

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
6 August 2010 at 10.00am**

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

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

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Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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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.

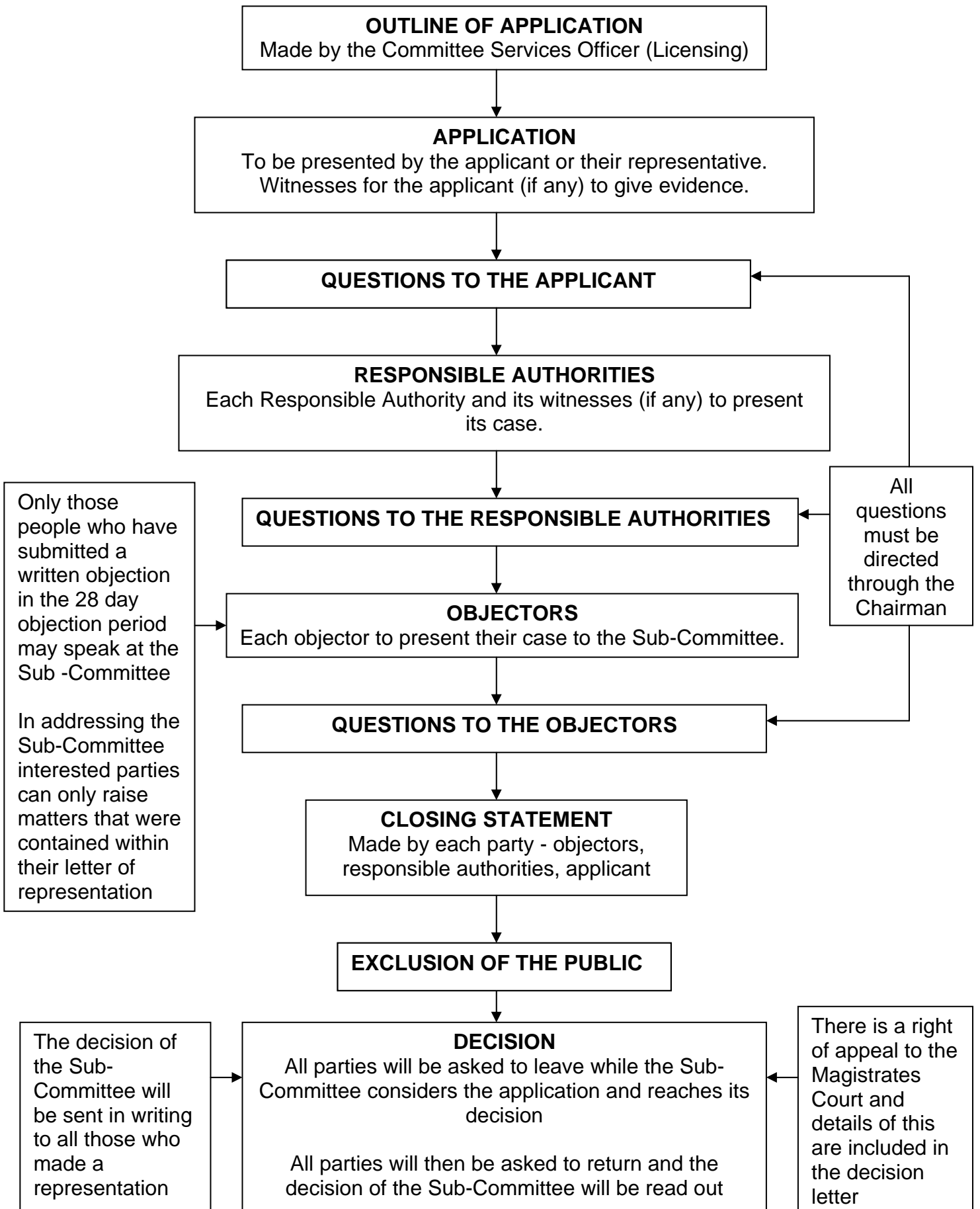
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
6 August 2010 at 10:00am**

Members

Councillors John Bouckley, Nick Cope and Wyn Foster.
(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 - 8

To confirm as a correct record the minutes of the meeting held on 30 April 2010 and 4 June 2010.

