

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
26 April 2013 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

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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.

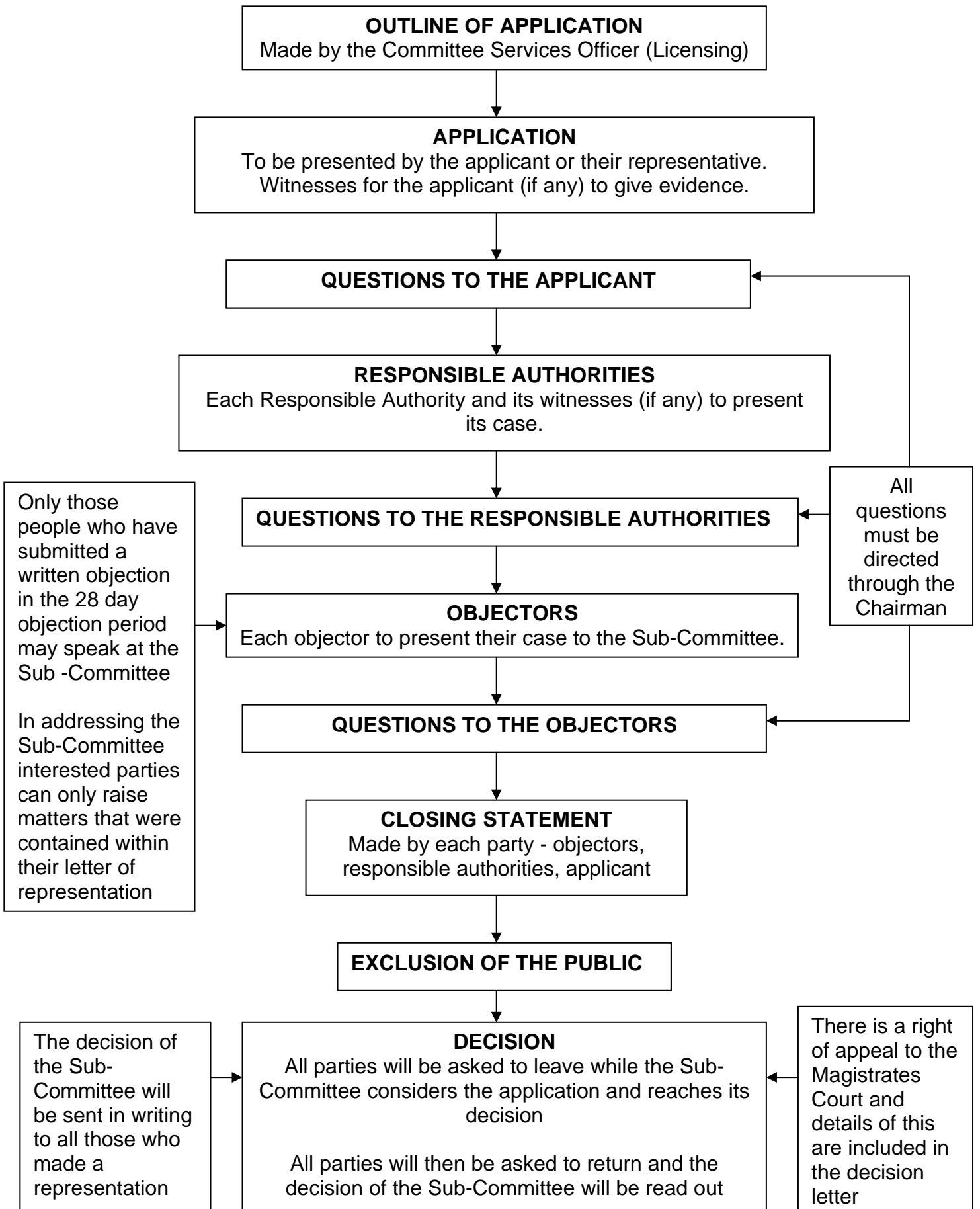
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
26 April 2013 at 10:00am**

Members

Councillors Nick Cope, Brian Jarvis and Michael Lilley.
(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 the Chairman for the ensuing Municipal Year.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

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

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

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

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider

whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

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

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

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

4. Minutes

1 - 3

To confirm as a correct record the minutes of the meeting held on 8 March 2013.

5. Applications under the Licensing Act 2003

4 - 77

Old Library and Court Rooms
West Stockwell Street
Colchester

Appendix A

Shop and off-licence
Unit 5, Solus Development,
William Harris Way, Colchester

Appendix B

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

8 March 2013

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 8 March 2013 at 10.00 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Cope
Councillor Lilley
Councillor Jarvis for Councillor Fairley-Crowe

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 meetings held on 13 April and 14 December 2012 were noted and confirmed as correct records.

4. Licensing Application

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.

- **Co-operative, 246 Shrub End Road, Colchester**

The Sub-Committee considered an application for a premises licence in respect of the Co-operative at 246 Shrub End Road, Colchester to permit the supply of alcohol off the premises and the provision of late night refreshment.

In Attendance

Applicant Mr Arnot, Ward Hadaway Solicitors for the applicant
Manager of the premises

Objectors Councillor Barton
Councillor Hazell
Mr Bray
Mrs Rhodes
Mr Munson

Licensing Authority Mr S Swain, Enforcement Officer

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

Mrs White gave a brief summary of the application. The Sub-Committee noted that nine relevant representations had been received from interested parties and that two residents attended the hearing and addressed the Sub-Committee with others attending to observe.

Mr Arnot, in presenting the application, informed the Hearing that the premises had been trading since 2006 and was well established. The sale of alcohol comprised approximately 15% of turnover and the application for extended hours was sort because it considered that customers of the store wanted to be able to buy alcohol over a longer period, enabling those who were returning home from work early in the morning to purchase alcohol. Mr Arnot outlined the training and operation procedures at the premises and stressed that it was very important to the Co-operative organisation to get it right as only by doing so would it meet the needs of its customers and ensure the success of the business.

Mr Arnot addressed the comments of the objectors and emphasised that much of what was contained within the letters related to planning matters and not licensing. In the event that the additional hours were granted a planning application would be submitted to seek to extend the hours of operation and issues such as delivery times and lighting could be addressed as part of this process. Mr Arnot expanded on the issue of deliveries, explaining that there would be 4 a week. Upon further questioning it was made clear that this referred only to Co-operative deliveries of groceries and spirits and in addition to this there were additional deliveries of bread and chilled goods.

In responding to questions, Mr Arnot explained that late night refreshment had been applied for to enable the premises to supply hot drinks from its coffee machine after 23.00 and there was no intention to serve anything hot beyond this.

Mr Bray addressed the Committee and explained that he lived opposite the premises and whilst he was happy with the current operation he was very concerned at the proposed increase in hours. He outlined the problems they currently experienced and showed the Committee a number of photographs of the premises at night. Photographs showing the lighting at the premises from one of the other objectors were also circulated to those at the hearing. Mrs Rhodes, in addressing the Sub-Committee expressed her concern at the public notice provisions under the act and provided further information in relation to deliveries.

Councillor Barton addressed the Committee speaking both as a Ward Councillor and also representing an objector who was unable to attend the meeting. Councillor Barton's evidence made reference to incidents of anti-social behaviour and public nuisance and these points were echoed in the evidence of Cllr Hazell who was speaking on behalf of a signatory to a petition received. The applicant questioned the admissibility of Councillor Hazell's evidence and invited the Sub-Committee to consider what weight it gave this evidence when reaching its decision.

RESOLVED to permit:-

- The supply of alcohol off the premises for the following hours-
Mondays to Sundays inclusive from 05.00 to 00.00
- Provision of late night refreshment for the following hours –
Mondays to Sundays inclusive from 23.00 to 00.00

- The premises to be open for the following hours –
Mondays to Sundays inclusive from 05.00 to 00.00

Subject to the condition that –

- That a contact telephone number be given to local residents and displayed on the premises.

Reasons for the Determination

The Sub-Committee was sympathetic to the points raised by the other parties in relation to the delivery times and lighting at the premises but these were matters that were not within the remit of the Licensing Sub-Committee and could not be taken into consideration in reaching a decision on this application.

The Sub-Committee was mindful that the hours for the sale of alcohol for the Leather Bottle and the Huntsman were at least the same or later than those proposed in the application and therefore there would be no incentive for customers to migrate to the Co-operative in order to purchase alcohol. Moreover, in the absence of representations from the responsible authorities the Sub-Committee did not feel there was sufficient evidence under the Licensing Act 2003 to justify declining the application.

5. Close of Meeting

The meeting closed at 12.50pm.

Chairman:



Licensing Committee – 26 April 2013	Agenda Item 5a
Old Library and Court Rooms	FOR GENERAL RELEASE

Premises	Old Library and Court Rooms West Stockwell Street Colchester	Ward: Castle Stress Area: No Civica Ref: 079434 Author: Karen Newman
Application	Application for a new premises licence to permit the supply of alcohol and the provision of regulated entertainment and entertainment activities as follows- Performance of plays Exhibition of films Indoor sporting events Boxing or wrestling entertainment Live music Recorded music Performance of dance Other music or dance entertainment Late night refreshment	Appendix 1
Street Plan		Appendix 2
Amendments to the Application	Following consultation with the Police and Environmental Protection	Appendix 3
Interested Parties Local Residents		Appendix 4

New Application for a Premises Licence

Please Note - The following hours reflect those agreed between the Police and the applicant at the beginning of the application process and are those which are to be considered at the Hearing.

