

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
11 March 2011 at 10.00am**

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

Information for Members of the Public

Access to information and meetings

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

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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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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.

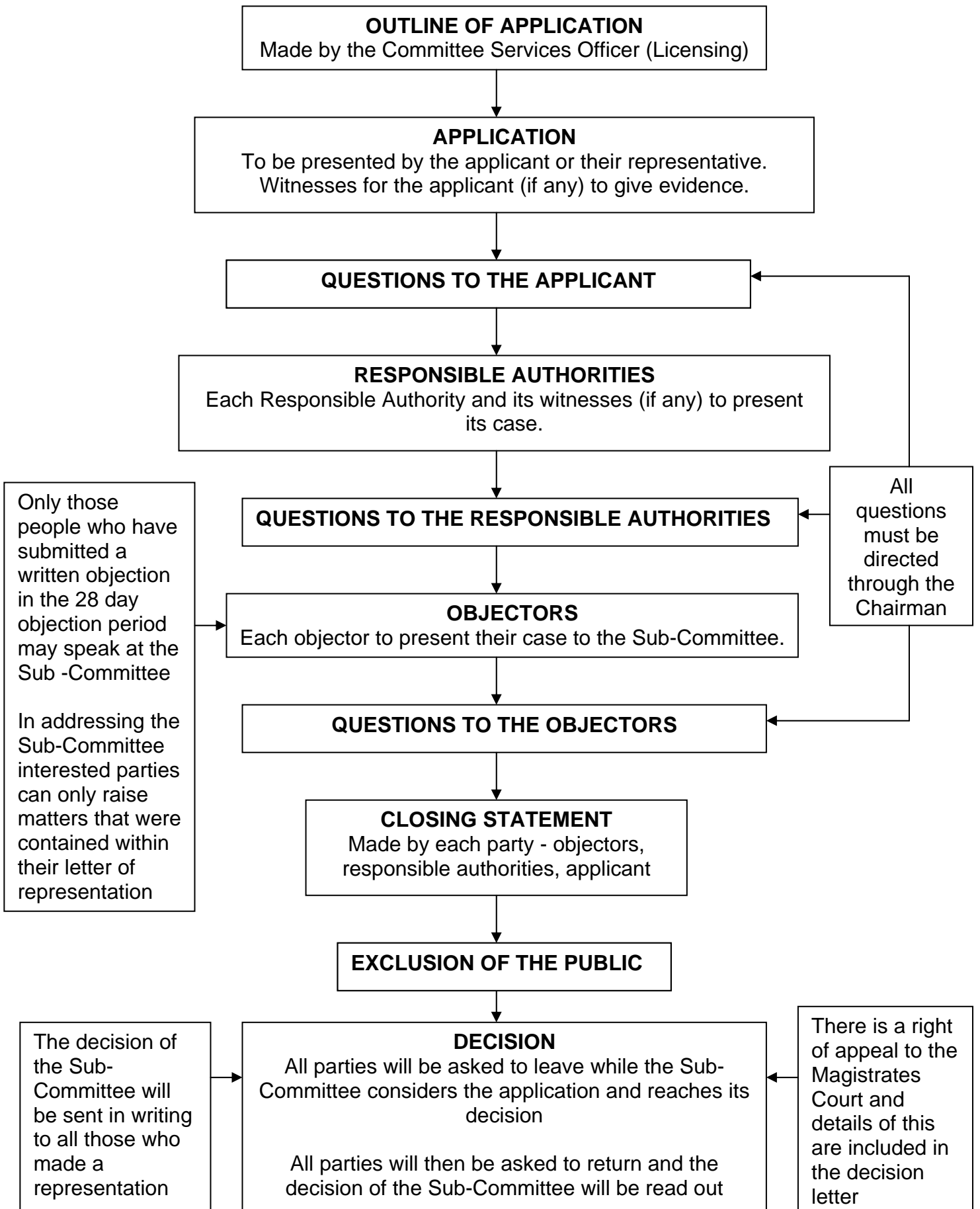
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
11 March 2011 at 10:00am**

Members

Councillors Nick Cope, Dave Harris and Ann Quarrie.
(Chairman and Deputy Chairman to be appointed at first meeting)

Substitute Members :

Agenda - Part A
(open to the public including the media)

Pages

1. Appointment of Chairman

To appoint a Chairman for the meeting.

2. Welcome and Announcements

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

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

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

3. Declarations of Interest

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

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

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

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

If a Councillor declares a personal interest they must also consider

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

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

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

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

4. Minutes

1 - 8

To confirm as a correct record the minutes of the meeting held on 26 November and 17 December 2010.

5. Application for a Review under the Licensing Act 2003

9 - 44

Bar B Q House
45 North Station Road
Colchester
Essex
CO1 1RQ

6. Application under the Licensing Act 2003

45 - 93

4, High Street
Rowhedge
Colchester
Essex
CO5 7HG

LICENSING SUB-COMMITTEE HEARINGS

26 NOVEMBER 2010

Present :- Councillor Barrie Cook (Chairman)
Councillors Margaret Kimberley
Substitute Member :- Councillor Michael Lilley for Councillor Ann Quarrie

1. Membership

The Committee Services Officer (Licensing) advised that Councillor Lilley was in attendance for Councillor Quarrie.

2. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes

The minutes of the meeting held on 17 September 2010 were noted and confirmed as a correct record.

5. Application for a Review under the Licensing Act 2003

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

The public were excluded from the hearing for the following application in accordance with the provisions of Paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

a) Johnson's Premier Newsagents, 103 London Road, Colchester

The Sub-Committee considered an application for the review of a premises licence in respect of Johnson's Premier Newsagents in relation to the following licensing objectives -

- Prevention of crime and disorder

- Protection of children from harm

In Attendance

Applicants: Mr Porter (Thompson, Smith and Puxon) and Mr Ramesh Patel (Designated Premises Supervisor and Personal Licence Holder) and Mr Hamesh Patel (Shop Manager).

Responsible Authority: Mr Appleby, Essex Police Licensing Officer and Ms Scholefield, Essex Police

Officers: Mr Harvey, Licensing Manager; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer)

Ms Tuthill, Committee Services Assistant (Licensing), briefly introduced the application made by Essex Police to review the premises licence of Johnson's Premier Newsagents, 103 London Road, Colchester. The review had been sought on the grounds of the prevention of crime and disorder and the protection of children from harm.

Mr Appleby addressed the Sub-Committee on behalf of Essex Police and explained that since the premises had been licensed to sell alcohol, three failed test purchases by Trading Standards had taken place which had resulted in alcohol being sold to underage customers. These incidents had occurred in 2006, 2007 and the most recent had taken place on 28 August 2010. Mr Appleby stated that because of the period of time during which these failed test purchases had taken place, he believed that the addition of some proposed measurable and proportionate conditions would address the Police's concerns. Mr Appleby then provided all those in attendance with a copy of the Police's proposed conditions.

In responding to the comments made by Essex Police, Mr Porter informed the Sub-Committee that the premises is a family-run convenience store and that these instances of selling alcohol to underage customers were not typical. The Sub-Committee were then presented with sixteen letters from local families whose children had been refused alcohol in the shop. Mr Porter explained that on 28 August 2010 when the last failed test purchase occurred, Mr Ramesh Patel had been managing the store and that at the time of the sale, he had been taking a phone call from abroad regarding a sick relative and was therefore distracted. The Licensing Sub-Committee was also informed that the premises operates the Challenge 25 scheme and has an incident book to record refused sales. Mr Porter also explained that since August, staff had attended and passed a course run by Trading Standards. Mr Porter concluded by saying that his client would be happy to agree to the conditions proposed by Essex Police.

In response to a question posed by Mr Harvey, Mr Hamesh Patel confirmed that there was only one point of sale in the store.

The Decision

That the reasons for the review brought by Essex Police be upheld and the conditions set out below be applied to the Premises Licence:

1. No member of staff shall operate or speak on any telephone or similar apparatus whilst dealing with customers in relation to the sale of age-restricted products.
2. A formal "Challenge 25" Scheme shall be adopted, of which any person who appears to be under the age of 25 shall have to establish that they are over the age of 18 years by an approved ID (passport, full driving licence, or other photo ID formally approved by Essex Trading Standards). This scheme shall be of the type approved by Essex Trading Standards.
3. The Licence Holder/DPS will keep a refusal/incident book to record all refusals or persons challenged for ID relating to the sale of alcohol. This record will be produced to the Police or Licensing Authority for inspection on request.

Considerations

The review had been sought by Essex Police following three sales of age restricted products to a person under 18 years of age the final sale being made on 28 August 2010. The review request had been supported by the Trading Standards although it was noted that they were not in attendance.

A representation had also been received from the Children's Safeguarding Service but they were also not in attendance.

Additional paperwork was circulated relating to the conditions proposed by Essex Police and Trading Standards and agreed by the applicant. Sixteen letters from parents of children refused sales of age restricted products were also submitted as well as further information relating to the defendant's case.

Reasons for the Determination

The Sub-Committee had given due weight to the evidence presented by the Police and Trading Standards and had regard to the conditions agreed between the parties to support the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

The Sub-Committee considered the agreed conditions as a necessary and proportionate response to the breaches of the licence conditions committed and the evidence presented to it by all parties.

6. Close of Meeting

The meeting closed at 11.20

LICENSING SUB-COMMITTEE HEARINGS

17 DECEMBER 2010

Present :- Councillor Barrie Cook (Chairman)
Councillors Mary Blandon and John Bouckley

1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application under the Licensing Act 2003

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

The What Bar, 7 Queen Street, Colchester

The Sub-Committee considered an application for a variation of a premises licence in respect of The What Bar to permit –

- The provision of live music, recorded music, performance of dance, other music or dance entertainment, facilities for making music, facilities for dancing, other facilities for music and dance indoors and late night refreshment.
- Non-standard timings in respect of Opening Hours on New Year's Eve

In Attendance

Applicant: Mr West (21st Century Licensing), Mr Douglas Archell (Applicant and Licence Holder), Mr Bob Archell (Management) and Mr Raymond Gray (witness and local resident)

Responsible Authorities: Mrs Parkin, Environmental Control

Officers: Mr Harvey, Licensing Manager; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing); Mr Wilkins (Principal Lawyer) and Mr Samuel (Legal Executive)

Mrs White, Committee Services Officer (Licensing), briefly introduced the application and advising that a representation had been received from Environmental Control.

Mr West presented the application to the Licensing Sub-Committee and sought permission from the Chairman to hear a witness on the applicant's behalf and to consider four letters in support of the application. There were no objections from any of

the parties present to these being heard and after hearing further information about the witness and letters of support, the Chairman on balance decided to allow the witness and letters. Mr West then proceeded to serve a brochure of information relating to the application and premises, on all those present at the Hearing.

Mr West explained to the Sub-Committee that his client was applying for late night refreshment and to increase the regulated entertainment and that they were not seeking to alter the supply of alcohol, opening hours or exhibition of films. The applicant's representative also stated that no objections had been made in relation to this application by Planning, the Police or any person living or working within the vicinity of the premises. The applicant's representative read aloud extracts from the Section 162 Guidance which he believed embraced the application.

