

# Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall  
24 October 2008 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](http://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](http://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.

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

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[www.colchester.gov.uk](http://www.colchester.gov.uk)

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

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

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

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

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

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

The Council's case:-

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

The Applicant's case:-

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

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

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

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

(15) Each party will present their case.

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

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

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

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

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

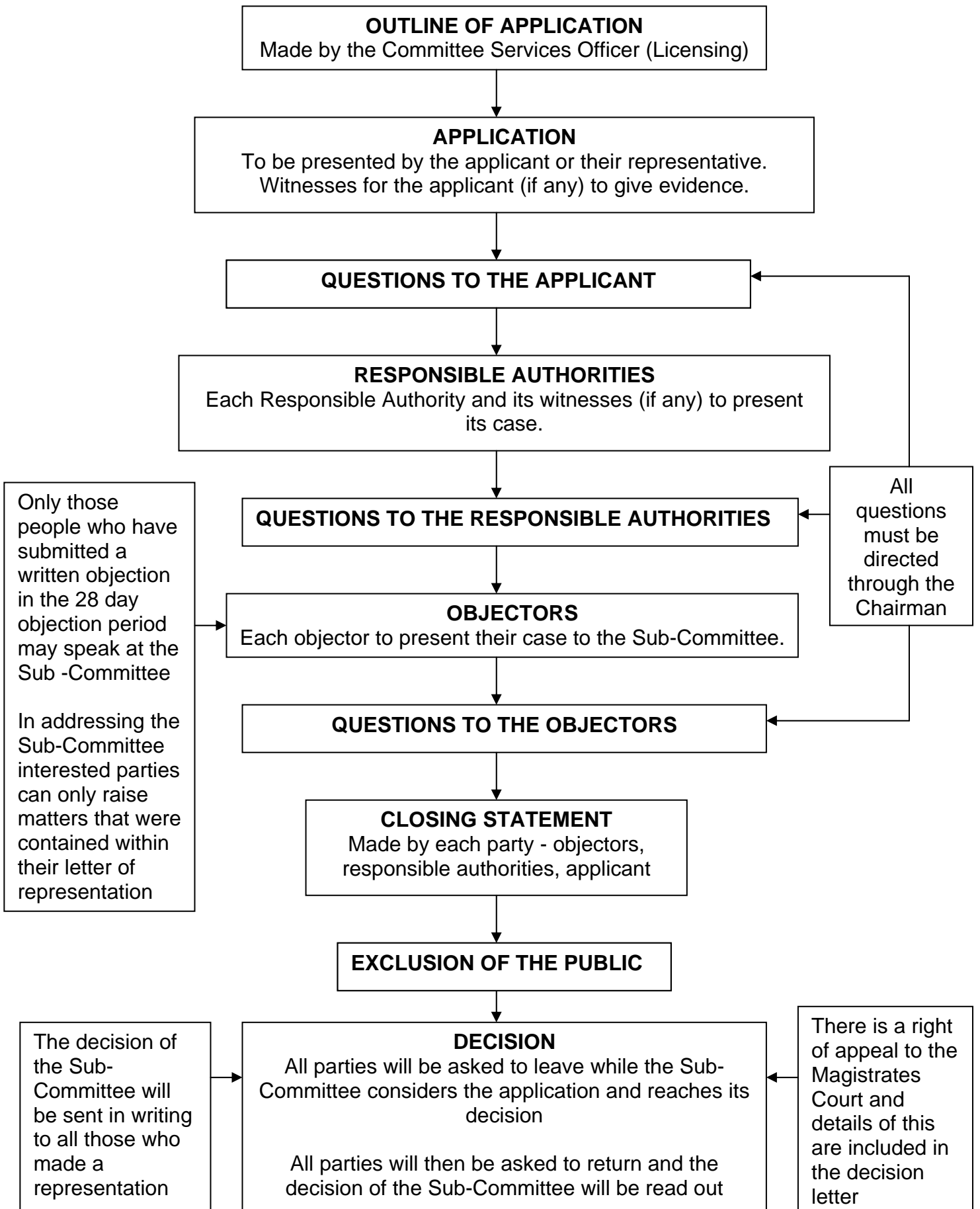
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

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

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

# The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL  
LICENSING SUB-COMMITTEE HEARINGS  
24 October 2008 at 10:00am**

**Members**

Chairman : Councillor Barrie Cook.  
Councillors Helen Chuah and Nick Cope.

**Substitute Members** :

**Agenda - Part A**

(open to the public including the media)

**Pages**

**1. Appointment of Chairman**

To appoint a Chairman for the meeting.

**2. Declarations of Interest**

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

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

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

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

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

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

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

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

### **3. Minutes**

**1 - 25**

To confirm as a correct record the minutes of the meeting held on 6 June, 11 July, 1 August, 15 August and 1 September 2008.

### **4. Applications under the Licensing Act 2003**

a. Mersea Outdoors, Rewsalls Lane, East Mersea, Colchester, Essex

**26 - 84**

b. Liquid/Envy, 131 High Street, Colchester, Essex

**85 - 134**





# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

6 June 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 6 June 2008 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Garnett  
Councillor Chuah  
Councillor Quarrie

#### 1. Membership

Sarah White, Committee Services Officer (Licensing), advised that Councillor Chuah was substituting for Councillor Hogg.

*RESOLVED* that Councillor Garnett be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Minutes

The minutes of the meetings held on 7, 14 and 28 March 2008 were confirmed as correct records.

#### 4. Licensing Applications

The Head of Planning and Protection Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

##### a) Pink Panther

The Sub-Committee considered an application in respect of the Pink Panther, 3- Kendall Road, Colchester to vary the premises licence to extend the hours for the sale of alcohol, live music and opening hours, changes to the hours of recorded music, to provide facilities for making music and dancing and the removal of conditions.

#### In Attendance

Applicants: Mr L. Page, Designated Premises Supervisor

Residents: Mr M. Nicholson

Responsible Authorities: Mr G. Milham, Environmental Control

Officers: Mr Weavers, Legal Services and Mr Harvey, Licensing Manager, Miss Tuthill, Committee Services Assistant and Mrs White, Committee Services Officer.

## The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that two letters of representation had been received from local residents opposing the application to vary the Pink Panther's licence on the grounds that it will lead to disturbance and excessive noise to residents. Colchester Borough Council's Environmental Control team had also submitted comments on the application and had proposed conditions which the applicant had not agreed to.

Mr Page outlined the application and explained that he thought the variations he was seeking were minor. Mr Page had brought eight letters of support of his application to the hearing which he asked to serve on the Committee. The agreement of the objectors was sought to the distribution of the letters and was obtained. Three letters were disregarded as they were invalid. The applicant went on to explain how he had taken over the premises formerly known as the Blue Boar after it had been shut for nine months and has transformed it. Mr Page explained that the Pink Panther has hosted 50 disco events on the premises and has never had any complaints. Every event they have held has been monitored for noise and they have filled in the log for every engagement that they have had. Mr Milham from Environmental Control had previously visited the premises and given Mr Page advice on monitoring noise.

The applicant then went on to detail the reasons for asking for the variation. The premises is in a residential area and there are other premises in just as densely populated residential areas in Colchester that are open past 23.00 on Sundays and therefore he was losing out on trade to these places. Mr Page felt that families were being penalised under their existing licence as children have to leave the premises at 18.00. The Smoking Ban had had an impact on the business and under their existing licence, patrons could only use the outside area at the rear until 23.00 and the premises was open until 00.00 so customers were going to the front of the property to smoke which was harder for the management to control. Mr Page finished introducing his application by saying that he thought he had proved since September 2007 that he does take the neighbours into consideration.

Guy Milham from Environmental Control then addressed the Committee regarding his comments and objection to the proposed variations. Mr Milham began by highlighting how many residential properties there are in close proximity to the Pink Panther. Mr Milham said that there were two noise complaints about the premises in September 2007 and one in December 2007. Mr Milham had no objection to the music or dancing but did Karaoke and the opening hours on Sunday as residents would not get any respite.

Representations had also been received from local residents. The letters referred to noise nuisance and general anti-social behaviour which they believed could be attributed to patrons of the club. However a letter from another local resident had been received in support of the application and stated that as long as the local community were protected from excessive additional nuisance then the application is a good thing and that 'having some life around homes rather than in the midst of the drunken thrall that plagues the town centre on weekend nights is an essential element of the quality of life in Colchester'.

Mr Nicholson, owner of 9, Kendall Road commented that he had no problems with the proposed hours, and thinks that Mr and Mrs Page have improved the premises a lot and he has a good relationship with them. Mr Nicholson's issue was with the Beer Garden which is directly adjacent to his property as he can hear people talking and people had been using the smoking area until 23.00 on some occasions.

In responding to questions from members of the Sub-Committee, Mr Page informed the Sub-Committee that he would like to have Karaoke two or three times a week and at any time. The applicant also stated that there would be no eating or drinking in the beer garden after 23.00.

## The Decision

*RESOLVED* that –

(i) The Sub-Committee carefully considered the application and having regard to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received from local residents and the submissions made at the hearing by the applicant's representative and by local residents and determined to grant the application to permit-

- Recorded Music
    - Sundays 12.00 to 23.00
  - Live Music
    - Mondays to Sundays 10.00 to 23.00
  - Facilities for making music and dancing
    - Mondays to Saturdays 10.00 to 23.00
    - Sundays 12.00 to 23.00
  - Supply of alcohol
    - Sundays 12.00 to 23.00
  - The premises to be open for the following hours:
    - Sundays 12.00 to 23.30
- Save

Removal of the following conditions:

- No children to be permitted on the premises after 18.00.

Subject to the following conditions:

### **Imposed by the Sub-Committee**

- No Karaoke permitted on Sundays after 19.00
- That no children be permitted on the premises after 19.00.
- That a noise limiting device be installed in accordance with the comments of Environmental Control.
- No beverages or food shall be permitted in the outside area after 23.00.
- That signs that are visible and can be easily read shall be placed in the outside area advising customers to respect the neighbours and keep noise levels down.
- That the tables and chairs be removed from the Smoking Area.

- That the licence holders shall make regular checks at the boundary of noise sensitive premises to monitor noise.
- That regular collection of empty glasses from the outside area takes place.

### **Mandatory Conditions:**

#### **Mandatory conditions where licence authorises supply of alcohol**

- No sale of alcohol may be made under the premises licence-
  - a. at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - b. at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **b) The Blackwater Pearl**

The Sub-Committee considered an application in respect of the Blackwater Pearl, 122a Coast Road, West Mersea, Colchester for a premises licence to permit the sale of alcohol on and off the premises and recorded music.

#### **In Attendance**

Applicants: Ms K. Proctor

Residents: Mr P. Harley and Mr R. Open

Officers: Mr Weavers, Legal Services and Mr Harvey, Licensing Manager, Miss Tuthill, Committee Services Assistant and Mrs White, Committee Services Officer.

#### **The Application**

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that two letters of representation had been received from local residents opposing the application for a premises licence for the Blackwater Pearl. The letters referred to noise nuisance anti-social behaviour and vandalism which they believed could be attributed to patrons of the club. One resident voiced their concerns about the type of customer the shop would attract if certain alcoholic products were sold.

Mrs Proctor outlined the application and explained that she had taken over the premises a year ago and that the premises had previously been licensed since 1968 but was not renewed when it expired in 2005. The applicant said that it was her intention to sell alcohol primarily to the Company Shed. Mrs Proctor said that the alcohol would have a dedicated store, and that it would be locked at night. There is no intention to open late at night except for Regatta Week.

Representations had also been received from three local residents who had expressed their concerns of alcohol fuelled behaviour, the type of customers certain sales of alcohol would attract, noise disturbance to residents and the sale of alcohol after 17.00 which could lead to anti-social behaviour and vandalism in the evenings.

Mr Harley commented on inaccuracies in the application in relation to the premises location and that they have a lot of alcohol fuelled behaviour on West Mersea and thought that be

limiting the sale of alcohol to wine this would deter younger people.

Mr Open's only concern was the applicant wishing to sell alcohol in the evenings as Mrs Proctor thinks her main custom would be from the Company Shed which closes at 16.00. Mr Open was also concerned what would happen if the ownership of the premises changes and thought that the noise from the recorded music would disturb the nearby residential properties.

In responding to questions from members of the Sub-Committee, Mrs Proctor informed the Sub-Committee that she would expect

### **The Decision**

*RESOLVED* that –

(i) The Sub-Committee carefully considered the application and having regard to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received from local residents and the submissions made at the hearing by the applicant's representative and by local residents and determined to grant the application to permit-

- The supply of alcohol on and off the premises, and the provision of recorded music for the following hours:

08.00 to 22.00 Mondays to Sundays

- The premises to be open for the following hours:

08.00 to 22.30 Mondays to Sundays

Save

### **Mandatory Conditions:**

#### **Mandatory conditions where licence authorises supply of alcohol**

- No sale of alcohol may be made under the premises licence-
  - c. at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - d. at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **5. Close of Meeting**

The meeting closed at 12.00

**Chairman:**

**Date:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

11 July 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 11 July 2008 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Chuah  
Councillor Cook  
Councillor Garnett

#### 1. Membership

Alexandra Tuthill, Committee Services Assistant (Licensing), advised that there were no changes to the membership.

*RESOLVED* that Councillor Cook be appointed Chairman.

#### 2. Declarations of Interest

Councillor Garnett (in respect of his personal business relationship with Ellisons) declared his interest in the following item pursuant to the provisions of the Meetings General Procedure Rule 7

#### 3. Licensing Applications

The Head of Planning, Protection and Licensing submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

##### a) Banquet 1408

The Sub-Committee considered an application in respect of Banquet 1408 at 342 London Road, Stanway to vary the premises licence.

#### In Attendance

Applicants: Miss Huan Qiong Zhou, applicant; Mr Kahn, Manager; and Ms L. Bland, solicitor for the applicant

Residents: Mr R. Donnelly

Officers: Mr Essex, Legal Services; Mr Harvey, Licensing Manager; Mr Russell, Planning Officer; and Mr Martin, Environmental Control Officer

#### The Application

Alexandra Tuthill, Committee Services Officer (Licensing), briefly introduced the application, advising that one letter of representation had been received from a local resident opposing the application to vary Banquet 1408's licence on the grounds that it would lead to disturbance and

excessive noise to local residents. Colchester Borough Council's Planning and Environmental Control teams had also submitted letters opposing the application.

Ms Bland requested and obtained the Committee's permission to distribute some information on the specifics of the premises and proposing new conditions to the application. The meeting was adjourned to give the Committee and the objector's time to consider the material. Ms Bland then outlined the application and explained the unique nature of the business and explained that Miss Zhou did not wish to change the concept of the restaurant and that the variation was being sought to allow for more flexibility in the restaurant and function rooms. The removal of conditions had been sought as they prohibited Miss Zhou from having buffets; customers in the function rooms from using the garden; and as they had very few takeaway orders there was little use for the bins outside. The additional activities requested were to enable them to host themed nights at the restaurant such as Chinese festivals and to be able to have Karaoke as it was very popular in China.

Ms Bland informed the Committee that there had never been any noise complaints about the property and with regard to the additional hours sought, Miss Zhou was aware that she would need to obtain planning permission. The additional hours would only be used on special occasions.

Ms Bland then went on to address the objections that had been received. In relation to Mr Donnelly's objection he refers to cooking smells. Ms Bland highlighted the location of the air ducts at the premises and at the White Hart public house and suggested that the cooking smells were probably actually from the White Hart not Banquet 1408. The applicant was unaware that smokers outside the premises were a nuisance to residents and stated that they were happy to put up signs asking smokers to be respectful of their neighbours and are happy to specify a new smoking area. Mr Donnelly's letter also refers to the potential for more cars to be exiting the service road. Miss Zhou has contacted the Landlord of the premises and has obtained his permission to put up a barrier preventing cars from using the service road. The events that Miss Zhou has planned will be indoors (unlike the Chinese New Year 2007 that Mr Donnelly refers to in his letter). Ms Bland finished outlining the application by saying that she hoped that the concerns Environmental Control and Planning have, have been addressed by the conditions that were offered at the hearing.

A representation had been received from Environmental Control expressing concerned about the removal of conditions and potential noise problems that may occur as a result of any grant of the application. However, Mr Martin confirmed that he was happy with the proposed conditions offered by the applicant but would like them to keep the noise limier and wished for his objection to the opening hours to remain. It was confirmed that there had not been any noise complaints made in respect of the premises. Planning had also submitted a letter of objection to the application and was concerned that the extended hours and removal of conditions would result in he premises becoming more alcohol orientated and less food orientated.

A representation had been received from a local resident. Mr Donnelly thought that by providing Karaoke, it would change the ethos of the business and thought that the additional hours being sought would generate extra traffic and could not see how the barrier Miss Zhou was proposing could work. Mr Donnelly was also concerned that the themed nights could be noisy.

Mr Harvey said that he was reassured that the applicant had proposed a new condition to serve food with the alcohol and that they wish for the business to remain as a restaurant. However, Mr Harvey was concerned that the Fire Authority would not be happy with one of the proposed conditions which was to have a 'No Exit' sign above the emergency exit doors.