To permit:-

- The supply of alcohol on the premises, the performance of plays, exhibition of films, indoor sporting events, boxing or wrestling entertainment, performance of live music, playing of recorded music, performance of dance, other music or dance entertainment indoors for the following hours-

Old Library and the Courts

Mondays to Wednesdays from 12.00 to 01.00

Thursdays to Saturdays from 12.00 to 02.00

Sundays from 12.00 to 23.00

The Cells

Mondays to Saturdays from 12.00 to 23.59

Sundays from 12.00 to 23.00

Non Standard Times – St Valentine’s Day, Christmas Eve, Boxing Day and Halloween an additional hour and on New Year’s Eve from 12.00 to 02.00

- Provision of late night refreshment as follows-

Old Library and the Courts

Mondays to Wednesdays from 23.00 to 01.00

Thursdays to Saturdays from 23.00 to 02.00

The Cells

Mondays to Saturdays from 23.00 to 23.59

Non Standard Times – St Valentine’s Day, Christmas Eve, Boxing Day and Halloween an additional hour and on New Year’s Eve from 23.00 to 02.00

- Hours the premises are open to the public for the following hours-

Old Library and the Courts

Mondays to Wednesdays from 07.30 to 01.30

Thursdays to Saturdays from 07.30 to 02.30

Sundays from 07.30 to 23.30

The Cells

Mondays to Saturdays from 07.30 to 00.30

Sundays from 07.30 to 23.30

Non Standard Times – St Valentine’s Day, Christmas Eve, Boxing Day and Halloween an additional hour and on New Year’s Eve from 07.30 to 02.30

Policy Guidelines – Old Library and Court Rooms

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.

Eight representations and a petition have been received from other parties opposing the application. The petition is signed by residents of the Dutch Quarter authorising the Association to speak on their behalf and supporting the representation that the Dutch Quarter Association has submitted. Representations were received from the Police and Environmental Protection at the start of the application's objection period and the opportunity was taken to discuss and reach agreement with the applicant on the issues of concerns. The outcome of these discussions resulted in the amendments

that are shown at Appendix 3 and these form the basis of the application to be considered by the Licensing Sub-Committee. As a result of these negotiations and agreements there are no outstanding representations from any of the responsible authorities.

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 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 5 relevant representations received from other interested party in regard to this licensing objective. The representations mention a range of anti-social behaviour including vandalism, urinating in the streets, rubbish and vomit that is already occurring in the area and express the concern that this will be exacerbated in the event that the licence is granted.

Prevention of Public Nuisance

Paragraph 5.21 of the Council's statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on

communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities”.

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

Policy

Paragraph 5.23 of the Policy states that:

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

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

There have been 7 relevant representations received from other interested parties in regard to this licensing objective and these letters primarily refer to noise nuisance both emanating from the premises and from patrons leaving premises in the area. The representations mention amongst other matters existing problems with noise associated with people smoking outside premises in West Stockwell Street, noise leaking from the Old Library when events are held there and the problem of delivery lorries. It is anticipated by the objectors that these problems will be made worse 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.**

Café Bars

Paragraph **3.58** of the Policy states that:

The Licensing Authority will look favourably on applications which seek a grant of licence or variation of a licence for a café bar that offers or views the consumption of alcohol as an ancillary accompaniment to the enjoyment of food purchased and eaten by their customers on the premises.

Paragraph **3.59** of the Policy states that:

Any such grant or variation agreed could however, be subject to the following conditions, which would be applied in circumstances where it was reasonable and proportionate to do so, and in order to prevent the premises from gaining a licence to sell alcohol and then simply converting to an ordinary public house or bar that relies more on the sale of alcohol and vertical drinking than it does on the provision of food.

These conditions, which relevant applicants are encouraged to include in their operating schedules, could be:

- (i) The supply of intoxicating liquor and other beverages shall be made by waiter/waitress service solely for the consumption of persons seated at tables.**
- (ii) Substantial food shall be available at all times.**

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.

Diversity of Premises

Paragraph 3.86 of the Council's statement of Licensing Policy states that “Colchester's STAND (Strategy to Tackle All Night-time Disorder) initiative highlighted that too many single-use premises in a confined area, combined with patrons turning out of licensed premises all at the same time, create the potential for alcohol related violence, crime, disorder, anti-social behaviour, noise and disturbance. It therefore recommended a mixed use of venues, providing a variety of entertainment for a wide-ranging age group across a wide choice of opening hours”.

Paragraph **3.87** of the Policy states that:

The Licensing Authority believes that genuine diversity would provide buoyancy against changing markets and trends and attract a more diverse range of customers from different age groups who have different interests and attitudes toward the consumption of alcohol. It would also provide the potential for positively changing the ambience of Colchester Town Centre, which in turn may have a positive effect on reducing the fear that residents and visitors alike have of crime and disorder in the town centre, especially in the evenings or late at night.

Paragraph **3.88** of the Policy states that:

It is also to be hoped that such a positive outcome would lead to an increase in the number, age and diversity of visitors to Colchester in the early evening and also late at night, which in turn may have a beneficial effect on reducing alcohol related crime and disorder and therefore also benefit the overall evening and night-time economy scene in Colchester town centre as a whole.

Human Rights Implications

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

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

Crime and Disorder Implications

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

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

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

PLANNING, PROTECTION AND LICENSING
RECORDS
19 FEB 2013
PASSED TO ACTIONABLE OFFICE NUMBER

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

~~I/We~~ PACHECO LTD
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>COLCHESTER TOWN HALL, HIGH STREET, COLCHESTER,</u>			
Post town	<u>COLCHESTER</u>	Postcode	<u>CO1 1PJ</u>
Telephone number at premises (if any)	<u>07790778173</u>		
Non-domestic rateable value of premises	<u>£47,000</u>		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital 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				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	PACHECO LTD.
Address	61 STATION ROAD, SUDBURY, SUFFOLK, CO10 2SP
Registered number (where applicable)	8294290
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	03	2013

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

DD	MM	YYYY

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

1. FINE DINING RESTAURANT IN THE OLD LIBRARY
2. EX-MAGISTRATE COURTS AS A TAPAS BAR.
3. THEMED DINING IN THE CELLS.
4. LICENSED COFFEE LOUNGE.
5. OFFICES/PRIVATE DINING AREAS.

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

--

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

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

Provision of regulated entertainment

Please tick any that apply

- 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

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	03.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	03.00			
Wed	10.00	03.00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	03.00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10.00	03.00			
Sun	10.00	03.00			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	03.00			
Tue	10.00	03.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	10.00	03.00			
Thur	10.00	03.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	10.00	03.00	
Tue	10.00	03.00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	10.00	03.00	
Thur	10.00	03.00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	10.00	03.00	
Sat	10.00	03.00	
Sun	10.00	03.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	03.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	03.00	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	03.00			
Sun	10.00	03.00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	03.00			
Tue	10.00	03.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10.00	03.00			
Thur	10.00	03.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10.00	03.00	Please give further details here (please read guidance note 3)		
Tue	10.00	03.00			
Wed	10.00	03.00			
Thur	10.00	03.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Fri	10.00	03.00			
Sat	10.00	03.00			
Sun	10.00	03.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	03.00	Please give further details here (please read guidance note 3)		
Tue	10.00	03.00			
Wed	10.00	03.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	03.00			
Fri	10.00	03.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	03.00			
Sun	10.00	03.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing MURDER MYSTERY EVENINGS. WORKSHOPS. THEMED EVENTS. SEMINARS.		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	07.30	03.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	07.30	03.00	Please give further details here (please read guidance note 3)		
Wed	07.30	03.00			
Thur	07.30	03.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	07.30	03.00			
Sat	07.30	03.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	07.30	03.00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	03.00			
Tue	23.00	03.00			
Wed	23.00	03.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	03.00			
Fri	23.00	03.00	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	23.00	03.00			
Sun	23.00	03.00			

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	12:00	3:00			
Tue	12:00	3:00			
Wed	12:00	3:00			
Thur	12:00	3:00			
Fri	12:00	3:00			
Sat	12:00	3:00			
Sun	12:00	3:00			
			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 STEPHANIE ANNE PACHELO	
Address 3 RYE HILL SUDBURY SUFFOLK	
Postcode	CO10 2BB
Personal licence number (if known)	BPA0832
Issuing licensing authority (if known)	BABERGH DISTRICT COUNCIL

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07.30	03.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	07.30	03.00	
Wed	07.30	03.00	
Thur	07.30	03.00	
Fri	07.30	03.00	
Sat	07.30	03.00	
Sun	07.30	03.00	

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)

ASSISTANCE FOR ELDERLY, YOUNG & DISABLED.
MINIMUM STAFFING LEVELS IDENTIFIED FOR EACH FUNCTION.
RESPONSIBLE MANAGEMENT COVER.
LANGUAGE LINE SYSTEM AVAILABLE.

b) The prevention of crime and disorder

PROVISION OF LITTER BINS.
ZERO TOLERANCE POLICY OPERATED / INCIDENT LOG.
CCTV COVERAGE (AS ALREADY IN PLACE).
OUTSIDE LIGHTING OF THE BUILDING & DOORWAYS.

c) Public safety

NO SMOKING POLICY. AIR CONDITIONED & VENTILATED.
DRINKING WATER AVAILABLE. TAXI RANK SITED OPPOSITE.
HEALTH & SAFETY POLICY.
TESTED & SERVICED FIRE EQUIPMENT IN PLACE.
SMOKE ALARMS & EMERGENCY EXITS IN PLACE.
CLOCKER SYSTEM FOR RECORDING NUMBERS ON THE PREMISES.
FIRST AID PROVISION & MEDICAL EMERGENCY PROCEDURES IN PLACE.

d) The prevention of public nuisance

TOILETS ON PREMISES.
RUBBISH REMOVED TO SECURE AREA.
PROCEDURES IN PLACE FOR UNATTENDED PROPERTY.
ADDITIONAL WIND-DOWN PERIOD FOR DISPERSAL OF CUSTOMERS.
DRINKS FORBIDDEN TO BE TAKEN OUT OF THE PREMISES ONTO THE STREET.

e) The protection of children from harm

FILM CENSORSHIP.
 SOFT DRINKS AVAILABLE AT ALL TIMES FOR CHILDREN.
 PROOF OF I.D. REQUIRED FOR THE SALE OF ALCOHOL.
 CHILDREN MUST BE ACCOMPANIED AT ALL TIMES BY A RESPONSIBLE ADULT.
 MEASURES WILL BE INCLUDED IN THE AGREEMENT FOR HIRE, TO ENSURE
 ALL MATERIALS FOR PLAYS & FILMS WILL BE APPROPRIATE FOR THE
 AGE GROUP ATTENDING.

