

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
17 January 2014 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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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.

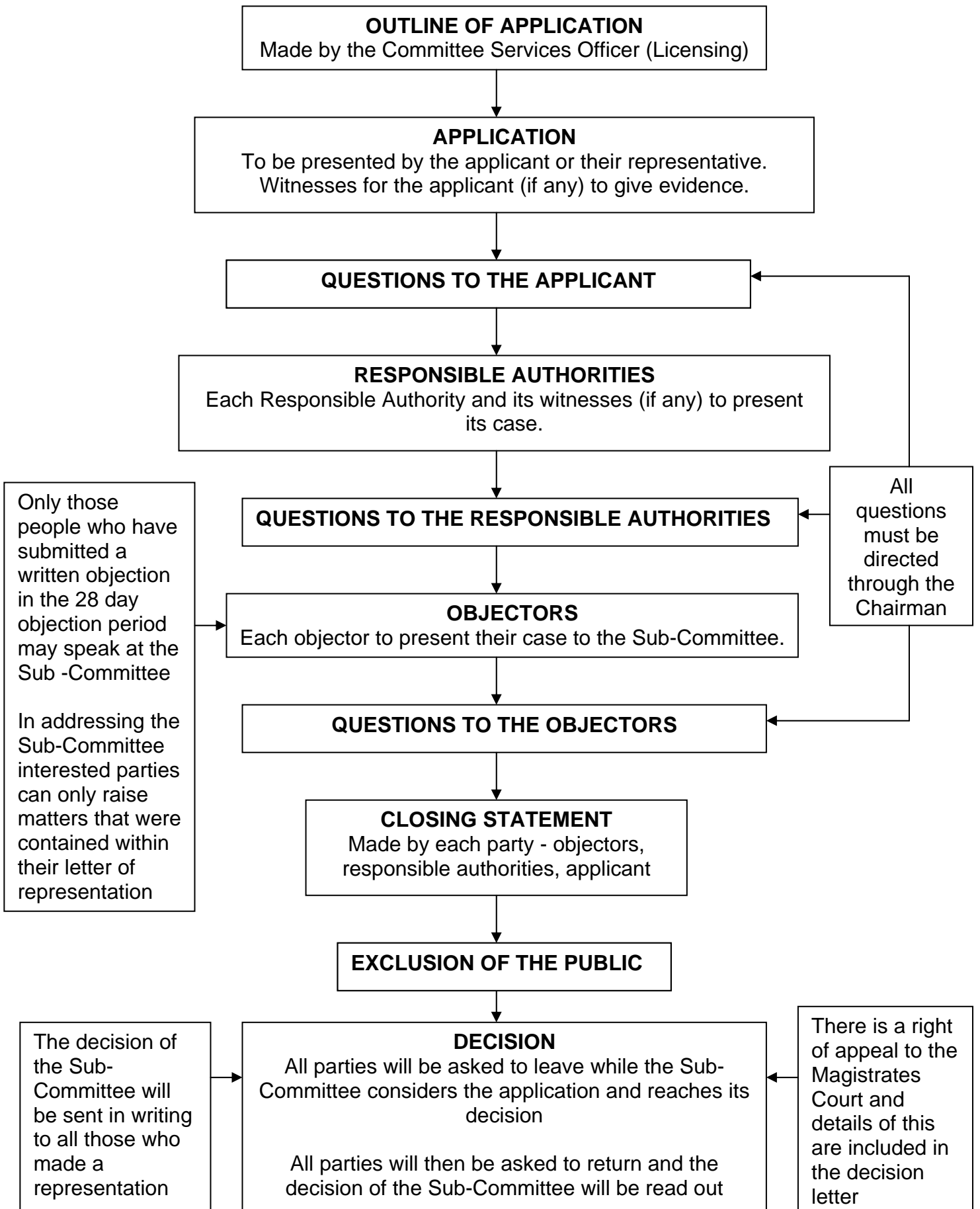
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
17 January 2014 at 10:00am**

Members

Chairman : Councillor Nick Cope.
Councillors Julia Havis and Brian Jarvis.

Substitute Members :

Agenda - Part A

(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint the Chairman for the meeting.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

4. Minutes

1 - 12

To confirm as a correct record the minutes of the meeting held on 18 and 21 October 2013.

5. Applications under the Licensing Act 2003

13 - 34

McDonald's Restaurants
 Tollgate Centre
 Tollgate West
 Stanway

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

18 October 2013

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 18 October 2013 at 1.30pm in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Hazell
Councillor Lilley

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Application

The Head of Professional 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.