5. Applications under the Licensing Act 2003

9 - 34

Mobile Hot Dog Van,
Lay-by fronting 138-142 High Street,
Colchester,
Essex

LICENSING SUB-COMMITTEE HEARINGS

30 APRIL 2010

Present :- Councillor Barrie Cook (Chairman)
Councillors Nick Cope
Substitute Member :- Councillor Wyn Foster
for Councillor Christopher Garnett

1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

Councillor Foster declared that she had a slight knowledge of the applicant and premises licence holder Mr Adnan Ademoglu who was neighbour of hers approximately 12 years ago. Councillor Foster further indicated that she did not have any close personal association with him within the meaning of the Members Code of Conduct and had been advised by the Council's Monitoring Officer that in his view she did not have any personal or personal and prejudicial interests to declare and her slight knowledge of the applicant did not prevent or prejudice her from sitting on the Sub-Committee to hear the application.

3. Minutes

The minutes of the meeting held on 15 January 2010 were approved as a correct record.

4. Applications 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.

a) Fashion Cafe, 2 St Botolph's Street, Colchester

The Sub-Committee considered an application to vary the premises licence in respect of the Fashion Café, 2 St Botolph's Street, Colchester to extend the

hours for the sale of alcohol and the provision of regulated entertainment.

In Attendance

Applicant's representatives: Mr I Adem, Designated Premises Supervisor; Mr Wahiwala, Counsel for the applicant; Mr Hughes, Thompson Smith and Puxon

Officers: Mr Essex, Lawyer; Mr S Harvey, Licensing Manager; Mrs White, Committee Services Officer (Licensing); and Ms Tuthill Committee Services Assistant (Licensing)

Essex Police; Mr N Sykes, Counsel for Essex Police; Inspector P Butcher; PC T Walker; Mr M Robbins, Analyst; Mr M Aitchison, Licensing Officer

Objector: Mrs J Edwards, Colchester Civic Society; Councillor Spyvee

The Application

The Sub-Committee and those present at the Hearing viewed a DVD produced by Essex Police which had been served on all parties but which the applicant's representative indicated they had not been able to view. The hearing was then adjourned to enable the applicant to consider the evidence presented.

Mrs White, Committee Services Officer (Licensing), briefly introduced the application explaining that representations had been received in respect of the application from Essex Police, Colchester Civic Society, Councillor Spyvee and a local resident living in the vicinity of the premises.

Mr Wahiwala sought the assurance of the Sub-Committee that it had read the witness statement provided by Mr Adem and outlined the application to the Sub-Committee. He explained that the premises played a certain type of music and did not carry out drinks promotions because it wanted to attract a certain type of customer. It had always complied with the conditions on its licence and Mr Adem had a good relationship with the Police. In responding to questions from the Sub-Committee and the Counsel for Essex Police, Mr Wahiwala expanded on the operation of the business which he contended had been adversely affected by other establishments operating irresponsible drinks promotions thus necessitating the applicant to seek longer opening hours to attract customers to the premises. In order to counter the potential for migration to the premises after other premises closed the applicant had offered, in his witness statement, to institute a 3am last admissions policy and this would be widely advertised to discourage people trying to gain entry after this time. It was considered by the applicant that in opening longer, this would aid dispersal in the town centre by taking some individuals off the street.

Mr Sykes explained that the principle of objection of Essex Police concerned

the potential increase in crime and disorder which was likely to result in the event that the application was granted to permit the sale of alcohol and the provision of regulated entertainment until 04.00. The Police were also concerned at the effect on the prevention of public nuisance. In presenting the case Mr Sykes made reference to the crime statistics for the area which he considered indicated a 107% increase in crime and disorder since the Fashion Café had been granted its last increase in hours. The statistics for March 2010 showed the level of crime at its highest in the last 3 years of monitoring and the indications for April were that the upward trend would continue. The application had to be considered therefore in the context of an area that was declining and not improving in terms of crime and disorder. Mr Sykes gave details of a number of incidents which he believed could be directly attributed to the premises and which he contended indicated that the premises was not well operated as had been stated by the applicant's representative.

The Sub-Committee's attention was then drawn to the Section 182 Guidance which accompanied the 2003 Act and also to the Council's own Licensing Policy which provided the framework within which the application was to be judged. Particular regard was given to the Section 182 Guidance and the Council's Licensing Policy in relation to cumulative impact and the presumption of refusal for applications in the stress area unless it could be demonstrated by the applicant that the application would not add to the existing cumulative impact in this area and that there would not be a negative effect on the licensing objectives, particularly in relation to crime and disorder.