In reference to the representation that had been submitted by Environmental Control, Mr West believed that this had been based on noise complaints caused by historic mismanagement and went on to explain the ways in which the applicant had tried to address Environmental Control's concerns about noise. These included the removal of the disc jockey stand, relocating the music stage to the rear of the building which was built in 1988, not Grade II Listed and was better insulated against noise outbreak. The size of the stage meant that it had a limited capacity and would not be able to cater for bands of more than four people. Mr Douglas Archell explained that he would like the premises to become a music bar for local bands to play jazz and rhythm and blues and that he did not want it to be a nightclub. The applicant also explained that following some music tests which had taken place at the premises, the cellar had proved to be a particular problem. To overcome this, the cellar ceiling had been insulated as well as two air vents. In order to address historic complaints about noise escaping when patrons exited the premises to smoke, an entrance lobby had been created and the fire exit door would only be used in the event of a fire.

Mr Bob Archell explained that once the management team had seen Environmental Control's objection to the application, they had sought architectural advice on reducing noise emanating from the premises as part of the renovation of the premises. Two noise tests were later carried out at the premises and showed that the level of noise had dramatically reduced. In response to this, Ms Parkin informed the Sub-Committee that noise from the premises should not just be based on the music, but also dance floors and people talking etc. Mr Douglas Archell informed the Sub-Committee that a Noise Management Policy had been produced for the premises and that they were happy to have this attached as a condition to the Premises Licence.

The Sub-Committee were shown a video clip of the type of music which the applicant intended to be played at the premises which was live acoustic music which was different to the DJ music that had been played at the premises in the past.

The applicant's representative, Mr West mentioned that the premises had recently had two Temporary Event Notices covering eight nights, and that there had been no noise complaints during this period. Mr West then introduced his witness, Mr Raymond Gray who lived directly behind the premises. Mr Gray commented that the music being played by the new owners was enjoyable and that the noise level was acceptable to himself and his partner and that it had not impinged on his quality of life. Mr West

acknowledged that local residents could change so proposed a condition that the side door of the premises be changed as per the 5 conditions stated in the material put before the Sub-Committee.

Mr West informed the Sub-Committee that the premises would now be trading under the name of Tin Pan Alley and that the Designated Premises Supervisor would be Mr Douglas Archell, the applicant.

Mrs Parkin stated that Environmental Control's objection to the application had been based on a long history of noise complaints about the premises from local residents. The Sub-Committee was informed that two noise abatement notices had been served on the premises; the first in 2004 and the second in July 2010. Environmental Control had not been aware until very recently that not all of the building was Grade II Listed, but re-iterated that the listed (front) part of the building could not be made soundproof. Mrs Parkin did not object to any of the conditions proposed by the applicant and confirmed that Environmental Control had not received any complaints when the recent Temporary Event Notices had taken place.

The location of the premises in the Stress Area was raised and Mr Harvey, the Council's Licensing Manager, set out the Council's Policy in relation to this area and the presumption of refusal unless the Sub-Committee was satisfied that granting the application would not undermine the licensing objectives.

In the applicant's closing statement, Mr West said that the premises was intended to be a community venue catering for a niche market. Mr West also commented that he believed Environmental Control's objection to the application to be speculative and based on historical evidence. Other points raised included that there had been letters in support of the application, no objections had been received from residents, conditions had been proposed by the applicant, measures had been taken to reduce noise emanating from the premises and a Review of the Premises Licence could be called if problems arose.

The Decision

To grant the application for the following hours and activities:

Performance of live music, playing of recorded music, performance of dance, other music or dance entertainment, facilities for making music, facilities for dancing, other facilities for music and dance indoors:

11.00 to 22.45 Mondays to Thursdays

11.00 to 00.15 Fridays and Saturdays

12.00 to 22.30 Sundays

Christmas Eve 11.00 to 02.00

New Year's Eve 11.00 to 02.00

Sundays of Bank Holiday weekends 11.00 to 00.30

Late night refreshment:

23.00 to 00.15 Fridays and Saturdays

Christmas Eve 23.00 to 02.00

New Year's Eve 23.00 to 02.00

Sundays of Bank Holiday weekends 23.00 to 00.30

Opening hours of the premises:

From 10.00 New Year's Eve until 02.30 New Year's Day

To remove the following conditions:

1. "Background Music Only"
2. "No under 18's on the premises"

The licence be granted subject to the following conditions -

Conditions proposed on the operating schedule:

1. Doors and windows will be kept closed whilst music is being played inside the premises
2. A "Challenge 21" policy will be introduced
3. A member of staff will hold a S.I.A qualification
4. No under 18s on the premises unless accompanied by a responsible adult.

Conditions offered by the applicant at the Hearing:

1. Side door to be replaced with one of heavy construction, well acoustically designed frame and fastenings.
2. The door to be kept for emergency use only and to be fitted with an audible and visual alarm and glass bolt
3. A noise limiter to be fitted at the premises and only accessible to the installation company. The noise levels to be determined in consultation with Environmental Control.
4. Sound levels from music to be controlled to ensure that it does not give rise to statutory noise nuisance within any adjacent dwelling.
5. No music shall be provided by way of "Disc Jockey".
6. To maintain the Noise Issues Management Policy for Tin Pan Alley attached to the licence and that no changes be made without prior agreement to Environmental Control. Save that the said policy will deem to be amended in order to comply with the conditions set out in this decision.
7. All deliveries to the venue to be made between 08.00 and 21.00.
8. No recycling or emptying of glass bottles outside the premises before 8.00 or after

20.00

Condition Imposed by the Sub-Committee at the Hearing:

1. Music can only be played within that part of the building that is not Grade 2 listed in order to address the concerns raised by Environmental Control.

Reasons for the Determination

The Sub-Committee had given careful consideration to all the representations and evidence, and was satisfied that the concerns raised by Environmental Control were adequately addressed by the amendment to the hours for regulated entertainment, and the additional conditions offered by the applicant at the hearing.

4. Close of Meeting

The meeting closed at 13.45.

Licensing Committee – 11 March 2011	Agenda Item 5a
Bar B Q House	FOR GENERAL RELEASE

Premises	Bar B Q House 45 North Station Road Colchester	Ward: Castle Stress Area: No Flare Ref:004776 Author: C Daines
Premises Licence Holder	Mr Gzim Morina	
Premises Licence Application	Request to review the premises licence by Essex Trading Standards	Appendix 1 Appendix 2
Responsible Authorities	Children's Safeguarding Service	Appendix 3

Existing Licence
<p>Opening hours and the sale of alcohol for the following hours:-</p> <p>Mondays to Sundays inclusive 10.00 to 05.00</p> <p>Late night refreshment</p> <p>Mondays to Sundays inclusive 23.00 to 05.00</p>

Grounds for Review from Essex Trading Standards
<p>The premises were the subject of test purchases in April and October 2010 and on both occasions alcohol was sold without identification being requested. The review is sought on the ground of the protection of children from harm.</p>

Application for a Review of a Premises Licence – Licensing Act 2003
<p>Application for review of premises licences – Section 51 Licensing Act 2003</p> <p>(1) Where a premises licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.</p> <p>(2) Subsection (1) is subject to regulations under section 54 (form etc of applications etc)</p> <p>(3) The Secretary of State must by regulations under this section:</p> <p>a) require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;</p> <p>b) require the authority to advertise the application and invite representations about it to be made to the authority by interested parties and responsible</p>

authorities

- c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any interested party
 - d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied:
- a) That the ground is not relevant to one or more of the licensing objectives or
 - b) In the case of an application made by a person other than a responsible authority, that:
 - c) That the ground is not relevant to one or more of the licensing objectives or
 - d) In the case of an application made by a person other than a responsible authority, that:
 - i. the ground is frivolous or vexatious or
 - ii. the ground is a repetition
- (5) For this purpose a ground for review is a repetition if:
- a) It is identical or substantially similar to:
 - i. a ground for review specified in an earlier application for review made in respect of the same premises licence and determined under section 52 or
 - ii. representations considered by the relevant licensing authority in accordance with section 18, before it determined the application for the premises licence under that section or
 - iii. representations which would have been so considered but for the fact that they were excluded representations by virtue of section 32, and
 - b) A reasonable interval has not elapsed since that earlier application for review or the grant of the licence (as the case may be).
- (6) Where the authority rejects a ground for review under subsection (4) (b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly the requirements imposed under subsection (3)(a) and (b) and by section 52 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

The Licensing Authority has accepted the application for a review of the premises licence held in respect of the Bar B Q House, 45 North Station Road, Colchester which was made by Essex Trading Standard (**Appendix 2**). The application, received by the

Licensing Authority and accepted on 19 January 2011, was duly served and advertised by the Licensing Authority in accordance with the above section of the act and the regulations that accompany it.

In support of their application for a review of this premises licence, Essex Trading Standards has outlined the grounds under which it is applying for the review and has also submitted detailed background information to evidence the reasons why it believes such a review is necessary. This evidence is attached as **Appendix 2** of this report. Included in the evidence is a list of the minimum desired outcome that it would like to see from the review hearing.

A letter of support for the case made by Essex Trading Standards has been received from the Children's Safeguarding Service. The letter was received in the representation period and has been accepted by the Licensing Authority. The letter is shown as **Appendix 3** of this report.

Colchester Borough Council's Statement of Licensing Policy

The following policy guidance is taken from the Council's Statement of Licensing Policy in relation to the Licensing Authority's Premises Policies regarding off sales, shops and supermarkets, to the licensing objectives that are the basis of this review and also in relation to applications made to review a premises licence. The Policy was prepared in accordance with the Licensing Act 2003 and the guidance and regulations that accompany the Act and offered as advice and guidance for applicants, relevant responsible authorities, interested parties, authorised persons and the Licensing Authority itself.

Premises Policies

Off Sales/Shops and Supermarkets

3.41

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

3.42 However, the Licensing Authority is concerned that some off-licences, shops, stores and supermarkets selling alcohol in Colchester Borough have become the focus and, in extreme cases, the reason for alcohol related anti-social behaviour, crime, disorder, noise and disturbance, caused by underage drinkers or street drinkers who have obtained, or tried to obtain alcohol from these premises.

3.43

In such instances, upon an application for review of the licence where there is a concern over alcohol related anti-social behaviour, crime, disorder, noise or disturbance, the Licensing Authority will seriously consider relevant and reasonable representations, made by the Police, responsible authorities or interested parties such as local residents, about reasonable and proportionate remedial measures or improvements that may be required to be implemented by the premises in question.

3.44 The Association of Convenience Stores, the British Retail Consortium and the Wine and Spirits Trade Association have jointly produced a guide to the responsible retailing of alcohol. This is available online at:

Reviews

4.25 The Licensing Authority or a relevant responsible authority will give early warning, where possible and appropriate, to licence holders of any concerns about problems identified at the premises and of the need for improvement.

4.26

Responsible authorities and/or interested parties such as residents living in the immediate vicinity of a premises can trigger a review of a premises licence, but a clear case based on evidence would need to be presented to the Licensing Authority. Such evidence may for example be in the form of written, recorded, filmed or photographic evidence.

4.27

No more than one review from interested parties (such as residents) will normally be accepted by the Licensing Authority within any 12 month period on similar grounds, except in exceptional and compelling circumstances.