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.

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	Balwano.
Date	13.02.2013.
Capacity	DIRECTOR.

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)

PACHECO LTD.
STOUR VALLEY BUSINESS CENTRE,
BRUNDON LANE,

Post town

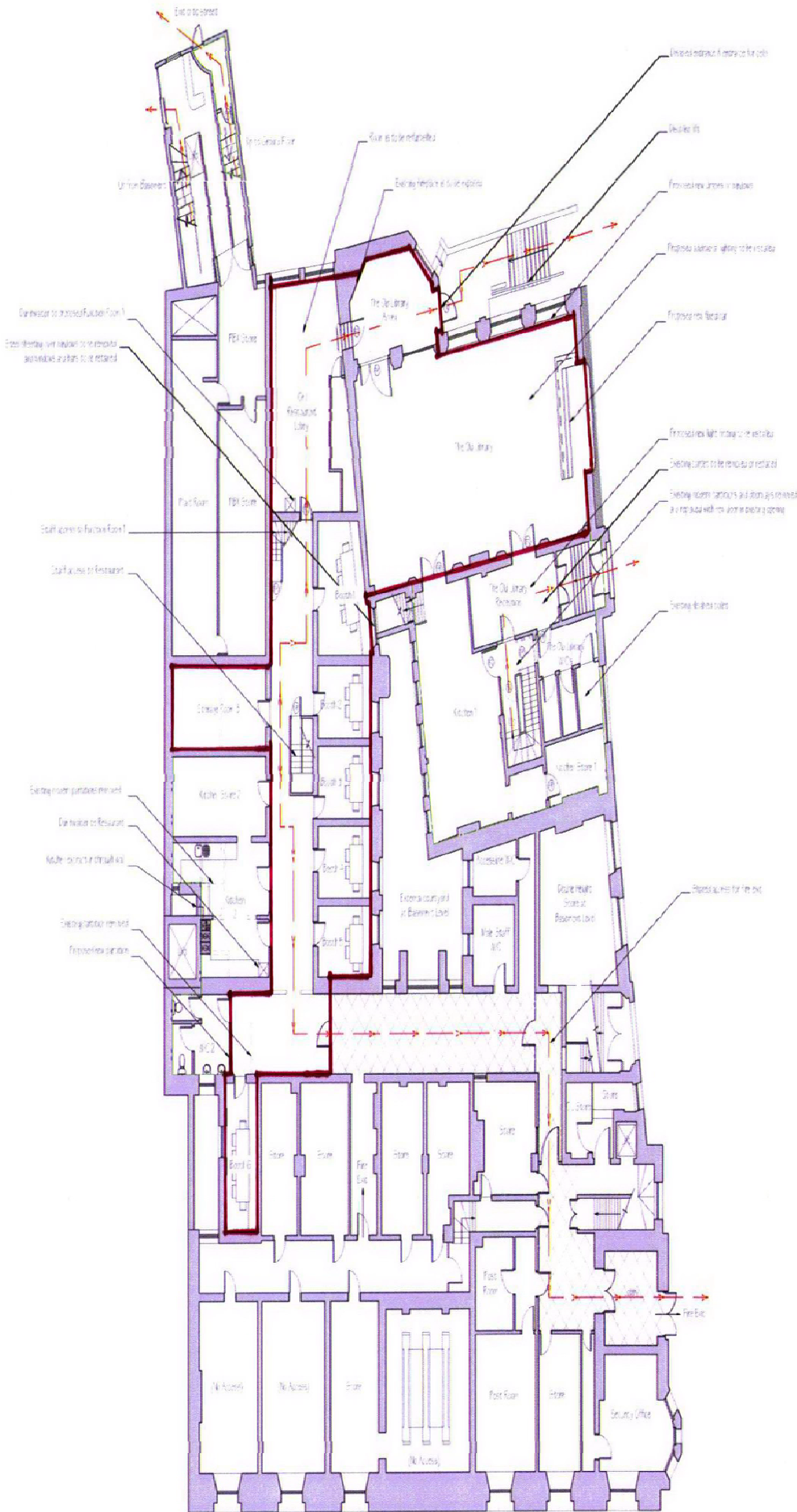
SUDBURY,

Postcode

CO10 7QB.

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Lower Ground Floor Plan
Scale 1:100



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Scale Bar legend

0 1m 2m 3m 4m 5m

Scale Bar 1:100

Drawing Key

- Site Boundary
- Fire Escape Routes
- Fire Doors

Areas To be licensed.

PRELIMINARY
not approved unless stamped

Rev:	Date:	Details:
A:		
B:		
C:		
D:		
E:		
F:		

Site Address:
The Old Library & Former Magistrates Courts
West Stockwell Street, Colchester, CO1 1PJ

Project:
Proposed Change of Use to Restaurant, Cafe & Function Room

Client:
The Old Ltd

Drawing Status:
Planning

Drawing Content:
Lower Ground Floor Plan

Scales:
see drawing @ A1

Drawing No:
940-0407

Date:
January 2013

OPTIMUM BUILDING DESIGN LIMITED

Tel: 01206 262697
Mob: 07785 585524

Nage Corner, Nayland,
W Colchester, CO6 4LT.
e. steve@optimumbuildingdesign.co.uk
www.optimumbuildingdesign.co.uk



Ground Floor Plan
Scale 1:100



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Scale Bar legend

0 1m 2m 3m 4m 5m

Scale Bar 1:100

Drawing Key

- Site Boundary
- - - Fire Escape Routes
- F Fire Doors

Areas To be Licensed

PRELIMINARY
not approved unless stamped

Rev:	Date:	Details:
A:		
B:		
C:		
D:		
E:		
F:		

Site Address:
The Old Library & Former Magistrates Courts
West Stockwell Street, Colchester, CO1 1P J

Project:
Proposed Change of Use to Restaurant, Cafe & Function Room

Client: Patience Ltd
Drawing Status: Planning
Drawing Content: Ground Floor Plan

Scales: see drawing @ A1
Drawing No: 940-01-08
Date: January 2013

OPTIMUM BUILDING DESIGN LIMITED

Tel: 01206 262697
Mob: 07785 585524
Naga Comer, Rayland, Nr Colchester, COE 4LT
e: nstaar@naga-comer.co.uk
www.optimumbuildingdesign.co.uk