In questioning the Police, Mr Wahiwala referred to an informal meeting that had taken place between Mr Adem and Mr Aitchison in which the proposed extension to 04.00 had been discussed. Mr Aitchison had indicated at that time that the application would not be opposed but that conditions may be sought. In response to questioning Mr Aitchison informed the meeting that the Police had changed its view and decided to object to the application after consultation with the Town Centre officers responsible for that area. The Sub-Committee then heard from Inspector Butcher concerning the challenges of policing Queen Street and St Botolph's Street at night and on the negative impact of migration on crime and disorder in the area. It was a contention of the Police that by opening the Fashion Café later more people would be encouraged into the area and also that the late night refreshment venues would be encouraged to open longer thereby contributing to increasing crime and disorder and public nuisance in the area. Inspector Butcher informed the Sub-committee that in his experience the advertisement of the last entry policy would do little to discourage people from trying to gain entry and whilst he accepted that the door staff at the Fashion Café were very good at their job, there would still be problems and a likely increase in crime and disorder.

Councillor Spyvee addressed the Sub-Committee, reiterating the concerns of the Police and expressing his concern that if the application were to be granted there would be an increase in the levels of public nuisance that residents were subjected to and there would also be an impact on residents who lived further afield on routes leading away from home. Mrs Edwards spoke on behalf of the Colchester Civic Society and then on behalf of her husband, Mr J Edwards, who had objected to the application as a local resident but was not well enough to attend the hearing in person. Mrs Edward gave many examples of the anti-social behaviour that residents had to put up with and spoke of the detrimental effect this had had on the community of Priory Street. Mr Wahiwala questioned the proximity of Mrs Edward's house to the Fashion Café and Mr Harvey responded that the Licensing Authority had accepted the representations as relevant representations in the vicinity of the premises within the terms of the Licensing Act 2003 and this had not been challenged by the applicant or his legal representative at the time. Mr Wahiwala asked that the Sub-Committee give consideration to the case of Mead vs Brighton Corporation which he believed to be relevant to this matter.

The Decision

The Sub-Committee considered the implications of Mead vs. Brighton Corporation and having received legal advice on the case considered it not to be of particular relevance to current legislation and to the considerations of the Sub-Committee in this matter.

The Sub-Committee carefully considered the application having regard to the Amended Guidance issued under Section 182 of the Licensing Act 2003 and in particular those paragraphs dealing with cumulative impact and the prevention of crime and disorder. The Sub-Committee also had regard to its own policy, in particular those paragraphs dealing with the prevention of crime and disorder and the prevention of public nuisance and the stress area; the contents of the report, the representations received and the submissions made at the hearing. Having considered all these matters the Sub-Committee determined to refuse to vary the premises licence.

Reasons for the Determination

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. Having regard to this and notwithstanding the application and the additional measures put forward by the applicant in his witness statement, the Sub-Committee was concerned about the potential effect on the cumulative impact in the stress area and the disturbance to local residents in the vicinity of the premises from the additional hours proposed.

The applicant had not shown that the application would not have a negative impact on the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance.

The onus of proof in dealing with such an application within the stress area lay with the applicant; the police evidence suggested an additional potential cumulative impact; and critical objections have been received from interested parties.

**LICENSING SUB-COMMITTEE HEARINGS
4 JUNE 2010**

Present :- Councillor Barrie Cook (Chairman)
Councillors Nick Cope and Christopher Garnett

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 15 January 2010 were approved as a correct record.

4. Applications 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.

a) Route Nightclub, 20-28 Queen Street, Colchester

The Sub-Committee considered an application for the variation of a premises licence in respect of Route Nightclub to permit -

- Extension of hours for the provision of films, live music, recorded music, performance of dance, facilities for dancing, facilities for making music, facilities for entertainment of a similar description
- Extension of hours for the supply of alcohol on the premises
- Extension of opening hours

In Attendance

Applicant's Representative: Mr Roy Gray (Designated Premises Supervisor)
Officers: Mr Essex, Lawyer; Mr Harvey, Licensing Manager; Mrs White, Committee Services Officer (Licensing) and Ms Tuthill, Committee Services

Assistant (Licensing)

Ms Tuthill, Committee Services Assistant (Licensing), briefly introduced the application advising that representations had been received from the Colchester Civic Society and a local resident.