4.28 The Licensing Authority may exercise a wide range of powers that has been given to it to promote the licensing objectives, when determining a representation that has called for a review of a premises licence.

4.29 Steps that can be taken by the Authority could include:

- Taking no action.
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition) for example, by reducing the hours of opening times or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

4.30 All of the above measures are shown as examples only of what action the Licensing Authority could take when determining an accepted relevant representation which seeks a review of a premises licence and are in accordance with paragraphs Chapter 11, paragraphs 11.1 to 11.28 of the guidance issued under Section 182 of the Licensing Act 2003.

4.31 Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under the age of 18. The consumption of alcohol by

children can impact on the health, educational attainment, employment prospects and propensity for crime and anti-social behaviour of young people.

4.32 The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003, and the Licensing Authority will consider representations that such offences have occurred with the utmost seriousness when they arise in connection with the grant or review of a premises licence.

4.33 In regards to a review that may be applied for by the Police for example in connection with serious criminal activities occurring on or around, or because of a licensed premises, the following criteria may apply as reasons for such a review being sought and are in accordance with paragraph 11.26 of the guidance issued under Section 182 of the Licensing Act 2003. These may include:

- the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- the sale and distribution of illegal firearms;
- the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- prostitution or the sale of unlawful pornography;
- organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly gangs;
- the organisation of racist activity or the promotion of racist attacks;
- unlawful gaming and gambling and
- the sale of smuggled tobacco and alcohol.

4.34 While it is not the role of the Licensing Authority to determine the innocence or guilt of individuals charged with licensing or other offences committed on licensed premises, that is down to the judgment of the Courts, there is however no reason why representations received by the Licensing Authority that give rise to a review of a premises licence should be delayed pending the outcome of any criminal proceedings. (See paragraph 11.25 of the guidance issued under Section 182 of the Licensing Act 2003)

4.35 It is therefore the intention of the Licensing Authority to proceed with such a review should such circumstances prevail, although it does acknowledge that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence.

4.36 Where reviews arise and the Licensing Authority has determined that the crime prevention objective is being undermined through a licensed premises being

used as a base for serious crime or in connection with serious criminal activity, in accordance with 11.26 of the guidance issued under Section 182 of the Licensing Act 2003, it will seriously consider even in the first instance, the revocation of the premises licence.

Objective 1: Prevention of crime and disorder

- 5.18 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.
- 5.19 Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to do all that it reasonably can to reduce crime and disorder. The Licensing Act 2003 and the Anti-Social Behaviour Act 2004 reinforce this duty.

General Policy

5.20

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

- i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police’s effective management checklist (see Appendix 18) 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. (see Appendix 18)**
- 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 areas set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 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.**

- 5.21 The following examples of best practice measures are only provided to assist and guide applicants, who may need to take account of them in their operating schedule after having due regard to their relevance in relation to their particular type of premises and/or activities. It should be noted that these examples are not intended as an exhaustive checklist and will not be used by the Licensing

Authority to create standard conditions. All applications are considered in their own individual right and on their own individual merit. Where no representations are received a licence must be granted.

- effective and responsible management of premises by consideration within an applicant's operating schedule of the issues listed in Appendix 18.
- training and supervision of staff including the use and maintenance of CCTV systems on the premises and awareness of alcohol and drug misuse.
- adoption of best practice guidance, for example Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions such as the Point of Sale Promotions published by BBPA, and Security in Design published by BBPA and Drugs and Pubs.
- acceptance of accredited 'proof of age' cards, for example PASS, locally approved 'proof of age' cards such as 'Prove It' and/or 'new type' driving licences with photographs.
- provision of effective and maintained CCTV in and around premises.
- employment of Security Industry Authority licensed door staff.
- provision of toughened or plastic drinking vessels.
- provision of secure, deposit boxes for confiscated items ('sin bins').
- provision of litter bins.
- other security measures, such as effective lighting.
- membership of local 'Pubwatch' schemes or similar organisations or schemes such as the Best Bar None Award
- finger print recognition identification system e.g. "In Touch" or similar.
- search arch or wand metal detectors.

5.22 A Premises Supervisor must be designated within the operating schedule for premises from which alcohol will be sold. **The Licensing Authority will normally expect the Designated Premises Supervisor to have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, would be present on the licensed premises sufficiently to ensure that the licensing objectives are being positively promoted and that premises licence conditions are being satisfied.** In addition to the Designated Premises Supervisor holding a personal licence, the Licensing Authority would strongly encourage this person to undertake additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

In general, conditions imposed upon premises licences and club registration certificates where relevant representations have been received by the Licensing Authority will reflect local crime prevention strategies and will be reasonable, proportionate and necessary for the promotion of one or more of the four

licensing objectives.

Objective 4: Protection of children from harm

5.36 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.

5.37 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.

5.39

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.

General Policy

5.40

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

- (i) whether there are effective measures to check the age of those under 18;**
- (ii) whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;**
- (iii) whether there are adequate procedures for identifying unaccompanied or lost children and for ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;**
- (iv) the likelihood of children being attracted to the premises; for example by the nature of activities or facilities provided;**
- (iv) whether there is evidence of problems of underage drinking on the premises;**
- (v) whether the premises commonly provides entertainment or services of an adult or sexual nature;**
- (vi) whether there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of cash prize gaming machines);**

- (vii) whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- (viii) whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classifications (see Appendix 19):
- (ix) if performances or activities are likely to attract children, the number of adults required for supervision of children;
- (x) where play facilities are provided, if an adequate risk assessment has been made and appropriate measures taken:
- (xi) the measures to be taken to ensure that those supervising or having contact with children have been appropriately vetted to ensure they pose no risk to children. Obtaining enhanced disclosure from the Criminal Records Bureau may be appropriate in some cases;
- (xii) proposals for the provision or arrangement for safe transport home for children.

5.41

The Licensing Authority expects that, when a licensable activity is held exclusively for children under 18 years old, that there will be sufficient numbers of staff available to ensure the safety of those children and in particular to prevent any possibility of alcohol being sold to individuals under the age of 18. The event should also be supervised by persons who have undergone an enhanced Criminal Record Bureau (CRB) disclosure check.

5.42

The event supervisor should carry out a risk assessment of the necessity for the personal searching of children. The Licensing Authority recommends that metal and drug detection equipment be used so as to remove the need for personal contact when searching. Where the risk assessment has revealed the need for personal contact, any such search should be directly supervised by persons who have undergone an enhanced CRB check. A person of the same sex must carry out the search, and warnings that such searching may be conducted should be prominently posted both inside and outside of the premises.

Proof of Age Scheme

5.43 The Licensing Authority is extremely concerned that under 18's are often involved in alcohol related crime, disorder and anti-social behaviour. In order to prevent illegal purchases of alcohol the Licensing Authority strongly encourages all licensees to recognise and accept proof of age schemes such as 'Prove It', 'Challenge 21', 'Citizens Card' or any similar scheme that is accredited by the

PASS (Proof of Age Standards Scheme) or alternative checks such as the new style of photograph drivers licence.

5.44 The PASS scheme is endorsed and supported by the Government and is audited by the Trading Standards Institute and means that all proof of age card schemes carry the same hologram logo that is extremely difficult to forge and as a result means that retailers can easily distinguish legitimate cards from forgeries.

10. Interested Parties, Responsible Authorities, Representations

Reviews, Hearings and Appeals

10.1 Who can make representations or seek reviews?

- **‘Interested Parties’** and **‘Responsible Authorities’** may make **‘relevant representations’** in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

10.2 **‘Interested Parties’** are defined as any of the following;

- A person living in the vicinity of the premises
- A person involved in a business in that vicinity
- A body representing persons living in that vicinity

10.3 **‘Responsible Authority’** is defined as any of the following (**see appendix 4A for further details**)

- The Chief Officer of Police for the area
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local Planning Authority
- The Local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The body representing matters relating to the protection of children from harm
- A navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel
- The weights and measures authority (Trading Standards).

10.4 **Relevant Representations** is the term used for comments and objections that:-

- Are about the likely effect of the grant of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives
- Are made by an **‘Interested Party’** or **‘Responsible Authority’** within the prescribed period and have not been withdrawn
- In the opinion of the Licensing Authority, are not **frivolous, repetitious** or **vexatious** (such a decision will be made by the Councils Licensing Manager).

- Relate to the identity of the proposed premises supervisor, and are made by the Chief Officer of Police for the Colchester Borough and include a statement that the proposed premises supervisor would undermine the crime prevention objective.

10.5 The terms '**frivolous**' and '**vexatious**' have their normal meanings.

10.6 In the case of a review of a premises licence or certificate, a representation will be '**repetitious**' if: -

(a) It is identical or substantially similar to: -

- Grounds in an earlier application for review made in respect of the same premises and already determined, or
- Representations considered by the Licensing Authority in granting the premises licence or certificate, or
- Representations which would have been considered except they were excluded representations following a provisional statement, and

(b) A reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

10.8 **Reviews**

10.8.1 The Licensing Authority must hold a hearing to review a Premise Licence or Club Premises Certificate where either: -

- **Representations** are made in the prescribed form by a '**Responsible Authority**' or '**Interested Party**' seeking a review of the licence or certificate on one or more of the licensing objectives, or
- A Magistrates' Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the Police.

Determination of application for review - Section 52 Licensing Act 2003

(1) This section applies where -

- (a) the relevant licensing authority receives an application made in accordance with section 51,
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3) (b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are -

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period of not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- (5) Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “relevant representations” means representations which -
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are -
 - (a) that the representations are made –
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
 - (a) the holder of the licence,
 - (b) the applicant,
 - (c) any person who made relevant representations, and
 - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect -
 - (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the appeal is disposed of.

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 that the Licensing Sub Committee may wish to consider reasonable and proportionate and which relate to the application that has been submitted by Essex Police for a review of this premises licence.

In making their decision as to the outcome of this application for a review of this premises licence, 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

When considering and determining this application, Members of the Licensing Sub Committee should have due regard to its duties and responsibilities under Section 17 of the Crime and Disorder Act 1998, which places a responsibility on a Local Authority to do all that it can to prevent Crime and Disorder from occurring within its area.

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: 004776

PART 1 - PREMISES DETAILS	
Bar B Q House 45 North Station Road Colchester	
Post town:	Post code: CO1 1RQ
Telephone number at premises: 01206 500400	

Date Licence Granted: 3rd October 2005
Annual Fee Date: 2nd October 2009

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	Licensed
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	10.00 to 05.00	
Tuesday	10.00 to 05.00	
Wednesday	10.00 to 05.00	
Thursday	10.00 to 05.00	
Friday	10.00 to 05.00	
Saturday	10.00 to 05.00	
Sunday	10.00 to 05.00	
Seasonal Variations		
Non-Standard Times		
b) The provision of regulated entertainment and entertainment facilities: -		
	Performance of Plays	Exhibition of Films
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Performance of Live Music	Playing of Recorded Music
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		

	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		23.00 to 05.00
Tuesday		23.00 to 05.00
Wednesday		23.00 to 05.00
Thursday		23.00 to 05.00
Friday		23.00 to 05.00
Saturday		23.00 to 05.00
Sunday		23.00 to 05.00
Seasonal Variations		
Non-Standard Times		

The Opening Hours of the Premises	
Monday	10.00 to 05.00
Tuesday	10.00 to 05.00
Wednesday	10.00 to 05.00
Thursday	10.00 to 05.00
Friday	10.00 to 05.00
Saturday	10.00 to 05.00
Sunday	10.00 to 05.00
Seasonal Variations	
Non-Standard Times	

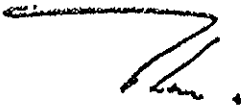
Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
 Alcohol may be served OFF the premises

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 Gzim Morina 45 North Station Road Colchester CO1 1RQ Tel: 01206 500400 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 Gzim Morina 12 Poplar Hall Close Colchester CO1 1AH Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: 18370 Colchester BC
--



Simon Harvey
Licensing Manager

19th December 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

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

Annex 4 – Conditions Consistent with the Operating Schedule

Conditions Agreed with Responsible Authorities

No loading or unloading will take place at the rear of the premises.