- **Blue Ivy, 4-5 North Hill, Colchester**

The Sub-Committee considered an application for a new premises licence in respect of the Blue Ivy guest house at 4-5 North Hill, Colchester

In Attendance

Applicant	Mr Moreno
Objector	Mrs Hibbins
Licensing Authority	Mr M Nelson, Food Safety & Licensing Manager Mr C. Samuel, Legal Services Mr S Swain, Licensing Specialist Unit Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. Representations had been received from Environmental Protection and from a local resident who expressed concern that in the event that the licence was granted as applied for the existing problems of public nuisance and anti-social behaviour in the area would be exacerbated.

Mr Moreno, in presenting the application, explained that the intention was to run a boutique style 12 room quest house aimed at couples wishing to visit and stay in Colchester. The

premises would have a small bar and restaurant which would serve both residents and the general public. In responding to questions Mr Moreno explained that the premises would be very similar to their current premises, the Eastgates Inn, which they had refurbished to a standard which meant that it was not particularly attractive to a younger age group. The premises, which had been previously used as a solicitors' office, needed very little work to convert it and had the advantage of 22 parking spaces. The conditions requested by Environmental Protection had been agreed and these would be applied to the grant of any licence. Mr Moreno confirmed that it was not his intention to create a noisy venue as they wished to fill the guests rooms which they would not be able to do if the bar downstairs was noisy.

Mrs Hibbins addressed the Sub-Committee in respect of her representation and stated that she had no objection to the use of the building but was concerned at the late hours that had been applied for. The conditions agreed with Environmental Protection were noted but Mrs Hibbins commented that these conditions were also in place at Twisters and had done little to control the problems at that premises so she was not sure that they would be effective in controlling any problems at this premises. Mrs Hibbins mentioned the hours of the licences for comparable premises which were shorter than those applied for in this case and questioned the need for the premises to be open until 02.00.

Mr Moreno responded that they had no intention of causing disturbance to local residents and they were prepared to compromise on hours. Twisters was a different type of bar and they were not aiming to attract the same patrons so they didn't consider that the same problems would arise. They wanted to create a venue where people could go for a quiet drink whilst also catering for their guest house residents. Mr Swain mentioned that the restrictions of the premises licence would not apply to residents of the guest house as drinks and food could be served to them without the need for a licence.

RESOLVED to permit:-

- The sale of alcohol on/off the premises and the provision of recorded music for the following hours-
 - Sundays to Thursdays from 11.00 to 23.30
 - Fridays and Saturdays from 11.00 to 01.30
- Provision of late night refreshment as follows-
 - Sundays to Thursdays from 23.00 to 23.30
 - Fridays and Saturdays from 23.00 to 01.30
- The premises are open to the public for the following hours-
 - Sundays to Thursdays from 11.00 to 00.00
 - Fridays and Saturdays from 11.00 to 02.00 (No entry to the premises by the general public after midnight)

Subject to the following conditions -

Agreed with Environmental Protection –

1. All external doors/windows must be kept closed, other than for access and egress, in all rooms when amplified music is being played.
Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.

2. Amplified sound from the licensed premises shall not be audible at the boundary of any noise sensitive premises.
3. No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).
4. Door staff will ensure patrons leave the vicinity quickly and quietly.
5. Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
6. Staff to be given adequate training on their responsibilities to minimise noise from patrons as they arrive at, queue and depart from the premises.
7. Any extract ventilation systems to be maintained so as to prevent odours causing a nuisance at sensitive premises. Maintenance records for any such system to be kept for 12 months.
8. The noise generated by such equipment shall not have any noise frequency component that exceeds 0dB above the background frequency levels as measured at all boundaries near to noise-sensitive premises.

Imposed by the Sub-Committee at the Hearing

9. No entry to the premises by the general public after midnight on Fridays and Saturdays.
10. The premises will operate Challenge 25 in relation to the sale of alcohol, requiring all those who appear to be under 25 to be asked for a recognised form of photographic identification.
11. A high quality digital CCTV system be installed and maintained and shall operate at all times the premises is open to the public. The codec format of digital computers must be available to authorised officers of the Police and Local Authority in order to download images. CD discs must be kept for 31 days. Sufficient staff to be trained in the use of the CCTV system.

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties under the Licensing Act 2003.

The objector in presenting her objections made reference to the existing problems of anti-social behaviour and public nuisance in the area and expressed her concern that the opening hours requested could exacerbate this situation by encouraging non residents of the guest house to take advantage of late night drinking in the area. The applicant indicated his intention was to cater for a more mature clientele and not to encourage the younger/rowdier element and that he was willing to compromise on the question of opening hours but wished to provide an environment for people to enjoy a quiet drink.

The Sub-Committee noted the respective parties' positions and with a view to achieving a balance between the commercial interests of the applicant and the objections made, it determined to grant the licence with restricted weekday hours and to impose a last entry time on Fridays and Saturdays, which would apply only to members of the public and not to guest house residents..