In responding to questions, Ms Bland informed the Sub-Committee that Miss Zhou was happy to notify residents who they considered may be affected when a special event such as Chinese New Year was due to take place. However, Mr Donnelly thought that this would just generate more business for them and would therefore add to the noise. The applicant re-iterated that the barrier would force customers to use the same slip road to enter and exit the car park. Miss Zhou confirmed that they would not be serving food up until 01.00 but customers there at that time would have already eaten and alcohol would not be available to take away.

## **The Decision**

*RESOLVED* that-

(i) the Sub-Committee carefully considered the application and having regard to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received and the submissions made at the hearing by the applicant, the applicant's representative, a local resident, and planning and environmental control and determined to grant the following-

- Live Music, recorded music, anything of a similar description, provision of facilities for making music, provision of facilities for dancing, provision of facilities for entertainment of a similar description for the following hours-

Mondays to Sundays – 12.00 to 01.00

- Late Night Refreshment for the following hours-

Mondays to Sundays – 23.00 to 01.00

- Supply of alcohol for the following hours-

Mondays to Sundays – 11.00 to 01.00

Save from 10.00 New Year's Eve until 23.00 New Year's Day.

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

Mondays to Saturdays – 11.00 to 01.30

Sundays – 11.00 to 01.00

(ii) The following conditions be removed –

- Where the premises provide food to the public for consumption on or off the Premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.
- Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his/her meal.
- When alcohol refreshment is sold for consumption on the premises it will be sold to people sitting at a table and service will be by waiter/waitress only.



(iii) The licence be granted subject to the following conditions:

Imposed by the Sub-Committee at the Hearing

- A leaflet drop to properties within a 500 metre radius to be carried out when special events with an external activity are taking place.
- A defined smoking area to be established within the garden area and no smoking to be permitted elsewhere in the curtilage of the premises.
- Any amplified music and/or Karaoke system to be linked to a device which cuts the amplification power in the event that the fire escape in Karaoke room is opened or carry out such other works which achieves the same outcomes.
- An 'Emergency Exit Only' sign to be placed on the fire escape door of the Karaoke Room to the garden.
- A noise limiter to be fitted to the Karaoke and amplified music system and to be set at levels approved by Environmental Control.
- A barrier to be fitted restricting entry and exit to the service road, which must be lowered by 21.00 and not lifted before 02.00.
- Alcohol will only be sold to persons eating in the restaurant or attending a function where substantial food is available.

Mandatory Conditions

**Mandatory conditions where licence authorises supply of alcohol**

- No sale of alcohol may be made under the premises licence-
  - a. at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - b. at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**5. Close of Meeting**

The meeting closed at 12.30.

**Chairman:**

**Date:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

1 August 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 1 August 2008 in the Grand Jury Room Borough Council, Town Hall, High Street, Colchester starting at 13.30.

Present:- Councillor Blundell  
Councillor Cook  
Councillor Quarrie

#### 1. Membership

*RESOLVED* that Councillor Cook be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Licensing Applications

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

##### a) Colchester Community Stadium

The Sub-Committee considered an application in respect of the Colchester Community Stadium, United Way, Colchester for a premises licence.

#### In Attendance

Applicants: Mr Rankin, Counsel for the applicant, Ms L Bland, Solicitor for the applicant

Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager

Objectors: Mr & Mrs Billingham, Mr Knight, Mr Nicholson, Councillor Goss, speaking on behalf of local residents, and Parish Councillor Sutcliffe speaking on behalf of Myland Parish Council and local residents

#### The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that representations had been received from Environmental Control and Essex Police.

17 representations had also been received from local residents, one from a local business and a letter of representation had been received from Myland Parish Council.

Mr Rankin on behalf of the applicant confirmed that in the response to the representation made by Essex Police the Football Club now sought the provision of all licensable activities from

07.30 to 02.30 Mondays to Sundays inclusive except for New Years Eve when all licensable activities would take place between 00.001 and 00.00. The premises would be open to the public from 07.00 to 03.00 with the exception of New Years Eve when the premises would be open from 01.00 to 00.00. A representation had been received from Environmental Control and the applicant had agreed to the conditions requested. These conditions would be applied to the grant of any licence.

17 letters of representation had been received from residents and one from a local business whose properties could reasonably be regarded as being in the vicinity of the premises given the unique and individual nature of the stadium and the licensable activities that would take place there. The representations referred to the potential for alcohol related vandalism and antisocial behaviour occurring in the area as a result of the grant of any licence. A number of residents expressed their concern that police would only be present on match days and at other times there would be a reliance on CCTV and door supervisors at the stadium because of the concentration of police in the town centre at weekends. Reference was made to the rural and residential nature of the area and the likely impact on this of any alcohol fuelled anti-social behaviour by patrons of the stadium as they made their way home either on foot or by car. In their letters of representation residents referred to a number of concerns regarding public nuisance and in particular to noise nuisance in the early hours of the morning from performances, traffic and patrons of the stadium if the licence was granted.

Councillor Goss, speaking on behalf of local residents, stated that residents were not opposed to the stadium but were concerned at the alcohol fuelled problems which they believed would result for the grant of any licence. Residents wished to see a reduction in the terminal hour sought to 12 midnight. Parish Councillor Sutcliffe, speaking on behalf of Myland Parish Council, welcomed the reduction in hours outlined by the applicant but felt that these did not go far enough. Residents in Myland already suffered from anti social behaviour and he considered that if the application were granted, police resources would be stretched to breaking point.

Mr Billingham addressed the Sub-Committee and expressed his main concerns which were the noise and disturbance the grant of any licence was likely to cause to local residents. He explained that noise was already leaking out of the stadium from the various tests being carried out. He reminded the Sub-Committee that any imposition of conditions should be necessary and proportionate and he considered that the conditions agreed between the applicant and Environmental Control were not achievable or reasonable. Mrs Billingham addressed the Sub-Committee on the matter of noise pollution. Even accepting that they had the noise of the A12 in the background she informed the Sub-Committee that there was still significant noise pollution from the stadium testing the sound system. The design of stadium was such that noise could escape from the four corners. Mr Knight in addressing the Committee stated his belief that the crime and disorder implications of the grant of the licence were predictable and the peaceful nature of the semi rural area would be shattered if the licence were granted. A number of residents in both their letters and in addressing the Sub-Committee considered that the hours of the licence should be restricted to those of the licence held by Colchester United at Layer Road.

Mr Rankin, Counsel for the applicant, informed the Sub-Committee that Mr Turner had considerable experience of running a large sporting venue having been at Essex County Cricket for 12 years and had a number of relevant qualifications. Mr Rankin explained that as the premises was a community stadium the licence had been kept deliberately wide to enable it to respond to as many requests for use by the community as possible and to avoid the need to apply for temporary event notices. It was not anticipated that the full extent of the licence would be used at all times.

Mr Turner gave further details on a number of operational matters and confirmed that the whole premises including the car park would be non-smoking. He explained that a risk assessment would be completed for each function held at the stadium and outlined the measures proposed to deal with traffic. Stewards would be placed on the Boxted Road and there were proposals to make part of this road a clearway to prevent event parking. Shuttle buses would be used on match days to move patrons between the stadium and the station and this arrangement might be used for other events if appropriate. At smaller events it was suggested that people would be kept within the premises whilst waiting for public transport to arrive to minimize disturbance to residents.

In responding to residents' concerns regarding noise, Mr Rankin explained that the conditions agreed with Environmental Control were some of the most stringent he had seen and that the stadium management would have to abide by them. The problems with light pollution had been largely resolved by ensuring that the lights in the car park were not left on although questions were raised concerning the use of the lights during events. With regard to the policing of events, there would be police in the control room at matches and 24 hour security was present on the site. SIA registered door staff would be used for events with under 500 people attending. There was considerable debate concerning the capacity of the premises but it was accepted that capacity figures were not a matter that could be determined by the Sub-Committee. It was suggested and agreed by both parties that regular liaison takes place between local residents and the stadium management to resolve any difficulties that may arise from time to time.

## **The Decision**

*RESOLVED* that the Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representation received from Essex Police and the submissions made at the hearing by all parties and determined to grant the application as applied to permit-

- The supply of alcohol on and off the premises, the provision of plays, films, boxing or wrestling entertainments, live music, recorded music, performances of dance and anything of a similar description, facilities for making music, facilities for dancing and anything of a similar description indoors and outdoors, and the provision of indoor sporting events for the following hours-

10.00 to 02.30 Mondays to Sundays inclusive

- Provision of late night refreshment for the following hours-

23.00 to 02.30 Mondays to Sundays inclusive

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

10.00 to 03.00 Mondays to Sundays inclusive

Subject to the following conditions:-

### **Imposed by the Sub-Committee at the Hearing**

1. Outside amplified music shall cease at 01.00.
2. The sale of alcohol and all licensable activities in the car park shall cease at 24.00.

3. Alcohol shall only be sold to persons attending an organised function.
4. Regular liaison meetings shall be offered to local residents every two months.
5. Free water is to be made available to those attending organised functions other than football matches.

### **Conditions offered by the applicant on the Operating Schedule**

1. Regulated entertainment shall only take place and alcohol shall only be sold at the premises in accordance with the operating schedule and the conditions on the premises licence.
2. Alcohol shall only be sold from public bars and/or private facilities in the premises and in accordance with the trading hours.
3. The initial risk assessment in relation to any event shall expressly address:
  - (a) in relation to any regulated entertainment – the nature, location in the premises and timings of such entertainment; and
  - (b) the extent of the trading hours in respect of all public bars and those private facilities with a direct view of the pitchThe final risk assessment shall confirm, or if appropriate, restrict the above details.
4. Accredited proof of age cards, photo driving licences and passport will be requested by the bar staff and/or bar supervisor to establish the age of any person attempting to purchase alcohol who appear to be under the age of 18.
5. High quality digital CCTV system with cameras to be installed and focused on areas to be agreed with the police and marked on an agreed plan in order to deter incidents, in accordance with the Colchester Crime and Disorder Strategy and Section 17 of the Crime and Disorder Act 1998. The codec format of digital computers must be made available to the police and the local authority, in order to download quality images of DVD discs for a period of 31 days. Sufficient staff shall be trained efficiently, in the use of the CCTV system.
6. High quality definition DVD/CCTV images shall be recorded and maintained for a period of no less than 31 days so that police officers investigating all incidents are able to retrieve quality CCTV images within this period.
7. When the premises are open to the public, community stadium management (including personal licence holders) shall ensure that a suitable number of bar supervisors, bar staff and (when appropriate) door supervisors, are allocated to the public bars and private facilities with a view to maintaining good order and safety and with a view to preventing nuisance and harm to children.
8. In addition to 7 above, when the premises are open for the sale of alcohol past 24.00 on any day, door supervisors (of a sufficient number and gender mix) shall be employed after 21.00 hours, in the public bars and private facilities (as appropriate and necessary with a view to maintaining good order and safety). A log will be kept by community stadium management in which the names and dates/times of such door supervisors on duty and any incidences that may occur, and this log will be shown to the police or other responsible authorities on request.

9. When the premises are open to the public at an event, community stadium management (including personal licence holders) shall, in addition to condition 7, ensure that any agreed measures (relating to public order, safety and the prevention of nuisance and harm to children) pursuant to the final risk assessment are put in place.
10. Community stadium management shall use its reasonable endeavours to consider the provisions of and/or to follow the recommendations in, the publications set out below, in relation to events, so far as it is reasonable practicable and appropriate to do so:
  - The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999) (“The Purple Book”) ISBN 0 7176 453 6
  - Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
  - Five Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804
  - The guide to Safety at Sports Grounds (The Stationery Office, 1997) (“the Green Guide”) ISBN 011 300095 2)
  - The London District Surveyors Associations “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1
  - BS5588 Part 6 (regarding Places of Assembly), Part 9 (regarding ventilation and air conditioning systems), Part 8 (regarding means of escape for disabled people), BS5839 Part 5 (regarding fire alarm systems and buildings and BS5266 (emergency lighting systems).
11. For the avoidance of doubt, nothing in the operating schedule to the premises licence or the appendices thereto shall operate or exclude or limit the application of the exemption for in-house football stewards (acting as door supervisors or otherwise) from licensing under the Private Security Industry Act 2001, as announced by Ministries of the Government on September 2005.
12. Conditions 13 to 21 below will apply (where appropriate) to regulated entertainment events at which the pitch area and surrounds and/or the seating area in the stands and/or the car park is in use
13. A Noise Council Code of Practice for Environmental Noise Monitoring at Concerts is to be used for target levels at existing community sites.
14. During night time entertainment noise should no be audible within existing noise sensitive premises with windows open in a manner typical for ventilation.
15. The control limits for any event or activity involving amplified sound shall be set to ensure that the sound shall not exceed 15dBA (leq 15 min) above the background noise level at existing noise sensitive premises over the duration of the event.
16. Community stadium Management shall nominate a person who is competent to monitor noise no later than two weeks prior to the event. This nominated person shall liaise between all parties including the promoter, sound systems supplier, sound engineer and the Council, etc and all matters relating to noise control prior to and during the event.
17. A noise propagation test shall be undertaken at the earliest opportunity prior to the start

of the event in order to set appropriate control limits of the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

18. Community stadium management shall ensure that the promoter, sound systems supplier and all individual sound engineers are informed of the sound control limits and that any instruction from the person nominated to control noise regarding noise levels shall be implemented.
19. The person nominated to control noise shall continually monitor noise levels of the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing authority shall have access to the results of the noise monitoring at any time.
20. Throughout the loading, rigging and dismantling days, no amplified sounds shall be played through the speakers external to the stadium, except for operational and emergency announcements. On event days, low level background music can be played as entertainment to queuing crowds between the hours of 11.00 and 19.00. These levels would be discussed and agreed with Environmental Control before any event takes place at the stadium. Background music shall cease once the event has started.
21. No sound checks or rehearsals shall commence before 09.00 and they shall not continue after 21.00 so as not to cause any undue disturbance to existing community sites and existing noise sensitive premises.

## **Mandatory Conditions**

- **Where licence authorises supply of alcohol**

- 1) No sale of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- **Exhibition of films**

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 3) Where-
  - a) the film classification body is not specified in the licence, or
  - b) the relevant licensing authority had notified the holder of the licence

that this subsection applies to the film in question,  
admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4) In this section-

“children” means persons aged under 18; and  
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

- **Door supervision**

1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

2) But nothing in subsection (1) requires such a condition to be imposed-

- a) in respect of premises within paragraph 8(3) (a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to-

- i. any occasion mentioned in paragraph 8(3) (b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- ii. any occasion within paragraph 8(3) (d) of that Schedule (occasions prescribed by regulations under that Act).

3) For the purposes of this section-

- a) “security activity” means an activity to which paragraph 2(1) (a) of that Schedule applies, and
- b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### **4. Close of Meeting**

The meeting closed at 16.45.

**Chairman:**

**Date:**



# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

15 August 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 15 August 2008 in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Cook  
Councillor Cope  
Councillor Martin

Officers: - Simon Harvey  
Andrew Weavers  
Sarah White

#### 1. Membership

There were no changes to the membership of the Sub-Committee.

*RESOLVED* that Councillor Cook be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. 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.

##### **Fiveways Post Office**

The Sub-Committee considered an application in respect of Fiveways Post Office, 66 Blackberry Road, Stanway to permit the sale of alcohol.

##### **In Attendance**

Applicants: Mr Hook, Advocate; Mr Baker, solicitor for the applicant; Mr S Tharaneetharan, Designated Premises Supervisor

Residents: Councillor Scott-Boutell on behalf of Messrs Lungley, Mrs Munson, Mr Stevenson

Officers: Mr Weavers, Legal Services and Mr Harvey, Licensing Manager

##### **The Application**

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that letters of representation had been received from local residents in respect of the application.

Mr Hook presented the application on behalf of the applicant. He explained that under the terms of the Licensing Act 2004 it was a modest application seeking a licence to sell alcohol until 22.00. The premises was a small convenience store with a Sub Post Office and the applicant wished to extend his business by adding a small off licence to meet the needs of his existing clientele. The premises would shortly become part of the MACE Express chain. Mr Hook explained that there was a flat above the premises which had been occupied by the applicant and his family and would in future be occupied by a member of staff which would ensure that there was someone on the premises to deal with any problems that may arise.

In addressing the Sub-Committee residents referred to their concerns that the grant of any licence would result in a rise in anti social behavior. In responding to these concerns Mr Hook commented that these were based on residents' experiences of a former off licence and were not relevant to the application before the Sub-Committee. The designated premises supervisor had 16 years experience and was confident that he could deal with any problems that may arise. Representations had not been received from the responsible authorities and there had been no criticism in the residents' letters concerning the operation of the premises or of the operating schedule included as part of the application. The Licensing Manager gave guidance on the Licensing Act advising that under the terms of the Act the application was a modest one and sought opening hours that were less than would have been granted under the 1964 licensing legislation. The 2003 Act provided that shops and supermarkets should be allowed to trade unless a negative impact on the licensing objectives could be demonstrated.