Prevention of Crime & Disorder

Alcohol not to be served at the premises. Alcohol to be delivered to customers homes only.

Sales of alcohol must be pre-ordered by telephone, the internet or by e-mail. Invoice/orders must be carried on delivery vehicle and produced by delivery driver on request to any Authorised Licensing Officers of the Council and Police Officers.

Only pre-ordered alcohol may be carried on the delivery vehicle with invoices for each specific address.

Bar BQ House must keep a record of all alcohol orders with the name and address of customer ordered. This record must always be produced for inspection at the request of Authorised Licensing Officers of the Licensing Authority and Police Officers.

Prevention of Public Nuisance

Alcohol not to be served at the premises. Alcohol to be delivered to customers homes only.

Sales of alcohol must be pre-ordered by telephone, the internet or by e-mail. Invoice/orders must be carried on delivery vehicle and produced by delivery driver on request to any Authorised Licensing Officers of the Council and Police Officers.

Only pre-ordered alcohol may be carried on the delivery vehicle with invoices for each specific address.

Bar BQ House must keep a record of all alcohol orders with the name and address of customer ordered. This record must always be produced for inspection at the request of Authorised Licensing Officers of the Licensing Authority and Police Officers.

Protection of Children

When alcoholic refreshments are delivered to customers' homes, the alcoholic refreshments will not be passed to anyone under the age of 18.

Customers who appear under the age of 21 will be asked for identification before the alcohol is handed to the customer.

The only forms of identification which will be accepted by delivery staff are a photographic drivers licence, passport or recognised group scheme.

If a customer provided identification which is not valid or is unable to provide identification and the member of sales staff has reason to believe that the customer is under the age of 21, alcohol will not be passed to the customer.

Where it is known that those over the age of 18 are purchasing alcohol for minors, the sale of alcohol will be refused.

Where it becomes known on the delivery of alcohol that the alcohol will be consumed by minors, the alcohol will not be passed to the customer.

All delivery staff will ensure that they are aware of these conditions.

All delivery staff will be aware that minors may attempt to buy alcohol.

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

Application for the review of a premises licence or club premises certificate 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 Essex County Council Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bar B Q House 45 North Station Road	
Post town Colchester	Post code (if known) CO1 1RQ

Name of premises licence holder or club holding club premises certificate (if known) Mr Gzim Morina

Number of premises licence or club premises certificate (if known) 004776

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Essex County Council Trading Standards 2 Beaufort Road Chelmsford Essex CM2 6PS
Telephone number (if any) 0845 603 7626
E-mail address (optional) trading.standards@essex.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The Premises Licence Holder obtained a licence in October 2005.

The premises were test purchased in April 2010 using a 15 year old boy and sold alcohol without asking for any form of identification. This was part of an alcohol delivery test purchase operation being carried out in the Colchester district.

A warning letter was then sent to the premises warning them that a sale had taken place and what their obligations are under the Licensing Act and their conditions on the premises licence.

The premises was then re-tested in October 2010 using a 16 year old volunteer and again sold alcohol without asking for any form of identification.

It is a condition of the premises licence that alcohol will not be passed to anyone under the age of 18. Furthermore, customers who appear under the age of 21 will be asked for identification before the alcohol is handed to the customer. Further conditions stipulate that all delivery staff will ensure that they are aware of these conditions and will be aware that minors may attempt to buy alcohol.

Due to the premises being in breach of their licence conditions by failing to ask for identification on two separate occasions, a review is necessary in order to protect children from harm caused by underage drinking.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

1) 09/04/2010

A test purchase was conducted using a 15 year old school boy. Alcohol was sold without any questions being asked about his age or identification requested both when he ordered and when the alcohol was delivered.

2) 20/04/2010

A warning letter was sent to the premises advising them that the sale had taken place and reminding them of their responsibilities under the Licensing Act and of their licensing conditions. They were warned that a future re-test would take place.

3) 21/10/2010

A re-test was carried out using a 16 year old girl. Alcohol was sold without any questions being asked about her age or any identification being requested both when she ordered and when the alcohol was delivered.

A statement from Lynsey Yarnell is attached giving evidence in support of the above incidents.

The ground for review is the protection of children from harm as steps need to be taken to ensure further sales are prevented so that underage drinking does not occur.

A minimum desired outcome is attached which this authority is of the opinion should be considered given the above history of the premises.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

5/1/2011

Capacity

Trading Standards District Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Peter Stratton
Address as above

Post town

Post Code

Telephone number (if any) as above

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) as above

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Bar B Q House
Minimum Desired Outcome

- 1 The Premises Licence be **modified** by adding the following conditions namely:
 - a) Customers who appear under the age of **25** will be asked for identification before the alcohol is handed to the customer;
 - b) Any customer ordering alcohol via telephone shall be asked if they are over 25 and if they are under 25 they shall be warned that they will be required to provide identification upon delivery of the alcohol;
 - c) All staff to undertake and successfully pass the Trading Standards Institute Fair Trading Award Underage Sales Module before being permitted to sell age-restricted products;
 - d) Refresher training on underage sales shall be carried out annually;
 - e) Records to be kept of all staff training which will be made available to Trading Standards or the Police upon request;
 - f) A challenge book shall be maintained by each member of delivery staff which will be made available to Trading Standards or the Police upon request.

- 2 The Premises Licence be **suspended** for a period of time sufficient to implement the above.



**ESSEX COUNTY COUNCIL
TRADING STANDARDS SERVICE
2 BEAUFORT ROAD, CHELMSFORD, CM2 6PS**

(Criminal Procedure Rules r 27.1 (1); CJ Act 1967, S9; MC Act 1980, S5B)

STATEMENT OF: Lynsey Yarnell

Age of Witness: Over 18
(if over 18 enter "over 18")

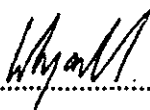
Occupation of Witness: Trading Standards Support Officer

This statement, consisting of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


Dated the 25th day of November 2010 Signature

I am employed by Essex County Council's Trading Standards Service as a Trading Standards Support Officer. I am authorised for the purposes of the Licensing Act 2003. On the 9th April 2010 I was part of an alcohol delivery service test purchase operation in the Colchester area. I was accompanied by colleagues Trading Standards Officers Susan Tierney and Paul Sheffield. Also in attendance was a 15 year old male volunteer (DOB: 15/09/1994), who was assisting us on the day with making test purchases from selected takeaway retailers. I took two photos of the volunteer, one head and shoulders shot, which I produce as evidence identified as LLY/1, and one full body shot, which I produce as LLY/2. I measured the volunteer to be 1.92m tall. We were based at a residential address in Colchester. At 18.30hrs our volunteer made a phone call from my work mobile to the premises of Bar-B-Q House, 45 North Station Road, Colchester, CO1 1RQ. I heard him order a

medium meat feast pizza and a 2ltr bottle of Strongbow. When he hung up I asked him whether the person on the other end of the phone asked for his age or warned him that he would need to provide ID at the door, to which he replied no. The food and drink order arrived at 19.05hrs. Our volunteer answered the front door, and I was positioned behind the lounge door (which was to the right of the front door). From where I was standing I could not see or hear the transaction taking place. Our volunteer re-entered the house after approximately a minute holding a pizza and a 2ltr bottle of Strongbow. I asked our volunteer whether he was asked for his age or for any form of identification, to which he replied no. We tested two takeaway premises that evening and this was one of two that sold to our volunteer. When I returned to the office on the 12th April 2010 I placed the 2ltr bottle of Strongbow into the service's secure store and authorised it for destruction. After speaking with my line manager, Peter Stratton, and the service's legal department, they decided to deal with this premises via warning letter. On the 16th April 2010 I wrote a letter to the manager of Bar-B-Q House, 45 North Street, Colchester, CO1 1RQ explaining that a sale of alcohol had been made to a fifteen year old and that this was in breach of both the Licensing Act 2003 and Bar-B-Q House's licensing conditions, which state that any customer who appears to be under the age of 21 will be asked to produce an acceptable form of ID (photographic drivers licence, passport or recognized group scheme) before the alcohol is handed over by the delivery driver. I produce this letter as evidence identified as LLY/3. On the 21st October 2010 I was part of an alcohol delivery service test purchasing operation in the Colchester area, re-testing the premises that sold on the 9th April 2010. I

.......... Signature

accompanied colleagues Trading Standards Officers Sophia Day and Paul Sheffield. Also in attendance was a 16 year old female volunteer (DOB: 17.06.1994), who was assisting us on the day with making test purchases from selected takeaway retailers. I took two photos of the volunteer, one head and shoulders shot, which I produce as evidence identified as LLY/4, and one full body shot which I produce as evidence identified as LLY/5. We were based at a residential address in Colchester. At 18.05 hrs our volunteer made a phone call from my work mobile phone to the premises of Bar-B-Q House, 45 North Station Road, Colchester, Essex, CO2 1RQ. I heard her order three pieces of chicken and chips, and a 2ltr bottle of Strongbow. When she hung up I asked her whether the person on the other end of the phone asked for her age or warned her that she would need to provide ID at the door, to which she replied no. The delivery was made at 19.15 hrs. Our volunteer answered the front door, and I was positioned behind the lounge door (which was to the right of the front door). From where I was standing I could not see or hear the transaction taking place. Our volunteer re-entered the house about two minutes later with the food and a 2ltr bottle of Strongbow (5.3% abv). I filled out my notebook and sample book, issuing a sample reference 01763 for the 2ltr bottle of Strongbow. I placed the evidence in an inverted plastic evidence bag and sealed it with security tag number A159496. I produce the alcohol reference number LY/BarBQ/01 as evidence identified as LLY/6. Upon returning to the office I placed the alcohol, sample reference number 01763, into the service's secure store. We tested three takeaway delivery services that evening and this was one of two premises which sold to our volunteer. LY


..... Signature

Essex County Council
Trading Standards
2 Beaufort Road
Chelmsford
CM2 6PS

FAO The Manager
Bar-B-Q House
45 North Station Road
Colchester
CO1 1RQ

Our ref: LLY/PJS/1/BSG
Date: 20 April 2010

Dear Sir

The Licensing Act 2003

On 9 April 2010 a test purchase was carried out at the premises of Bar-B-Q House, 45 North Station Road, Colchester, CO1 1RQ. Alcohol was delivered to our fifteen year old volunteer without a request for proof of age.