4. Close of Meeting

The meeting closed at 15.32.

Chairman:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

18 October 2013

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 18 October 2013 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Hazell
Councillor G Oxford

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meeting held on 19 July and 6 September 2013 were confirmed as a correct record.

3. Licensing Application

The Head of Professional 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.

- **On The Corner**

The Sub-Committee considered an application to vary the premises licence in respect of the premises On The Corner at 7-9 High Street, Wivenhoe

In Attendance

Applicant	Mrs Tuffin Mr Stratton
Objector	Mr Newman
Licensing Authority	Mr M Nelson, Food Safety & Licensing Manager Mr C. Samuel, Legal Services Mr S Swain, Licensing Specialist Unit Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. Mrs Tuffin presented the application and circulated further signatories to the petition, which was included in the paperwork for the Hearing; an aerial photograph of the site; a menu from the premises; two photographs of the frontage of the Bake House premises; and a one page document – Armstrong & Jamieson Ltd.

Mrs Tuffin stated that in seeking a variation of the licence she was hoping to be able to trade for the same hours as other premises in the locality and in line with the planning consent which had been granted in 2012. The patrons of the premises were predominantly in the age group 45-55 years and therefore not likely to cause problems of nuisance and anti-social behaviour. It was intended, in the event that the licence was granted, to hold private parties and offer late suppers after local functions such as book launches and church events. The premises had operated the later hours under a number of TENs and had not had any problems or received any complaints; it had also had live music on a number of occasions since the Live Music Act came into effect, again without incident. The music would be provided in general by solo performers and would be acoustic, the premises was not large enough to accommodate a band.

In responding to questions concerning opening hours and regulated entertainment Mrs Tuffin explained that they were sought in order to retain flexibility in the operation of the premises. She was prepared to reduce the hours requested for Christmas Eve to 01.00 on Christmas Day. CCTV was not currently provided at the premises as there had been planning difficulties but it was pointed out that as this was a condition on the licence it would need to be provided.

Mrs Tuffin addressed the issues raised in the representations and informed that Hearing that she did not allow glasses outside under any circumstances. Photographs of patrons from an adjoining premises with glasses were circulated. It was a condition of the licence that alcohol was served with food. With regard to the allegations of noise nuisance Mrs Tuffin expressed the view that if noise levels were as bad as was contended there would have been complaints made and she would have been made aware. They had received one call from Environmental Control and that was in relation to smoking; the matter had been investigated and no evidence had been found to support the complaint.

Mr Newman addressed the Sub-Committee on the points of his representation. His house was part of the same building as the premises although, as pointed out by Mrs Tuffin, it was separated by her house. Mr Newman explained that because of the structure and age of the building noise travelled through the walls and escaped from the single glazed windows. He referred to a few specific incidents of noise nuisance and also of people being in the premises after closing time and also contended that substantial food was not served on the premises. In response to questions, Mr Newman indicated that he had been aware of the procedure for logging complaints, as he was a former Councillor, but he had not pursued this route as he had not, in the past, found it to be very successful. Mr Newman clarified the position of the toilets which were accessed via an alleyway shared between Valentino's and On the Corner and located underneath his bedroom window.

RESOLVED to permit:-

- The supply of alcohol, the provision of live music and for the premises to be open for the following hours-
 - Sundays to Thursdays from 11.00 to 00.00
 - Fridays and Saturdays from 11.00 to 00.30

- Provision of films and recorded music for the following hours-
Sundays to Thursdays from 07.00 to 00.00
Fridays and Saturdays from 07.00 to 00.30
- Provision of late night refreshment for the following hours-
Sundays to Thursdays from 23.00 to 00.00
Fridays and Saturdays from 23.00 to 00.30

Non-Standard hours – New Year’s Eve from 23.00 to 11.00 New Year’s Day; Christmas Eve from the end of licensed hours on Christmas Eve to 01.00 on Christmas Day.

Subject to the following conditions -

1. The premises will operate Challenge 25 in relation to the sale of alcohol, requiring all those who appear to be under 25 to be asked for a recognised form of photographic identification.
2. Alcohol to be served with table meals only.
3. Live music to be unamplified music only.

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and other parties under the Licensing Act 2003.

The Sub-Committee had regard to the evidence of Mr Newman and his objections to the application. This evidence was challenged by the applicant. The Sub-Committee was mindful of the need to balance the commercial interests of the applicant against the concerns of residents and so determined to grant the application with additional conditions to address those concerns.

The objectors were reminded that they have the right to request a review if problems occur once the varied licence is in operation.

4. Close of Meeting

The meeting closed at 12.15

Chairman:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

21 October 2013

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 21 October 2013 at 10.00am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Blandon
Councillor Cope
Councillor Lilley

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Application

The Head of Professional 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.