Mr Gray presented the application to the Licensing Sub-Committee and explained the reasons for the application which included helping to sustain the business and improve its income. Mr Gray explained that because of longer opening hours elsewhere in the town centre patrons were not making their way to the Queen Street, St Botolph's area until after midnight. Several bars in the area, which were Route's main competitors, had been granted premises licences until 03.00 and potential customers were choosing to go to the premises with longer opening hours.

Mr Gray explained that he did not think that this application would generate further crime and disorder or public nuisance in the area and explained that over the past year the Club had been working very closely with the Police to reduce the number of incidents that had taken place at or in the vicinity of the club and had implemented all its recommendations. As a result, the number of reported incidents had significantly declined in the past year. The Designated Premises Supervisor also reported that the Club's door staff had assisted the Police with incidents in the street in the past and that in the event that the application was granted the door staff would be present in the area and therefore able to assist the Police for a longer period. Mr Gray then explained that he had been in discussion with the Police about the possibility of the door staff at Route joining the Police Accreditation Scheme which would give them additional powers to assist the Police further in dealing with potential incidents in the street. The Sub-Committee were informed that the Police had not lodged a representation in respect of the application.

In response to questioning, Mr Gray commented that he did not think that the application would result in more people migrating to the Stress Area but that the extension in hours would simply attract more of those already in Queen Street into Route. In his experience customers could not be enticed into a venue by any offer if they had already determined to go home. He considered that the entertainment needs of the people in the area were better met by Route than by other late night bars in the area which he considered did not have the checks in place to control entry to the premises or noise and anti-social behaviour from patrons using the premises.

The Chairman mentioned that two letters of representation had been received opposing the application and referring to incidents of anti-social behaviour. Mr Essex confirmed that the two objections received were not from the same person.

The Decision

RESOLVED that having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report and the submissions made at the Hearing the Sub-Committee resolved to vary the licence to permit the following –

- Supply of alcohol on the premises, film exhibitions, provision of live music, recorded music, performances of dance, provision of facilities for making music and provision of facilities for dancing and provision of facilities for entertainment of a similar description, indoors, for the following hours -

11.00 to 02.30 Thursdays to Saturdays inclusive.

- The premises to be open to the public for the following hours -

11.00 to 03.00 Thursdays to Saturdays inclusive.

Reasons for the Determination

The Sub-Committee had given careful consideration to all the representations and evidence, and considered that the concerns of the interested parties could be successfully addressed by reducing the hours applied for by half an hour.

This is done to manage the potential for crime and disorder and anti-social behaviour in the Stress Area by ensuring that the closing times of the premises in Queen Street/St Botolph's Street are varied and therefore the influx into the street from the different establishments does not take place at the same time.

5. Close of Meeting

The meeting closed at 11.45.



Licensing Committee – 6 August 2010	Agenda Item 5
Mobile Hot Dog Van	FOR GENERAL RELEASE

Premises	Mobile Hot Dog Van Lay-by fronting 138-142 High Street, Colchester	Ward: Castle Stress Area: No Flare Ref: 071276 Author: Simon Harvey
Application	Application for a new premises licence to permit the provision of late night refreshment.	Appendix 1
Street Plan		Appendix 2
Images		Appendix 3
Responsible Authorities		
Essex Police	Letter of objection	Appendix 4
Environmental Control	Comments	Appendix 5
Interested Parties		
Dutch Quarter Association	Letter of objection	Appendix 6
Councillor Frame	Letter of objection	Appendix 7
Councillor Spyvee	Letter of objection	Appendix 8

New Application for a Premises Licence

To permit:-

- Provision of late night refreshment the following hours-
20.00 to 05.00 Mondays to Saturdays inclusive.
- Hours the premises are open to the public for the following hours-
20.00 to 05.00 Mondays to Saturdays inclusive.

Please Note; - Under the provisions of the Licensing Act 2003 a premises licence is required for the provision of hot food or hot drink (a licensable activity under the Licensing Act known as Late Night Refreshment) at any time between the hours of 23.00 to 05.00 to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. A premises is defined under the Licensing Act as any place and includes a vehicle, vessel or moveable structure.

Policy Guidelines – Mobile Hot Dog Van, 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.

Prevention of Crime and Disorder

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

Policy

Paragraph 5.20 of the Policy states that:

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

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around 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 compressive list of best practice.**
- (ii) Whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour.**
- (iii) Whether the operating schedule includes management measures to prevent crime and disorder.**
- (iv) Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable**

activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.