## **The Decision**

*RESOLVED* that the Sub-Committee gave careful consideration to the relevant parts of Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received in writing and the submissions made at the hearing by both the applicant and his representative and by local residents and determined to grant the application as applied for to permit-

- the supply of alcohol off the premises for the following hours-  
06.00 to 22.00 Mondays to Sundays inclusive
- the premises to be open for the following hours-  
06.00 to 22.00 Mondays to Sundays inclusive

Subject to the following conditions-

## **Imposed by the Sub-Committee**

- That adequate waste containers be provided at the premises and emptied as a minimum at the end of each day.

## **Provided on the Operating Schedule**

- The provision of a CCTV system with recording facilities.
- The provision, completion and recording of appropriate staff training.
- Training records to be made available for inspection upon reasonable request by a relevant officer of a responsible authority.

- Provision of a training manual.
- Operation of a refusals book.
- Challenge 21 scheme and PASS accredited proof of age initiative to be operated by all staff.
- Spirits to be located behind the counter.

#### **Mandatory condition where the licence authorizes the supply of alcohol**

- 1) that no sale of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in the respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **4. Close of Meeting**

The meeting closed at 12.00.

**Chairman:**

**Date:**

# COLCHESTER BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

1 September 2008

### MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 1 August 2008 in the Grand Jury Room Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Cook  
Councillor Lilley  
Councillor Quarrie

#### 1. Membership

*RESOLVED* that Councillor Cook be appointed Chairman.

#### 2. Declarations of Interest

There were no declarations of interest.

#### 3. Licensing Applications

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

##### a) Frankie and Benny's

The Sub-Committee considered an application in respect of Frankie and Benny's at land off London Road, Stanway for a premises licence.

#### In Attendance

Applicants: Heath Thomas, Solicitor, and Bhupvinder Chaggar, Designated Premises Supervisor

Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager

#### The Application

Sarah White, Committee Services Officer (Licensing), briefly introduced the application explaining that an objection had been received from a local resident who was concerned at the increased noise and disturbance that he believed would result from late night drinking at the premises. The objector considered that opening to 23.00 would satisfy the majority of diners whilst not encouraging late night drinking. There was no objection to the non standard times sought in the application.

In presenting the application Mr Thomas explained that it was a modest one under the terms of the 2003 Act seeking only the provision of alcohol and late night refreshment until midnight. Music would be limited to background music only and this would be at a level that enabled people to talk. The restaurant would provide seating for approximately 130 people, operate

waiter/waitress service and would have a very small bar area. Representations had not been received from any of the responsible authorities and the only objector was not immediately adjacent to the premises as there was a large medical centre between the two properties. It was not anticipated that the grant of the licence would result in any problems given the mixed clientele that was expected, its location and management practices. Mr Thomas informed the Sub-Committee that in his 10 years experience of the company there had been no applications for reviews of any of the premises licences that it held.

Mr Harvey, Licensing Manager, confirmed that the application was a modest one under the terms of the act and was in line with the Council's Licensing Policy.

### **The Decision**

*RESOLVED* that the Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representation received from a local resident, the absence of representations by the responsible authorities, the submissions made at the hearing by the applicant's representative and by the objectors and determined to grant the application to permit-

- The supply of alcohol on and off the premises for the following hours-  
10.00 to 00.00 Mondays to Sundays inclusive  
Save 10.00 on New Year's Eve until 00.00 on New Year's Day
- Provision of late night refreshment indoors for the following hours-  
23.00 to 00.00 Mondays to Sundays inclusive  
Save 23.00 on New Year's Eve to 05.00 on New Year's Day
- The premises to be open to the public for the following hours-  
10.00 to 00.30 Mondays to Sundays inclusive  
Save 10.00 on New Year's Eve to 00.30 on 2 January

Subject to the following conditions:-

### **Conditions consistent with the operating schedule**

- There is to be waiter/waitress service throughout the restaurant area of the premises affording control and supervision.
- Substantial food to be available throughout licensed hours.
- The premises to meet current building regulation requirements.
- A fire risk assessment to be conducted and its recommendations implemented.
- Children to be permitted access to the premises in accordance with the provisions of the Licensing Act 2003.

- A proof of age scheme to be operated at the premises and photographic identification only will be accepted at the premises as valid proof of age.

### **Mandatory conditions**

- Mandatory conditions where licence authorises supply of alcohol
  - 1) no sale of alcohol may be made under the premises licence-
    - a) at a time when there is no designated premises supervisor in the respect of the premises licence, or
    - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  - 2) every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Councillor Quarrie left the meeting at this point. Councillor Sykes joined the meeting at this point.

### **b) Ranges Service Station**

The Sub-Committee considered an application in respect of Ranges Service Station, 154 Mersea Road, Colchester for a premises licence.

### **In Attendance**

Applicants: Mr Botkai, Solicitor, and Mr Wright, Senior Licensing Co-ordinator, BP  
 Residents: Ms Kaylan, Ms Spurr and Mr Bridge  
 Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager  
 Ward Councillors: Councillors Harris and Naish

Councillors Harris and Naish had been unable to lodge objections to the application in accordance with the provisions of the Licensing Act 2003 and therefore made a silent protest at the meeting by holding up placards in the public seating area of the committee room opposing the application. The Chairman addressed the protestors and stated that whilst he respected their right to protest they must remain silent and were to take no part in the proceedings.

### **The Application**

Sarah White, Committee Service Officer (Licensing) briefly introduce the application advising that representations had been received from a number of local residents in respect of this application. There had been four representations and a petition received from residents in the immediate vicinity of the premises concerning the likely effect of granting the application on the prevention of public nuisance. Residents referred to existing problems with noise nuisance which emanated from the garage and which was tolerated currently because it finished at 22.00. Residents expressed concern that by granting the licence other people making their way home from the town late at night would be encouraged to congregate at the premises thereby leading to an increase in noise nuisance in the area and disturbance to local residents. Concern was also expressed at the potential increase in nuisance caused by the forecourt lights being left on for longer.

Mr Botkai, in presenting the application explained that whilst the application showed 24hour opening, there was no intention at this point to extend opening hours beyond those currently

operated which were 06.00 to 22.00. The hours sought were to bring the premises into line with all the other BP petrol stations and to simplify operating procedures for staff that moved around the various BP stations similarly the 24hour opening was a policy decision made by BP when the licensing act came into operation. In addressing the concerns raised by the residents, Mr Botkai explained that there would be a limited range of wines and beers on sale and spirits would be kept behind the counter. Bp would not sell alcohol pops or split packs of beer. The sale of alcohol was intended to complete the range of convenience products offered at the shop and it was not anticipated that its sale would lead to a rise in crime and disorder.

Ms Spurr, Ms Kalyan and Mr Bridge addressed the Sub-Committee outlining their concerns in respect of the application. They mentioned the potential noise nuisance and antisocial behaviour which they feared would result from the grant of any licence and explained to the Sub-Committee the problems they were currently experiencing with anti-social behaviour, littering, noise and general disturbance. It was accepted that some disturbance was inevitable from a petrol station but this was tolerable on the basis that it ended at 22.00. There was concern that if the licence was granted the garage would become a focus for people making their way home from town late at night and early into the morning therefore leading to increased disturbance to local residents. In response to the residents' concerns Mr Botkai stated that the applicants were willing to offer a condition that no hot food be sold at the premises. Representations had not been received from any of the responsible authorities in respect of the application.

The Sub-Committee retired to consider the application and having reached its decision the Chairman reconvened the meeting and read out the decision. Mr Botkai questioned the imposition of the following condition –

- for reasons of public safety, staff levels must be disclosed and agreed with the licensing authority prior to the commencement of trading in alcohol and hot beverages.

Mr Botkai did not consider the condition to be lawful, reasonable or proportionate. The Police had not opposed the application and therefore there were no reasonable grounds on which to base the condition. If there were problems subsequent to the licence being granted then it could be called into review. Mr Botkai indicated that the applicants were likely to appeal the imposition of the condition and invited the Sub-Committee to reconsider its imposition. Mr Harvey, Licensing Manager, expressed his concerns about the condition and stated that in his opinion as well, he would not be able to enforce such a condition if it were imposed.

The Sub-Committee adjourned to give further consideration to the points raised by Mr Botkai and Mr Harvey and upon reconvening the Chairman informed the meeting that the Sub-Committee had determined to accept the wording offered by the applicant in the operating schedule with respect to this condition, namely that –

- the applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed on request, to the licensing authority and police.

## **The Decision**

*RESOLVED* that the Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received from local residents and the absence of representations by the responsible authorities, the submissions made at the hearing by the applicant's representative and by the residents and determined to grant the application to permit-

- The supply of alcohol off the premises for the following hours-  
08.00 to 23.00 Mondays to Sundays inclusive
- Provision of late night refreshment indoors and outdoors for the following hours-  
23.00 to 05.00 Mondays to Sundays inclusive
- The premises to be open to the public for the following hours-  
00.00 to 00.00 Mondays to Sundays inclusive

Subject to the following conditions:-

#### **Imposed by the Sub-Committee at the Hearing**

- That alcohol must be sold within the store premises and must not be sold through the hatch.
- To keep noise and disturbance to local residents to a minimum all sales of hot beverages must be made within the store.
- For reasons of the prevention of public nuisance suitable waste receptacles for use by customers be provided and emptied on a daily basis.

#### **Offered by the applicant at the Hearing**

That there be no provision of hot food between the hours of 23.00 and 05.00.

#### **Conditions consistent with the operating schedule**

- Late night refreshment may be provided at the premises for consumption on or off the premises.
- Late night refreshment will be in the form of hot drinks.
- A CCTV system to be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
- Any recording shall be retained and stored in a suitable secure manner for a minimum of 28days and shall be made available, subject to compliance with data protection legislation, to the police for inspection on request.
- The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- The system will display, on any recording, the correct time and date of the recording.



- A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
- The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
- Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- Challenge 21 (or equivalent) scheme shall be adopted so that all cashiers are trained to ask any customer attempting to purchase alcohol, who appear to be under 21 years of age. This evidence shall be photographic, such as a passport or photographic driving licence until other effective identification technology (for example thumb print or pupil identification) is introduced.
- All cashiers will be instructed through training, that the sale shall not be made unless this evidence is produced. Prominent notices will be displayed in the store advising customers that they may be asked to provide evidence of their age.

#### **Mandatory conditions**

- Mandatory conditions where licence authorises supply of alcohol
  1. no sale of alcohol may be made under the premises licence-
    - c) at a time when there is no designated premises supervisor in the respect of the premises licence, or
    - d) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  2. every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **4. Close of Meeting**

The meeting closed at 12.00.

**Chairman:**

**Date:**



<b>Licensing Committee – 24 October 2008</b>	<b>Agenda Item 4a</b>
<b>Mersea Outdoors</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Mersea Outdoors Rewsalls Lane, East Mersea	Ward: Pyefleet Stress Area: No Flare Ref: 18155 Author: Simon Harvey
<b>Application</b>	Application to vary a premises licence  Proposed variation:- <ul style="list-style-type: none"> <li>- The provision of plays, films, indoor sporting events, boxing/ wrestling, live music, recorded music, dancing and anything of a similar description</li> <li>- Provision of late night refreshment</li> <li>- Increase in the hours for the sale of alcohol</li> <li>- Extension in opening hours</li> </ul>	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Premises Licence</b>	Existing Conditions	Appendix 3
<b>Responsible Authorities</b>		
Environmental Control	Conditions Agreed	Appendix 4
Child Protection	Conditions Agreed	Appendix 5
<b>Interested Parties</b>		
Local Residents	Letters of Objection	Appendix 6
Local Resident	Letter of Support	Appendix 7

## **Existing Premises Licence**

The existing licence provides for:-

### **Supply of alcohol:**

- Mondays to Saturdays – 10.00 to 23.00
- Sundays – 12.00 to 22.30

ANYTHING ELSE ON LICENCE ?

## **Variation of the Licence**

### **Provision of plays, films, indoor sporting events, boxing/wrestling, live music, dancing and anything similar:**

- Mondays to Sundays – 11.00 to 02.00

### **Provision of recorded music:**

- Mondays to Sundays – 10.00 to 03.00

### **Provision of late night refreshment**

- Mondays to Sundays – 23.00 to 03.00

### **Supply of alcohol:**

- Mondays to Sundays – 11.00 to 02.00

### **Opening Hours:**

- Mondays to Sundays – 09.00 to 03.00

## **Policy Guidelines – Mersea Outdoors, Rewsalls Lane, East Mersea**

### **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 take aways".

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”.**

## **The Prevention of Crime and Disorder**

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

## **Policy**

Paragraph 5.20 of the Policy states that:

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

- i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a comprehensive list of best practice.
- ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour
- iii) whether the operating schedule includes management measures to prevent crime and disorder.
- iv) Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing act 2003. Other premises may have to have regard to these matters in exceptional circumstances.

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

### **Public Safety**

Paragraph 5.23 of the Council's adopted statement of Licensing Policy states that "the Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised".

### **Policy**

Paragraph 5.24 of the policy states that:

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

- (i) whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises;
- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend

it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency;

- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and re-admissions;
- (iv) whether patrons can arrive at, and depart from, the premises safely;
- (v) whether there may be local overcrowding in parts of the premises;
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example, moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);
- (vii) whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key areas identified are:
  - prevention of overcrowding
  - air conditioning and ventilation
  - availability of drinking water
  - further measures to combat overheating
  - overall safety;
- (viii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

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

### **The Prevention of Public Nuisance**

Paragraph 5.27 of the Council's adopted statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph 5.28 of the Council's adopted statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises".

## Policy

Paragraph 5.29 of the Policy states that:

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

- (i) the potential for nuisance associated with the style, characteristics and activities of 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.**

Three representations have been received in regard to this licensing objective from local residents who live in the vicinity of the premises. In their letters, residents refer to the increasing number of adult orientated events that are being held at the premises and the resultant disturbance that is experienced by them. Residents believe that the core purpose of the camp should primarily be for the provision of outdoor activity for children.

Representations go on to detail disturbance from the playing of music and use of the tannoy at youth events during the day and into the evening. One residents states that when school groups come down to the youth camp, the camps blasts pop music to the children which then means that a microphone has to be used by the group leader so that they can make themselves heard by the children above the noise of the music.

Residents also detail the disturbance from 'adult orientated' events such as motorbike, scooter and car rallies which are being held at increasingly regular intervals and one resident complains of music continuing until 01.00 for three weekends running with continued disturbance from cars leaving the site afterwards. The levels of noise produced from these events in particular were judged by one of the residents to be absolutely intolerable with the sound being carried to their house by the prevailing wind. In addition events are described as often lasting from Friday through to Sunday with disturbance on both Friday and Saturday nights.

However while the letters of representation may particularly refer to events which take place at the camp such as motorbike and car rallies and which it is advised results in considerable noise disturbance for local residents from the motorbikes and cars and traffic congestion on Rewsalls Lane, it must be noted by the Licensing Sub Committee that the control of such events does not come within the remit of the Licensing Act, because they are not licensable activities. The Licensing Sub Committee can only consider those matters that are considered to be licensable activities under the Licensing Act 2003.

Letters of representation from residents also variously request that consideration be given to the imposition of the following conditions –

- All speakers and sound amplification equipment on site and also that which is brought on site by visiting bands etc including loudspeakers be fitted with noise limiting devices and set at a level that cannot be heard from our house.
- Entry to the site and exit from the site by large groups of cars and motorbikes be controlled to within certain times.
- The number of events be capped at no more than one weekend a month.
- That live and recorded music be permitted to be played no later than 23.00.
- Restricting licensed activities to midnight except for Friday and Saturday night which could be longer.
- Restricting late night loud music to inside suitably acoustically insulated buildings.

Finally, residents mention in their letters that the area is also an essentially peaceful, rural location, an SSI, greenbelt, has special coastal protection and that there is otherwise little or no background noise in this area.

The applicant has agreed to the following conditions recommended by the Council's Environmental Control Team:

- No regulated entertainment shall be permitted outside after midnight
- All speakers used for outside regulated entertainment shall face seaward.
- All external doors/windows must be kept closed after midnight, other than for access and egress, in all rooms when events involving amplified sound are taking place. (*Note to applicant – mechanical ventilation or air conditioning may be required in warm weather*).

### **The Protection of Children from Harm**

Paragraph **5.36** of the Council's adopted statement of Licensing Policy states that 'the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications'.

Paragraph **5.37** of the Council's Licensing Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard".

### **Policy**

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

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



Paragraph 5.39 of the Policy states that:

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

The applicant has agreed to the following conditions recommended by Child Protection:

- The “Challenge 21” scheme has been adopted to ensure that alcohol is not sold to patrons under the age of 18 years. Accepted identification is in the form of a passport, a driving licence or an accredited pass card.
- Under 14’s are accompanied by an adult during the provision of late night refreshments after the time of 23.00 hours.
- Under 16’s are accompanied by an adult during the provision of late night refreshments after the time of midnight.

### **Additional Policy Guidance**

The following extract is also taken from the Council’s Statement of Licensing Policy and is intended to offer further Policy guidance and information for the Licensing Sub Committee, the applicant, responsible authorities and interested parties who have relevance under the Licensing Act 2003:

### **Rural Areas**

3.102 Within the rural areas of the Borough, there are a number of village halls, community facilities, local pubs and shops that make an important contribution to the social, recreational and cultural life of rural communities and as such are key in sustaining their vibrancy and viability. A number of these benefit from premises licences which allows for the sale of alcohol and the provision of regulated entertainment. There are also a number of shops and pubs that have off-licence facilities.