- **The Stockwell, 18 West Stockwell Street, Colchester**

The Sub-Committee considered an application to vary the premises licence in respect of The Stockwell, at 18 West Stockwell Street, Colchester

In Attendance

Applicant	Mr Morgan
Objectors	Mr Murray, Dutch Quarter Association Councillor Frame Ms Colquhoun Mr Lavelle Mrs Lavelle Mrs Webb Mr Inkster Mr Silk Mrs Kavanagh
Licensing Authority	Mr M Nelson, Food Safety & Licensing Manager Mr C. Samuel, Legal Services Mr S Swain, Licensing Specialist Unit Mrs S White, Licensing & Committee Co-ordinator

Mrs White outlined the application. At the start of the hearing, Mr Inkster queried the validity of the application in that whilst the application was on behalf of Hamilton Bailey Limited, the company address provided was the address of the premises and not the registered address of the company. Moreover, although Mr Morgan signed the application as a director of the company there was no evidence that he was such. There was a short adjournment for Mr Morgan to provide a record from Companies House that he was a director, and Counsel's opinion was obtained to the effect that the application was valid.

The Sub-Committee noted that 16 relevant representations had been received from interested parties, some of whom were in attendance to address the Sub-Committee on their representations. The Sub-Committee noted the majority of the objections concerned the licensing objective of the prevention of public nuisance. There had been no representations from any of the responsible authorities in respect of the application.

The legal representative advised the Sub-Committee, at the start of the hearing, that a number of the representations mentioned alleged breaches of the planning consent for the premises but these were not matters that could be considered by the Licensing Sub-Committee in reaching its determination on the application. The application would be considered on its own merits and in relation to the four licensing objectives only.

In presenting the application Mr Morgan explained that he did not want to change the nature of the premises but was responding to the requests of patrons in seeking to provide films and plays at the premises. He expressed his desire to work within the community and gave examples of the type of events held at The Stockwell which included such things as wine tasting and the Ramble and Roast. Permission was sought to have plays on the premises as a number of actors were employed as staff and would like to stage short plays. With regard to the provision of films, it was intended to show classics from the 1940s and 1950s. It was anticipated that these would be shown in the Secret Garden Room, which was specifically insulated to prevent vibration noise, during the winter months otherwise it would be necessary to artificially blackout the Room. The earlier opening hours for the premises were sought to respond to the demand from some patrons for early morning coffee. A number of residents, in asking questions of Mr Morgan, expressed the view that the changes requested went against the philosophy of the enterprise which was as a restaurant. Mr Morgan responded that he did not accept this and was simply responding to requests from those people who used the premises and had asked him to provide a greater range of events.

Mr Morgan explained that the premises attracted couples and in his opinion the variations requested would not change the demographic of those who patronised the premises and attract a younger more rowdy crowd. There had been no police incidents at the premises and the Police had not made representations in respect of the application. In responding to the points made in the representations about people being outside the premises Mr Morgan explained that there had been an incident in the summer when guests from a wedding had used the garden and been outside the premises and also an incident last week when a wake had been held at the premises and people were outside the premises but that these matters had been dealt with when it was realised there was a problem.

Mr Morgan was asked about the Ghost Hunt that was currently being advertised for times that were beyond the premises' permitted hours and the Sub-Committee was informed that there were no licensable activities taking place at the event and any other issues in relation to the use of the building were planning matters.

Environmental Protection were asked to give details of any noise complaints it had

received and Mrs Parkin explained that there had been issues with the kitchen extraction unit and the air cooler but these were being dealt with outside of licensing and were not matters for the hearing. In addition, more recently, an issue had been raised in relation to the use of the internal staircase and this was being looked at and would hopefully be resolved shortly as the applicant had been made aware of the problem. With the exception of these complaints there had been a few specific complaints of noise from people outside the premises and noise from deliveries but these were not at a level that would constitute a statutory nuisance. The premises had been monitored almost every weekend by officers on the weekend noise service and during this time a possible breach in hours had been witnessed and reported to licensing. Mr Morgan explained that the people witnessed in the premises on this occasion were staff who, having burnt the food preparation for the next day, had to do further food preparation. In addition he commented that the extraction unit would be switched off when the kitchen closed at 22.30 and not when staff left the premises which had often been the case previously.

In asking questions of the applicant, a number of the residents had requested that the hours be kept as they were and expressed concern at the extension of hours and therefore of disturbance. Mr Swain confirmed that the application did not provide for drinking up time so the premises closing time would remain the same. Mr Morgan stated that he had believed that drinking up time was automatic and Mrs White informed the Sub-Committee that changes to increase the overall opening time of the premises could not be made and the application was as set out in the paperwork for the hearing. The hours requested for plays, films and late night refreshment were within the overall hours the premises was already licensed to operate. The emptying of bottles at the premises was raised and Mr Morgan expressed doubt that this noise was from his premises.