There have been four relevant representations accepted in respect of this licensing objective. These representations which are all objections have come from Essex Police, Castle Ward Councillors and Mr Murray of the Dutch Quarter Association.

Essex Police who are the relevant responsible authority in regard to this licensing objective, states that it is extremely concerned that a mobile hot dog van could become a hot spot for public order, violent incidents and anti social behaviour long after the latest alcohol premises in the High Street had closed and would encourage people to remain in the High Street well beyond the time when there was a visible police presence in the area. As a result, Essex Police believes that the Crime and Disorder and Public Nuisance licensing objectives will be undermined. Essex Police also express concern that in the event that the application was granted, it would encourage more mobile food units into the locality and turn the High Street into an alternative to the very busy fast food takeaway area currently located in Queen Street and St Botolph's Street and bring with it the disorder and public nuisance problems that are already linked to these premises and to this area.

Councillor Spyvee objects to this application and believes it be against the prevention of crime and disorder objective. He expresses his opinion that the van will provide a meeting point for persons who may be in a drunken state and its presence could encourage violence and other crime and would add a further potential for crime in an area where he says the Police are already overstretched which is unacceptable.

Councillor Frame believes that the application to site a hot dog hopper van in the High Street is likely to be a focal point for anti social behaviour and disturbance at a time when the High Street would normally be cleared of late night activity.

Writing on behalf of the Dutch Quarter Association Committee Mr Murray outlines the Associations view that a hot dog stand would create an area where drunks, undesirables and children would congregate which they believe would almost certainly lead to outbreaks of disturbance, confrontation and fighting. In expressing the Associations opinion that they believe there is an over provision of fast food outlets he caveats this by saying that there is at least a minimum of control provided by the proprietors of these outlets within their premises, but that it would not be possible to provide any level of supervision with a street stand.

Public Safety

Paragraph 5.23 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 5.24 of the policy states that:

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

- (i) Where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing**

Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises.

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

Prevention of Public Nuisance

Paragraph 5.27 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 5.28 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 **5.29** of the Policy states that:

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

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

Additional Policy Guidance – Public Nuisance

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

Paragraph **5.33** of the Policy states that:

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

Paragraph **5.34** of the Policy states that:

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

These may include:

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

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

There have been representations in relation to this licensing objective from Essex Police, the Council's Environmental Control Team and other interested parties. The Dutch Quarter Association makes reference to the problems presented by fast food outlets and in particular to the anti-social behaviour and litter. Councillor Spyvee in his letter addresses the likely disturbance that will be caused to local residents in the Dutch Quarter at a time when they would want to be asleep and expresses the view that nothing which adds to their problems should be allowed. The potential for public nuisance and disturbance is also addressed in the correspondence received from Councillor Frame and Essex Police.

Environmental Control has commented that it has concerns regarding the amount of litter which may accumulate around the van due to the nature of the business. It was also concerned about the groups of people which may be attracted to the area due to the late closing time of the business, which was well past the closing time of other food establishments.

Protection of Children from Harm

Paragraph **5.36** 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 **5.37** 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 **5.38** of the Policy states that:

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

Paragraph **5.39** of the Policy states that:

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

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

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 **3.100** of the Policy states that:

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

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

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

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

Late Night Refreshment

Paragraph **3.45** of the Council's statement of Licensing Policy state that "all premises selling hot food or drink for consumption either on or off the premises between the hours of 11.00pm and 5.00am will require a premises licence. The same requirement to hold a licence will also apply to burger/hot dog/fast food vans trading after 11.00pm and up to 5.00am the following day.

Paragraphs **3.47 and 3.48** of the Policy state that "the Licensing Authority is concerned that premises offering hot food and drink between the hours of 11.00pm and 5.00am, either for consumption on or off the premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed. Many of these customers may have consumed alcohol excessively before seeking this refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates

from or around the vicinity of fast food takeaways”.

Paragraph **3.49** of the Council’s statement of Licensing Policy states that “the consumption of food outside take-aways and mobile fast food vans also often results in unacceptably high levels of food waste and litter being deposited onto the street. This can occur to such an extent that it is the cause of public nuisance and cost to residents and the Council in litter and food being removed and cleaned from these pavements and roads”.

