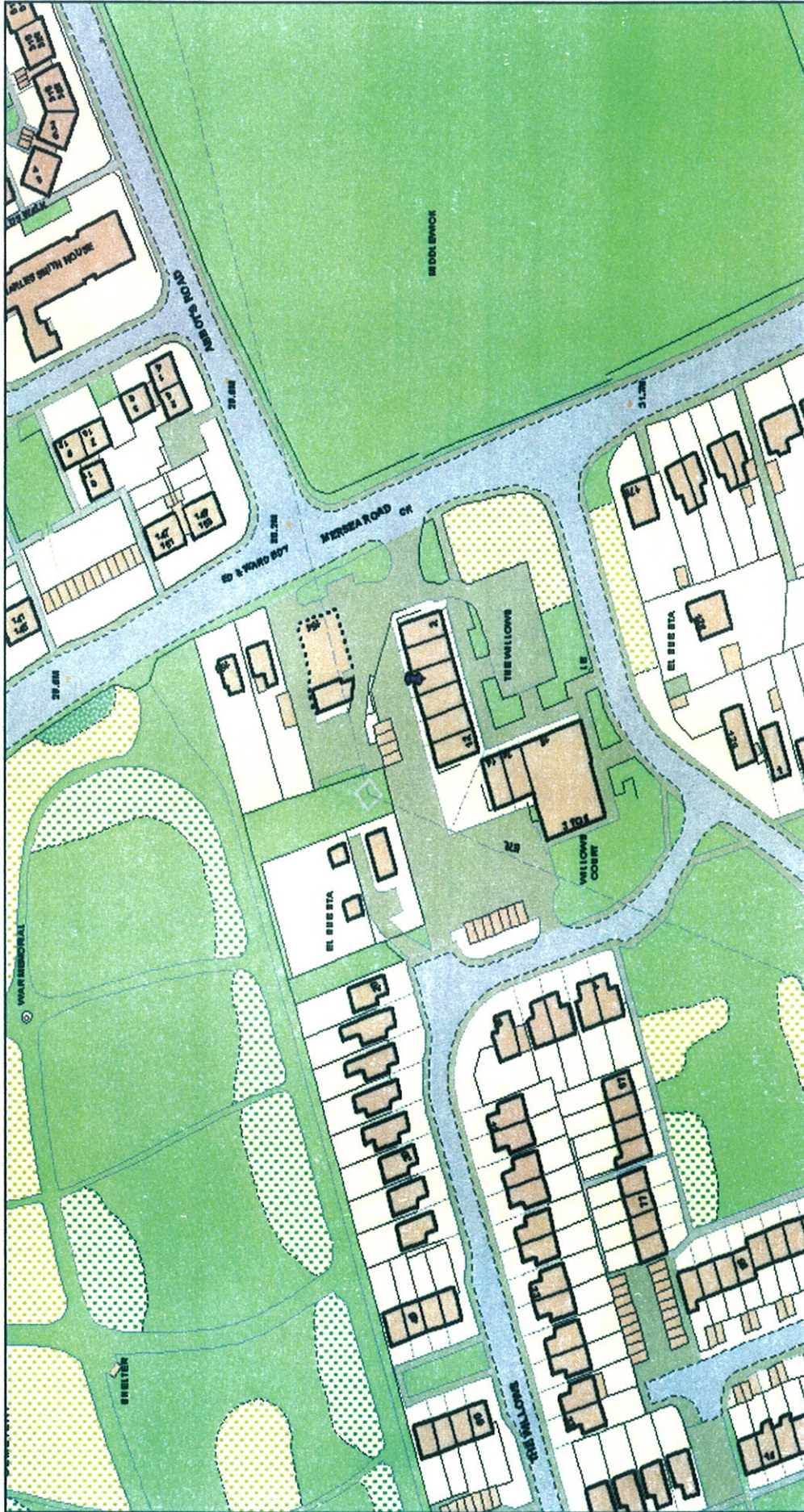
SHEET NO:

10/02/2011

01.

SCALE 1:100

Premises Location Plan



Licence Application Reference: 073398
Premises Name & Address: Premier CK Food & Wine 6 The Willows Colchester
Date Produced: 4 April 2011

MAP NOT TO SCALE

© Crown copyright. All rights reserved. Colchester Borough Council 100023706, 2010

Sent: 31 March 2011 16.38
To: Licensing.Committee
Subject: RE: 6 The Willows, Colchester

150 Mersea Road,
Colchester
Essex
Co2 8PU

Dear Ms White,

Please accept this as my representation pertaining to the application for a licence to sell food and alcohol by CK Food and wine at 6 The Willows.

- Prevention of crime and disorder

The Willows has been and is subject to the congregation of young people who hang about in the car park and around the shops, particularly in the summer months. I accept that they probably don't have anywhere else to congregate but this can become quite menacing when you walk to the shops. I am aware that in the past this has become an issue for the shop keepers, residents and the Police who have been involved in sorting out issues caused by these young adults.