In response to concerns about people smoking outside the premises and in particular adjacent to a neighbours window, Mr Morgan explained that he had taken measures to ensure this stopped and that smoking was now at the curtilage of the building. He had also taken steps to avoid noise nuisance from slamming of doors at the side of the premises by installing shutters. Mr Murray addressed the Sub-Committee on behalf of the Dutch Quarter Association and reiterated a number of points made by other objectors in their representations to the Sub-Committee in relation to noise and nuisance. Mr Samuel asked, given that residents stated they had had no reason to complain when the premises traded as a pub and that a wide variety of problems were now alleged, why no action had been taken to bring a review of the premises licence. In response to this Councillor Frame stated that the pub had been used by local people who had been careful to use it in a way that did not give rise to problems whereas the premises was now used by non-residents of the Dutch Quarter. Mr Murray stated that residents tended to talk about the problems in groups rather than log formal complaints as they didn't know how to make complaints. In summing up the objectors asked that the application be refused as an extension would create more noise and nuisance in the area and risked bringing the problems of the night time economy into the Dutch Quarter. Mr Morgan, in summing up asked that the application be granted to enable him to respond to the requests of patrons of the premises to provide a small number of additional events on traditionally quiet days of the week.

RESOLVED to permit:-

- The performance of plays indoors for the following hours -
Mondays and Tuesdays from 17.30 to 22.30
Sundays from 14.30 to 21.30
- The provision of films indoors for the following hours -

Mondays and Tuesdays from 17.30 to 22.30
Sundays from 14.30 to 21.30

- The provision of late night refreshment, indoors for the following hours
Fridays and Saturdays from 23.00 to 23.30
- The premises to be open to the public for the following hours -
Mondays to Sundays 10.00 to 23.30

Seasonal Variations – Christmas Eve 10.00 to 00.30
New Year's Eve from 10.00 to 01.00 on New Year's Day
Bank/Public Holidays from 10.00 to 00.00

Subject to the following conditions –

- No bottles/glass to be collected from the premises between the hours of 18.00 and 08.30.

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and other parties under the Licensing Act 2003.

The Sub-Committee being familiar with the area found that whilst it was a residential area, The Stockwell Arms Public House had been located on the site for a great number of years and had operated with the benefit of a premises licence for hours in excess of those of the existing premises. It was noted that residents had been aware of the presence of a public house when moving into the Dutch Quarter. The Sub-Committee noted the alleged breaches and complaints in relation to the premises and that no application had been made to review the licence. The Sub-Committee also noted that a number of the concerns raised related to matters that were not within the remit of the Sub-Committee and were more properly dealt with under planning legislation.

The Sub-Committee noted the comments from Environmental Protection in relation to noise nuisance from the premises and noted that action was being taken under environmental and planning legislation in order to deal with noise and odour nuisance from the extractor and cooling units. The Sub-Committee was mindful that it was not appropriate to seek to use licensing legislation when alternative primary legislation was available. The Sub-Committee noted that a small number of complaints had been made to Environmental Protection concerning general noise and nuisance from the premises and use of the premises beyond its permitted hours and that monitoring of some issues was ongoing but the level of complaints was not at a high enough level to be regarded as a statutory nuisance.

The Sub-Committee felt that the case made by the objectors in relation to undermining the licensing objective of the prevention of public nuisance by granting the provision of plays and films was not proved to justify the refusal of this element of the application or the imposition of further conditions. The hours requested by the applicant were within the overall opening hours of the premises and did not necessitate an extension in the terminal hour of the licence. Mr Morgan had stated that films were to be shown in the Secret Garden room at the rear of the premises which was totally insulated for sound vibration. The Sub-Committee also noted that no opposition was raised or reference made at the

hearing to the request to open for an additional hour in the morning from 10.00 to 11.00 in order to serve morning coffee etc. It was considered that in granting this element of the application the licensing objectives would not be undermined. With regard to the addition of 30 minutes on a Friday and Saturday night for the provision of late night refreshment, the Sub-Committee did not consider the case was proved that this would lead to an increase in public nuisance providing as it did, food and hot drinks, towards the close of the evening.

The Sub-Committee noted the residents' concerns regarding traffic movements in the area but this matter was not within the Sub-Committee's remit. The Sub-Committee also noted the concerns raised regarding smokers outside the premises. The Sub-Committee noted Mr Morgan's assurances that he discouraged smokers from remaining outside and that he had made an effort to move them from underneath an adjoining property's window. The Sub-Committee was mindful of the regulations made under the Health Act 2006 which meant that smoking was not permitted in enclosed public places and acknowledged the difficulties that the location presented. It was acknowledged that smokers could use the public highway without restraint bringing them, potentially, into conflict with local residents.