Paragraph **3.50** of the Policy states that:

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

Paragraph **3.51** of the Policy states that:

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

Paragraph **3.52** of the Policy states that:

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

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.

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	20:00	05:00	Please give further details here (please read guidance note 3)	Both	
Tue	20:00	05:00			
Wed	20:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	20:00	05:00			
Fri	20:00	05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	20:00	05:00			
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	
Tue					
Wed					
Thur			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)		
Fri					
Sat					

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

Name

Address

Postcode

Personal Licence number (if known)

Issuing licensing authority (if known)

N

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

NONE

O

Hours premises are open to the public

Standard days and timings
(please read guidance note 6)

Day	Start	Finish
Mon	20:00	05:00
Tue	20:00	05:00
Wed	20:00	05:00
Thur	20:00	05:00
Fri	20:00	05:00
Sat	20:00	05:00
Sun		

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P

a) General – All four licensing objectives(b,c,d,e)

- (b) report on any crime or disorder
- (c) Safe parking and good hygiene of van
- (d) Litter and noise kept to a minimum
- (e)

b) The prevention of crime and disorder

I will keep a close watch to prevent crime and disorder that might occur near the van and, if needs be, report on any incidents.

c) Public safety

I have attained a level 2 award in Food Safety and the van has been inspected by the food safety manager. I will strive to keep a high standard of hygiene in the van. When parking, the vans serving hatch will be close to the kerbside, for public safety

d) The prevention of public nuisance

There will be little or no litter, because the packaging is kept to a minimum (a napkin). Any litter that might have dropped because of the van shall be cleared up before leaving. There is no music or noise from the van and it runs on a silent generator.

e) The protection of children from harm

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
08	07	2010

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

Day	Month	Year

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

Please give a general description of the premises (please read guidance note 1)

Mobile Hotdog van. To serve hot dogs to passing trade in the High St. The van to be positioned in the parking area between Cinnamon Brown (142) and Jobcentre Plus (138).

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..... *08-6-2010*

Capacity *Applicant*

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

Signature

.....

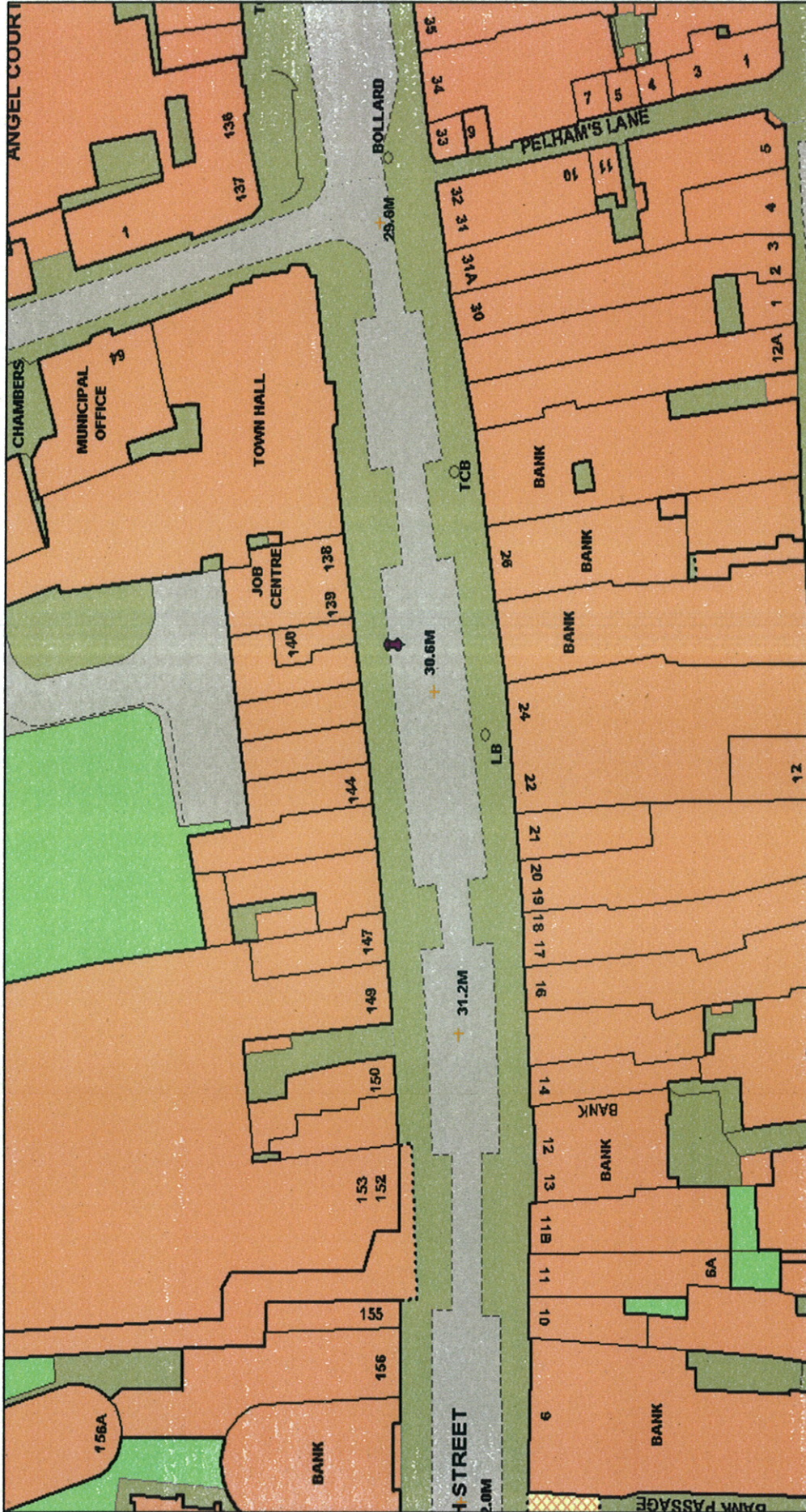
Date.....