This constitutes an offence under the Licensing Act 2003, as well as a breach of your licensing conditions:

PROTECTION OF CHILDREN: When alcoholic refreshments are delivered to customers homes the alcoholic refreshments will not be passed to anyone under the age of 18. Customers who appear under the age of 21 will be asked for identification before the alcohol is handed to the customer. The only forms of ID which will be accepted by delivery staff area photographic drivers licence, passport or recognised group scheme. If a customer provided ID which is not valid or is unable to provide ID and the member of sales staff has reason to believe that the customers is under the age of 21, alcohol will not be passed to the customer. Where it is known that those over 18 are purchasing alcohol for minors, the sale of alcohol will be refused. Where it becomes known on the delivery of alcohol that the alcohol will be consumed by minors, the alcohol will not be passed to the customer. All delivery staff will ensure that they are aware of these conditions. All delivery staff will be aware that minors may attempt to buy alcohol.

I would advise you that this formal letter of warning will be retained on file as evidence that you have been warned by this Service. It will be brought forward should any further contravention be found and a decision taken to institute legal proceedings.

/cont...

As the premises licence holder you need to make certain that the staff in your shop are competent to challenge children for 'proof of age' when they are attempting to purchase age restricted products. You are responsible for ensuring your staff are adequately trained and monitored.

It is the intention that a further inspection of your premises is carried out in the near future.

I would be pleased to receive your written acknowledgement of receipt of this letter within the next 14 days.

Yours faithfully

Peter Stratton
Trading Standards Operational Manager

Please reply to Lynsey Yarnell
Telephone: 01245 341984
Fax: 01245 341986
Internet: www.essex.gov.uk
Email: lynsey.yarnell@essex.gov.uk



Essex County Council

Licensing Applications
 Children's Safeguarding Service
 70 Duke Street
 County Hall
 Chelmsford, CM1 1JP
 Tel: 01245 434795
 Fax: 01245 434154

Head of Licensing
 Licensing Team,
 Environmental Services,
 PO Box 889
 Town Hall
 Colchester
 Essex
 CO1 1FL

Your ref: CSS/TB
 Our ref: sc/01/11
 Date: 19 January 2011

Dear Sirs,

RE: Licensing Act 2003 – Application to review the premises licence for Bar B Q House, 45 North Station Road, Colchester, CO1 1RQ.

The premise licence and accompanied documentation for this application has been assessed.

In light of the information provided by Essex Police, we have serious concerns that alcohol has been sold to persons under the age of 18 years and that the premise licence holder is not promoting the licensing objective "the protection of children from harm".

The consumption of alcohol poses various health risks to children. The issue of children's education being adversely effected and dysfunction within the home/community life is also a concern.

We are unable to discharge our duty under the protection of children from harm licensing objective, in accordance with the Licensing Act 2003, therefore it is necessary for us to lodge representation. The Children's Safeguarding Service is in complete support of Trading Standards in their application to review this premise licence.

If you require any further information please do not hesitate to contact Sian Fordham on 01245 434795.

Yours sincerely

PP. S Fordham

Tamsyn Basson
SERVICE MANAGER – Children's Safeguarding Service



INVESTOR IN PEOPLE



2002-2003
 Adoption
 2005-2006
 Integrated Children's Services



Licensing Committee – 11 March 2011	Agenda Item 5b
4 High Street, Rowhedge	FOR GENERAL RELEASE

Premises	4 High Street Rowhedge CO5 7HG	Ward: East Donyland Stress Area: No Flare Ref: 073014 Author: Colin Daines
Application	Application for a new premises licence to permit the supply of alcohol	Appendix 1
Street Plan		Appendix 2
Interested Parties		
Local Residents		Appendix 3
Ward Councillor		Appendix 4
Parish Council		Appendix 5

New Application for a Premises Licence
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol off the premises for the following hours- Mondays to Sundays inclusive 06.00 to 23.00 - Hours the premises are open to the public for the following hours- Mondays to Sundays inclusive 06.00 to 23.00

Policy Guidelines – 4 High Street, Rowhedge
<p style="text-align: center;">Colchester Borough Council’s Statement of Licensing Policy</p> <p>Assessing Applications</p> <p>Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant’s operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.</p> <p>Paragraph 3.8 of the Council’s Statement of Licensing Policy recognises that “the new Licensing Act 2003 has brought with it great expectations and challenges, not least of</p>

which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and takeaways”.

The Policy goes on to add in paragraph 3.9 that “however, along with the great expectations and opportunities for business expansion, the Licensing Act has also brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture”.

Policy

Paragraph 3.10 of Colchester Borough Council’s statement of Licensing Policy advises that:

The Licensing Authority wishes to work with the licensed trade to promote best practice, the responsible consumption of alcohol and the effective management of licensed premises. It will therefore consider sympathetically any applications for extended licensing hours from well-operated, well managed premises, whose operating schedules responsibly reflect how they are going to effectively promote the four licensing objectives.

Paragraph 3.11 of Colchester Borough Council’s statement of Licensing Policy also advises that:

Premises that submit new applications, or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well run, effectively managed and are responsibly operated in accordance with the four licensing objectives, should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.

Letters of representation have been received from local residents, East Donyland Parish Council and Councillor Lilley, Ward Councillor for East Donyland opposing the application.

In reaching its decision on the application the Sub-Committee is only able to consider those matters in relation to the promotion of the licensing objectives and therefore specific matters relating to parking, planning and the need for a further licensed premises cannot be considered by the Sub-Committee as they are matters which lie outside its remit.

Prevention of Crime and Disorder

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

Policy

Paragraph 5.20 of the Policy states that:

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

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the**

likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue, the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18 of the Council's statement of Licensing Policy) has been taken into account. This provides a compressive list of best practice.

- (ii) Whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour.
- (iii) Whether the operating schedule includes management measures to prevent crime and disorder.
- (iv) Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.

Representations have been received from local residents and the Ward Councillor in relation to this licensing objective. Some of the residents express concern at the potential increase in crime and disorder that could result in the event that the licence is granted and comment that young people already congregate in the general area. The Parish Council make reference to anti-social behaviour taking place on the quayside and at the recreation ground. It considers that the granting of a licence in an area where there is already a problem with under age drinking could result in further problems.

Public Safety

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

Policy

Paragraph 5.24 of the policy states that:

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

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

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

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

A number of the representations from local residents and those from the Parish Council and Ward Councillor refer extensively to the problems of parking in the area and the lack of pavements and increased traffic. The Sub-Committee will be aware that these issues fall outside of the remit of the Sub-Committee.

Prevention of Public Nuisance

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

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

Policy

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

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

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

Additional Policy Guidance – Public Nuisance

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

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

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

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

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

These may include:

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

- **The safe capacity of the premises.**
- **The availability of public transport or taxis.**
- **A wind down period between the end of the licensable activities and closure of the premises.**
- **The last admission time.**

Relevant representations have been received from interested parties in regard to this licensing objective. The residents have raised a number of issues in their letters relating to noise and disturbance from customers using the shop particularly late at night from car doors slamming and from deliveries made to the premises. Residents also comment on the location of the premises and its proximity to Darkhouse Lane. The relevant responsible authority in relation to this objective has not commented on the application although one of the letters mentions that Environmental Control had submitted comments in relation to the planning application and suggested a restricted time in order to protect the amenity of local residents. The hours on the planning consent have not been restricted. The Licensing Sub-Committee cannot however consider or seek to address any planning matters relating to this premises in its decision on the premises licence.

Disturbance from deliveries to the premises is mentioned and one letter suggests that a condition be imposed on the licence, in the event that it is granted, restricting deliveries to opening hours. A restriction in the general hours of opening is also sought to limit the disturbance to local residents. The issue of the disposal of rubbish is also raised in a number of the letters.

Protection of Children from Harm

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

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

Policy

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

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

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

The Licensing Authority will not impose conditions requiring that children be entitled to access to the premises. This is a matter for the sole discretion of

the individual premises or club or person who is applying for a Temporary Event Notice.

Relevant representations have been received from the interested party in regard to this licensing objective. The concerns expressed centre on the potential increase in under age drinking that may result in the event that the licence is granted. The Ward Councillor suggests that "Challenge 25" be adopted to help restrict the sale of alcohol to minors.

Additional Policy Guidance – General

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

Areas outside of the Stress Area Policy

Paragraph 3.100 of the Policy states that:

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

Paragraph 3.101 of the Policy states that:

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

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

Off Sales/Shops and Supermarkets

Paragraph 3.41 of the Policy states that:

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

Rural Areas

Paragraph 3.102 of the Council's statement of Licensing Policy states that "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”.

Paragraph **3.103** of the Council’s statement of Licensing Policy states that it “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”.

Paragraph 3.104 of the Policy states that:

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.

Paragraph **3.105** of the Council’s statement of Licensing Policy states that “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”.

Human Rights Implications

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

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

Crime and Disorder Implications

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Kandasamy Mohanathan
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 4 High Street Rowhedge			
Post town	Colchester	Post code	CO5 7HG
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£0	Band B	

Part 2 - Applicant Details

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

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Mohanathan			First names Kandasamy		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		24 Elmstead Road			
Post Town	Colchester, Essex		Postcode	CO4 3AA	
Daytime contact telephone number			07791 001153		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	5	02 2011

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

This is a small/medium sized convenience store situated on a busy road. It occupies the ground floor and offers a range of groceries in addition to the sale of alcohol.
See the attached plan

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

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

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0600	2300			
Tue	0600	2300			
Wed	0600	2300			
Thur	0600	2300			
Fri	0600	2300			
Sat	0600	2300			
Sun	0600	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name Kandasamy Mohanathan	
Address 24 Elmstead Road Colchester Essex	
Postcode	CO4 3AA
Personal Licence number (if known) P01051	
Issuing licensing authority (if known) Redbridge Council	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 There will be no activities of this nature

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0600	2300	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0600	2300	
Wed	0600	2300	
Thur	0600	2300	
Fri	0600	2300	
Sat	0600	2300	
Sun	0600	2300	

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

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

Please see the attached schedule

b) The prevention of crime and disorder

Please see the attached schedule

c) Public safety

Please see the attached schedule

d) The prevention of public nuisance

Please see the attached schedule

e) The protection of children from harm

Please see the attached schedule

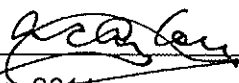
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	14 th January 2011
Capacity	Duly Authorised Licensing Agent

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Alan Aylott Alan Aylott Licensing Newlands The Close Saltwood			
Post town	Hythe, Kent	Post code	CT21 4RA
Telephone number (if any)	01303 262470		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) alanaylott.licensing@sky.com			

Schedule

1. ~~The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.~~
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that there is no external disposal of refuse after 2200 hours and before 0800 hours daily and, as far as possible, to ensure deliveries are within those hours.
4. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
5. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
6. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
7. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
8. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
9. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
10. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
11. The premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as practicable.
12. The premises licence holder shall ensure that an alarm system will be installed and in the event of its failure, to be repaired as soon as practicable.
13. The premises licence holder shall ensure that adequate first aid equipment and fire safety materials are available on the premises.
14. The premises licence holder shall ensure that in the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area to which the public have access.
15. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
16. The premises licence holder shall ensure that an incident log shall be kept at the premises and made available on request to an authorised officer of the council or the Police, which will record the following:- any complaints received, violence by any person against another, any other criminal incidents, any visit by a relevant authority or emergency service.

