

LICENSING SUB-COMMITTEE HEARINGS

22 MARCH 2013

Present :- Councillor Nick Cope (Chairman)
Councillors Pauline Hazell

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. 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.

• **Star Anglia Hotel, 75-79 North Station Road, Colchester**

The Sub-Committee considered an application to vary the premises licence in respect of the Star Anglia Hotel at 75-79 North Station Road, Colchester to permit regulated entertainment and late night refreshment at the premises and to amend the plan to include the conference facilities function rooms and bar.

In Attendance

Applicant Mrs Karri, applicant
Mr Surmak, company representative

Objectors Councillor Barlow
Councillor Frame

Licensing Authority Mr S Swain, Enforcement Officer
Mr C. Samuel, Legal Services
Mrs S White, Licensing & Committee Co-ordinator

Prior to the hearing the applicant's consent had sort and obtained to conducting the Hearing with only two Councillors as one of the members of the Sub-Committee had been unable to attend.

Mrs White gave a brief summary of the application. The Sub-Committee noted that fifteen relevant representations had been received from interested parties including two from ward councillors and that these representations were concerned at the impact of

the application on the licensing objectives of the prevention of public nuisance and to a lesser extent the prevention of crime and disorder. It was noted that a number of the representations referred to parking and highway matters but these were not within the remit of the Sub-Committee and could not be considered when reaching a decision on the application.

Mrs Karri presented the application and circulated a copy of her presentation to members of the Sub-Committee. Mrs Karri had been running the Globe Hotel and Mirchi Rasoi Indian Restaurant since 2006 and described her experience of running these premises and her intentions for the Star Anglia Hotel. It was hoped to establish the Hotel as a venue for weddings with guests staying overnight and also as conference venue. It was not anticipated that such activities would cause public nuisance to residents living in the area and Mrs Karri reiterated her wish to ensure that residents were not disturbed. To this end Mrs Karri proposed a number of conditions which would help to meet the concerns of residents and these were to restrict the use of the use of the car park to the rear of the premises to hotel guests only and to ensure that smoking took place only at the front of the premises and not at the rear in the car park or on the roof terrace. Mrs Karri informed the Sub-Committee that mechanical ventilation had been installed at the premises so that the windows could remain closed when events were taking place and that a noise limiting device would be installed to control noise levels.

Councillor Barlow addressed the Sub-Committee and expressed his concern that if the licence were granted as applied for it would lead to an increase in public nuisance for residents. Councillor Barlow was satisfied that noise from the premises could be controlled by the conditions agreed between the applicant and Environmental Protection but remained concerned that disturbance was likely to be caused by patrons leaving the premises. Councillor Frame drew the Sub-Committee's attention to the capacity figure of 262 people stated on the plan. Mrs Karri responded that she was not sure how that figure had been arrived at but that the maximum capacity of the conference area would be 120 persons. Further discussion took place regarding the proposed conditions and the use of the car park to the rear of the premises. Mrs Karri expressed her view that the sale of alcohol should be controlled and confirmed that at her premises the sale of alcohol was strictly controlled and she had not had any problems in the last 6 years.

RESOLVED to permit:-

- The provision of plays, live music, recorded music, performance of dance and anything of a similar description, facilities for making music and dancing and anything of a similar description, indoors, Mondays to Sundays from 10.00 to 00.00.
- The provision of late night refreshment Mondays to Sundays from 23.00 to 00.00.
- Amendment to the plan showing the licensable area to include the conference facilities, function rooms and bar subject to the condition that these areas will close for the sale of alcohol, regulated entertainment and late night refreshment at 00.00.

Subject to the following conditions that –

- The smoking area be located to the front of the premises and no smoking to be permitted at the rear of the premises or on the roof terrace.
- The car park to be used only by hotel residents.
- No outside events be permitted in the car park or on the roof terrace.
- The conditions agreed with Environmental Protection be included on the licence as set out in the report of the Environmental Protection Officer dated 5 February 2013 subject to the amendment of condition PPN 64 to read 'entrance and exit point' in place of 'exit point'.
- That the maximum occupancy of the conference room area be restricted to 120 persons.

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 and considered the guidance issued under section 182 of the Licensing Act 2003 as amended and its own policy.

The Sub-Committee noted the conditions relating to noise nuisance already agreed with Environmental Protection and the conditions offered by the applicant in relation to the use of the car park being restricted to hotel residents; the reduction in hours for the sale of alcohol; and the maximum capacity figure for the conference room area. The Sub-Committee considered that these conditions imposed controls in respect of noise and adequately addressed the concerns of the residents and Ward Councillors.

There was a review procedure under the Licensing Act 2003 and legislation available to Environmental Control in the case of noise nuisance and in the event that problems occurred at the premises after the licence was granted.