3.103 The Council is keen to maintain the provision of active and vibrant rural community facilities, including public houses, village halls, church halls, community centres and village shops and welcomes the provision of additional similar facilities.

### **3.10**

**4**

**Therefore where reasonable, proportionate or appropriate to do so, the Licensing Authority will endeavour to apply a light touch, risk-assessed approach to applications for Village Hall or Community Centres in particular, in order that regulatory conditions are only applied in instances where it is needed to promote one or more of the licensing objectives.**

3.105 However, it is important to realise that with most premises licence applications, it is likely that a balance may have to be struck between the rights of those community or commercial facilities and the customers who wish to enjoy those facilities, with the rights of residents living in the immediate vicinity of such premises to enjoy the peaceful enjoyment of their homes and possessions.

### **Letter of Support**

A letter of support to the application has been received from a local business. It offers the company's full support to the application as it believes that the granting of the variation would be of advantage to the future of Mersea Outdoors and also give assurance to all surrounding neighbours and businesses that future events would be managed in a professional and responsible manner, giving due consideration to all people that may be affected.

### **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.

LICENSING DEPARTMENT  
RECEIVED  
29 AUG 2008



COLCHESTER

Reference number:

# Application to vary a premises licence under the Licensing Act 2003

(1)

## 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

(2) I/We **PAUL BUTTON**

being the premises licence holder, apply to vary  
a premises licence under section 34 of the Licensing Act 2003 for the premises described in  
Part 1 below

Premises licence number

004820

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

MERSEA OUTDOORS  
REWSALLS LANE  
EAST MERSEA

Post town COLCHESTER

Postcode CO5 8SX

Telephone number at premises (if any)

01206 383226

Non-domestic rateable value of premises

£ 47,000

### Part 2 - Applicant details

Daytime contact telephone number

01206 383226

E-mail address  
(optional)

Current postal address if different from premises address

Post town

Postcode

(1) Insert name and address of relevant licensing authority and its reference number (optional)  
(2) Insert name(s) of applicant

Part 3 - Variation

Please tick ✓ yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

To include Plays, films, indoor sporting events, Boxing/wrestling, live music, performance of dance, making music, dancing and anything similar Monday to Sunday 11 am to 0200 am

Recorded music - Monday - Sunday 10 am - 0300

Late night refreshments Monday - Sunday 23.00 - 0300

To vary the hours for the sale of Alcohol from 11.00 am to 0200 Monday to Sunday

Opening hours to be 0900 - 0300 Monday to Sunday

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

## Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### 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 for:

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

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	11.00	0200	Please give further details here (please read guidance note 3) <b>Local performance Youth Groups MAYBE 4 SHOWS PER YEAR</b>
Tue	11.00	0200	
Wed	11.00	0200	State any seasonal variations for performing plays (please read guidance note 4)
Thur	11.00	0200	
Fri	11.00	0200	Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	11.00	0200	
Sun	11.00	0200	

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	11.00	0200	Please give further details here (please read guidance note 3) <b>NIGHT PROGRAM FOR VISITING YOUTH GROUPS MOSTLY INDOORS WITH ODD FILM IN MARGUERITE FINISHING BEFORE 11PM</b>
Tue	11.00	0200	
Wed	11.00	0200	State any seasonal variations for the exhibition of films (please read guidance note 4)
Thur	11.00	0200	
Fri	11.00	0200	Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	11.00	0200	
Sun	11.00	0200	

**C**

**Indoor sporting events**

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	11.00	0200
Tue	11.00	0200
Wed	11.00	0200
Thur	11.00	0200
Fri	11.00	0200
Sat	11.00	0200
Sun	11.00	0200

Please give further details here (please read guidance note 3)

POSSIBLE FUNDRAISER'S NOT THAT OFTEN

State any seasonal variations for indoor sporting events (please read guidance note 4)

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

**D**

**Boxing or wrestling entertainments**

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	11.00	0200
Tue	11.00	0200
Wed	11.00	0200
Thur	11.00	0200
Fri	11.00	0200
Sat	11.00	0200
Sun	11.00	0200

Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick  (please read guidance note 2)

Indoors     Outdoors     Both

Please give further details here (please read guidance note 3)

POSSIBLE YOUTH EVENTS

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	11.00	0200	Please give further details here (please read guidance note 3) TILL MIDNIGHT OUTDOORS (MARQUEE) THEN TILL 0200 IN MAIN HALLS
Tue	11.00	0200	
Wed	11.00	0200	State any seasonal variations for the performance of live music (please read guidance note 4)
Thur	11.00	0200	
Fri	11.00	0200	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	11.00	0200	
Sun	11.00	0200	

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	10.00	0300	Please give further details here (please read guidance note 3) TILL MIDNIGHT OUTDOORS IN MARQUEE THEN 0300 IN MAIN HALLS
Tue	10.00	0300	
Wed	10.00	0300	State any seasonal variations for the playing of recorded music (please read guidance note 4)
Thur	10.00	0300	
Fri	10.00	0300	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from 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	



**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 <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	11.00	0200	Please give further details here (please read guidance note 3) <b>YOUTH DANCE GROUPS PLUS PERFORMANCES ON SPECIALIST SUMMER CAMPS</b>
Tue	11.00	0200	
Wed	11.00	0200	State any seasonal variations for the performance of dance (please read guidance note 4)
Thur	11.00	0200	
Fri	11.00	0200	Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	11.00	0200	
Sun	11.00	0200	

**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
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Mon	11 00	0200	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Tue	11 00	0200	Please give further details here (please read guidance note 3) <b>KARAOKE FOR VISITING GROUPS</b>
Wed	11 00	0200	
Thur	11 00	0200	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri	11 00	0200	
Sat	11 00	0200	Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	11 00	0200	

<b>Provision of facilities for making music</b>			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)  MUSIC WORKSHOPS ON OUR SPECIALIST CAMPS
Mon	11.00	0200	
Tue	11.00	0200	
Wed	11.00	0200	
Thur	11.00	0200	
Fri	11.00	0200	
Sat	11.00	0200	
Sun	11.00	0200	
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
			Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	11.00	0200	
Tue	11.00	0200	
Wed	11.00	0200	
Thur	11.00	0200	
Fri	11.00	0200	
Sat	11.00	0200	
Sun	11.00	0200	
			State any seasonal variations for providing dancing facilities (please read guidance note 4)
			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5)

**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)

Day	Start	Finish
Mon	11.00	0200
Tue	11.00	0200
Wed	11.00	0200
Thur	11.00	0200
Fri	11.00	0200
Sat	11.00	0200
Sun	11.00	0200

Please give a description of the type of entertainment facility you will be providing

Will the entertainment facility be indoors or outdoors or both

- please tick  (please read guidance note 2)  
Indoors       Outdoors       Both

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)

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 from those listed in the column on the left, please list (please read guidance note 5)

**Late night refreshment**

Standard days and timings (please read guidance note 8)

Will the provision of late night refreshment take place indoors or outdoors or both - please tick  (please read guidance note 2)

Indoors  Outdoors  Both

Day	Start	Finish
Mon	2300	0300
Tue	2300	0300
Wed	2200	0300
Thur	2300	0300
Fri	2300	0300
Sat	2300	0300
Sun	2300	0300

Please give further details here (please read guidance note 3)

SUPPORTING EVENTS & FUNCTIONS

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)

**M**

**Supply of alcohol**

Standard days and timings (please read guidance note 6)

Will the sale of alcohol be for consumption - please tick box  (please read guidance note 7)

On the premises  Off the premises  Both

Day	Start	Finish
Mon	1100	0200
Tue	1100	0200
Wed	1100	0200
Thur	1100	0200
Fri	1100	0200
Sat	1100	0200
Sun	1100	0200

State any seasonal variations for the supply of alcohol (please read guidance note 4)

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

**N**

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

NONE

**O**

**Hours premises are open to the public**

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0900	0300
Tue	0900	0300
Wed	0900	0300
Thur	0900	0300
Fri	0900	0300
Sat	0900	0300
Sun	0900	0300

State any seasonal variation (please read guidance note 4)

THE SITE IS OPEN ALL YEAR AND HAS ACCOMODATION IN TENTED VILLAGES + CABINS  
 IN THE WINTER MONTHS ACCOMODATION IS IN CABINS ONLY

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

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

REMOVAL OF CONDITIONS 1, 2 AND 3 FROM  
ANNEX 3 OF THE LICENSING CONDITIONS  
RELATING TO THE SALE OF INTOXICATING  
LIQUOR

Please tick  yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

TO TAKE A PROFESSIONAL APPROACH TO THE LICENSING OBJECTIVES WITHIN THE PROPOSED CHANGES AND CONTINUE OUR HIGH QUALITY SERVICE AND MANAGEMENT OF EVENTS AND FUNCTIONS

b) The prevention of crime and disorder

STRICT POLICIES ON SERVING OF ALCOHOL  
CONTROL ON NOISE LEVELS  
CCTV IN OPERATION  
SECURITY STAFF IN OPERATION WHEN REQUIRED

c) Public safety

HAVE HEALTH AND SAFETY PLANS IN PLACE FOR ALL EVENTS  
HAVE A FIRE MANAGEMENT PLAN IN PLACE FOR ALL EVENTS  
CCTV IN OPERATION  
FIRST AID QUALIFIED STAFF TEAM  
SECURITY STAFF IN OPERATION WHEN REQUIRED

d) The prevention of public nuisance

ONLY HAVE OUTSIDE ENTERTAINMENT UNTIL MIDNIGHT AND CONTROL NOISE LEVELS  
HAVE ALL AMPLIFIED MUSIC OUTDOORS FACING SEAWARD  
CONTROL NOISE LEVELS FROM MAIN HALL AFTER MIDNIGHT

e) The protection of children from harm

ALL STAFF AT CENTRE HAVE CHILD SAFEGUARDING TRAINING  
CCTV IN OPERATION  
STRICT POLICIES ON SERVING OF ALCOHOL  
PROOF OF AGE REQUESTED  
SECURITY STAFF IN OPERATION WHEN REQUIRED  
FIRST AID QUALIFIED STAFF TEAM

a

Please tick  yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 - Signatures** (please read guidance note 10)

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

Signature \_\_\_\_\_

Date 26/08/08

Capacity  
 Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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.

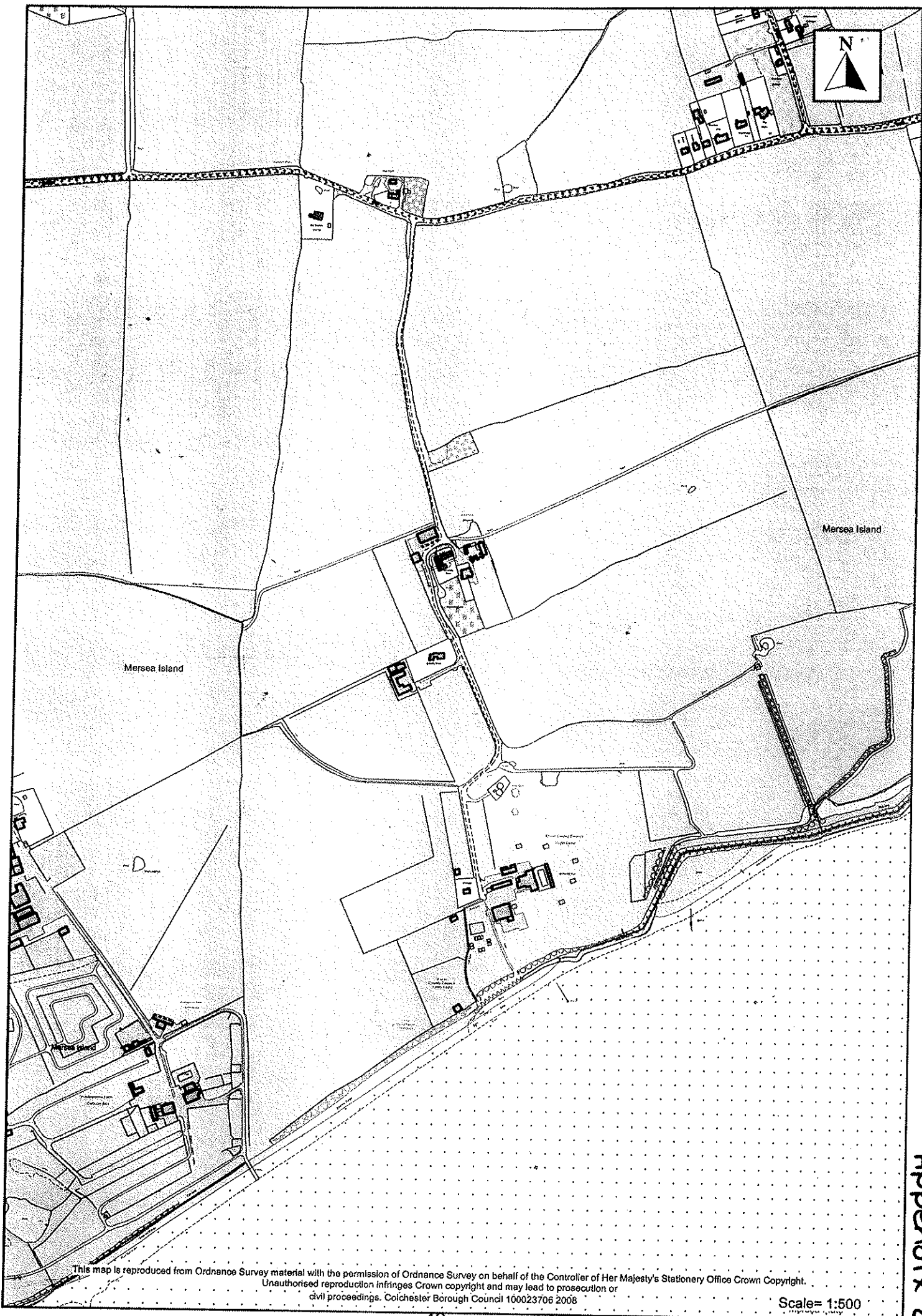
Signature \_\_\_\_\_

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Paul Buttan (AT ADDRESS already given)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	





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Scale= 1:500

Colchester Borough Council



Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council  
 Licensing Team  
 PO Box 889  
 Town Hall  
 Colchester CO1 1FL

Premises licence number: 004820

<b>PART 1 - PREMISES DETAILS</b>	
East Mersea Youth Camp Rewsalls Lane East Mersea	
Post town: Colchester	Post code: CO5 8SX
Telephone number at premises:	

Date Licence Granted: 3rd October 2005  
 Annual Fee Date: 2nd October 2007

Regulated Activities authorised by this licence:	
Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	
Playing of Recorded Music	
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	
Facilities for Dancing	
Other Facilities for Music & Dance	
Late Night Refreshment	
Sale by Retail of Alcohol	Licensed

**The times the licence authorises the carrying out of licensable activities:**

**a) The sale by retail of alcohol :-**

<b>Monday</b>	10.00 to 23.00
<b>Tuesday</b>	10.00 to 23.00
<b>Wednesday</b>	10.00 to 23.00
<b>Thursday</b>	10.00 to 23.00
<b>Friday</b>	10.00 to 23.00
<b>Saturday</b>	10.00 to 23.00
<b>Sunday</b>	12.00 to 22.30

**Seasonal Variations**

**Non-Standard Times** From 10.00 New Year's Eve until 23.00 New Year's Day

**b) The provision of regulated entertainment and entertainment facilities: -**

	<b>Performance of Plays</b>	<b>Exhibition of Films</b>
<b>Monday</b>		
<b>Tuesday</b>		
<b>Wednesday</b>		
<b>Thursday</b>		
<b>Friday</b>		
<b>Saturday</b>		
<b>Sunday</b>		
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		
	<b>Indoor Sporting Events</b>	<b>Boxing or Wrestling Entertainment</b>
<b>Monday</b>		
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<b>Wednesday</b>		
<b>Thursday</b>		
<b>Friday</b>		
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<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		
	<b>Performance of Live Music</b>	<b>Playing of Recorded Music</b>
<b>Monday</b>		
<b>Tuesday</b>		
<b>Wednesday</b>		
<b>Thursday</b>		
<b>Friday</b>		
<b>Saturday</b>		
<b>Sunday</b>		
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		

	Performance of Dance	Other Music or Dance Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Facilities for Making Music	Facilities for Dancing
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		

The Opening Hours of the Premises	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	
Seasonal Variations	
Non-Standard Times	

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol may be served ON the premises

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence**

Licence Holder 1	Licence Holder 2
Mr Paul Victor Button  E-mail:	Tel: E-mail:


**Registered number of holder; for example, company number, charity number (where applicable):**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Paul Victor Button

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

Colchester BC



Simon Harvey  
Licensing Manager

3rd April 2007  
Date of issue

## **Annex 1 – Mandatory Conditions**

### **Alcohol**

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

### **Door Supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority

## Annex 2 – Embedded Restrictions

In addition to the conditions outlined below the description of the licensable activities in the Licence for such premises should also include the following statement:-

The Premises Licence Holder may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound. This does not permit the use of Karaoke, Disc Jockeys etc. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

on weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10am to 11pm.

on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm.

on Good Friday, 12 noon to 10.30pm.

on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm.

on New Year's Eve, except on a Sunday, 10am to 11pm.

on New Year's Eve on a Sunday, 12 noon to 10.30pm.