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Scale Bar legend

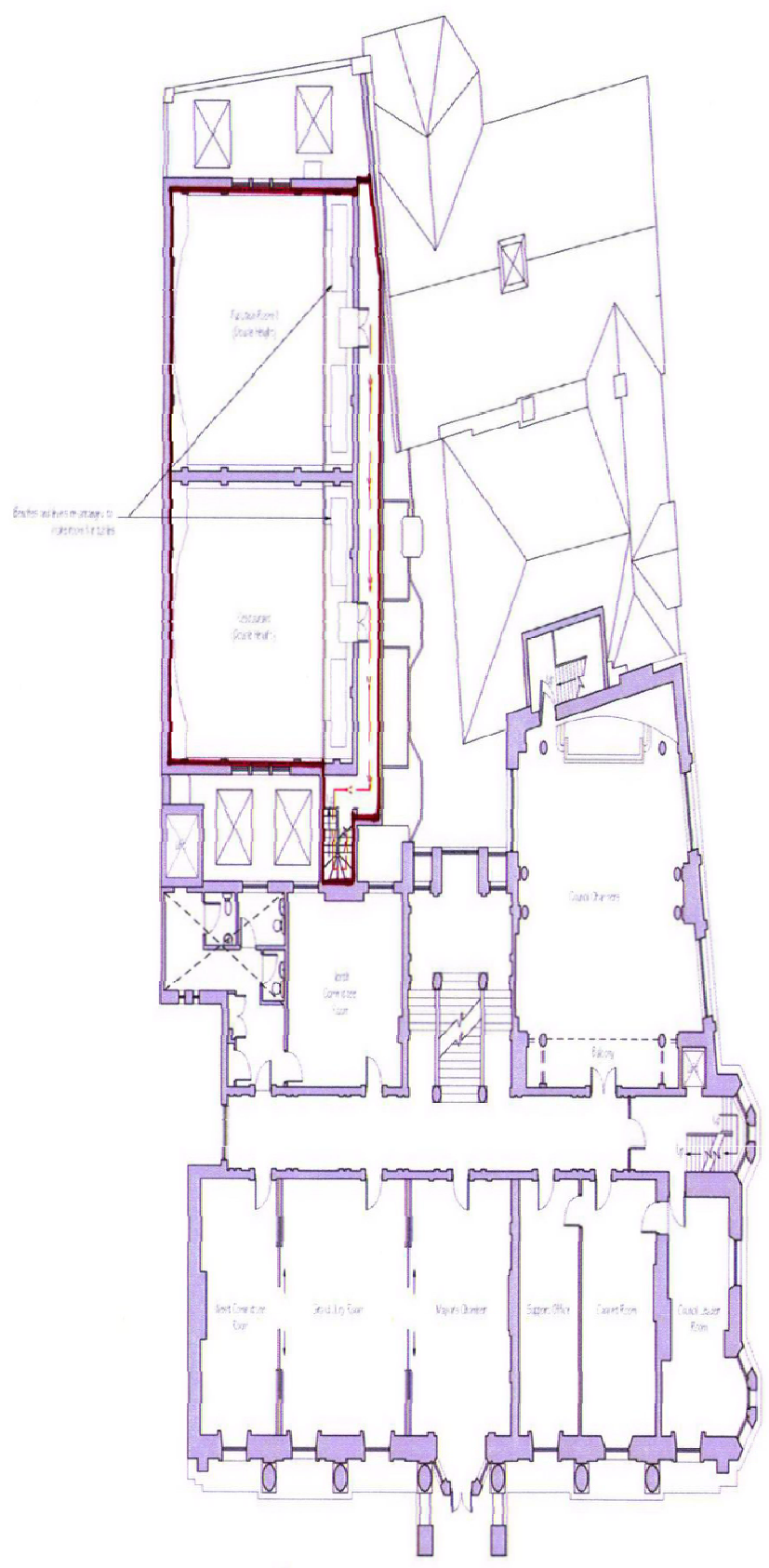
0 1m 2m 3m 4m 5m

Scale Bar 1:100

Drawing Key

- Site Boundary
- Fire Escape Routes
- Fire Doors

Areas To be Licensed.



First Floor Plan
Scale 1:100

PRELIMINARY
not approved unless stamped

Rev.	Date	Details
A:		
B:		
C:		
D:		
E:		
F:		

Site Address:
The Old Library & Former Magistrates Courts
West Stockwell Street, Colchester, CO1 1PJ

Project: Proposed Change of Use to Restaurant, Cafe & Function Room

Client: Parnoco Ltd
Drawing Status: Planning
Drawing Content: First Floor Plan

Scales: see drawing (R/A)
Drawing No.: 940-0109
Date: January 2013

OPTIMUM BUILDING DESIGN LIMITED

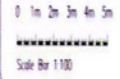
Tel: 01206 262697
Mob: 07785 585524

Maple Corner, Nayland,
Nr Colchester, CO8 4LT.
e: staar@optimumbuildingdesign.co.uk
www.optimumbuildingdesign.co.uk

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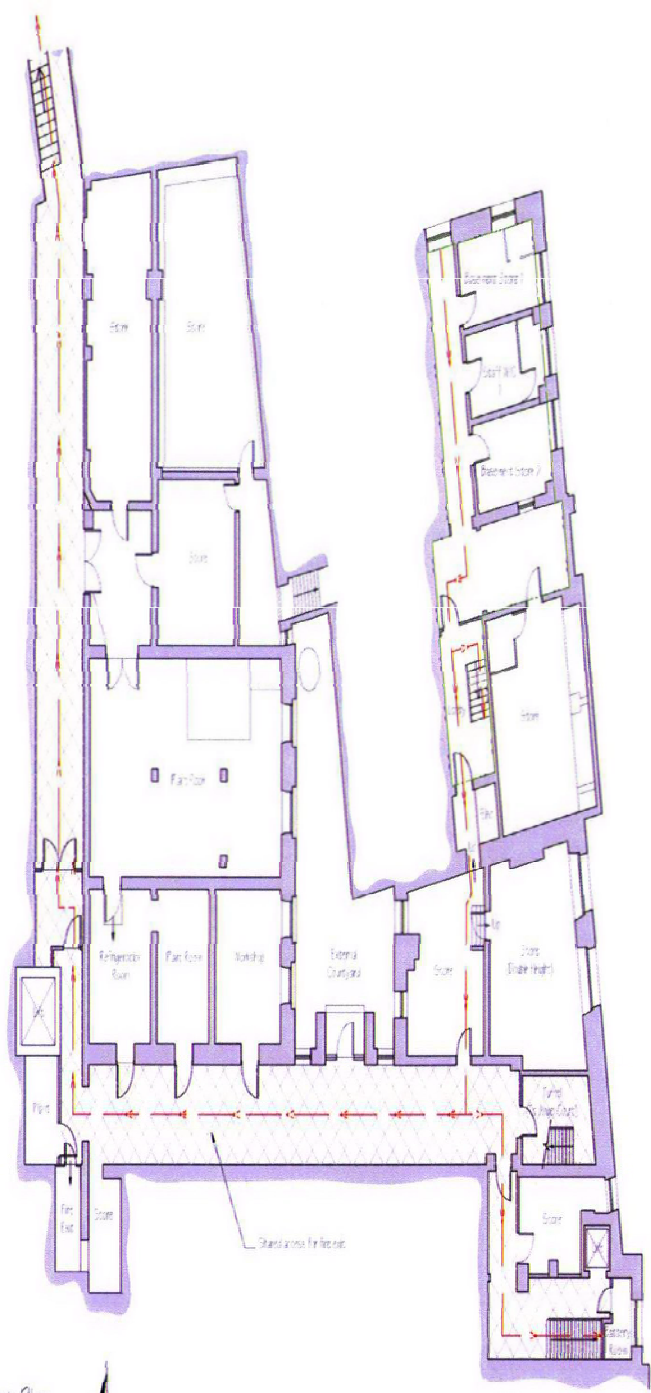
DO NOT SCALE FROM THIS DRAWING. Dimensions stated are for guidance only, all boundary positions, written and scaled dimensions to be checked on site prior to commencement of works or obtaining any materials. Any discrepancies should be reported immediately. Existing drain runs are presumed and should be checked prior to commencement of works.

Scale Bar legend



Drawing Key

- Site Boundary
- Fire Escape Routes
- Fire Doors



Basement Plan
Scale 1:100



PRELIMINARY
not approved unless stamped

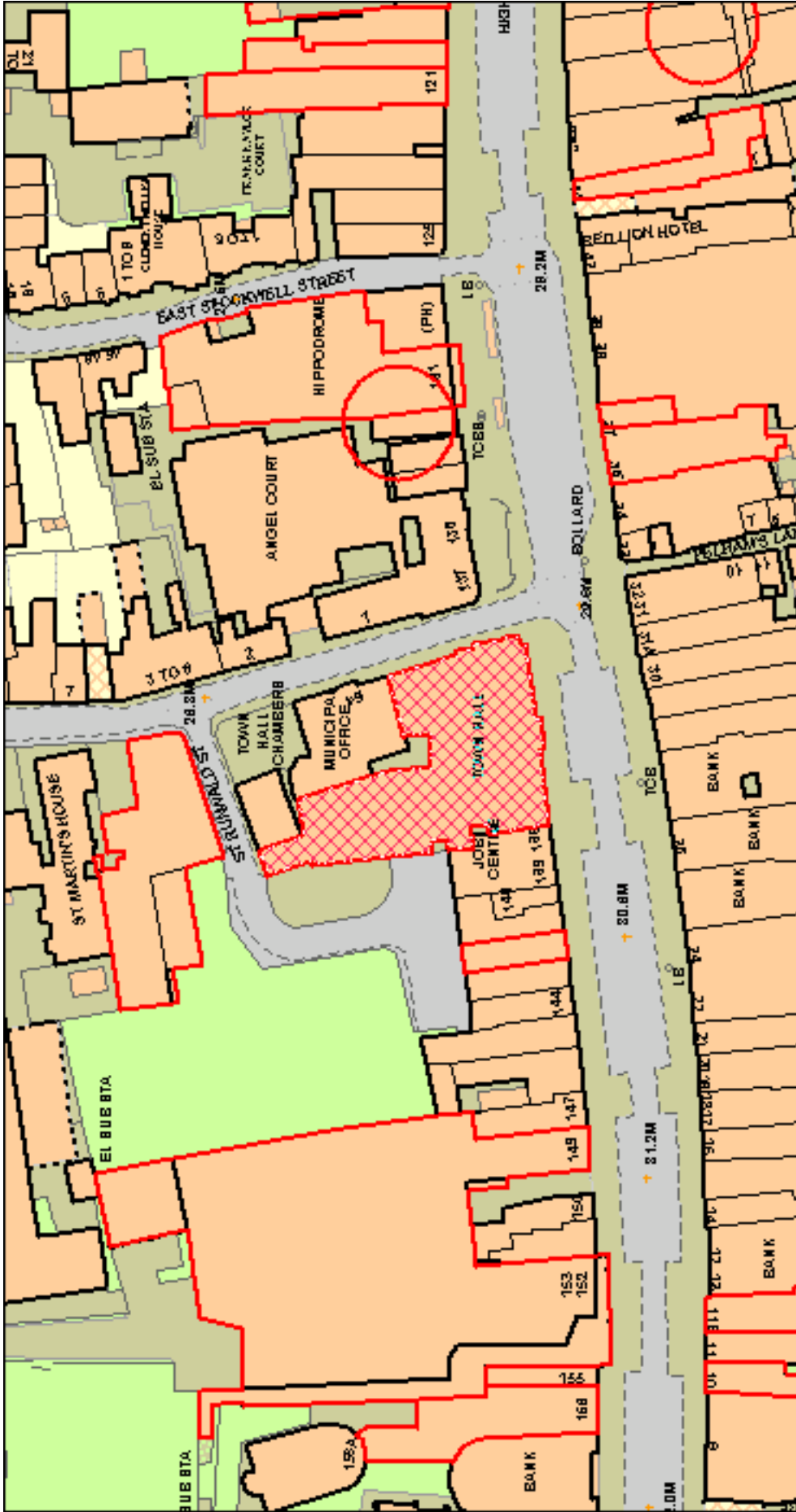
Rev:	Date:	Details:
A:		
B:		
C:		
D:		
E:		
F:		