The Sub-Committee had regard to the concerns of residents in relation to the collection of glass and bottles from the premises and determined to impose a condition limiting collections to between the hours of 8.30am and 6.00pm in order to minimise the disturbance to local residents.

In considering the request for an additional half an hour on a Friday and Saturday night for the sale of alcohol, the Sub-Committee considered that the case made by the applicant was not proved. The Sub-Committee was concerned that the application did not provide for a period of drinking up and found that the applicant had not presented sufficient evidence to demonstrate that granting the additional half hour for the sale of alcohol would not undermine the licensing objective of the prevention of public nuisance. The applicant had provided insufficient evidence as to how he intended to deal with drinkers in this period. It determined therefore that this element of the application should not be granted.

Residents were reminded that they had the right to request a review of a premises licence if problems occurred once the varied licence was in operation.

4. Close of Meeting

The meeting closed at

Chairman:



Licensing Committee – 17 January 2014	Agenda Item 5
McDonald's Restaurant	FOR GENERAL RELEASE

Premises	McDonald's Restaurants Tollgate Centre Tollgate West Stanway CO3 8RG	Ward: Stanway Stress Area: No Civica Ref: 81672 Author: Beverley Jones
Application	Application for a new premises licence to permit the provision of late night refreshment	Appendix 1
Street Plan		Appendix 2
Interested Parties		
Parish Council		Appendix 3

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> The provision of late night refreshment on and off the premises for the following hours- 23.00 to 05.00 Mondays to Sundays inclusive The premises to be open to the public for the following hours- 05.00 to 05.00 Mondays to Sundays inclusive

Policy Guidelines – McDonald's
<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 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.</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 has been one relevant representation in relation to this licensing objective. Stanway Parish Council, in its representation, has referred to previous incidents in an area very close to this site and expresses concern that granting the licence will lead to an increase in the problems in this area.

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 or any other interested party in regard to this licensing objective. The representation by Stanway Parish Council cites public safety as a ground for its objection but the matters set out in the representation to support this are not matters that fall within the remit of the Sub-Committee.

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 has been one relevant representation from Stanway Parish Council in respect of this licensing objective. The representation makes reference to the possible increase in graffiti, litter and food waste which may result in the event that 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.**

Additional Policy Guidance – General

The following additional policy guidance is taken from the Council's statement of Licensing Policy and is included in this report for the advice and information of the Licensing Sub-Committee, the applicant and for any other interested party concerned with this application.

Areas outside of the Stress Area Policy

Paragraph **3.103** of the Policy states that:

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

Paragraph **3.104** of the Policy states that:

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

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

Late Night Refreshment

Paragraphs **3.50** and **3.51** 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. There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of the Policy, along with the definition of what constitutes a licensable activity for the sale of hot food and hot drink between the hours of 11.00pm and 5.00am".

Paragraphs **3.52** and **3.53** 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 **3.54** 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 3.55 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 3.56 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 3.57 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.

Premises with Outdoor Seating Facilities

Paragraph 3.60 of the Policy states that:

The Licensing Authority will also consider applications from Restaurants, bars and public houses that apply to serve alcohol to customers seated at tables and chairs and in public areas adjacent to, or immediately outside, the frontage of their premises.

Paragraph 3.61 of the Policy states that:

It may however ask for evidence to be supplied as part of the applicant's operating schedule, that the applicant has either the relevant agreements or permissions as may be required by the Highway Authority and Planning Authority to use the public highway, or confirmation that the applicant intends to apply for such permission.

Paragraph 3.62 of the Policy states that:

The applicant may also be asked to deposit a plan with the Licensing Authority as part of their operating schedule which clearly defines the area of the table

and chair arrangement and should show in their operating schedule the measures that they will reasonably and proportionately take to promote the licensing objectives in this regard.

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.

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

Colchester Borough Council
 Rowan House
 33 Sheepen Road
 Colchester
 Essex
 CO3 3WG

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.

XWe CGN Restaurants Limited
 (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 Xwe 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 McDonald's Restaurants Tollgate Centre, Tollgate West Stanway	
Post town Colchester	Post code CO3 8RG
Telephone number at premises (if any)	01206 369674
Non-domestic rateable value of premises	£ 104,000.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals* | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | |
| i as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England 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 <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
Current postal address if different from premises address				
Post town			Post code	
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
Current postal address if different from premises address				
Post town			Post code	
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 CGN Restaurants Limited
Address 1 Archgate Business Centre 823-835 High Road North Finchley London N12 8UB
Registered number (where applicable) 07469872
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 0208 700 7000
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	1	1	2	2	0	1	3

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

DD		MM		YYYY			

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)
 The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.