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;

the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;

the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

the sale of alcohol to a trader or a club for the purposes of the trade or club;

the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

the taking of the alcohol from the premises by a person residing there; or

the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.



### Annex 3 – Conditions Carried Forward on Conversion

The Sale of intoxicating liquor shall be permitted to:

1. Persons who are attending an event organised by the Essex County Council as the Local Education Authority, to members of the said Council's staff concerned with the organisation and running of such an event, to members of the said council and to the guests of any of them.

2. Members of the West Mersea Rugby Club, visiting teams and bona fide supporters of West Mersea Rugby Club and the visiting teams in connection with an official game only and not practice matches.

3. Persons attending organised functions, with 14 days notice, prior to the event, being given to the Police. No more than 12 organised functions to be permitted in a 12 month period.

4. No application for an occasional licence will be made for events beyond the campsite.

5. There shall be no off sales.

**Annex 4 – Conditions Consistent with the Operating Schedule**

**Annex 5 – Conditions Attached after a Hearing by the Licensing Authority**



# Colchester Borough Council

## Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council  
 Licensing Team  
 PO Box 889  
 Town Hall  
 Colchester CO1 1FL

Premises licence number: 004820

<b>PART 1 - PREMISES DETAILS</b>	
East Mersea Youth Camp Rewsalls Lane East Mersea	
Post town: Colchester	Post code: CO5 8SX
Telephone number at premises:	

Date Licence Granted: 3rd October 2005
Annual Fee Date: 2nd October 2007

Regulated Activities authorised by this licence:	
Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	
Playing of Recorded Music	
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	
Facilities for Dancing	
Other Facilities for Music & Dance	
Late Night Refreshment	
Sale by Retail of Alcohol	Licensed

**The times the licence authorises the carrying out of licensable activities:**

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**Seasonal Variations**

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	<b>Performance of Plays</b>	<b>Exhibition of Films</b>
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<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		

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Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
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Non-Standard Times	

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Alcohol may be served ON the premises

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence**

**Licence Holder 1**

**Licence Holder 2**

Mr Paul Victor Button

Tel:  
E-mail:

E-mail:

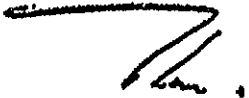
**Registered number of holder; for example, company number, charity number (where applicable):**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Paul Victor Button

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

Colchester BC



Simon Harvey  
Licensing Manager

3rd April 2007  
Date of issue

## **Annex 1 – Mandatory Conditions**

### **Alcohol**

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2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

### **Door Supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority



## Annex 2 – Embedded Restrictions

In addition to the conditions outlined below the description of the licensable activities in the Licence for such premises should also include the following statement:-

The Premises Licence Holder may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound. This does not permit the use of Karaoke, Disc Jockeys etc. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

on weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10am to 11pm.

on Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm.

on Good Friday, 12 noon to 10.30pm.

on Christmas Day, 12 noon to 3pm and 7pm to 10.30pm.

on New Year's Eve, except on a Sunday, 10am to 11pm.

on New Year's Eve on a Sunday, 12 noon to 10.30pm.

on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;

the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;

the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

the sale of alcohol to a trader or a club for the purposes of the trade or club;

the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

the taking of the alcohol from the premises by a person residing there; or

the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

### Annex 3 – Conditions Carried Forward on Conversion

The Sale of intoxicating liquor shall be permitted to:

1. Persons who are attending an event organised by the Essex County Council as the Local Education Authority, to members of the said Council's staff concerned with the organisation and running of such an event, to members of the said council and to the guests of any of them.
2. Members of the West Mersea Rugby Club, visiting teams and bona fide supporters of West Mersea Rugby Club and the visiting teams in connection with an official game only and not practice matches.
3. Persons attending organised functions, with 14 days notice, prior to the event, being given to the Police. No more than 12 organised functions to be permitted in a 12 month period.
4. No application for an occasional licence will be made for events beyond the campsite.
5. There shall be no off sales.

**Annex 4 – Conditions Consistent with the Operating Schedule**

**Annex 5 – Conditions Attached after a Hearing by the Licensing Authority**

# Mersea outdoors

## Centre for Outdoor Learning

Rewealls Lane  
East Mersea  
Colchester  
Essex CO5 8SX



Essex County Council  
Essex Outdoor Education Service

Tel: 01206 383226  
01206 382940  
Fax: 01206 385598  
E-mail: info@merseasouthdoors.com  
Website: www.merseaoutdoors.com

Sarah White  
Environmental and protective services  
PO BOX 889  
Town Hall  
Colchester  
C01 1FL

Thursday 11<sup>th</sup> September

Dear Sarah

In response to you letter reference SNLW/18155.

I have no concerns regarding the recommended conditions in the letter and have already mentioned point one within my current application.

If we have music outside at any event the speakers are always seaward facing so again this does not cause any concern to the application.

Also windows and doors are closed when we have music after midnight which has proved successful in maintaining good noise management.

So in conclusion I am more than happy to comply with these conditions.

Thanking you

Paul Button  
Manager



---

## Consultation Response

---

**Environmental Control Officer:** Guy Milham

**Licensing Reference No:** 018155

**Ward:** Pyefleet

**Location:** Mersea Outdoors Rewsalls Lane, East Mersea, Colchester, CO5 8SX

**Details:** Application to Vary Premises Licence

**Scheduled Response Date:**

---

### **Environmental Control's Comments: -**

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

Although the application site is an isolated location and a considerable distance from sensitive properties, amplified sound does have the ability to carry over a large distance if inadequately controlled. This has been borne out by the fact that we have received the occasional complaint regarding events held at the site. We would therefore wish to ensure that the noise controls offered by the applicant are formalised into the following conditions:-

- No regulated entertainment shall be permitted outside after midnight.
- All speakers used for outside regulated entertainment shall face seaward.

### **PPN5**

All external doors/windows must be kept closed after midnight, other than for access and egress, in all rooms when events involving amplified sound are taking place.

*Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.*

**Signed:** Guy Milham  
**Environmental Control Officer**

**Date:** 08/09/2008

**Licensing Committee**

**From:** paul button **Sent:** Tue 23/09/2008 23:44  
**To:** Licensing.Committee  
**Cc:**  
**Subject:** FW: application to vary the premises licence for the East Mersea youth club, CO5 8SX.  
**Attachments:**

Dear Sir / Madam I am happy to apply the conditions mentioned below as I feel they do not cause any concern as I am in agreement with the proposals put forward

Paul Button

---

Subject: Re: application to vary the premises licence for the East Mersea youth club, CO5 8SX.  
Date: Tue, 23 Sep 2008 16:02:45 +0100  
From: Stan.Caruth@essex.gov.uk  
To: Licensing.committee@colchester.gov.uk  
CC:

Dear Sirs,

Regarding the application to vary the premises licence for the East Mersea Youth Club, CO5 8SX.

After speaking with the named contact Paul Button, we have agreed for the following measures to be added as conditions to the licence:

- The "Challenge 21" scheme has been adopted to ensure that alcohol is not sold to patrons under the age of 18 years. Accepted identification is in the form of a passport, a driving licence or an accredited pass card.
- Under 14's are accompanied by an adult during the provision of late night refreshments after the time of 23:00 hours.
- Under 16's are accompanied by an adult during the provision of late night refreshments after the time of midnight.



Paul Button has expressed his intention to e-mail you in confirmation of our agreement.

With these new policies in operation I am now satisfied that the appropriate measures are in place.

We are therefore able to discharge our duty and take no further action.

Regards,

Sian Caruth

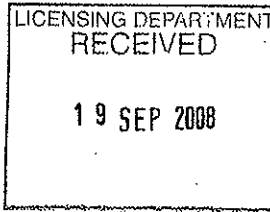
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file ref Appendix  
193697 6



Rewsalls Lane  
East Mersea  
Colchester,

Ref : Mersea Outdoors, Variation of a Premises Licence

Dear Sir,

We write in connection with the recent application by Mersea Outdoors youth camp at East Mersea for an Entertainments Licence. We would like, first, to extend our support to the youth camp for the valuable work they do for groups of youngsters from the local area and abroad. We were sorry to hear that their funding had been withdrawn and we understand the necessity to raise funds to continue the work they do.

We have lived at \_\_\_\_\_ which is about 500 metres north of the Youth Camp for more than 7 years. In that time we have seen the number of large, adult orientated events increase both in number and in the levels of noise and disturbance they generate. The events are usually music concerts or car/motorbike rallies with music entertainment. The events nearly always last from Friday lunch time to Sunday afternoon or evening, beginning in Spring and ending in Autumn. These events are in addition to the many discos, parties, concerts and tannoy or loud speaker assisted events that take place at the youth camp for the groups of youths who use the facilities throughout the summer months. In the absence of such events at the youth camp and vineyard there is little or no background noise in what is fundamentally a peaceful, rural location.

The levels of noise produced by these events, in particular the adult events, is absolutely intolerable. All sound from the camp travels very readily uphill to our house which is down the prevailing wind, to the point that we can often, on a quiet day, hear conversations coming from the youth camp grounds. The noise created by hundreds and sometimes thousands of motorbikes, mopeds and custom tuned cars coming towards, going past and receding from our house is as a rule so loud that a normal conversation is not possible in our garden and television and radio within the house inaudible. For each event this lasts from Friday to Sunday often two weekends per month.

In addition to the traffic noise there is always very loud music from early evening to past midnight on the Friday and/or Saturday nights. Saturday nights seem to be particularly loud and it is not uncommon for the loud music to continue until at least one a.m.. We find that the music is louder still when there is a live band. On these weekends our young children (8, 6 and 3 years) have

struggled to get to sleep as a result of the loud music and we are often kept awake until one a.m. mouthing along to the lyrics of "High Ho Silver Lining" in our bedroom on the side of the house away from the youth camp with the windows shut.

We have spoken on occasion to Paul Button about the levels of noise and no doubt he is sympathetic but his efforts to turn the speakers towards the sea away from our house have not improved the levels of noise. We are encouraged that Paul Button has in the last month begun to keep us informed about planned events no doubt as a result of the application in hand. Notwithstanding our discussions we were nevertheless disturbed by extremely loud music again this weekend (5<sup>th</sup> to 7<sup>th</sup> September) until one a.m. and of course hundreds of highly revved mopeds early on Sunday morning. With another motorbike rally fixed for this coming weekend (12<sup>th</sup> - 14<sup>th</sup> September) we anticipate more of the same.

Paul Button issued us with a list of planned events for 2009 for the express purpose of planning our own weekends away to coincide with the events at the youth camp. Whilst this is considerate on his part we would prefer that this council exercised its powers to curb the nuisance generated by its own facility rather than encourage us to evacuate our homes.

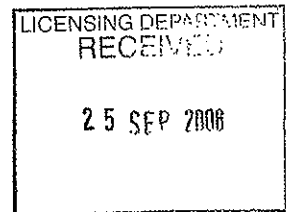
In addition to suffering the very loud noise from the youth camp we also suffer, regularly, loud noise due to events staged in the marquee of the Mersea Island Vineyard, often alternating the weekends between them. It is with this in mind that we would seek to reduce the frequency of such events at the youth camp, their noise levels and the disturbance and inconvenience they cause.

In our view the proximity of a residential community makes the youth camp an inappropriate venue for such events. However, we understand that once a licence has been granted it lasts indefinitely and so we take this opportunity to request that if the committee is minded to grant the licence it use its powers to place certain controls and conditions upon it.

- 1) We ask that all speakers and sound amplification equipment on site and also that which is brought on site by visiting bands etc including loudspeakers be fitted with noise limiting devices and set at a level that cannot be heard from our house.
- 2) We ask that entry to the site and exit from the site by large groups of cars and motorbikes be controlled to within certain times
- 3) We ask that the number of such events be capped at no more than one weekend per month.
- 4) We ask that live and recorded music be permitted to be played no later than 11pm.

**Yours faithfully,**

Rewsalls Lane  
East Mersea



To Whom It May Concern:

We are writing with regards to the planning application, for an entertainments licence, bar extension etc, which is being made by Mersea Outdoors formally East Mersea Youth Camp.

We live at [redacted] and we are fourth generation East Mersea residents and have lived in Rewsalls Lane for 18 years. When we first moved here, the Youth Camp was primarily child orientated. It held many events for school children, young teenagers and disabled groups. Now 18 years on they also hold weddings, parties and music concerts. We find this most unacceptable. We do realise that these additional events are a valuable source of income for the camp, however, we are fully aware of the nature in which the site was donated by the Ingram family for the use of children. We feel that the purpose for which it was donated is being stretched beyond all recognition. There seems to be no cap on the number of events they can hold. They held 2 events a year when we arrived 18 years ago. Year on year the camp becomes more adult orientated, especially in its weekend activities, which fuelled by on site alcohol sales, makes our single track lane a nightmare.

We are disturbed every other weekend by these music events, during all the summer months. We have just recently had three consecutive weekends back to back with music until 1am. Then they all leave, creating cars screeching round the bend of our house.

We live in a very beautiful coastal village and feel that the invasion of these groups, that as a rule, make zero contribution to the local economy but do shatter the tranquillity of this beautiful part of the Essex coastline. It is meant to be SSI, greenbelt and have special coastal protection. This single track lane cannot cope with the level of traffic. My children are at great danger of being knocked over by cars whilst they try to cross the road to where daddy works.

When the school groups come down, the Youth Camp automatically blast pop music out to the children, which we then have to listen to. The group leader then want to talk to the children, so they use a micro phone, above the volume of the music, or the children would not be able to hear then. We then have to put up with the shouting of the instructor encouraging Johnny (or whoever) to catch up with Charlie. We really don't care who wins.

We have two children who are constantly woken up by the loud music which we can hear above the volume of our television, in our double glazed house with all the windows shut. They are then unable to sleep and we also find it difficult. In the summer we are forced to keep our windows closed on hot evenings as we would not be able to sleep.

We have expressed our concerns over the noise to Mersea Outdoors and whilst they were sympathetic and seemed to understand, this was not put into action, as the very next day the music was louder than ever. Having meetings and talking is all very well but no effort has been made to lower the noise level.

Yours faithfully

East Road, East Mersea, Colchester, Essex,  
Telephone:

Committee Services Officer (Licensing)  
Environmental & Protective Services  
Colchester Borough Council  
PO Box 889  
Town Hall  
Colchester  
CO1 1FL

26th September 2008

Dear Sirs,

**Entertainments Licence Application: Mersea Outdoors Youth Camp**

I am writing to you with regard to the application for variation of the existing licence by Mersea Outdoors Youth Camp which was made on 5th September 2008. The application seeks to extend significantly the scope of licences activities at the camp into areas unconnected with its core activities and I am concerned about the effect of this on the surrounding locality. We live approximately half a mile from the youth camp and adjacent the junction between Rewsell's Lane and the road and out of the village, which together are the only access point for the camp.

I would first like to observe that I am very supportive of the camp's core activities namely the provision of outdoor activity training to children. The camp provides an excellent service in this regard and is also an important part of the community providing both jobs and facilities. Nevertheless, I am concerned that the camp is being forced to undertake more and more money raising events (unconnected with its founding purpose) in order to supplement council funding which has squeezed hard. It is our understanding that the fundraising activities carried out by the camp have been in the past so successful that the County Council have been able to reduce central funding further to redirect it to other places. This effectively redistributes the benefits of other locations whilst concentrating the inconvenience caused in one area.

During the four-and-a-half years since we moved to our house, the camp has, hosted occasional weekend events during which adults stay at the camp for several days. These events have always been inconvenient for those living in the proximity of the camp due to several factors.

- The first of these factors is the noise from the camp due to the public address systems used and the entertainments such as live music at these events. These generate a lot of noise which frequently runs until the early hours of the morning.
- Secondly, most of these events are rallies for owners of particular vehicles such as Japanese cars, motorbikes and scooters. During these events a high volume of vehicles constantly enter and leave the camp (usually from early on Friday morning through to late on Sunday evening). Rewsell's Lane is essentially a single track with passing places, and this significant volume of traffic can make it extremely difficult to get along the lane or onto the main road. Photographs of the traffic from an event this summer are end the end of this letter.
- Thirdly, many of the vehicles have loud engines (for example one event involves scooters, another involves Harley-Davidson motorbikes and another high performance cars, none of which have efficient exhaust silencers), so they make a considerable level of noise whilst driving.

If the volume of traffic clogging the road was not bad enough, the constant intrusion of vehicular noise from very early in the morning to late at night over the weekends is exceedingly unpleasant. In fact, in the past the noise has been so bad as to force me and my family to leave our house for the weekend.

We have noted this year that the number of weekend rallies being held at the camp has increased and that the aim is to again increase them next year to approximately 12. This is far too many (and could be many more if the licence is granted in its current form) and is unreasonable when the disturbance caused by them can extend from Friday to Sunday evening and late into Friday night and Saturday nights.

It is not our wish to prevent the camp being able to carry out a reasonable degree of fundraising to support their activities, however we are concerned that the current licence application provides far to wide a scope to undertake considerably more than would be either necessary or fair.