Site Address:
The Old Library & Former Magistrates Courts
West Stockwell Street, Colchester, CO1 1PJ

Project: Timonka Change of Use to Restaurant, Cafe & Function Room
Client: Facross Ltd
Drawing Status: Planning
Drawing Content: Basement Plan
Scale: see drawing (A1)
Drawing No: 940-01-06
Date: January 2013

OPTIMUM BUILDING DESIGN LIMITED
 Tel: 01206 262697
 Mob: 07785 585524
 Nags Corner, Nayland,
 Nr Colchester, COB 4LT.
 e: shawn@nags-corner.co.uk
 www.optimumbuildingdesign.co.uk

Premises Location Plan



Licence Application Reference: 079434

Premises Name & Address: The Old Library and Court Rooms Town Hall High Street Colchester

Date Produced: 21 April 2013

MAP NOT TO SCALE

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APPENDIX 3

GENERAL.

- The premises will be divided into three constituent parts:-
 1. **V.3**, formally the Library, will be used for Fine Dining and Cocktail Bar.
 2. **The Courts, 'Bench' and 'Dock'**, formally the Magistrates' Courts, will be used for drinking and dining areas, and also for occasional functions.
 3. **The Cells, 'Porridge'**, formally the cells serving the courts, will be used for themed dining.

- Hours.

	Supply or sale of alcohol.		Opening Hours
	Regulated Entertainment		
	Late Night Refreshment (from 23.00)		
Areas 1 &2	Mon, Tues &Wed	12:00-01:00	07:30-01:30
	Thurs, Fri & Sat	12:00-02:00	07:30-02:30
	Sun	12:00-23:00	07:30-23:30
Area 3	Mon to Sat inc	12:00-2359	07:30-00:30
	Sun	12:00-2300	07:30-23:30

- Non-Standard times.

St. Valentine's Day, Christmas Eve, Boxing Day and Halloween plus 1 hour to normal times.

New Year's Eve	12:00-02:00	07:30-02:30
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- Licensable Activities.

As per application schedule.

CONDITIONS

In addition to the mandatory conditions and any embedded restrictions the following conditions should be added to the application:-

M. *Steps you intend to take to promote the four licensing objectives.*

As per page M of the application but the following steps to be included:-

PREVENTION OF CRIME AND DISORDER.

- Steps to avoid vertical drinking.
- CCTV coverage interior and exterior to encompass all parts of premises, including non-sensitive areas of wash-rooms/lavatories. Plus necessary signage.
- CCTV digital storage minimum 30 days. Trained personal available during all opening times to interrogate and download recorded data for policing purposes.

- **S.I.A. Door Security:-**
 - To be employed during busier periods. (At the discretion of management but due diligence applies).
 - Security measures.
 - ❖ Clicker counting both in and out
 - ❖ Discretionary access to ensure ambience reflects 'Fine Dining' experience.
 - ❖ Dress code.
 - ❖ Incident Book.
 - ❖ External 'smoking area' – not on public highway.
 - ❖ Fire evacuation and medical emergency training policy.
 - ❖ Drugs search and handling policy.

PUBLIC SAFETY.

- State capacity for premises or constituent parts.
- During sporting events, including boxing and wrestling there must be a qualified first aider or preferably a medical doctor in attendance. (Due diligence applies)
 - **Protection of Children**
 - ❖ No under 18's events.
 - ❖ All persons under the age of 18 years to be accompanied by a responsible adult.
 - ❖ Employ the 'Challenge 25' policy.

PREVENTION OF PUBLIC NUISANCE.

- Window and doors closed by 23:00hrs.
- Empty bottles and glasses to be collected as soon as possible.
- No bottles or glasses are to be removed from premises and taken into smoking area by clientele.
- Sound level inhibitor on live and recorded music.
- Sign requesting clientele to leave quietly and respect local residents.
- Marshalls to patrol immediate vicinity especially towards 'Dutch Quarter'

Agreed with Environmental Protection

- That under no circumstance will any type of amplification be used for live music within the Old Library at any time.

Sent: 08 March 2013 16:49
To: Stephen Swain
Subject: Old Library Sound Agreement

Hi Steve,

I can confirm that we are happy to apply a condition to the licence that under no circumstances will we use any type of amplification regarding live music within the Old Library at ANY time.

Kind Regards,

Stephanie Pacheco

Representation 1

Dear Sirs, as a resident of West Stockwell Street I do have some misgivings about the above application by Pacheco re. their proposed use of the Town Hall and Library. We already suffer the noise of revellers from the High Street nightclub who come down our street in the early hours of the morning and wake us up. We have also cases of people urinating and defecating in our yard and I can only imagine that this situation will get worse if the above application is approved. I also foresee that smokers will be forced onto the pavement at night which will only add to the disruption. I know of residents in other parts of the Dutch Quarter who are waging a constant battle with the noise from nightclubs especially at weekends and cannot see how this will be very different with Pacheco. A bar and restaurant will not be enough to sustain this business and I imagine in a very short time we will have yet another nightclub on the High Street with all its negative factors for our area.

Representation 2

7th March 2013

**Pacheco Ltd
Town Hall and Old Library
West Stockwell Street**

Dear Ms White

We are writing to object in the strongest manner to the hours of opening for the sale of alcohol in Pacheco's Licence Application on the grounds of **Prevention of Public Nuisance**.

We note that the application includes the provision of plays, films, indoor sporting events, boxing or wrestling entertainment; live music, recorded music, performances of dance and anything of a similar description. It also applies for the sale of alcohol until 02.00 hours with a closing time of 02.30 hours.

As we already are subjected to noisy and disruptive people leaving the local clubs and walking home down West Stockwell Street in the early hours of the morning with no consideration of the residents, the granting of this licence will only exasperate the problem.

We only moved to this area in August 2012, in the hope of living a quiet and peaceful life, which has already been disrupted as mentioned above. The Dutch Quarter is a lovely place to live in and has a unique character. There are many bars, clubs and restaurants in the Town Centre and with The Stockwell about to open, I do not understand why yet another bar/restaurant needs to be granted a licence. We would be saddened, disappointed and very disillusioned with Colchester Council if this goes ahead.

I hope that the repercussions of a licence being granted are given serious consideration and the views of ourselves, and other local residents, are taken on board.

I look forward to hearing from you.

Yours sincerely,

Representation 3

DUTCH QUARTER ASSOCIATION

Working to improve the quality of life for Dutch Quarter Residents
Registered charity No. 260158

12th March 2013

Environmental and Protective Services Colchester Borough Council

Pacheco Ltd
Town Hall and Old Library
West Stockwell Street

On behalf of local residents the Dutch Quarter Association objects to the hours of opening for the sale of alcohol in Pacheco's Licence Application on the grounds of **Prevention of Public Nuisance.**

The application describes the use of the premises as a fine dining restaurant and coffee lounge. However we note that the application includes the provision of plays, films, indoor sporting events, boxing or wrestling entertainment; live music, recorded music, performances of dance and anything of a similar description. It also applies for the sale of alcohol until 02.00 hours with a closing time of 02.30 hours..

This indicates to us that its use would be that of a bar/nightclub and this will lead to disturbance and noise in the early hours of the morning in West Stockwell Street as intoxicated clients leave the premises. The licensing act enables local authorities to prevent disturbance in residential areas by limiting the opening hours of licensed premises and there are several precedents where this has previously happened in the borough of Colchester. We would also point out that planning permission has recently been granted for residential flats to be developed in Angel Court which is exactly opposite the premises.

In support of local residents would therefore ask that the alcohol and entertainments licence should not be granted beyond 23.30 hours. We have no objection to its use for non-alcoholic refreshments but would not want this to be after 00.30 hours.

Dimitri Murray
Chairman

Copies to: Castle Ward Councillors
Dutch Quarter Association Committee

Please reply to: 43 Maidenburgh St, Colchester CO1 1UB
01206 564240 e-mail: dutchquarterqassociation@yahoo.co.uk

Representation 4

Dear Ms. White

The Executive Committee of the Colchester Civic Society has expressed grave concerns about the application for a premises licence at the Town Hall.

They are concerned that the grant a licence with such long hours is likely to lead to an extension of anti-social behaviour beyond the existing stress zone and into the largely residential area of the Dutch Quarter. Whilst the current applicants have expressed high aims like "fine dining" there is no guarantee that such a use will continue. The Civic Society therefore objects to the granting of a licence on the terms applied for.

Yours sincerely

Austin Baines
Convenor, Planning and Licensing sub-group of Colchester Civic Society

Representation 5

Objection to License Application Pacheco Ltd, Town Hall

Dear Sirs

I write to formally object to the granting of a License to serve alcohol and for Live music events and other recorded musical entertainment, in order for the prevention of crime and disorder, the prevention of public nuisance, and for public safety reason. The application suggest that there will be live music and alcohol served until 2:30 am and with Premises closing at 3:00am.