- Public safety

My comment above also pertains to Public Safety in this particular area. As mentioned when a group forms it is generally loud with lots of swearing and can be intimidating when you approach or leave the area. I have seen arguments break out however I have never stayed around to find out how whether they escalated into further trouble although I have seen Police intervene on occasion.

- Prevention of public nuisance

The above point is particularly relevant. There are already two licensed premises in and close to the Willows, these are the Convenience Store and the BP Garage. My house is located between the Cemetery and the garage so it is on the main thoroughfare for people moving from Barnhall or lower down Mersea Road going to the Willows. My front garden is constantly being used as a litter bin. Every day I find new beer cans, crisp, chocolate packets, plastic gloves, fish and chip wrappers, cigarette packs/butts, etc thrown into the drive or stuffed into my hedge. All of which clearly originate from the Willows and from the garage. If this was on public land the council would be responsible for clearing it but it is not, so I am. Further to that people throw their litter over the fields and in the hedgerow along Mersea Rd by the range where it sits and rots and smells in the summer months.

Further to that the noise levels are getting worse particularly in summer, when groups do form you can clearly hear shouting and swearing and general chatter from groups of children/young adults who, when they have been moved away from the Willows they come and sit on the wall of the garage or unfortunately on my neighbours wall. It's noisy enough with the garage.

- Protection of children from harm.

Most of these young adults drink and smoke. What kind of message is it if you can buy alcohol in two of the nine units in the Willows and also in the garage (when they start utilising their licence).

Please accept this as my representation.

Yours sincerely

From: Councillor Dave Harris

12 Prince Philip Road
Colchester
Essex CO2 8PA

To Licensing Dept
Colchester Boro Council

March 2011

REFERENCE ALOCOHOL LICENSE - 6 THE WILLOWS

I have been approached by residents who live in the proximity of The Willows shopping parade over an application to sell alcohol from 6 The Willows from a new Convenience store proposed.

I have also had e mail conversation with Police officers and others that relate to some alcohol related anti-social behavior 2 years or so ago.

It took a lot of Police work, with the co-operation of residents and shop keepers to turn around this problem, indeed if it were not for police and shop keeper intervention; the area would be still in the ravages of this kind of ASB.

People would hang around each evening, and it was clear alcohol was the attraction.

I fear, that with a new additional late evening license there will be a return to this problem. I stress this problem was not perceived, it was very real, and local police freely told me that if an additional license is granted then any ASB will have to be dealt with all over again.

I think that a shop at this location is right, and welcome, but would ask that the license is restricted to 6pm, so that day time only sale of alcohol is permitted at this new store. If this restriction is put on, then the licensing objective to prevent crime and disorder will not be threatened.

I wish the new store well, but ask that the hours of sale of alcohol is stopped at 6pm.

Yours truly,

Dave Harris
Boro Councillor for Berechurch

WILLOWS CONVEIENCE STORS
14 The Willows, Mersea Raod, Colchester CO 2 8PZ

Your Ref:

Date: 29/03/2011

Planning Protection & Licensing Team
The Colchester Borough Council
P.O Box 889
Town Hall
Colchester CO 1 1FL

Dear Sirs,

Re: Application for New Premises Licence
Property: PREMIERE CK FOOD & WINE No 6 The Willows, Mersea Road,
Colchester Essex CO 2 8PZ

I am the owner of the shop known as "The Willows Convenience Stores " at 14 the Willows Mersea Road, Colchester Co2 8PZ write to make following objection in granting the off Licence for the above premises.

I object grant of another Off Licence for following reason-

Prevention of Crime and Disorder-
Would create problems in the neighbourhood and in particularly youngsters would cause problem by group gathering.

Public safety: more off licence would affect the public safety because this will increase the crime level, Group gathering and fights.

Prevention of Public nuisance: more off licence mean lot of waste will be thrown in the street particularly in the weekends. Noise will be increased due to high level of off the street users.

Protection of Children from harm: More Off -licence mean it will be difficult to control the sale of alcohol to the children in the vicinity as no shop will owns up the mistake. Youngster will be encouraged to drink alcohol more.

I kindly request the Licensing Team not to grant the New Off Licence to the Premier CK Food & Wine at NO 6 the Willows.

Yours faithfully

S. O. Rajaluxman

Samuel Oscar Rajaluxman

**NO
TO ANOTHER OFF LICENCE**

PLANNING, PROTECTION AND LICENSING
RECEIVED
28 MAR 2011
PASSED TO ACTION NOTE ONLY WITH NUMBER

We the undersigned ask that Colchester Council do not permit another Off Licence within the area. One is enough, any more and we will have anti social behaviour in the area.

Name	Address	Phone (01206)	E mail	Date	Sign
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122 signatories.

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