17. The premises licence holder shall instruct all staff to co-operate and comply with all reasonable requests of Police officers investigating incidents of crime and disorder associated with the premises.
18. The premises licence holder shall ensure that there is no access to the premises through the 'fire exit only'.
19. The premises licence holder shall operate a 'Challenge 21', or similar, scheme at the premises whereby anyone who appears to be under the age of 21 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
20. Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 21', or similar, scheme operates in the premises.
21. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to this effect.

~~Consent of individual to being specified as premises supervisor~~

Kandasamy Mohanathan

I
[full name of prospective premises supervisor]

of
24 Elmstead Road
Colchester
Essex
CO4 3AA

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises Licence

[type of application]

by
Kandasamy Mohanathan

[name of applicant]

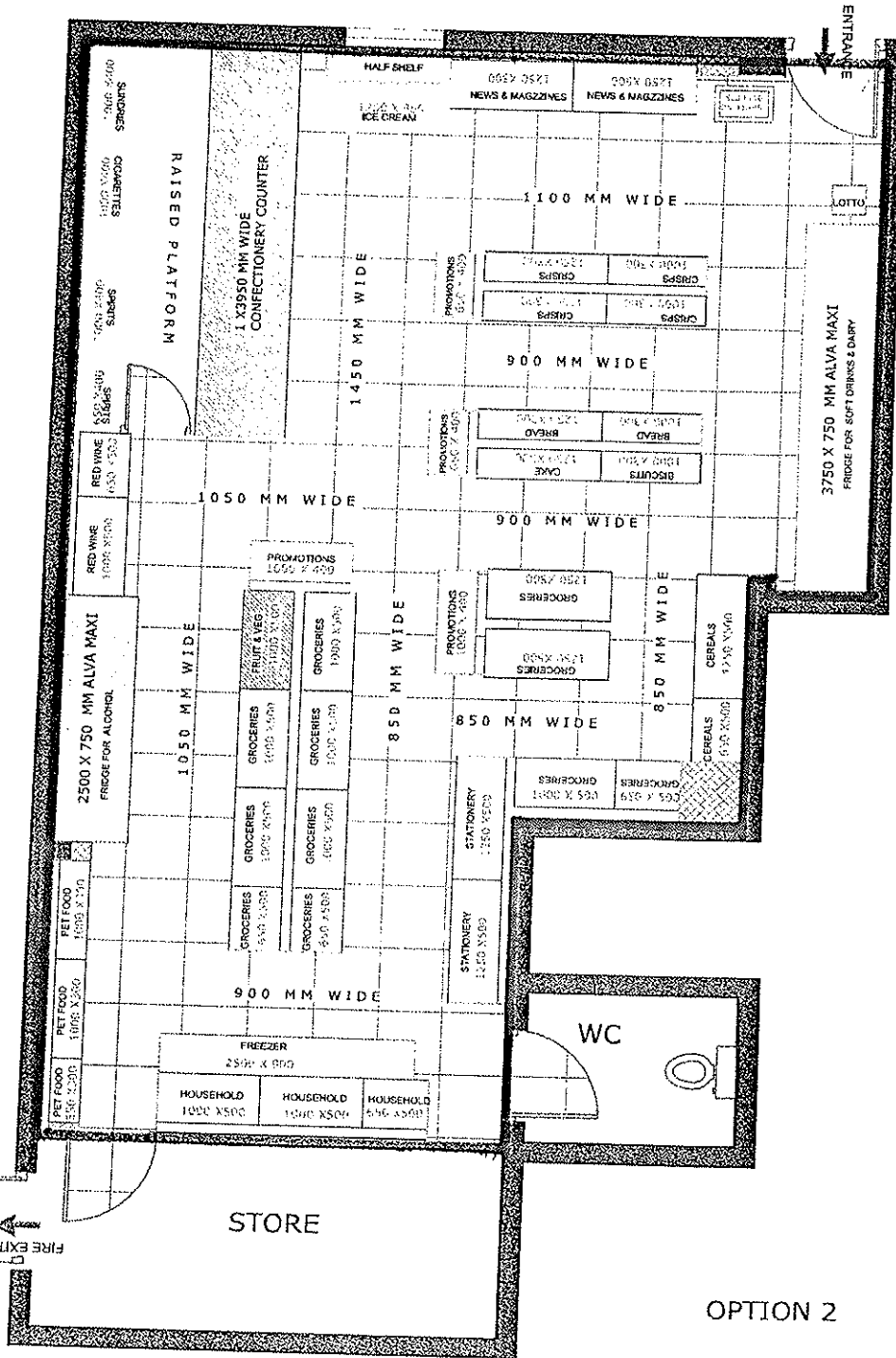
relating to a premises licence [number of existing licence, if any]

for
4 High Street
Rowhedge
Colchester
CO5 7HG

[name and address of premises to which the application relates]

- = Licensable Area as detailed by Agent on 19/10/2011.

HIGH STREET



GENERAL NOTES

LEGENDS

- SOFT DRINKS AND DAIRY FRIDGE
- FREEZER
- CHILLED ALCOHOL
- GROCERIES SHELF
- CORNER BOXING
- FRUITS AND VEG
- PROMOTION SHELF
- SLATED END PANEL
- SUPPLIED BY OTHER
- ICE CREAM

ALL DIMENSIONS MUST BE VERIFIED ON SITE PRIOR TO ANY WORKS TAKING PLACE. THIS DRAWING REMAINS THE PROPERTY OF LINK SHOPFITTING AND MAY NOT BE REPRODUCED IN ANY WAY WITHOUT PRIOR CONSENT.

LINK SHOPFITTING & REFRIGERATION
 UNIT 63 BARKING INDUSTRIAL PARK, ALFREDS WAY, BARKING, ESSEX IG11 0TJ
 TEL: 020 8591 2110
 FAX: 020 8594 0737 (MOBILE: 07816 231 355)

DATE: 25.10.2010
 DRAWN BY: MR MOHAN

CLIENT: MR. MOHAN
 PROJECT:

PROJECT: SHOPFITTING LAYOUT
 DRAWING: SIG BRK0001

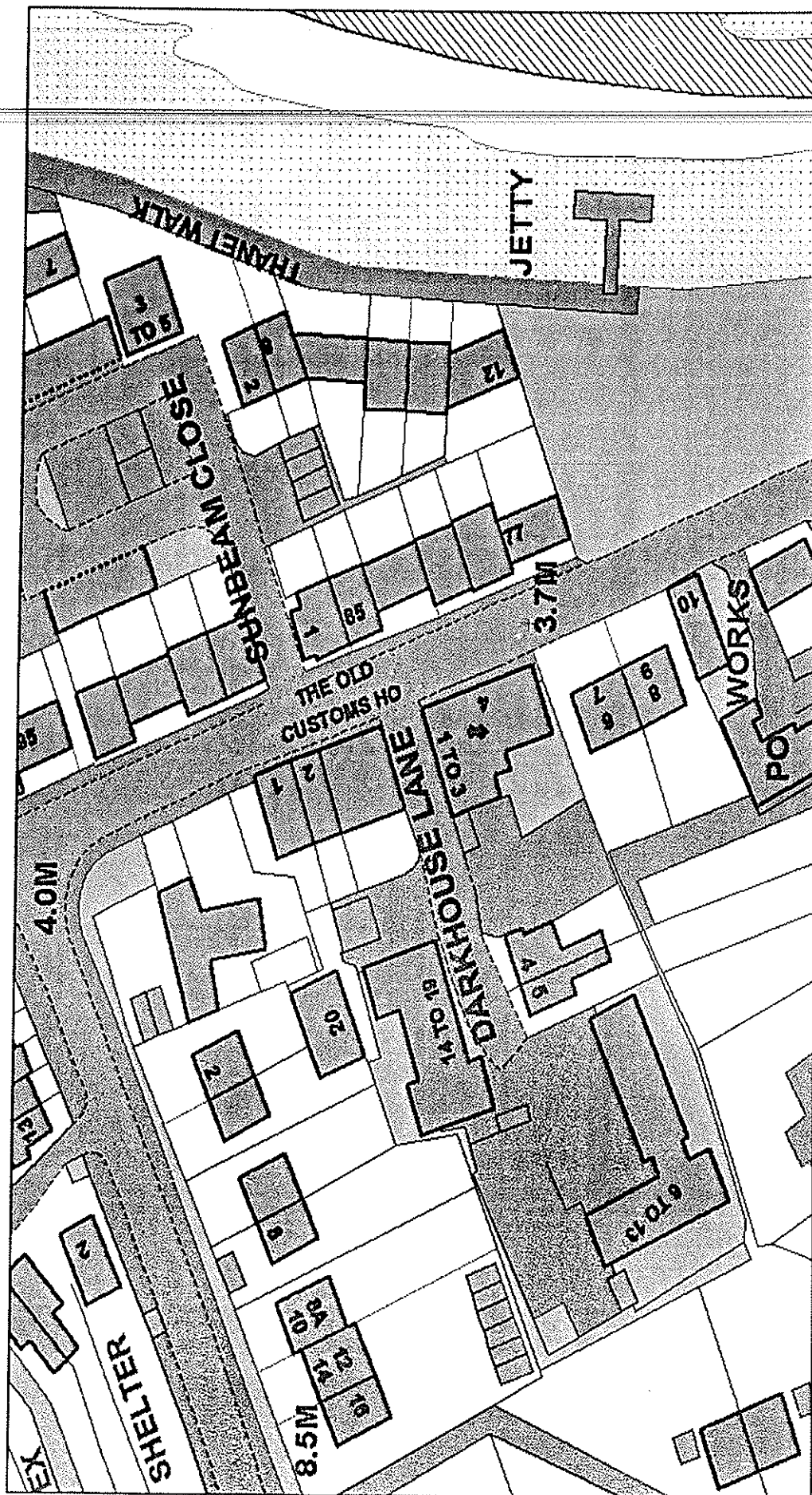
PROJECT: GROUND FLOOR
 DATE: 25.10.2010
 SCALE: 1:50

02.

OPTION 2

4 HIGH STREET
 ROWHEDGE
 COLCHESTER CO5 7HG

Premises Location Plan



Licence Application Reference: 073014
Premises Name & Address: 4 High Street Rowhedge Colchester
Date Produced: 18 February 2011

MAP NOT TO SCALE

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Licensing Team,
Planning, Protection & Licensing,
Colchester Borough Council,
P.O.Box 889,
Rowan House, 33 Sheepen Rd.,
Colchester, Essex.
CO3 3WG.

14th February 2011

Dear Sir

Re: application for Off-Licence at 4, High St., Rowhedge.