Having lived opposite the Town Hall for a number of years I have witnessed many number of criminal Public Disorder and as the Town hall has catered for weddings and one off events over the years and when these go on the sound attenuation from the building is so poor that even at low volume levels almost all the airborne and structure born noise resonates through the timber framed properties and disturbs the quiet enjoyment of one's home which is reasonable expected. The time frames of the events may prevent the ability to get to sleep and continue to keep away throughout the night due to the constant vibrations from the Live or recorded music.

Following such events after such long hours of drinking until early in the morning people have come out and congregated chatting loudly in doorways and steps causing continued disturbance, often due to the drunkenness there are scuffles and fights or drunken people have put the fist or kicked the windows out. Other such offensive acts as urinating in the street in the alley ways or on doorsteps is exacerbated at time when there are occasional events on so to have events every week would exponentially increase the likelihood of these anti-social behaviours, in addition to the constant noise pollution the area would become untenable.

Yours faithfully

Representation 6

Dear Sarah,

My Husband and I live in xxxxxxxx about 50 yards away from the new business establishment Pacheco Ltd. We strongly object to their suggested opening hours after

23.30pm. We are concerned about the human traffic, parking, and the noise that would be generated in the evenings due to boxing or wrestling and all the other sporting events they have lined up. As it is, it very noisy when the Town hall has events and to have the noise coming from both ends of the street is not very considreable. The street is already very congested with very limited parking.

The Pacheco Ltd is priding itself in "fine dining" how does the below fit in with fine dining.

The provision of plays, films, indoor sporting events, boxing or wrestling entertainment; live music, recorded music, performances of dance and anything of a similar description; and the sale of alcohol in

- the Old Library and Magistrates Courts - from 12.00 to 01.00 Mondays to Wednesdays inclusive; from 12.00 to 02.00 Thursdays to Saturdays inclusive; from 12.00 to 23.00 on Sundays

- the Cells - from 12.00 to 23.59 Mondays to Saturdays inclusive and from 12.00 to 23.00 on Sundays

- Coffee Lounge - from 09.00 to 19.00 Mondays to Sundays inclusive

The provision of late night refreshment in

- the Old Library and Magistrates Courts - from 23.00 to 01.00 Mondays to Wednesdays inclusive; from 23.00 to 02.00 Thursdays to Saturdays inclusive

- the Cells - from 23.00 to 23.59 Mondays to Saturdays inclusive

Thank you

Representation 7

18th March 2013

RE: Premises License Application by Pacheco Ltd for the Town Hall and Old Library, West Stockwell Street

Dear Sarah,

I am writing to you with reference to the above application as I object to it being granted in its entirety and without significant restrictions, if granted at all.

My reasons for this objection are that as it stands if the license is granted it will not ensure the prevention of crime and disorder and the prevention of public nuisance as I explain below.

I have a young family and live in a line of terraced town houses very close to the Town Hall and Old Library. I have been living at this address since 2001 and believe that the problems we currently face, due to

- The people consuming alcohol in the town centre,
- the already existing Pizza Express restaurant, and
- the use of the Old Library for functions will become much worse if a license is granted as described by the application.

The problems we already face due to excessive alcohol consumption and I believe will inevitably increase by adding a license to our street are as follows:

- Vandalism whereby windows have been smashed, brick walls are broken and/or covered in graffiti and cars are damaged.
- People urinate on our walls and the entrance to our homes and even have sex in the small alleys by the sides of our buildings.
- Noise during hours of peace and quiet: Drunk shouting, swearing and screaming at antisocial times, fighting, and generally aggressive and

intimidating behaviour. We are often woken up in the middle of the night to this and it is very distressing.

- Rubbish, vomit and glasses of alcohol. (It is very upsetting to open your door on a Sunday morning and walk out to find your window sills covered in half empty glasses of alcohol, your door step full of cigarette butts and the odd splatter of vomit.)

The problems we have had from Pizza Express are, so I envisage more similar problems:

- Noise from deliveries and rubbish collections during hours of peace and quiet.
- Noise during times of peace and quiet from staff particularly in the warmer months when people like to hang out later at night to socialize.
- Noise from live music events despite the fact that no amplifier is used.
- Excessive noise during times of peace and quiet from the setting off of the alarm which is never attended to by anyone and we just have to wait for it to stop ringing of its own accord.

Finally the problems we have had to date from the parties at the Old Library are mainly those of noise. The nature of the building makes even modest amounts of noise travel and disturb. Use of this room to 1am Mon to Wed will mean we are living in constant noise. And then from Thur to Sat noise till 2am, when will we sleep? Add to this the noise of the people leaving the building, we will never have any peace.

A restaurant/bar/nightclub at such close proximity will without doubt make all our problems worse. Examples of the problems licenses bring in residential areas exist already in the Dutch Quarter and we should be trying to solve them instead of adding more.

My concerns, that also contribute to my objection, that are not addressed by the application furthermore include:

Where will the entrance/exit of the building be?

How will deliveries be made?

Where will the smoking area be?

What type of ventilation and extraction will be used?

With one restaurant already opposite us will there be too much noise and pollution for us?

Answers to these questions could lead to further objections.

It is important for us to safeguard our neighbourhood particularly as the license once granted will remain with the building and regardless of any reassurances made by first licensee it will not provide us with any reassurances from any future tenants or landlords.

I hope my objections will be considered regarding this application and I would like to come to the Committee Meeting on the 26th April.

I look forward to hearing from you

Yours sincerely

Representation 8

Dear Sir

18 March, 2013

My wife and I object to the hours of opening for the sale of alcohol in Pacheco's Licence Application on the grounds of Prevention of Public Nuisance.

The application describes the use of the premises as a fine dining restaurant and coffee lounge. However we note that the application includes the provision of plays, films, indoor sporting events, boxing or wrestling entertainment; live music, recorded music, performances of dance and anything of a similar description. It also applies for the sale of alcohol until 1am (Mondays to Wednesdays inclusive) and 2am (Thursdays to Saturdays inclusive). This latter is with a closing time of 02.30 hours. The indication is that its use is better described as a bar/nightclub and if this is the case then it will lead to public nuisance in a mainly residential street which is already subject to annoyance from revellers in the early hours of the morning.

We further point out that the Old Library is built with very large window surfaces; one entire wall of window faces directly down West Stockwell Street: thus maximizing any noise (within a building which was designed for quiet and for light). These windows are impossible to sound-proof without denaturing their design. The sound of live/recorded music, cheering crowds, etc. must inevitably carry down to the residential areas of the street. There should be no live/recorded music or noise disturbance within the Old Library. The solution to the playing of loud music in Valentino's nightclub (that of soundproofing the building) is clearly impossible in the case of the Old Library.

We further point out that planning permission has recently been granted for residential flats to be developed in Angel Court which is exactly opposite.

It seems to us that the council has put itself in a position of a conflict of interest. In the event of complaints being heard against the licensee (Pacheco), the council will find itself in the position of adjudicating a company from which it receives rent.

It bears repeating that the Old Library, like the Town Hall itself, is one of the most beautiful and significant buildings in Colchester. Both were a gift of the Edwardian Council to their contemporary - but also the future - citizens of Colchester. At the very least, this gift ought to be respected. I am presently the organizer of a series of monthly talks at FirstSite on the historical figures depicted on the Town Hall. There have been two of these events so far, each to a capacity house of the FirstSite auditorium (some 180 people). This should indicate the depth of local interest and pride in this building and the legacy it represents.



Licensing Committee – 19 April 2013	Agenda Item 4
Unit 5, Solus Development	FOR GENERAL RELEASE

Premises	Shop and Off Licence Unit 5, Solus Development, William Harris Way, Colchester	Ward: Berechurch Stress Area: No Civica Ref: 079549 Author: Gary O'Shea
Application	Application for a new premises licence to permit the supply of alcohol off the premises	Appendix 1
Street Plan		Appendix 2
Responsible Authorities	Conditions requested by Essex Police	Appendix 3
Interested Parties		
Local Residents		Appendix 4

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol on/off the premises and for the premises to be open for the following hours- <p style="text-align: center;">Mondays to Sundays from 07.00 to 22.00</p>

Policy Guidelines – Unit 5, Solus Development, William Harris Way, Colchester
<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 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,</p>

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.

Four representations have been received in respect of this application. Two of the representations which oppose the grant of the application are from the same resident. There is also a letter in support of the application. Essex Police having considered the application have requested a number of conditions and these are shown at Appendix 3. The applicant’s consent to the conditions has been sort but at the time of writing this report no response has been received. It should be noted that some of the concerns raised within the representations are not matters that come within the remit of the Sub-Committee when determining the application. These matters include, amongst others, the consideration of the need for the premises and the fact that there are other similar premises nearby and the ability to restrict the opening times of the shop.

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 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 two representations in relation to this objective. The representation from Essex Police suggests the addition of a number of conditions which are set out in Appendix 3. The representation from the local resident opposing the application refers to possible anti social behaviour that may occur in the event that the licence is granted and mentions the possible congregation of youths in the area.

Prevention of Public Nuisance

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

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

Policy

Paragraph 5.23 of the Policy states that:

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

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

There have been two letters of representation from one local resident in relation to this licensing objective and these mention concerns in relation to nuisance and in particular noise nuisance.