Capacity

.....

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

Premises Location Plan



Licence Application Reference: 071276
Premises Name & Address: Mobile Hot Dog Van Lay-By Fronting 138-142 High Street Colchester
Date Produced: 15 July 2010

MAP NOT TO SCALE

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Appendix 4

Police Station,
10 Southway,
Colchester, C03 3BU

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

Sarah White
Angel Court
Licensing Team
Colchester
CO1 1FL

Your ref
21.06.10

Dear Sarah

**RE – Mobile Hot Dog Van High Street, Colchester— Application for a Premises
Licence LA 2003. (Dated 09.06.2010.)**

Essex Police object to the application being granted for a Mobile Hot Dog Van in Colchester High Street, on the grounds that it is likely to increase Crime and Disorder and become a hot spot into the early hours of the morning, long after all the Licensed Premises have closed. This location in High Street will become a hotspot for Public Order, Violent incidents and anti-social behaviour and will undermine the **Crime and Disorder Licensing Objective and Public Nuisance Objective.**

The applicant intends to place a mobile hot dog van in the parking bay outside of the job centre, High Street, Colchester, until 05.00 Monday to Saturday. There are several issues with this, not least of which is the applicant will also need a street trading consent to be granted as well as a premises licence in order to be able to legitimately trade from this location.

Further to this application, Street Services would have to grant a street trading consent in the High Street.

Notwithstanding the street trading aspect however, Essex Police are extremely concerned that this van could become a focal point for crime and disorder and public nuisance long after the latest alcohol premises in the High Street has closed (Liquid N Envy 03.30a.m.) and it will also encourage persons to remain in the High Street long after the last visible Police presence has cleared from this area as well.

Essex Police are also concerned that if this application is successful, it will encourage other such mobile hot food units to apply, thereby turning the High Street into an alternative to the very busy takeaway area already located in Queens Street and St Botolph's Street and with it the prospect of splitting or shifting the crime and disorder and public nuisance that currently occurs in Queen Street and St Botolph's Street into the High Street until the early hours of the morning.

Michael Aitchison
Divisional Police Licensing Officer



Consultation Response

Environmental Control Officer: Leigh Newman

Licensing Reference No: 071276

Ward: Castle

Location: Mobile Hot Dog Van Lay-By Fronting 138-142 High S, Colchester

Details: Premises Licence Application

Scheduled Response Date:

Environmental Control's Comments: -

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

Environmental Control have concerns regarding the amount of litter which may accumulate around the van due to the nature of the business.

We are also concerned about the groups of people which may be attracted to the area due to the late closing time of the business, which is well passed the closing time of other food establishments.