We are writing to you to express our reservations and concerns about the above application for an off-licenced shop in High Street, Rowhedge. Our grounds for immediate opposition to the licence are as follows:

- There are no adequate facilities or provision at the moment for suitable parking, either short-term or long-stay

- the shop frontage has double-yellow lines all along its length and the opposite side of the road has a small number of free bays, usually occupied by residents or by the numerous visitors to the river side. Any short-term parking would then be obliged to use the gravel-laid Darkhouse Lane. This is an un-adopted residential lane, for which it would be difficult to enforce any parking restrictions. In addition, any vehicle parking near to the High St. opening would block access for any large emergency services vehicle, e.g. fire engines.

- to the best of our knowledge, spaces for longer term parking (i.e. the lease-holders) would not be available in the residents' car park behind the premises, as the spaces are all fully allocated already.

- There is no provision for the storage of waste, pending council/commercial collection
 - a retail convenience store, such as is proposed, will generate large quantities of both recyclable and discarded waste. The present, covered bin area was designed and designated for domestic use – mostly for the adjacent rented properties. No provision seems to have been planned for the shop. This would end up with waste being stored in access ways to the residential areas, including the possibility of decomposing organic waste.

- the area will be subject to littering : it should therefore be obligatory for the licencees to clear the surrounding area of litter at least once a day.

- The idea of an off-licence extending to 23.00h at night is totally unacceptable and entirely inappropriate for a quiet residential close.

- if granted, the licence should only be allowed up to 18.00h, as originally specified in the original planning permission for this commercial property.

- Darkhouse Lane does not have any street lighting and would therefore constitute a secluded drinking area for those purchasing alcohol at the shop. In the winter months this would be totally in the dark – both adequate lighting and CCTV cameras should be an obligatory part of the licence conditions. However, this will even further impact on the existing residents in this area.

- it is unacceptable to inflict the extra noise of customer visits to the shop until so late in the evening. Darkhouse Lane is very enclosed, magnifying any conversational, music or road noise (the lane has a gravelled finish).

Finally we would request the Licensing Team to ask and consider from where are the customers for this new convenience store expected to come? If it is just from the immediate *environs* then the commercial viability of the enterprise must be in doubt. If the licencees envisage attracting custom from outside the immediate area, then this is exactly what we object to, bringing extra traffic in to a site for which there is no adequate provision.

In summary, we feel that this is the wrong type of commercial premises in a quiet residential area, for which no adequate provision has been made concerning the above points. If these issues are not resolved, then the application for an Off-Licence should be refused.

We remain;

Yours sincerely,

RE: Re-application for off-licence for 4 High Street Rowhedge.

We are writing to voice our concerns regarding the licencing hours of 6am- 11pm daily. We feel they should be restricted to more reasonable hours of 8am-6pm.

Having lived in Dark House Lane for many years, we have found that with all the new development opposite parking in the High Street has become extremely difficult in the evenings. Access in and out of Dark House Lane is tight particularly when cars are parked either side of the High St. Motorists new to the area are unaware of our location and the setting of buildings produce a blind junction; therefore it is dangerous for drivers and pedestrians. For example when a pedestrian crosses Dark House Lane from the direction of the Customs House they are not seen by those exiting the lane.

We are also concerned of what parking will be available for customers/owner at the rear of the premises, as there is no residential parking in Dark House Lane. The only parking available is in the parking bays in the car parking areas. With the traffic at the entrance to Dark House Lane along with many parked vehicles at opposite sides of the lane from customers 'nipping' into the shop, emergency as vehicles would be restricted to access any properties in the lane. We are also concerned about the fire risk due to the lack of commercial waste storage and build-up of cardboard etc. as a result a fire impact assessment could be carried out.

The High Street in Rowhedge particularly Dark House Lane is a very quiet residential area which has no footpaths to speak of and a narrow pea shingle road. The two high-sided properties at the entrance to the lane echo and magnify the slightest noise. As a result any increase in traffic e.g. door slamming at all hours, conversations between customers and people congregating would be a public nuisance too many in the direct area.

We consider the following restrictions could be placed...

- Restricted licencing hours (8am-6pm)
- No storage of refuse in the lane or surrounding areas at the rear. Waste should only be stored in the commercial refuse store.
- CCTV
- No customer parking in Dark House Lane
- Delivery hours restricted to opening times (8am-6pm)

We hope this would help to keep our lovely rural village that has attracted so many to move to Rowhedge from a busy 'town life' peaceful and safe.

Yours Faithfully

Re: application for off license 4 High St Rowhedge

We am writing to oppose the application of the license for 4 High Street Rowhedge for an off premises license between 06.00 and 23.00 every day, or at the very least to restrict those hours to a reasonable time in order to uphold the licensing objectives in relation to the prevention of crime and disorder, public safety, the prevention of nuisance and the protection of children from harm.

Our particular objections to the application are as follows:

Public nuisance and safety, keeping children from harm

We are not sure how many parking spaces the premises has allocated for the shop/off license and what signage will lead customers to use the car park, but there are very few parking facilities along the high street as new double yellow lines were put onto the edge of the High Street over a year ago. There is currently pressure on parking on the High Street especially at night and little or no spaces available left after 6pm. Increased traffic from the shop opening hours especially from an alcohol license operating till 11pm will mean that people visiting the premises will either park along the double yellow lines outside the shop or our house or will park in Dark House Lane (the unadopted lane next to our house and the proposed shop). Both of which will be dangerous.

Dark House Lane has no proper pavement and as with increased traffic poses real safety concerns for the many pedestrians and children which use the lane (the gravel covers an area that is tarmac which is supposed to demarcate a pavement but is at the same level as the road!). Cars already swing into the lane with little sight of oncoming pedestrians and often park upon on the so called pavement next to our house and this will increase with the granting of the license. With increased parking, traffic and footfall this will be very dangerous. In an area with so many young children and families this is a real threat to public safety especially in relation to the children who live here and use the lane as a play area as there are no gardens in the flats on Darkhouse Lane. This is a particular issue during the summer and this will pose a real threat to their safety. Lack of a proper pavement, no lighting and increased traffic especially at night will make it very difficult for pedestrians to use the lane safely.

We expect that vans and commercial vehicles will need to deliver to the shop and with no restrictions to the times this will inevitably be noisy at anti-social hours (early morning - see delivery restrictions recommended by

Environmental Control below). In addition this could pose a major safety risk in terms of the points outlined above in relation to parking and public safety as well as block the entrance to the lane for emergency vehicles.

Our bedroom is located directly above the entrance to Dark House Lane (many of the houses in the vicinity directly face onto the High Street). This lane has two very high parallel walls which amplify and echo the noise which is especially a problem at night when we are all in bed. The road was surfaced with gravel and it is very noisy due to the amplification the walls cause. As it is we can hear people talking in the lane very clearly. If this traffic is increased late at night with people parking in the lane, walking through the noisy gravel and entering and leaving the shop and opening and closing the car doors I doubt very much whether us or the children will be able to get to sleep. This will be particularly difficult and disruptive in the summer when the windows are open at night

There is also a small car park behind the shop where young people have been known to congregate especially in the summer and this will probably increase when the shop/off license is opened and could lead to increased noise levels. In addition, there are very few areas for waste and cardboard and this could present a fire hazard and restrict access if left out in the lane or round the back in the car park.

There is already a Co-op in the town and as such we would have to ask where the shop is trying to attract customers from. If the intention is to compete with the Co-op in order to be sustainable the new shop will have to attract customers from Fingringhoe, Old Heath etc. This will increase the traffic problems, congestion parking and therefore noise in the area especially at night. Although the Co-op is open between 7am and 10pm Monday to Saturday and till 5pm on Sunday, Regent Street has parking allocated with very few restrictions (there is no small unadopted lane with high walls and double yellow lines on the road and there are pavements all the way along). The Co-op is set also set back from the road with a ramp and proper pavement. The front doors and window of the houses in Regent are not so close to the road and the shop itself and I am not aware that there are any residential flats above the Co-op.

Colchester Borough Council Licensing Policy

In relation to noise nuisance the Council's Licensing Policy available online suggests that applicants have to consider the potential sources of noise and the hours when it may be generated. It suggests that a statement by the applicants may be needed to demonstrate how they meet the following criteria:

- c) *"There are no noise sensitive properties above, below, adjacent, opposite or otherwise likely to be affected" and*
- h) *"Deliveries, collections, servicing, use of vehicles, do not take place between 7.00am and 7.00pm".*

There are a large number of properties including ours that are noise sensitive above, below, adjacent and opposite, *as well as behind* that are likely to be adversely affected by an increase in noise and public nuisance. The Guidance on Noise section of the Council Policy suggests that *"applicants should consider the potential sources of noise and the hours when it may be generated, relating to all these sources of noise:*

- a) Music and human voices, both amplified and unamplified;*
- b) Other internal activities;*
- c) Use of open areas;*
- d) Patrons queuing;*
- e) Patrons and staff entering and leaving the premises and in its vicinity;*
- f) Vehicles arriving, waiting, parking and departing;*
- g) Deliveries and collections;*
- h) Plant, machinery and associated equipment;*
- i) Any other factors that could cause noise disturbance."*

Appendix 20 Colchester Borough Council, Statement of Licensing Policy.

It appears that in relation to this license this license application only d and h above are *not* applicable; all of the other sources of noise will be amplified and be a nuisance in this particularly quiet residential area.

Therefore when assessing this license we suggest an Environmental Impact Assessment needs to be undertaken taking into account noise levels before and potential noise levels generated after the application, as suggested in the Council's Licensing Policy.

A very important point and we are not sure how this was overlooked or decided, but the Environmental Control Planning Response to the planning application for 4 High Street, Rowhedge of 2006 (F/COL/06/0669) stated that the applicant wanted planning for A1 (shops etc), A2 (financial and professional services), A3 (restaurant, take away etc) and B1 (business and light industry) but recommended that it was restricted to A1, A2 and B1 office only:

'as in such a location A3 (restaurant etc) and light industry is likely to cause odour and noise problems which would prove difficult to control'.

However, they went on to recommend:

'Assuming the uses are restricted as recommended we propose the following conditions:-,

Restrictions of hours of use

The use hereby permitted shall not operate/be open to customers outside of the following times: 08.00-18.00 Monday to Saturday (excluding Bank Holidays) and Delivery hours shall be restricted to the hours of operation...

... To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable behaviour¹.

We are not sure why but although the planning decision was made to restrict the use of the commercial premises to A1, A2 and B1 office only, nothing in any of the documentation states why the additional condition above about the hours of use is not included in the recommendations to the Planning committee in the committee report or decision online and would welcome some clarification about that.

In addition, we feel that the Council should take into account that this is a village and that this area is particularly quiet and residential. The Council suggests that in rural areas in relation to off licenses (and other licenses) 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."

With this in mind, we feel that restrictions/conditions should be placed on the licensing hours as follows to ensure that this balance is not disrupted and that the planning objectives are fulfilled:

- the license be restricted to the recommended times for a shop opening hours (08.00 to 18.00) Monday to Saturday (excluding Bank Holidays) and with restrictions on delivery to these times as stated in the two Environmental Control Planning Responses which was omitted from the recommendations to committee in the report and therefore the planning decision
- the licensees clear all debris away at the end of every day and not leave any waste or cardboard in the lane or at the back of the property so as to become a fire and/or waste hazard
- delivery vehicles and other cars are not permitted to park down the side of Darkhouse Lane and block access to emergency vehicles, cars and cause a safety hazard to pedestrians but must park in the car park behind or at the front of the building (obviously not on the double yellow lines). This is managed by the licensees.
- The provision of no parking signage in Darkhouse Lane for both the side with the 'footpath' next to our house and for the side wall of 4 High St to ensure pedestrians are safe
- the premises licensees should manage parking in the lane and the car park behind the premises, ensuring that resident's spaces are not taken by shoppers and the area is kept free of nuisance and noise, both human and otherwise,

¹ Environmental Control Ref: 112230. A further application by the developers in 2008 (080033) although withdrawn also provided another Environmental Control Planning Response which re-iterated those conditions:172959.