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)

Please tick any that apply

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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

I

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
					<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.		
Mon	23:00	05:00			
Tue	23:00	05:00			
Wed	23:00	05:00			
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			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)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
					<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name	
Address	
Post code	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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).

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	05:00	05:00	
Tue	05:00	05:00	
Wed	05:00	05:00	
Thur	05:00	05:00	
Fri	05:00	05:00	
Sat	05:00	05:00	
Sun	05:00	05:00	

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

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

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

Please see attached Operating Schedule.

b) The prevention of crime and disorder

Please see attached Operating Schedule.

c) Public safety

Please see attached Operating Schedule.

d) The prevention of public nuisance

Please see attached Operating Schedule.

e) The protection of children from harm

Please see attached Operating Schedule.

Checklist:

Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police force to prevent crime and disorder.

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. The CCTV equipment will be of a standard suitable to record images of a proper quality, it will meet the industry standard and will have Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

At this restaurant all shift running managers have safety and security training.

Public Safety

This restaurant has safety systems in place to protect the safety of customers and staff at all times. These systems are regularly reviewed and updated where appropriate. In line with current legislation all our restaurants are routinely inspected by the local Environmental Health Office and we work with them and the local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff are required to attend comprehensive safety training to ensure that safe working methods are adopted and all staff are trained in evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area. Emergency contact mobile telephone numbers are listed in the Business Manager's office.

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

Public Nuisance

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. These patrols collect McDonald's packaging and other litter within a certain radius of the restaurant. All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable. Our pioneering stance on litter patrols has meant working on a project with DEFRA, in

which we piloted 'reducing litter caused by food on the go', a voluntary code of practice for local partnerships. A copy of which can be found at:

www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf

Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:

<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

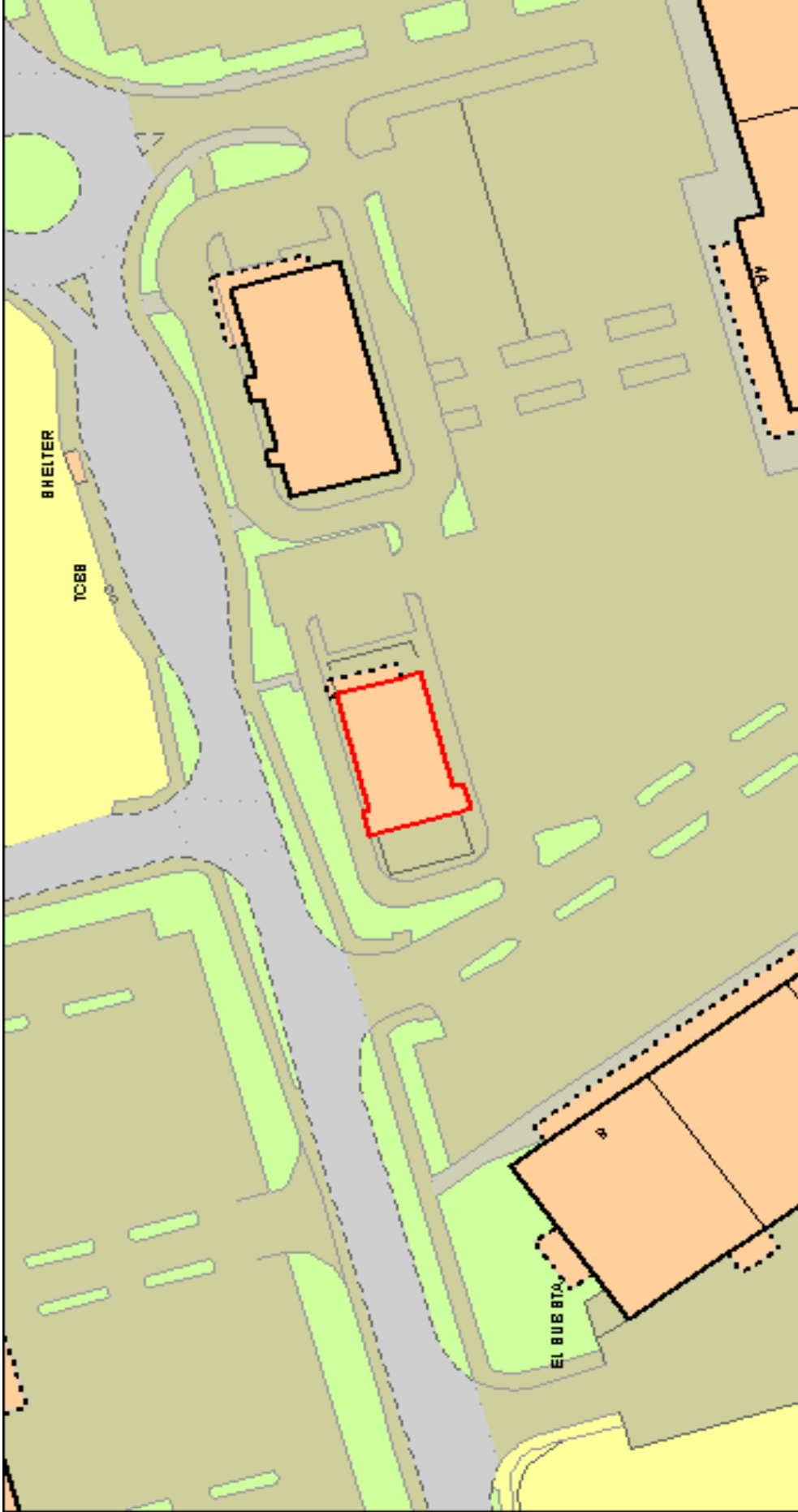
We also have measures in place to limit noise. Our doors are self closing and we try to encourage our customers to be considerate to our neighbours and limit noise both when ordering their food and on leaving the local area.