Signed: Leigh Newman
Environmental Control Officer

Date: 13/07/2010

DUTCH QUARTER ASSOCIATION

Working to improve the quality of life for Dutch Quarter Residents

Sarah White
Planning, Protection & Licensing
Colchester Borough Council
Town Hall CO1 1FL

7th July 2010

RE: Hot Dog Stand, Colchester High St.

The Dutch Quarter Association objects to the application for the licensing of a Hot Dog stand to be located in Colchester High St. on the following grounds: **Prevention of Public Nuisance, Prevention of Crime & Disorder & Public Safety.**

Fast food outlets already present a serious problem for Dutch Quarter residents whose streets are not only constantly littered with discarded wrappers and containers (often with the remains of uneaten food) but also contaminated by vomit. We are further subjected to disturbance late at night as groups of intoxicated people congregate in our streets, churchyards and around benches while they consume their junk food,

More seriously, a Hot Dog Stand would create an area where drunks, undesirables and children would congregate and almost certainly this would lead to outbreaks of disturbance, confrontation and fighting. In our opinion there is already an over provision of fast food outlets which contribute to the many problems associated with the Town Centre's night time economy. However there is at least a minimum of control provided by the proprietors within their premises but it would not be possible to provide any level of supervision with a street stand.

The granting of this licence would place an extra burden on the already over stretched resources of the Police in their attempts to maintain law and order

Yours sincerely

(On behalf of the Committee)

cc Castle Ward Councillors, DQA Committee, Colchester Police

Reply to:

E-mail

The Dutch Quarter Association is a charity registered in England No. 260158

You replied on 13/07/2010 10:21.

Licensing.Committee

From: William Frame **Sent:** Mon 12/07/2010 14:42
To: Licensing.Committee
Cc: Henry Spyvee
Subject: RE: Premises Licence Applications - Castle and Pyefleet Wards
Attachments:

Dear Lexie

I would be pleased if you would register my objections to the licence application by the owner of the Hot Dog Hopper Van for permission to install his vehicle selling hot food in the High Street from 11.00pm to 5 am each day except Sundays.

I object on the grounds that this likely to cause public nuisance to residents of the area and will be likely to be a focal point for anti social behaviour and disturbance at a time when the High Street would normally be cleared of late night activity.

Yours Sincerely

Councillor W Frame

Castle Ward

From: Licensing.Committee
Sent: 18 June 2010 16:01
Subject: Premises Licence Applications - Castle and Pyefleet Wards

Dear All,

Please find attached details of the premises licence applications received week ending Friday 18 June 2010.

Regards,

Lexie Tuthill

Committee Services Assistant (Licensing)

Licensing Specialist Unit

Environmental & Protective Services

You replied on 13/07/2010 11:31.

Licensing Committee

From: Henry Spyvee **Sent:** Tue 13/07/2010 11:19
To: Sarah White
Cc: William Frame; Nick Barlow
Subject: Application for Mobile Hot Dog Van, High Street
Attachments:

Dear Sarah,

I wish to object to the Application to station a mobile Hot Dog Van in the High Street, Colchester to sell fast food between the hours of 20.00 and 5.00 from Monday to Saturday inclusive.

This application is against our Prevention of Crime and Disorder objective. It will provide an outdoor meeting point for people, some of whom will be in a drunken state. As such it will encourage violence and crimes such as robbery. The Police are already overstretched at times in the town centre and areas off-centre which are people's natural route home. I am concerned that the High Street is already unsafe during the hours of the night. Adding further potential for crime is unacceptable.

The application is also against our objective of Prevention of Public Nuisance. Additional noise and disturbance will impinge on all users of the High Street including users of local pubs and clubs, many of whom behave in a satisfactory fashion and are entitled to some peace as they go about their lawful business. It will also affect local residents in the Dutch Quarter. This is one of the jewels of the town but residents already experience nuisance at times when they want to sleep. Nothing which will add to their problems should be allowed. If people are reluctant to live in this area, it will have a serious impact on the benefit the town has from having many hundreds of people living in its centre.

I am concerned at the hours proposed, finishing at 5.00am. This is after Police, Street Pastors and the SOS Bus will have normally left the area. The potential for Crime and Disorder and Public Nuisance at these hours is particularly disturbing. However, I must stress that it is the principle of the presence of the van I object to. Limitation of the hours might be helpful but would not reassure me as a Borough Councillor for Castle Ward in which this van would be.

Regards,

Cllr Henry Spyvee

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