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.**

Off Sales/Shops and Supermarkets

Paragraph 3.46 of the Policy states that:

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

Human Rights Implications

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

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

Crime and Disorder Implications

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We MEHMET GOK

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Unit 5 Solus Development William Harris Way			
Post town	Colchester Essex	Post code	CO2 8WJ

Telephone number at premises (if any)	07931792208
Non-domestic rateable value of premises	£ 10,250.00

Part 2 - Applicant Details

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

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day			Month			Year		
1	1	1	1	1	1	1	1	1
A.S.A.P								

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

Day			Month			Year		
1	1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note1)
OFF -LICENCE AND SUPERMARKET PREMISES SITUATED ON THE MAIN HIGH ROAD
WITH A PERMANENT POSITION.

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- 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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

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

F

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

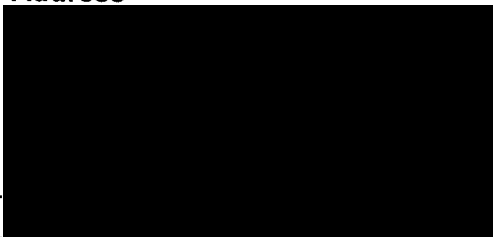
L

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	22:00			
Tue	07:00	22:00			
Wed	07:00	22:00			
Thur	07:00	22:00			
Fri	07:00	22:00			
Sat	07:00	22:00			
Sun	07:00	22:00			
			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 premises supervisor

Name MEHMET GOK
Address 
Personal Licence number (if known) LN/200501555
Issuing licensing authority (if known) LONDON BOROUGH OF ENFIELD COUNCIL

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)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NONE
Mon	07:00	22:00	
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	
Fri	07:00	22:00	
Sat	07:00	22:00	
Sun	07:00	22:00	

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

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

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

b) The prevention of crime and disorder

- 1- Premises will have 5 CCTV recording on HD for 24 hours from both inside and 2 CCTV recordings outside to monitor customers' behaviours.
- 2- CCTV images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified remedied as soon as practicable.
- 3- It will be the responsibility of the DPS or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible.
- 4- There will be Red Care Alarm system connected to police for rapid response in situations of disorder which may be endangers the customers and staff on the premises.
- 5- At least 2 members of staff will be on the shop floor between opening and closing hours.
- 6- Strictly no sale of alcohol to person under age of 18, or drunken person.

c) Public safety

- 1- There is one front fire exit and there is one back fire exit on the premises, four fire extinguishers, and fire safety signs showing the way out in case of an emergency.
- 2- There is entrance and exist for disabled people this will enable their safe evacuation in the event of an emergency
- 3- There is a First Aid Kit.
- 3- Premises comply with relevant planning and building regulation consents.
- 4- All appliances will be checked annually and will comply with relevant British Standards.
- 5- All fire escape/escapes routes will be clearly marked and kept free from obstructions at all times.
- 6- Spirits will be stored and displayed behind the servery, if not then they shall be in an area in which they shall be monitored by staff.
- 7- All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Police and the local Trading Standards service upon request.

d) The prevention of public nuisance

- 1- Because of the the nature of the business no music or loud noise will be an issue.
- 2- No children are allowed to gather around the premises.
- 3- Alcoholic drinks shall not be removed from the premises in open containers.
- 4- There will be members of staff monitoring the entrance of premises making sure that the late leaving customers do so quietly.
- 5- Clear and readable notices will be displayed to remind customers to leave quietly

e) The protection of children from harm

- 1- The premises will operate a "Challenge 21" policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group Citizen card or validate proof of age cards bearing the "PASS" mark hologram.
- 2- Suitable and sufficient signage advertising the "Challenge 21" policy will be displayed in prominent locations in the premises.
- 3- All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
- 5- The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.
- 7- The Designated Premises Supervisor (DPS) shall give written authority to all staff engaged in the sale of alcohol on his/her behalf.

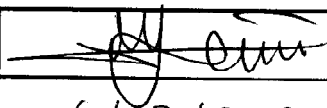
Please tick yes

- 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

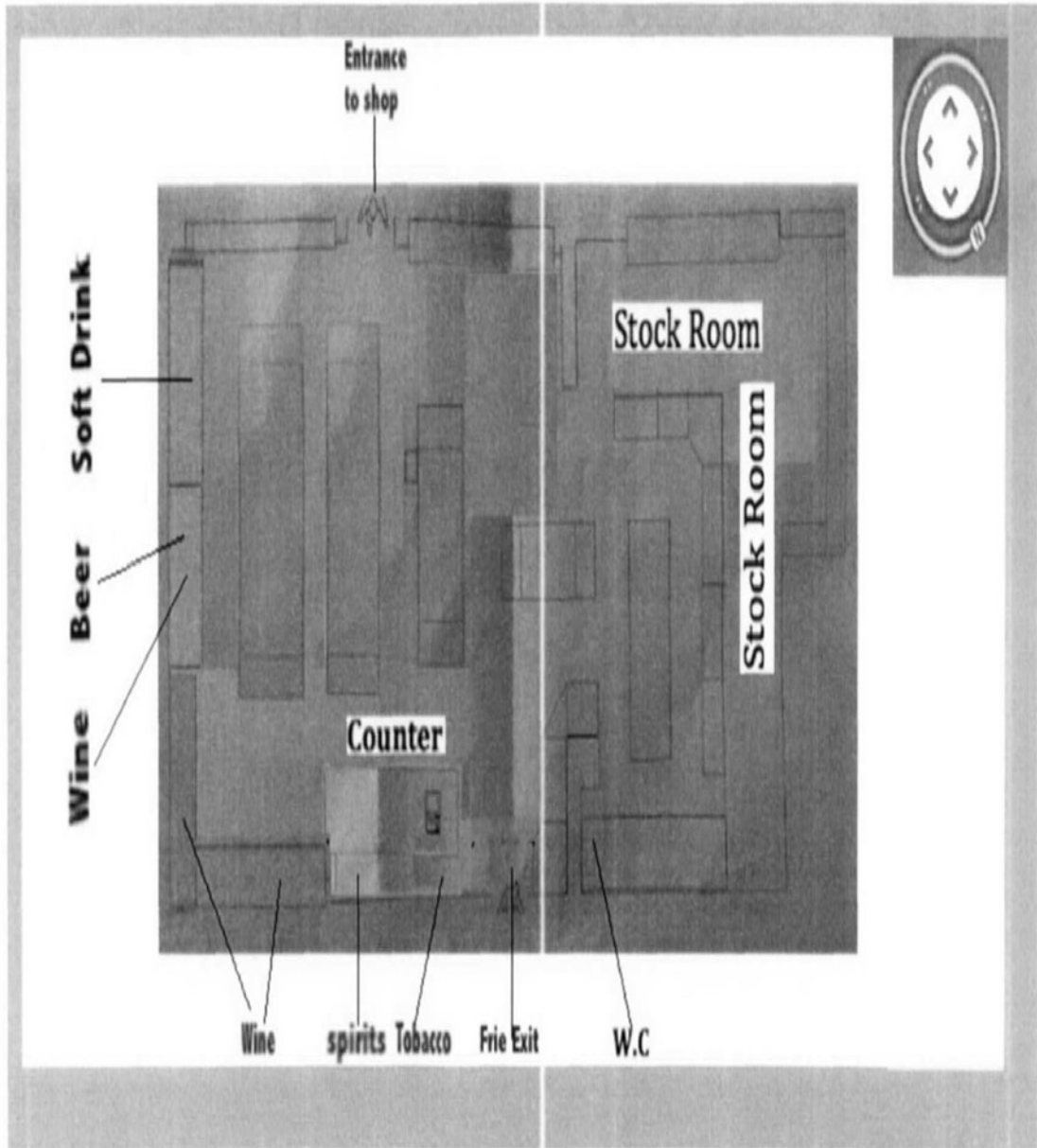
Part 4 – Signatures (please read guidance note 10)