It seems entirely possible that an appropriate balance can be struck between the extremely wide ranging licence application and the previously granted licence which would permit the camp to carry out a degree of fundraising without unjustly penalising those that live in its vicinity. The two main problems are noise and traffic. Dealing first with the traffic issues (including the noise of the traffic) this can be dealt with in various ways.



Firstly, this results only from the massive weekend car/bike rallies which the camp hosts. It is therefore a problem concentrated on the weekends. From a selfish point of view one would prefer no events of this type, however in the interests of balance I would instead suggest that a limit be placed upon the number of large weekend events, particularly those involving vehicle rallies. A figure of no more than 4 would seem appropriate and was tolerated prior to the recent escalation. In addition it would be essential to have a control on the timing of vehicular entry and exit from the camp to within reasonable hours.

With regard to the issue of noise coming from the camp, this is less of a problem during the day, however it becomes highly intrusive late in the evening and in the early morning. The problem of camp noise for us is not as severe as it is for our neighbours who live down Rewsell's lane at Rewsell's Farm and Rewsell's Barn. Nevertheless, if one can be in bed behind modern double glazed windows and be still kept awake by music from approximately half a mile away, it is clear that music is too loud. It is possible for the level of noise from the public address and sound amplification equipment being used to be limited to a reasonable level using limiters. Such limiters should be fitted to all equipment.

Further, it would be appropriate for the licence to restrict late night loud events to inside suitably acoustically insulated buildings. Unfortunately, many of the events appear to involve outdoor performances, especially live music on stages erected in the camp's grounds, where there is nothing to attenuate the sound.

Unless action can be taken to limit the volume of the entertainment it is inappropriate that loud music should be played until 2am on any day of the week let alone every day of the year - as would be permitted by this licence.

In considering the licence application we would ask that the Licensing Committee take careful consideration of the impact that it would have upon the users of the camp and the surrounding community. The camp was established for the education of children; but the activities for which this licence is sought and the hours of each is wholly inappropriate and unnecessary for that core objective. Whilst accepting that the camp needs the ability to supplement its revenue, it is not necessary for the licence to provide such a broad reaching permission to operate until 2 or 3 in the morning.

I would request that the licence does not permit the various licensed activities to continue past midnight on any day of the week save perhaps Friday or Saturday. Furthermore, the licence needs to ensure that activities

carried out at unsociable times, such as after 10 in the evening, should be controlled to ensure they are not breaking rules concerning noise or spoiling the tranquillity of a peaceful rural location (the reason for its choice as a location for a youth camp).

I hope that in the light of these comments the Licence Committee will carefully balance the needs of the community and the needs of the youth camp and grant a suitably defined licence.

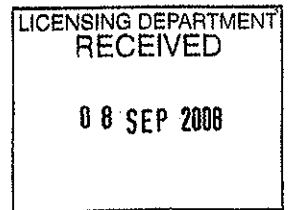
Yours sincerely,

Traffic on the public roads during an Event - August 2008



Acare 192238

Appendix 7



**Rewsalls Lane, East Mersea, Colchester. Essex. C05 8SX**  
**Telephone:**

E-mail:

Web site: [www.merseawine.com](http://www.merseawine.com)

Head of Licensing,  
Colchester Borough Council,  
Licensing Team,  
PO Box 889,  
High St.,  
COLCHESTER,  
Essex.  
CO1 1FL

5<sup>th</sup> September 2008.

Dear Sir,

Re: License Variation Application Mersea Outdoors.

Having seen the License Variation application for the above premises and having had numerous discussions with Paul Button of Mersea Outdoors, We would like to offer our full support in this application and believe that the granting of the variation will be of advantage to the future of Mersea Outdoors and also give assurance to all surrounding neighbours and businesses that future events will be managed in a professional and responsible manner, giving due consideration to all people that may be affected.

We note that Live Music, section E and Recorded Music, section F, have proposed limitations with respect to outdoors, we suggest that these voluntary restrictions should be included as a condition to assist in meeting the licensing objectives.

We hope that our observations and support will assist with a rapid and smooth granting of this application.

Yours faithfully,



<b>Licensing Committee – 24 October 2008</b>	<b>Agenda Item 4b</b>
<b>Liquid/Envy</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Liquid/Envy 131 High Street, Colchester, Essex	Ward: Castle Stress Area: No Flare Ref: 18181 Author: Simon Harvey
<b>Application</b>	Application for variation of a premises licence  To Permit:- - To extend the hours for the supply of alcohol, provision of late night refreshment and the provision of films, live music, recorded music, boxing/wrestling entertainments, performances of dance, provision of facilities for making music and dancing.	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Existing Conditions</b>	Conditions attached to the existing licence	Appendix 3
<b>Interested Parties</b>		
Dutch Quarter Association	Letter of Objection	Appendix 4
Local Residents	Letter of Objection	Appendix 5

## Application for a Variation of a Premises Licence

To permit:-

- **The supply of alcohol on the premises for the following hours-**  
Sundays 12.00 to 01.00
- **Provision of films, boxing or wrestling entertainments, live music, recorded music, performances of dance, provision of facilities for making music, provision of facilities for dancing indoors for the following hours -**  
Sundays 12.00 to 01.00
- **Provision of late night refreshment indoors for the following hours -**  
Sundays 23.00 to 01.00
- **Hours the premises are open to the public-**  
Sundays 12.00 to 01.30

## Existing Premises Licence

Currently permits-

- **The supply of alcohol, the provision of films, boxing or wrestling entertainments, live music, performances of dance, provision of facilities for making music and for dancing indoor for the following hours -**  
Monday to Thursday 11.00 to 02.00  
Friday and Saturday 11.00 to 03.00  
Sunday 12.00 to 00.30
- **Provision of late night refreshment for the following hours -**  
Monday to Thursday 23.00 to 02.00  
Friday and Saturday 23.00 to 03.00  
Sunday 23.00 to 00.30
- **Hours the premises are open to the public-**  
Monday to Saturday 11.00 to 02.30  
Sunday 12.00 to 01.00

Non standard timings

- The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.
- On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.
- Bank Holiday Sundays (including Easter Sunday) – until 03.00 the following morning.
- Until 03.00 the following morning on Christmas Eve. All other hours are to remain as existing.

- **Provision of recorded music for the following hours -**

Monday to Saturday 12.00 02.00  
Sunday 12.00 to 00.00

Non standard timings

- Bank Holiday Sundays (including Easter Sunday) – until 03.00 the following morning.
- Until 03.00 the following morning on Christmas Eve, All other hours to remain as existing.

**Policy Guidelines – Liquid/Envy, 131 High Street, Colchester**

**Colchester Borough Council’s Statement of Licensing Policy.**

**Assessing Applications**

**Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant’s operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.**

Paragraph **3.8** of the Council’s Statement of Licensing Policy recognises that “the new Licensing Act 2003 has brought with it great expectations and challenges, not least of which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and take aways”.

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.

## **The Prevention of Crime and Disorder**

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

## **Policy**

Paragraph 5.20 of the Policy states that:

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

- (i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) 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 no relevant representations received from any of the relevant responsible authorities or any other interested party in regard to this licensing objective.

## **Public Safety**

Paragraph 5.23 of the Council's adopted statement of Licensing Policy states that "the



Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised”.

## **Policy**

Paragraph **5.24** of the policy states that:

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

- (i) where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises;**
- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency;**
- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for ‘pass outs’ and re-admissions;**
- (iv) whether patrons can arrive at, and depart from, the premises safely;**
- (v) whether there may be local overcrowding in parts of the premises;**
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);**
- (vii) whether due account has been given to the measures outlined in ‘Safer Clubbing’, in applications for facilities for music and dance. The key areas identified are:**
  - Prevention of overcrowding**
  - Air conditioning and ventilation**
  - Availability of drinking water**
  - Further measures to combat overheating**
  - Overall safety;**
- (vii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.**

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

objective.

## **The Prevention of Public Nuisance**

Paragraph **5.27** of the Council's adopted statement of Licensing Policy advises that "some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities".

Paragraph **5.28** of the Council's adopted statement of Licensing Policy goes on to advise that "the Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises".

## **Policy**

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

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

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

There have been two relevant representations received in regard to this licensing objective. One representation has been received from the Dutch Quarter Residents Association on the grounds that patrons from Liquid/Envy regularly cause considerable disturbance to residents in the area, particularly those living in East Stockwell Street. The Association feels that at present, Sundays are the only night that the residents have relief from the problems of the night time economy and that if the application was granted the residents would lose that.

A letter of representation has also been received from local residents located in Maidenburgh Street who advise that they already suffer from shouting and aggressive drunken behaviour from customers of the premises.

## **Additional Policy Guidance – Public Nuisance**

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

Paragraph 5.33 of the Policy states that:

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

Paragraph 5.34 of the Policy states that:

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

**These may include:**

- **The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;**
- **The hours of opening between 11.00pm and 7.00am;**
- **The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises;**
- **The design and layout of the premises; particularly the presence of noise limiting features;**
- **The provision of toilet facilities on the premises;**
- **The safe capacity of the premises;**
- **The availability of public transport or taxis;**
- **A wind down period between the end of the licensable activities and closure of the premises;**
- **The last admission time.**

## **The Protection of Children from Harm**

Paragraph 5.36 of the Council's adopted statement of Licensing Policy states that 'the protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications'.

Paragraph 5.37 of the Council's Licensing Policy states that "the general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation can place additional responsibilities upon

licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard”.

## **Policy**

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

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

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

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

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

### **Additional Policy Guidance – General**

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

### **Areas outside of the Stress Area Policy**

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.

Paragraph **3.100** of the Policy states that:

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

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

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

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

## **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.

LICENSING DEPARTMENT  
RECEIVED  
03 SEP 2008

Colchester Borough Council

Application to vary a premises licence 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 Luminar Gems Limited

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 004573
--

Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Liquid/Envy 131 High Street			
<b>Post town</b>	Colchester	<b>Post code</b>	CO1 1SP

<b>Telephone number at premises (if any)</b>	01206762555
<b>Non-domestic rateable value of premises</b>	£95,000.00

Part 2 – Applicant details

<b>Daytime contact telephone number</b>	01908 544100		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	Luminar House Deltic Avenue  Rooksley		
<b>Post Town</b>	Milton Keynes	<b>Postcode</b>	MK13 8LW

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation** (Please see guidance note To extend the hours for the sale of alcohol, provision of late night refreshment and regulated entertainment on Sundays each week (save for Bank Holiday Sundays) to 0100 the next morning. The hours permitted for the provision of licensable activities on Monday to Saturday and the non-standard timings are to remain unchanged by the application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**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)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A NO CHANGE**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
			Both			<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<b>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</b> (please read guidance note 5)			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
			Both			<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun	1200	0100				
			<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve			



**C NO CHANGE**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed				
Thur				
Fri				<b>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</b> (please read guidance note 5)
Sat				
Sun				

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Thur			<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve	
Fri				
Sat				
Sun	1200	0100		

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve		
Fri					
Sat					
Sun	1200	0100			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve		
Fri					
Sat					
Sun	1200	0100			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Thur						
Fri						
Sat			<b>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</b> (please read guidance note 5)			
Sun	1200	0100	From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve			

**H NO CHANGE**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)			
Wed						
Thur						
Fri			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)			
Sat						
Sun						
			<b>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</b> (please read guidance note 5)			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)	
Thur				
Fri			<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve	
Sat				
Sun	1200	0100		

**J**

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	
			Indoors <input checked="" type="checkbox"/>	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	<b>Please give a description of the facilities for dancing you will be providing</b>	
Mon				
Tue				
Wed			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve	
Sat				
Sun	1200	0100		

## K NO CHANGE

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

## L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)			
Wed						
Thur			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)			
Fri						
Sat			<b>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</b> (please read guidance note 5)			
Sun	2300	0100	From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun	1200	0100	<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve		

**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)

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)		
Day	Start	Finish			
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun	1200	0130	<b>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</b> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day. And until 0300 the next morning on Bank Holiday Sundays (including Easter Sunday) and Christmas Eve		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The existing operating schedule shall be extended and observed throughout the extended hours of trading.

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures** (please read guidance note 10)

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

Signature	<i>Poppleston ALLEN</i>
Date	01 September 2008
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)**

Poppleston Allen Solicitors  
37 Stoney Street  
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
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Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

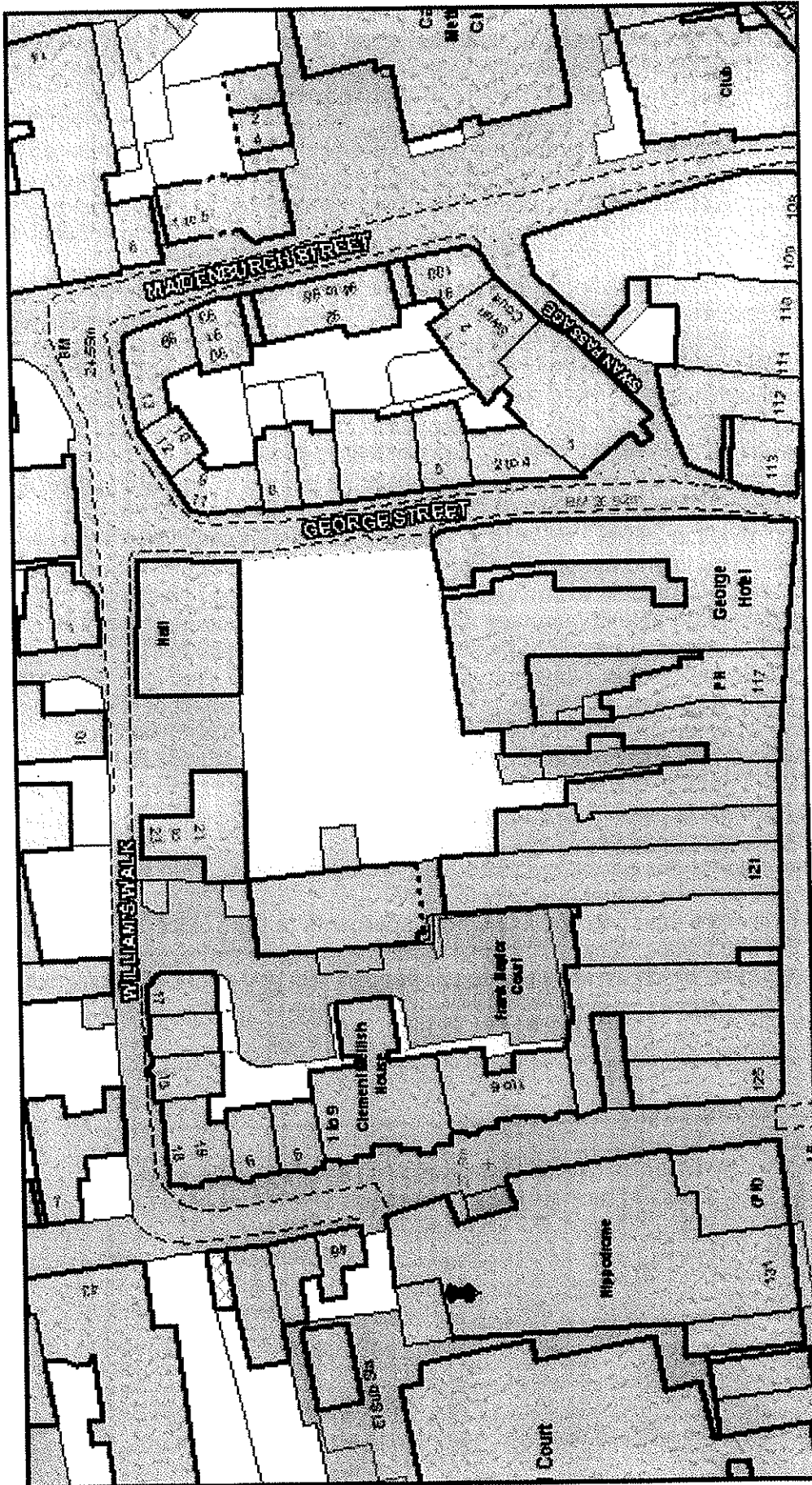


## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

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 state 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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

# Premises Location Plan



Licence Application Reference: 004573  
Premises Name & Address: Liquid/Envy 131 High Street Colchester  
Date Produced: 6 October 2008

MAP NOT TO SCALE

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COLCHESTER

## Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council  
Licensing Team  
PO Box 889  
Town Hall  
Colchester CO1 1FL

Premises licence number: 004573

### PART 1 - PREMISES DETAILS

Liquid/Envy  
131 High Street  
Colchester

Post town:

Post code: CO1 1SP

Telephone number at premises: 01206 762555

Date Licence Granted: 27th September 2005  
Annual Fee Date: 26th September 2008

### Regulated Activities authorised by this licence:

Performance of Plays	
Film Exhibitions	Licensed
Indoor Sporting Events	
Boxing or Wrestling Entertainment	Licensed
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	Licensed
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	Licensed
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	
Late Night Refreshment	Licensed
Sale by Retail of Alcohol	Licensed