The Protection of Children From Harm

McDonald's do not anticipate that children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

All of our restaurant staff are required to attend comprehensive safety training.

Premises Location Plan



Licence Application Reference: 081672
Premises Name & Address: McDonalds Restaurants Ltd Tollgate Centre Tollgate West Stanway Colchester
Date Produced: 3 January 2014

MAP NOT TO SCALE

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From: Stanway Parish Clerk
Sent: 20 December 2013 12:09
To: Stephen Swain
Subject: RE: Applications table (Stanway and Castle Wards)
Importance: High

APPENDIX 3

Dear Steve

Please see further details regarding the Parish Council's objections below:

Firstly we can see no reason for 24 hour opening as there is no natural passing trade and little or no 24 hour working in the area, the only trade will be pulled in from outside of Stanway, one assumes that there is an expectation of drivers diverting from the A12. This pulling in trade from outside will increase the traffic, noise, litter and possible public nuisance burden through the night on what are essentially residential roads/areas (London Road, Tollgate Road, Blackberry Road, Western Bypass and the new estates to be built at the rear of Tollgate). We are also concerned at Parking which is restricted in Tollgate complex at night and in particular heavy vehicles where drivers may start using the area as a rest point.

In terms of the various categories listed in the e-mail below some specifics are detailed below.

1. The prevention of crime and disorder, - We are concerned that this will increase vandalism and crime in Stanway, we have had both vandalism and nuisance in the Stanway Youth Garden, Essex Police are well aware of this issue as they have been called on many occasions in the early hours to deal with disorder and now regularly patrol the area. The Youth Garden being only 300 - 400 yards from McDonalds with its shelter and seating is an ideal place for the congregation of possible undesirable elements. There has also been mass meetings of drivers in Sainsburys car park again, showing off cars and their performance again Essex Police have had to attend.
2. Public safety - Until Church Lane was closed the circuit of Tollgate, London Road, Church Lane, Tollgate Road was used by some drivers as a race track cum speed trial circuit. Again in the past Essex Police have had to attend. We would see that this would again become an ideal circuit with the new Bypass and new spine road separating NR1 and NR3 estates to be built at the back of Tollgate.
3. Prevention of public nuisance - We are concerned at the addition of extra graffiti, litter, food waste and possible issues relating to lack of public toilets. The CBC zoning team we are sure will be fully able to furnish details of the current issues in the Tollgate and Youth Garden areas in relation to these types of problem.
4. Protection of Children - we would not expect there to be Children about during the period covered by this extra opening.

Based on the above points we agreed as a council to oppose this application due to our concerns at the impact this application will have on an existing and expanding residential area.

Thank you.
Regards

Colleen Moss

Clerk to Stanway Parish Council
Victory Hall
Villa Road
Stanway
Colchester
Essex
CO3 0RH

From: Stanway Parish Clerk
Sent: 18 December 2013 16:43
To: 'Licensing.Committee'
Subject: RE: Applications table (Stanway and Castle Wards)
Importance: High

Dear Sarah

The Parish Council would like to object to the application from McDonalds Tollgate for an extension in opening hours for the following reasons:

- The increase in group gatherings (youth)
- The increase in antisocial behaviour
- The increased volume of traffic and its implications for the infrastructure in the area
- The parking and litter issues
- The area could turn into a car racing circuit
- It will attract some of the heavier vehicles from the A12

Please could you pass on the Parish Council's objections.

Thank you.
Regards

Colleen Moss

Clerk to Stanway Parish Council
Victory Hall
Villa Road
Stanway
Colchester
Essex
CO3 0RH

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