- CCTV cameras should be placed in the car park for monitoring purposes.
-

Yours Faithfully

7/2/11

Re 4 High St, Rowhedge COS 7NG
Kandasamy Mahanarath.

Dear Licensing Team,

I wish to object to the granting of an alcohol licence to the proposed shop above. However I would welcome Mr Mahanarath opening his shop without an alcohol licence.

The grounds of my objection are that there are already three places in Rowhedge to buy alcohol - two pubs and the Co-op. The Co-op has duty monopos who supervise their staff selling alcohol. I believe that a sole trader selling alcohol is therefore unnecessary ~~and~~ in the village and could potentially aggravate problems in the village with anti-social behaviour and possibly facilitate more under age drinking. I cast no doubt on the new retailer but it needs to be acknowledged that the Co-op does

a good job in doing that which is
sold responsibly in the village.

Yours faithfully

29th Jan. 2010

Dear Sir/Madam,

As you can see from my address I live in Rowhedge. Today I read, with some alarm, an application for licensed premises in High St., Rowhedge - opening times from 11 p.m.

Your details inform you that we have a local Co-op store which sells alcohol and two pubs. Obviously their business will suffer and the local lads & lassies will find ways to acquire alcohol & cause a public nuisance. Easy availability in my view is a great incentive and I also wonder if an off licence would make a decent living for the owner.

Hence, I voice my objection to this application and ask the Committee to consider the overall disadvantage to our quiet, well kept village. Yours sincerely
Barbara Sanderson.

Licensing.Committee

From: EPS Support
Sent: 07 February 2011 15:21
To: Licensing:Committee
Subject: FW: Licence Number 073014 Rowhedge

-----Original Message-----

From: Customer Service
Sent: 07 February 2011 14:36
To: EPS Support
Subject: FW: Licence Number 073014 Rowhedge

Sent: 07 February 2011 14:30
To: Customer Service
Subject: FW: Licence Number 073014 Rowhedge

Sent: 07 February 2011 2:09 PM
To: 'customer.services@colchester.gov.uk'
Subject: Licence Number 073014 Rowhedge

Dear Sirs

Re: Premises Details
Address 4 High Street Rowhedge
Licence Number 073014
Date of Application 17/01/2011

I write to object to the hours of opening for the above mentioned retail outlet. My understanding is that alcohol and other goods will be sold between 6am to 11pm.

My objections are as follows:

1. The shop is in a very densely populated area and customers and delivery vehicles coming and going will disrupt the peace and disturb residents sleep.
2. The shop is out of character for the area and will change the overall character of this peaceful riverside location.
3. Alcohol sales will attract youths to the area late at night and cause anti-social behaviour. Rowhedge already has a youth alcohol problem and the Coop who sell alcohol locally are very responsible and crucially close their doors at 10pm (mon-sat) and 5pm on Sundays.

I do not live close to the new shop, about a 4 minute walk away, so this unit will not disrupt me directly, but I am very concerned that the nature of the village centre will change with the sale of alcohol for so long during the day.

Regards

Re: License application for an off license/shop at 4 High St, Rowhedge

I am writing to request that the licensing committee place some restrictions on the proposed opening hours of the new shop and office licence at 4 High Street Rowhedge.

The environment

It does not seem appropriate to grant a license from 6am to 11pm in such a high density area of housing – as there are houses all around the shop and flats above the premises. Hours more in keeping with family lifestyles and the village environment would be more agreeable, such as, 8am to 6pm.

Traffic and parking

The shop is situated on a street which already struggles to accommodate the volume of traffic. The village of Rowhedge, in particular, the conservation area which includes the High Street has quite narrow streets and little parking for existing residents. Recently yellow lines have been painted on the road near the shop which has further restricted parking and after people have returned from work (after 6pm) there is nowhere left to park. There are already four licensed businesses in the village and it is hard to imagine where the additional custom is going to come from unless it is from outside of the village which will create further traffic.

Safety

I also have some concern that with the pressure on parking there will be a temptation to double park or park dangerously whilst people nip into the shop which will create hazards for pedestrians and access issues for emergency vehicles along the High Street and to the adjoining properties in Dark House Lane. The junction between the High Street and Dark House Lane is already a tricky one with accident risks for pedestrians and cars, as vehicles have to nudge their way out of the turning to see around parked cars to join the High Street. This risk is likely to be heightened as customer use this road to turn around in after visiting the shop rather than continuing down the already crowded High Street.

Noise

There will be additional noise attached to running the shop, such as deliveries from heavy goods vehicles, and delivery times should be restricted so they do not disturb neighbours. Similarly car doors slamming and people congregating late at night impinge on people's quiet enjoyment of their homes and this could be avoided by having shorter opening hours.

I do hope you will take Rowhedge resident's views into consideration when granting this license so that the shop can operate as an asset to the village not as a hazard or nuisance.

Kind regards

Licensing Committee

From: Michael Lilley
 Sent: 14 February 2011 20:59
 To: Licensing Committee
 Subject: Off Licence Application 4 high street, Rowhedge

I am writing to make my comments regarding the application for the above address.

I am very concerned about the long hours applied for as I cannot see the need to stay open so late especially bearing in mind the residents that live above and near the proposed Off-Licence. The Residents who live there in a quiet area should be taken in consideration as the amount of noise caused by customers entering and leaving the premises at such a late hour, it will change their lives considerably having the anti-social hours proposed by the applicant

I believe a reduction in hours to 08-00 to 18-00 Monday to Saturday only will be more acceptable to the residents that live in Darkhouse Lane and the High Street. The High Street area is poorly lit and Darkhouse Lane is no better.

I believe other conditions to be given to the License should be a daily litter pick with a bin provided by the Off-Licence for customers to use.

The check 25 age challenge shall be introduced as well as this is essential for stopping under age drinking, which the other local store uses to check ages.

CCTV should be installed with extra lighting, but with the lighting needed to make the cameras record better this will cause light pollution to the residents who live nearby. There will be light from the fronts of this shop intruding on the residents who live opposite and this should be monitor as a condition as well.

I would also question of where the Off-Licence will be storing their rubbish such as plastic and cardboard as they don't appear to have a bin allocated to the store. If this is stored within the shop then this will be a safety issue especially with the flats above the Off Licence.

In the original Planning application an objection was raised by Environmental and Protection as to the store should be restricted to certain times although there is some confusion over this I believe their objection should be still valid and the application be rejected under those grounds that mentioned.

Finally I am reluctant to mention the parking issues that surround these premises as it does not relate to Licensing Laws but I would be failing as a Ward Councillor not to mention it.

There are Double Yellow Lines outside of the proposed Off-licence in a very busy and congested High Street, so where will the delivery vehicles make their deliveries. The only place to go would be Darkhouse Lane and this is used by the residents in both cars and on foot, there are no footpaths for people to walk on and so with more vehicles using this area it could lead to serious incidents.

I will be coming to the hearing to speak as the Ward Councillor along with some residents.

Kind Regards
 Cllr Mike Lilley

East Donyland Ward
 22 Albion Street
 Rowhedge
 Colchester
 Essex CO5 7ER
 01206728542
 07776257891

Letter EDPC to CBC Licencing – DRAFT

EAST DONYLAND PARISH COUNCIL

Chairman: Councillor Andrew Stott
Clerk to the Council: Mrs Myrna Liles BA hons
C/o Rowhedge Royal British Legion, Marsh Crescent, Rowhedge, Colchester, CO5
7JR

Tel: 01206 729200 e-mail: east.donyland@btconnect.com

Licensing Department,
Colchester Borough Council,

10 Feb 2011

Dear Sirs

Re: the application for an Off Licence within a proposed new Convenience Store at 4 High Street, Rowhedge

East Donnyland Parish Council wish to support the objections of neighbours and residents in Dark House Lane, the High Street and Regent Street who live adjacent or near to this proposed new shop.

We believe there is no justification for an off licence in such a store to be open 6am to 11pm. The Co-op, 2 minutes round the corner from the proposed new store, already has off-licence facilities, which have served the community well for many years. There has always been an issue with alcohol sales in the area as minors seem to manage to 'purchase' it, drink illegally and exhibit anti social behaviour on the quayside (almost to the front of the property) and the recreation ground up the hill. To allow a 2nd off licence to set up so close to the problem is aiding and abetting a policing and safety nuisance in the area.

If the intention of the shop owners is to bring business in from out of the area then there are huge implications for local residents already experiencing parking difficulties. Outside the shop are double yellow lines, with further double yellow lines recently installed up both sides of the road. As far as we are aware there is no allocated parking to the shop in Dark House Lane, which is a private non-adopted lane made of shingle, within a recent new small development of residential homes. These homes have allocated parking spaces and already experience difficulties and inconvenience from thoughtless tradesmen blocking their access with vans etc. If equally thoughtless shop customers thought it was

okay to 'just block the access for a few minutes whilst they pop in' these poor residents will be obliged to block the highway whilst they wait for their turning to clear. Plus there is absolutely nowhere for delivery vans to park and unload without causing traffic congestion in this residential area.

There is also a noise problem for these residents to contend with. The shingle driveway is extremely noisy and the 2 high buildings on the approach act as an echo chamber amplifying the sound of walkers and vehicles using the lane. It certainly would not be appropriate to allow a store to open after 10pm in this area.

There will also be an increased risk for children and residents of Dark House Lane as there are no footpaths and visibility is very poor for reversing/turning vehicles.

The High Street is not a high street. It is a dead end residential road giving access to other residential roads, the quayside and two local pubs. There are ad hoc footpaths and the road is basically used as a pedestrian walkway and access road by this semi rural community.

The Parish Council fails to see how the storage and disposal of rubbish created by the package of goods and alcohol sold within the shop can be safely accommodated. There appears to be no allocated space for commercial bins and every potential for a fire hazard beneath residential flats and adjacent to neighbouring homes. We are also concerned at the disposal of customers' rubbish. The sloping footpath outside the store is very narrow and does not easily accommodate a pushchair or wheelchair user with little or no space for additional waste bins.

In summary, East Donnyland Parish Council objects to the proposal that there be an off licence within this store open 6am to 11pm on the grounds:

1. It will cause increased traffic and parking problems at anti social times that the store owners will not be able to manage;
2. It will create an invasive noise nuisance for residents in Dark House Lane affecting their ability to sleep and carry out normal life activities;
3. There will be increased risk to children and residents from manoeuvring vehicles;
4. The storage of cardboard waste products will create a fire hazard;
5. The increased litter production will be difficult to manage and inappropriate in this quiet residential street; and finally,
6. There seems to be no obvious community need that isn't already serviced.

Yours sincerely,

East Donnyland Parish Council

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