<b>The times the licence authorises the carrying out of licensable activities:</b>		
<b>a) The sale by retail of alcohol :-</b>		
<b>Monday</b>	11.00 to 02.00	
<b>Tuesday</b>	11.00 to 02.00	
<b>Wednesday</b>	11.00 to 02.00	
<b>Thursday</b>	11.00 to 02.00	
<b>Friday</b>	11.00 to 03.00	
<b>Saturday</b>	11.00 to 03.00	
<b>Sunday</b>	12.00 to 00.30	
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p> <p>From 10.00 New Year's Eve until 23.00 New Year's Day</p>	
<b>b) The provision of regulated entertainment and entertainment facilities: -</b>		
	<b>Performance of Plays</b>	<b>Exhibition of Films</b>
<b>Monday</b>		11.00 to 02.00
<b>Tuesday</b>		11.00 to 02.00
<b>Wednesday</b>		11.00 to 02.00
<b>Thursday</b>		11.00 to 02.00
<b>Friday</b>		11.00 to 03.00
<b>Saturday</b>		11.00 to 03.00
<b>Sunday</b>		12.00 to 00.30
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holiday Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	

	<b>Indoor Sporting Events</b>	<b>Boxing or Wrestling Entertainment</b>
<b>Monday</b>		11.00 to 02.00
<b>Tuesday</b>		11.00 to 02.00
<b>Wednesday</b>		11.00 to 02.00
<b>Thursday</b>		11.00 to 02.00
<b>Friday</b>		11.00 to 03.00
<b>Saturday</b>		11.00 to 03.00
<b>Sunday</b>		12.00 to 00.30
<b>Seasonal Variations Non-Standard Times</b>		<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>
	<b>Performance of Live Music</b>	<b>Playing of Recorded Music</b>
<b>Monday</b>	11.00 to 02.00	12.00 to 02.00
<b>Tuesday</b>	11.00 to 02.00	12.00 to 02.00
<b>Wednesday</b>	11.00 to 02.00	12.00 to 02.00
<b>Thursday</b>	11.00 to 02.00	12.00 to 02.00
<b>Friday</b>	11.00 to 03.00	12.00 to 02.00
<b>Saturday</b>	11.00 to 03.00	12.00 to 02.00
<b>Sunday</b>	12.00 to 00.30	12.00 to 00.00
<b>Seasonal Variations Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	<p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>

	Performance of Dance	Other Music or Dance Entertainment
<b>Monday</b>	11.00 to 02.00	
<b>Tuesday</b>	11.00 to 02.00	
<b>Wednesday</b>	11.00 to 02.00	
<b>Thursday</b>	11.00 to 02.00	
<b>Friday</b>	11.00 to 03.00	
<b>Saturday</b>	11.00 to 03.00	
<b>Sunday</b>	12.00 to 00.30	
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	
	<b>Facilities for Making Music</b>	<b>Facilities for Dancing</b>
<b>Monday</b>	11.00 to 02.00	11.00 to 02.00
<b>Tuesday</b>	11.00 to 02.00	11.00 to 02.00
<b>Wednesday</b>	11.00 to 02.00	11.00 to 02.00
<b>Thursday</b>	11.00 to 02.00	11.00 to 02.00
<b>Friday</b>	11.00 to 03.00	11.00 to 03.00
<b>Saturday</b>	11.00 to 03.00	11.00 to 03.00
<b>Sunday</b>	12.00 to 00.30	12.00 to 00.30
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>

	Other Facilities for Music & Dance	Late Night Refreshment
<b>Monday</b>		23.00 to 02.00
<b>Tuesday</b>		23.00 to 02.00
<b>Wednesday</b>		23.00 to 02.00
<b>Thursday</b>		23.00 to 02.00
<b>Friday</b>		23.00 to 03.00
<b>Saturday</b>		23.00 to 03.00
<b>Sunday</b>		23.00 to 00.30
<b>Seasonal Variations</b>		
<b>Non-Standard Times</b>		<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.00 the following morning.</p> <p>Until 03.00 the following morning on Christmas Eve. All other hours to remain as existing.</p>

<b>The Opening Hours of the Premises</b>	
<b>Monday</b>	11.00 to 02.30
<b>Tuesday</b>	11.00 to 02.30
<b>Wednesday</b>	11.00 to 02.30
<b>Thursday</b>	11.00 to 02.30
<b>Friday</b>	11.00 to 03.30
<b>Saturday</b>	11.00 to 03.30
<b>Sunday</b>	12.00 to 01.00
<b>Seasonal Variations</b>	
<b>Non-Standard Times</b>	<p>The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.</p> <p>On commencement of British Summertime, the benefit of the clock going forward at 02.00, instead of 01.00 GMT.</p> <p>Bank Holidays Sundays (including Easter Sunday) - until 03.30 the following morning.</p> <p>Until 03.30 the following morning on Christmas Eve. All other hours to remain as existing.</p>

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol may be served ON the premises

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence**

Licence Holder 1	Licence Holder 2
Luminar Gems Limited  Deltic Avenue Rooksley Milton Keynes MK13 8LW Tel: 01908 544100 E-mail:	Tel: E-mail:

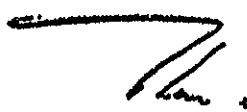
**Registered number of holder; for example, company number, charity number (where applicable):**  
5882675

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Tel:

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

Braintree DC



Simon Harvey  
Licensing Manager

6th August 2008  
Date of issue



## **Annex 1 – Mandatory Conditions**

### **Alcohol**

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

### **Door Supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority

### **Exhibition of Films**

1. Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

2. Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the Licensing Authority's Statement of Licensing Policy

**Annex 2 – Embedded Restrictions**

### Annex 3 – Conditions Carried Forward on Conversion

The Provision of recorded music in accordance with the conversion of the Justices' Licence pursuant to Section 182 of the Licensing Act 1964.

1. The maximum number of persons allowed to be present in the various parts of the premises when it is in use for any purpose authorised by this Licence shall be as follows:

Ground Floor Premises 737 persons  
First Floor General 491 persons  
First Floor VIP Area 70 persons

2. Although accommodation factors have been allocated to various areas, it has been assumed that any person entering the building for Public Entertainment purposes will be able to pass through all the public spaces and designated escape routes in case of an emergency, which would necessitate complete evacuation of the building. This means ALL public areas and access/escape routes must be open at all times whilst the public are on the premises. However, the management must ensure at all times that the limit of numbers of persons is never exceeded in individual areas as indicated above.

3. Any Laser equipment used in the place shall be in line with the guidelines of the Health and Safety Executive Note PM19, shall be operated only by authorised persons suitably trained in the equipment's use and the emission levels produced by such equipment within the public areas of the place shall not exceed emission levels produced by laser equipment classified as Class 2.

4. Copies of Drawings Numbered 719-01 (REV D), 719-02 (REV E), and 719-03 (REV D) indicating Fire alarms MUST be available at ALL times.

5. Any performance involving the use of special effects to be notified to the Council 28 days in advance and such technical specifications as required by the Council be provided.

6. The adoption of and compliance with the conditions detailed by Essex Police as outlined below:-

7. High quality Digital CCTV system with cameras covering the whole of the premises, including the male and female toilets, not looking directly at urinals or into cubicles and all public access areas entrance and exit doors in order to deter drug dealing, assaults and other incidents in accordance with Colchester Crime and Disorder Strategy and section 17 of the Crime and Disorder Act 1998. The Codec format of digital computers must be available to the Police and the Local Authority, in order to download images. (Videotapes/CD discs to be kept for 31 days.) Sufficient staff to be trained efficiently, in the use of CCTV system.

8. Police Officers investigating serious assaults in licensed premises have a duty to seize CCTV videotapes or discs to secure evidence. Video tapes and discs found to be defective or of inferior quality or blanked, should be regarded as a serious breach of the PEL conditions. The holder of the PEL must ensure the best available quality CCTV evidence is handed to Police Officers investigating all incidents and

in particular serious incidents. Failure to comply could jeopardise the PEL.

9. A drugs search by consent policy under CCTV cameras as a condition of entry where Door Supervisors are employed should be in place to deter drugs and weapons entering the premises and an appropriate drugs safe box kept on the premises for the security of unlawful drugs seized or found by staff and kept secure until such times that Essex Police can dispose of those drugs lawfully. Essex Police code of practice and recommendation is that 2 in every 10 persons are searched (minimum).

10. Door security if used to be registered in accordance with the Council's Door Registration Scheme, and must be registered with the SIA (Security Industry Authority) as from the 28/02/05. The Public Entertainment Licence Holder and Licensees also have a vicarious responsibility to ensure Door Supervisors are registered and do not exceed their authority outside the premises in the street/public places beyond main entrances and should monitor the ejection of customers by Door Supervisors.

11. Toughened drinking glasses to be used at all times the premises are open.

12. No bottles or glasses to be taken off the premises

13. Windows and doors to be closed by 11pm to reduce noise levels from Public Entertainment.

14. Empty bottles and glasses to be collected as soon as possible. (Best practice to reduce incidents of glassing injuries).

15. Polite signs should be placed at all exits from the premises encouraging customers to be quiet on leaving the area and to respect the rights of people living nearby to a peaceful night.

16. Establish an acceptable sound level control system for any musical entertainment so as to avoid unreasonable disturbances to any residents in the immediate vicinity of the premises. A noise-limiting device must be installed, maintained and used for the duration of each event. Noise levels to be agreed in conjunction with Colchester Borough Council's Licensing Officer and Environmental Control.

17. Licensees to join Pub and Clubwatch and to attend three meetings a year to discuss items of common interest working in partnership with the Local Authority, Colchester Police, Licensing Justices and other agencies as best practice to assist in the reduction of alcohol related Crime and Disorder.

18. Free unrestricted drinking water must be available where dancing and public entertainment is being performed as recommended by the Home Officer Safer Clubbing guidance for Licensing Authorities, Club Managers, Promoters and Licensees.

19. Colchester Partnership Pubwatch and Clubwatch Anti-Drugs Campaign posters to be displayed on the premises in the bars/toilets to deter drug dealing and using on the premises.

20. No alteration to the purpose of this licence i.e. Music & Dancing, will be allowed unless it has been applied for in writing by way of it being a variation to the terms and conditions of the licence issued.

21. All conditions carried forward on conversion from the Essex Building Surveyors Association Model Conditions of Management for Places of Entertainment.

22. 5 occasions per year to permit under 18 events subject to:-

- a. The five events to take place during school holidays.
- b. A minimum of 12 door staff being in attendance at the event.
- c. Tickets to be sold in advance only.
- d. The maximum occupancy to be set at 750 including staff.
- e. The events to be held from 19.00 to 23.00.
- f. A safe room and parental link be provided.
- g. The provision of a sign outside advertising the event.
- h. 21 days notice to be given to the police of any event for under 18's taking place.
- i. The event to be for 14-17 year olds only.

## **Annex 4 – Conditions Consistent with the Operating Schedule**

### **Conditions Offered by Applicant in the Operating Schedule**

1. The venue will continue to train its staff required by relevant legislation.
2. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate.
3. This venue will continue to comply with all of the conditions on the justices licence, public entertainment licences and other licences in force for the additional hours (in so far that they are not being varied by this application). The public entertainment licence guidelines are specific to this venue, its location and style of operation. The venue has an established capacity.
4. If a DJ is used on any night then he/she will ask customers to leave quietly.
5. The current level of lighting outside the premises will continue for the additional hours of trading.
6. The existing CCTV system will continue to operate during the additional hours of trading.
7. Notices saying that CCTV is in operation 24 hours a day will be displayed throughout the venue.
8. Any persons who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.
9. The venue will actively participate in the local pubwatch or equivalent scheme.
10. Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.
11. Toughened glass will continue to be used during additional hours of trading.
12. This venue will only accept photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram.
13. Music and dancing will continue to be prominent feature of trading.
14. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours.
15. Free drinking water will be available at all times.

16. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

17. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

18. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.

19. The seating layout shall be agreed with the appropriate authorities.

20. If a DJ is used on any night then he/she will ask customers to leave quietly.

21. Reasonable steps will be taken to recognise the need of local residents and businesses.

22. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

23. A person under 18 years will not be allowed to use any AWP machine.

The venue intends to have specially organised events for the youth market when the venue will adhere to the following attached documentation:-

**Admission policy**  
**General Policies Statement**  
**Code of Conduct for Staff Statement**  
**Child Protection Policy**

### **Admission policy**

UKClubCulture is an entertainment event which is only for persons who are 13 to 17 years old.

Dress policy at UKClubCulture events can be checked at [www.ukclubculture.com](http://www.ukclubculture.com) and then select the relevant venue. The dress policy is generally expected to be cool, funky and fresh.

UKClubCulture is opposed to the use of alcohol or cigarettes by persons in this age group and Luminar opposes the use of illegal drugs within our society.

Upon admission to any UKClubCulture event appropriately trained and qualified door stewards will vet and search each person who wishes to attend.

Any customer wishing to gain entrance into a UKClubCulture event is asked to produce appropriate photo ID. If the door stewards have any

doubt regarding the legitimacy of the ID produced or the age of a customer they will not admit that person to the venue.

If the door stewards believe that a person wishing to enter the venue may have used alcohol or an illegal substance they will either not admit that person to the venue or they will take them to a designated area where they will be supervised until their parents/guardians and/or local authority are telephoned and arrive to collect them.

If the door stewards have cause to search any person at or wishing to gain entrance to, any UKClubCulture event and during such search discover any alcohol, weapon or illegal substance these will be confiscated.

**LUMINAR'S MANAGEMENT RESERVE THE RIGHT TO REFUSE ADMISSION FOR ANY REASON AT ITS SOLE DISCRETION**

### **General Policies**

As part of Luminar's commitment to offering quality entertainment to 13-17 year olds in a safe and friendly environment we take the following steps:

We will ensure that:

- Entry is in accordance with our admission policy and the age restrictions are strictly adhered to. UKClubCulture events are only for people who are 13 to 17 years old. Any person wishing to gain entrance into a UKCC event is asked to produce appropriate photo ID;
- Only soft drinks are on sale;
- No alcohol branding is displayed and that no alcohol is sold or dispensed at any UKCC event;
- Cigarette machines are disabled, turned around and that smoking is prohibited at any UKCC event;
- All gaming machines are switched off and turned around for the duration at any UKCC event;
- All venues inform the local police that they are operating a UKCC event;
- All companies with which we contract to provide door security services will only provide door supervisors who are Security Industry Association (SIA) registered. In addition all such companies are obliged to comply with our service level standards and codes of conduct;
- There will be appropriately qualified first aiders at each event and that each venue will have a designated first aid area;
- All venues will have the UKCC search policy on display or available on request. We reserve the right to carry out searches of customers attending these events. Searches will usually take place on the door and are primarily undertaken to prevent weapons, alcohol and illegal substances being brought into any venue. Any persons that refuse to be searched are not permitted to attend any UKCC event. Searches will



be conducted in accordance with an approved searching policy.

- Should we have to refuse entry to any person or ask an attendee to leave a UKCC event for any reason, including, without limitation, inappropriate behaviour, we will advise our Designated Child Protection Officer. We will take all reasonable steps to ensure that any such person will be supervised by the staff at the venue until their parents/guardians and/or local authority are telephoned and arrive to collect them; and

- Other than in exceptional circumstances only persons who are employed to work at or supervise the event will be present at the venue. We do not permit any customers over the age of 18 to these events although we are committed to liaising openly with parents and carers.

### **Code of conduct for Staff Policy**

Those working at UKClubCulture events will:

- Treat all young people with respect and dignity;
- Ensure that the welfare and safety of customers is paramount at all times;
- Always act in a professional way;
- Not accept bullying, swearing or other disruptive behaviour from any customer;
- Liaise openly with parents and carers;
- Listen to, and act upon, any allegations or concerns of which they become aware in relation to young people attending our events;
- Should a difficulty occur with any UKClubCulture customer, staff will avoid being alone with a young person at all times and should any such occasion arise, our Designated Child Protection Officer will be advised and asked to be present. Minimum force should only be used as a last resort necessary to restrain any person or eject them in accordance with our normal ejection Policies; and;
- Ensure our events are fun and enjoyable.

### **Child Protection Policy**

We recognise that the welfare of young persons who attend our UKClubCulture events is paramount and that we have a duty of care.

We will do everything we can to provide a caring environment in order for young people to be able to enjoy the entertainment we offer and be safe at our events.

We will:

- Treat all young people with respect
- Have at our events a designated manager with child protection responsibilities. This manager will be called the Designated Child

Protection Officer \* ; and

- Make all adults in our organisation aware of their responsibilities in regard to our customers and in particular that they are expected to share any concerns about the welfare of a child/young person with the Designated Child Protection Officer.

\*Our Designated Child Protection Officer is responsible for:

- Arranging training for all staff
- Monitoring and recording concerns
- Making referrals to authorities in the case of any complaint without delay; and
- Contacting the appropriate authorities to express their concerns, in circumstances where a young person has refused to remain within the safety of the venue and it is thought that the young person is vulnerable because of drug/alcohol use or emotional difficulties.

#### **Conditions Agreed with Responsible Authorities**

1. No films or videos of any description will be shown so that they can be viewed by persons under age of any applicable BBFC/Local Authority certification.

2. Disposal of waste (including bottles) via the side door and into the rear bin stores that are adjacent to East Stockwell Street must not occur between 21.00-09.00.