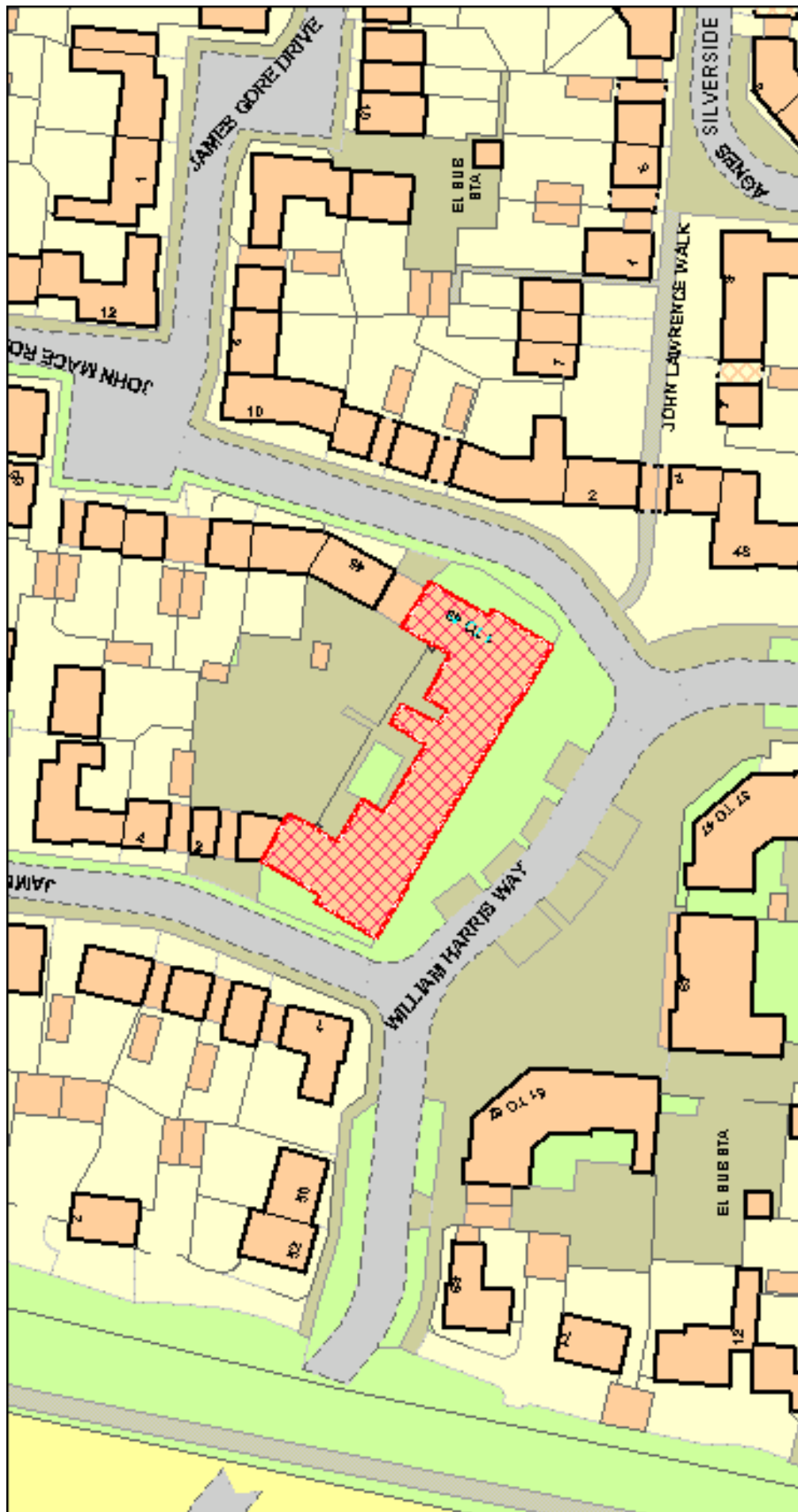
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	6/3/2013
Capacity	

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	





APPENDIX 3

An application has been received for a premises licence for Unit 5, Solus Development, William Harris Way, Colchester, CO2 8WJ.

It must be noted that there has been, and potentially still is, a serious antisocial behaviour problem in this area. Local residents and Neighbourhood Police Teams are concerned that a convenience store selling alcohol may exacerbate the situation.

We now make representations in respect of extra conditions we would require to be included in the licence. The conditions are requested to assist in the maintenance of the licensing objectives. If the applicant fails to agree to these conditions we would be obliged to make a formal objection to the application.

The extra conditions ask for are:-

1. The premises will operate Challenge 25 for the sale of alcohol, requiring all those who appear to be under 25 years of age to be asked for identification and all staff in the store trained in its operation. Signs will be placed predominately in the store informing customers that Challenge 25 is in operation on the premises. There will also be signs informing customers that it is an offence to buy alcohol on behalf of a person under the age of 18.
2. A refusal book will be kept on the premises and available for inspection by Police and authorised Council Officers.
3. A high quality digital CCTV system will be installed and maintained to cover the whole of the shop floor, including the areas to be used for the self-service display of alcoholic beverages, and immediate areas outside the building where young people may congregate. The codec format of digital computers must be available to Police Officers and authorised Council Officers in order to download images. Recorded data gained by CCTV will be kept for a minimum of 31 days. Sufficient staff will be trained in the use of the CCTV system.
4. Any beers, lagers or ciders with an ABV content higher than 6.5% will not be sold by single can but only in quantities of 4 cans or more.

Rob Vickers
Licensing Officer
Colchester Police Station

APPENDIX 4

Good Afternoon

I am deeply concerned to learn of the above application recently submitted to sell alcohol from the premises situate at the above address. Firstly I would like to establish that I most definitely not teetotal and enjoy a drink much the same as most.

In the event the application is successful it will undoubtedly result in unwelcome congregating of youths in particular, with noisy motorbikes and scooters. The area lends itself very nicely as a congregation point with the benches provided! As a resident in one of the flats above the shops, and having previously experienced untold noise and disturbance from children and youths congregating in the area, which I hasten to add has now been dealt with and the area is and has been quiet for some time now, I am deeply distressed of the prospect of a licensed store being open until 10pm, with the added prospect of people drinking their purchases outside together with the litter and other unsavoury goings on that go hand in hand with consumption of alcohol - urinating, vomit, and possible fighting.

Mindful of the overwhelming drinking culture our town, and in fact our country is currently experiencing, allowing another licensed convenience store in a residential area, I feel is purely encouraging over use of alcohol and making it even more convenient for its purchase. It would seem prudent to highlight that within less than half a mile, two such licensed convenience stores surely provide adequate need. The two stores to which I refer are Kishors in Weathershed Road open until 7pm Monday - Saturday closing at midday on Sunday and McColls, Mersea Road open until 10pm 7 days a week. In addition a new Tesco's Express also within half a mile of William Harris Way is shortly to open. Whilst I understand and acknowledge does not form the criteria by which licensing is generally measured, but bearing in mind this is not a high street situation but a residential area and would be comforting for residents if this was taken into consideration.

I am confidently able to report that both the sites previously mentioned at Wethershed Road and Mersea Road attract a certain element to congregate outside. In addition, on several occasions I have been approached by people looking for money outside the McColls store and just the other day a nefarious looking person asking for money, later seeing the same person with a large bottle of cheap cider! this I trust highlights the untold problems a licensed store would bring to The Solus - a residential housing estate, home to many young couples with children.

I have been reliably informed by Councillor Dave Harris that the applicant is planning to move to The Solus in order to run his business, however I am sure that anyone no matter what age would be unable to be present in the shop for the inordinately long hours he intends to open. My reasoning by making this point is that the applicant has reportedly said he is a professional shopkeeper, and has undergone significant training to prevent people congregating outside his shop thereby alleviating the nuisance issue

That said whilst I would prefer the store was not licensed to sell alcohol, if during your assessment your findings are to extend a license perhaps you could give credence to limiting opening hours to as a suggestion 7am - 7pm shop opening hours and selling of alcoholic beverages from 10am - 6pm.

I trust my concerns will be given serious consideration.

Good Morning

Following on from my email sent on Friday 15th March 2013 I should like to add, it would also seem inappropriate for an off license facility to be approved within such close proximity of a nursery school.

Prima facie an off license provides this comparatively small residential area with a benefit, but at what cost to this somewhat small community. The Solus is situated in the midst of a community that suffers social unrest, being on the perimeter of The Monkwick estate. Historically Monkwick has suffered social unrest for many years, and as such alcohol consumption generally can be the source, often exasperating the circumstances in which people seek some sort of recompense for their personal situations. It is not exactly the sale of alcohol that is the root of my concerns, but the ramifications of it. Discarded cans and bottles, could prove to be a health and safety hazard especially to the small children that attend the Cheeky Monkeys nursery school, situated directly opposite the shop. In addition, other acts as previously mentioned in my previous email would also potentially create health and safety issues for children in particular, as well as adults and the general upkeep of the estate. Noise disturbance to residents from cars, motorcycles, and noisy screaming scooters together with the general noise associated from late night and early morning shoppers, will be like living in a high street.

It is without doubt that these situations can spiral out of control, leading to a general decline of the area, reduction in property values and general disturbance to what is now a relatively pleasant place to live, declining to a socially unacceptable area.

I therefore strongly urge your committee to consider this application with the deepest respect for our community with at best declining the application, or with at least, taking a modicum view by applying reduced hours from 7am - 11pm to 10 am - 6pm for the sale of alcohol and would also respectively change the shop opening times from 7am - 11pm to 8am - 6pm. Although I retain the view that even this will create problems for our community, but as planning consent has been passed there would seem to be nothing else that I can say on this matter. However I will be writing to the Planning department as there would appear to be an oversight regarding parking for shop owners and staff, and also storage of rubbish which is hardly sufficient to service the tenants of the flats, which undoubtedly will create future health and safety issues.

I look forward to hearing from you.

Kind Regards

> Date: Sun, 17 Mar 2013 20:00:51 +0000

> Subject: Shop opening on Solus Development (William Harris Way, John Mace Road et all)

>

> I'm writing this time with regards to the proposed convenience store opening on William Harris Way as I understand that other residents may have contacted you about this and I wanted you to have a balanced view based on all opinions if you were to take an interest in the matter.

> xx and myself think that the addition of this local amenity would benefit the area as we are of the opinion that the cornerstones of a community are good neighbours, the local shop, pub and post office (though the last two are not likely to arrive anytime soon). The fact that an off-licence application has also been submitted does not overly concern us either as this would only contribute to an unreasonable environment around the shop if the rules regarding who can purchase alcohol and when were to be ignored (and the retailer should be given the benefit of the assumption they won't in the first instance).

> All of this should also be considered alongside the fact that while we are in the same block as the premises, we would not expect to be affected by its presence as much as properties immediately adjacent.

> That only leaves me to come back to the bins and after receiving the plans from the management company, I realise that one of the bin sheds belongs to the shop units (the one nearest the units) leaving one shed for the flats which can contain three bins, so this could mean a re-occurrence of our refuse troubles if collections are missed (so far, all OK). This again is something the retailer will want to keep on top of as I understand there may be penalties for him if commercial/residential waste ends up in the wrong receptacles (maybe he might want to put up signage or a lock on his cupboard).

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