3. No entry after 02.00.

4. The provision of two shuttle bus coaches for customers or to reach an agreement with First Bus whereby the Hippodrome will guarantee fares for Hippodrome customers on the shuttle bus coaches by prepaying for 75 seats on a Friday and Saturday night when the premises are trading until 03.00 for licensable activities. Hippodrome customers to be given a ticket for the shuttle bus coaches. Other customers requesting use of the shuttle bus coaches would pay a flat fee of £2.00 (transport dispersal policy).

5. All conditions contained with the Model Operating Schedule and Model Dispersal Procedure Policy.

6. Management and staff are reminded that it is an offence to serve alcohol to those who are drunk. Classic symptoms of drunkenness include loud, rowdy or belligerent behaviour, unsteadiness, slurred speech and glazed eyes. The staff will monitor the behaviour of its patrons and will refuse to sell alcoholic drinks to anyone who is or appears to be drunk, or who is attempting to purchase drinks for any such person. Patrons who are or appear to be drunk may be asked to leave.

7. High visibility security staff to patrol East Stockwell Street at the side of the Hippodrome nightclub area towards Club Valentino in the Dutch Quarter between the hours of 00.00 and 03.30 to reduce noise and disturbance for the Dutch Quarter residents from customers/members of the public in the night time economy. Door supervisors to undertake training at the first opportunity in accreditation

schemes/courses as part of the extended police family.

### **General - all objectives**

1. This venue will continue to train its staff required by relevant legislation;
2. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate;
3. This venue will continue to comply with all of the conditions on the justices licence, public entertainment licences and other licences in force for the additional hours (in so far that they are not being varied by this application). The Public Entertainment Licence guidelines are specific to this venue, its location and style of operation. The venue has an established capacity.

### **Prevention of Crime & Disorder**

1. If a DJ is used on any night then he/she will ask the customers to leave quietly
2. The current level of lighting outside the premises will continue for the additional hours of trading
3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue;
6. The venue will actively participate in the local Pubwatch or equivalent scheme;
7. Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff
8. Toughened glass will continue to be used during hours of additional trading
9. This venue will only accept photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram;
10. Music and dancing will continue to be a prominent feature of trading.

The external area to be used for the consumption of alcohol will be covered by the existing CCTV system installed at the Premises.

### **Public Safety**

1. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours;
2. Free drinking water will be available at all times;
3. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.
4. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

5. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and material used to form the skirt of the ring shall be flame retardant.
6. The seating layout shall be agreed with the appropriate authorities

#### **Prevention of Public Nuisance**

1. If a DJ is used on any night then he/she will ask the customers to leave quietly
2. The current level of lighting outside the premises will continue for the additional hours of trading
3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Reasonable steps will be taken to recognise the need of local residents and businesses

#### **Protection of Children**

1. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market
2. A person under 18 years of age will not be allowed to use any AWP machine.
3. The venue intends to have specially organised events for the youth market when the venue will adhere to the following attached documentation:-
  1. Admission policy;
  2. General Policies Statement
  3. Code of Conduct for Staff Statement and
  4. Child Protection Policy.

## **Annex 5 – Conditions Attached after a Hearing by the Licensing Authority**

### **Operating Schedule**

The Hippodrome, Colchester

In addition to the conditions in this schedule the Dispersal Policy will be deemed as a part of the schedule

### **General**

1. This venue will continue to train its staff as required by relevant legislation;
2. There will be monthly training of bar service staff so they understand all areas relevant to their legal responsibilities and part in the dispersal of customers. There will be monthly training for door supervisors covering their role and function during operation, assisting with dispersal and responsibilities and limitations with serving as a Marshall;
3. The style and operation of the venue will not differ significantly during the extended hours. The additional hours sought will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate;
4. This venue will continue to comply with all of the conditions on the Premises licence for the additional hours (in so far that they are not being varied by this application). The Premises Licence conditions are specific to this venue, its location and style of operation. The venue has an established capacity;
5. Every customer who appears to be under 21 years will need to produce an approved form of identification to prove they are over 18 years of age. This venue accepts only approved forms of photographic identification: it will accept only a new form driving licence or a passport or an identity card displaying the PASS hologram. Signage will be displayed to confirm this;
6. No bottles or glasses will be allowed onto the site. Any such items will be removed from the person. It is unlikely that they would gain admission.

### **Prevention of Crime and Disorder**

1. The DJ will ask customers to leave quietly at half hourly intervals commencing one hour before the closure times of the bars;
2. The current level of lighting outside the premises will continue for the additional hours of trading;
3. The existing CCTV system will continue to operate during the additional hours of trading; the head cam will be used during this period;

4. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. The venue will continue to actively participate in the local Pubwatch scheme;
6. The CCTV/radio link will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff;
7. Door Supervisors will monitor and patrol any queue that forms and work to ensure that this does not cause disorder;
8. Toughened glass will continue to be used during additional hours of trading;
9. Any person who appears to be intoxicated or who is behaving in a disorderly manner will not be permitted to enter the venue. Any person within the venue who appears to be intoxicated or who is behaving in a disorderly manner will be offered water to drink and given care and consideration in leaving the venue, in that help will be provided in finding a taxi and locating friends in order to ensure they leave the area safely without causing nuisance to others;
10. Sufficient SIA registered Door Supervisors will be on duty during licensing hours. Two Door Supervisors will be situated at the front door at all times during operating hours 10pm - 2am/3am
11. There will be no admissions into the venue after 1am on a Monday to Thursday and after 2am on a Friday and Saturday.
12. Extra measures will be put in place to ensure customers leaving, during the later hours do promote The Prevention Of Crime And Disorder objectives; these include such measures as Marshals patrolling the immediate vicinity outside of the venue, the Nightrider bus service, a recognised arrangement with a private hire taxi company, signs displayed on exit from the venue, information on all printed material

### **Public Safety**

1. This venue takes its obligation under existing legislation seriously. The nature and operation of the venue will not alter during the additional hours;
2. Free drinking water will be available at all times;
3. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse;
4. Management will liaise fully with all relevant licensing schemes and local resident schemes to assist public safety issues.

### **Prevention of Public Nuisance**

1. The DJs instruction will be to ask customers to leave quietly at half hourly intervals, commencing from one hour before closure of the bars.

2. The current level of lighting outside the venue will continue for additional hours of trading; the head cam will be used during this period;
3. The existing CCTV system will continue to operate during the additional hours of trading;
4. Notices displaying that CCTV is in operation 24 hours a day will be displayed throughout the venue;
5. Reasonable steps will be taken to recognise the need of local residents and businesses;
6. Management will liaise with all relevant licensing schemes and local resident schemes;
7. Door Supervisors will monitor and patrol any queue that forms and ensure it does not cause public nuisance;
8. A large display notice situated by the exit door requests customers to leave quietly as the Dutch Quarter is a residential area;
9. There will be a gradual 'wind down' in the pace and volume of music during the last hour of trading in order to encourage the dispersal of customer over an extended period;
10. Customers are encouraged to leave the venue in a quiet and orderly fashion and are not permitted to leave in possession of bottles or glasses; Marshalls in high visibility jackets will be placed outside the venue to promote order and speedy dispersal. Assistance will be given to obtain taxis where required;
- 11 Following closure the exterior of club premises and surrounding area is cleared of litter;
- 12 Extra measures will be put in place to ensure customers leaving, during the later hours do promote The Prevention Of Crime And Disorder objectives; these include such measures as Marshalls patrolling the immediate vicinity outside of the venue, the Nightrider bus service, a recognised arrangement with a private hire taxi company, signs displayed on exit from the venue and information will be provided to customers informing them of ways to get home by way of printed material.
- 13 Neighbours will be informed of our opening days and hours. They will have contact telephone numbers provided in case they wish to contact venue management (this will be in a designated area indicated in the appendix indicated in the operating schedule)

#### **Protection of children from harm**

1. No unaccompanied persons under 18 years will be permitted entry to the venue
2. The venue will continue to work hand in hand with the Police to give vital intelligence over the town link radio should any child be present in the High Street and likely to be a danger to themselves or any other member of the public.

## **LUMINAR LEISURE LIMITED**

### **Model Dispersal Procedure for Hippodrome, 131 High Street, Colchester C01 1SP**

#### **Introduction**

It is acknowledged by Luminar Leisure Limited that there may be a conflict between the Designated Premises Supervisor legitimate right to provide entertainment and other services and the equally legitimate right of neighbours to enjoy their homes and businesses without disturbance.

Luminar Leisure Limited also acknowledges that popular venues are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and the relevant authorities.

It is an established policy of Luminar Leisure Limited that each venue has a Dispersal Procedure (around the terminal hour) which sets out practices and procedures to achieve this. This document addresses directly comments made in representation from Councillors Chris Hall, Ken Jones and Henry Spyvee; The Dutch Quarter residents committee and Essex Police in relation to the application by this venue for a Premises Licence under the Licensing Act 2003.

#### **Definition**

The Dispersal Procedure is not to be confused with The Evacuation Procedure, any design standard, any other operational policies or any agreed/enforced rules or guidelines.

The Dispersal Procedure (around the terminal hour) is dedicated to make the maximum contribution by exercising pro-active measures, towards and at the end of trading, to move customers from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

The relevance of the time of closure is recognised as meriting this special attention and concern.

The procedure document will be specific to the Hippodrome, Colchester and its locality.

The Dispersal Procedure has been formulated by the Operations Manager in conjunction with the Designated Premises Supervisor. It has been discussed with the licensing officers of the local council and police and will be in place prior to the introduction of the new hours under the Licensing Act 2003.

The Dispersal Procedure is subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination.



## **Neighbours' Charter**

Residential neighbours close to the Hippodrome, Colchester will be given a copy of the venue's 'Neighbours' Charter' prior to any change in hours. (Distribution area established in appendix A)

This charter explains the existence and aims of The Dispersal Procedure and gives clear communication lines so any neighbour can draw attention to a matter which causes concern (these may relate to customers departing or any other issue) to the Designated Premises Supervisor and, if required, to the Operations manager. Should the venue vary the hours on any week then on Sunday or Monday a note will be dropped through each neighbours' letterbox in the agreed area.

There is a committee currently in place which comprises representatives of the venue and residential neighbours along with other persons as appropriate, this has been established with the aim of creating good and close relations. Meetings are arranged as required to ensure there are no recurring problems. The aim is to achieve speedy resolution of any problem occurrence.

## **Content of Dispersal Procedure Document**

### **1. Relevance of Licensing Conditions:**

The conditions of licences, around the terminal hour, will be strictly adhered to whilst it will be operated to encourage the dispersal of patrons gradually, both during the last part of trading and following the end of bar service.

During the last hour of trading the service points in each bar will be reduced and certain staff re-allocated to collecting glasses or offering customer service in the cloakroom to assist customer departure.

The Stage Bar will become a dedicated soft drinks and coffee bar only for the last hour prior to cessation of sale of alcohol. (All bars sell a full range of soft drink and free drinking water is available at all times).

### **2. End of Evening Operational Policies:**

During the last hour and in the period following this volume levels, type of music played and usage of lighting levels will be changed to become slower and gentler to encourage the gradual dispersal of patrons during the last part of trading and during the drinking-up period.

DJ announcements may be used to both encourage a gradual dispersal, to remind customers of consideration for neighbours and encourage customers to utilise approved transport being approved taxi's or Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening and the management, door supervision and marshalling procedures which support this aim.

### **3. Cloakroom:**

The cloakroom is situated in order to assist the swift return of coats. Management and operation of the cloakroom plays an important part in the dispersal process. (Staffing and control systems are increased in the period prior to bar closure and beyond.)

### **4. Notices at Exit:**

In line with company policies, highly visible notices are placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their property.

### **5. Door Supervisors:**

- Will encourage customer to drink up and progress to the exit throughout the drinking up time;
- Will draw the attention of exiting customer to the notices in the foyer and ask them to be considerate;
- Will ensure the removal of all bottles and glasses from any customer who attempts to leave the venue carrying one. A table and bottle skip will be positioned just inside the venue by the door to the foyer to collect glasses/bottles;
- No takeaway meals are available at Hippodrome, which could create rubbish;
- Will actively encourage customers not to assemble outside the venue;
- Will direct customers away from the area.

### **6. Measures to Promote Customer Dispersal and Safety:**

#### **Taxi Rank**

The taxi rank is situated directly opposite to the venue and registered door supervisors will oversee the queuing arrangements and allocation of customer's taxis

#### **Nightrider First Bus**

Security Staff and management would Nightrider First bus which will be running until 3:15am, a guaranteed 75 tickets will be made available to customers on a Friday and Saturday evening. Initially the tickets will be offered free to promote the bus service, however this will change once the scheme is up and running and a charge will be levied.

### **7. Information cards**

We will distribute 'Get home safely cards', with useful info such as, Taxi location, Maps, telephone numbers, bus stops and bus routes. We will also promote the use of the Balkerne Hill car park via our printed material and website showing a street map in order to encourage traffic away from the Dutch Quarter area.

## **8. Marshals: (Area patrolled by marshals established in Appendix B).**

Operating at the end of the session between 12am (midnight) - 3am, The Marshall is a patrolling security officer wearing high visibility clothing, who works close to the venue in a designated area and is in direct communication with a designated person on behalf of the management. Their aim is to create a highly visible presence and to communicate, rather than deal with, potential problems. Often their role is just to encourage our customers to disperse quickly and quietly but they have the added bonus of deterring persons who have not utilised our venue visiting the area.

Marshals will assist in the dispersal of customers from the immediate area of the Hippodrome. They will be in radio contact on a dedicated link. This will continue until all customers have left the venue and its immediate vicinity.

Marshals at the Hippodrome will assist with moving customers from the area of the premises and its vicinity and will remind customers that we are in a residential area and to be considerate of neighbours.

In certain circumstances it is possible that a marshal or marshals may be used for specific tasks.

This will always be in negotiation with the police and residential neighbours. This will be reviewed on an ongoing basis.

There are circumstances where this service is most highly valued.

## **9. Rubbish Patrol: (Area cleared by rubbish patrol established in Appendix C)**

Management of the Hippodrome will send out a 'Rubbish Patrol' following closure. They pick up bottles and food wrappings in a designated area. (Rubbish may be from sources other than our venue - but will be collected and disposed of.)

On rare occasions this patrol may be faced with the result of antisocial behaviour such as vomiting. This will also be cleared.

## **10. Staff:**

Consideration will be given to procedures for staff departures.

## **11. Training:**

Luminar Leisure Limited is an Investor in People.

Training at all levels will be conducted to ensure understanding and implementation of the unit specific Dispersal Procedure.

All bar staff will receive monthly training in all areas relevant to their legal responsibilities and assistance with dispersal.

All Door Supervisors will receive monthly training covering their role and function during operation assisting with dispersal and responsibilities and limitations when serving as a Marshall.

Appendix A - Neighbours' Charter Area - East & West Stockwell Street

Appendix B - Marshals' Patrol Area - The High Street (immediate vicinity of the venue)

Appendix C - Rubbish Patrol Area - The High Street (including the immediate vicinity of the venue, especially where the queue will build up) and East & West Stockwell Street.

# DUTCH QUARTER ASSOCIATION

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

23<sup>rd</sup> September 2008

Sarah White  
Committee Services Officer (Licensing)  
Planning and Protection  
Colchester Borough Council

**Liquid/Envy, 131 High Street, Colchester**  
**Variation to licence**

The Dutch Quarter Association objects to the application for variation of licence for the above premises on the following grounds: **Prevention of Public Nuisance, Prevention of Crime & Disorder & Public Safety.**

The Liquid/Envy nightclub (formerly the Hippodrome) is seeking to extend their opening hours to 1.30 am on Sundays. Patrons from this nightclub regularly cause considerable disturbance to residents of the Dutch Quarter and especially to those living in East Stockwell Street. This disturbance is particularly bad on Friday and Saturday nights when they are licensed until 3.00am with a closing time of 3.30am.

Sunday is the only night of the weekend on which residents can expect some respite from the problems associated with the Town Centre's 'night time economy' and it would be unreasonable to erode this limited time of relative peace for the economic benefit of Liquid/Envy.

The Club is also licensed until 2.00am, with a closing time of 2.30am, from Monday to Thursday and already has extensions for Bank Holiday Sundays and we strongly feel this should be regarded as sufficient.

Committee Member

Copies to: Castle Ward Councillors, DQA Committee, Colchester Police

Please reply to: Maidenburgh St, Colchester CO1 1UB

TO SARAH WHITE + Licensing Team. 29.9.2008

LICENSING DEPARTMENT  
RECEIVED  
29 SEP 2008

Re: - Objection to increased licensing hours of LIQUID ENVY

Appendix 5

We object to this application as we already have to put up with late night shouting, aggressive, ~~to~~ drunken behaviour from the above's clientele with no consideration for residents <sup>try to sleep</sup> in the early hours.

Why are the owners wanting extra time? Is it necessary to fuel further anti-social behaviour - just for an hour - so as to <sup>line</sup> further their pockets?

Bouncers, I'm sure keep problem at bay within the club, but have no jurisdiction where it is really needed - out and about in a heavily populated residential area. - For the above reasons we oppose this application.

Maidenbough St.  
Dutch Quarter Residents.

e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)