

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
5 December 2008 at 10.00am**

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings with the exception of Standards Committee meetings.. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices or at www.colchester.gov.uk .

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number you wish to call, and we will try to provide a reading service, translation or other formats you may need.

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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.

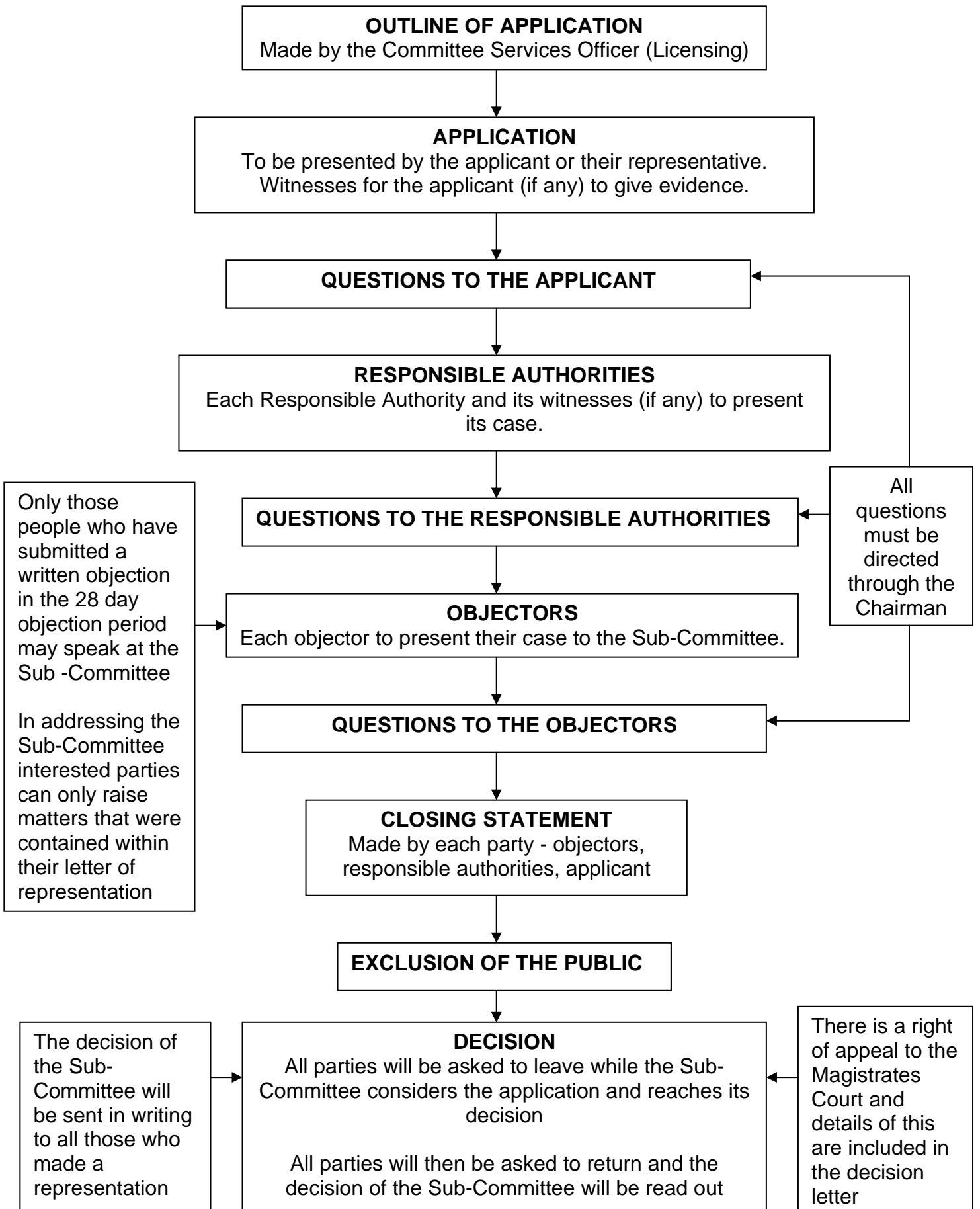
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
5 December 2008 at 10:00am**

Members

Chairman : Councillor Barrie Cook.
Councillors Nick Cope and Richard Martin.

Substitute Members :

Agenda - Part A

(open to the public including the media)

Pages

1. 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 to off or silent;
- location of toilets;

2. Declarations of Interest

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

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

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

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

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

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

must leave the room immediately once they have finished speaking.

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

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

3. Minutes

1 - 26

To confirm as a correct record the minutes of the meeting held on 6 June, 11 July, 1 August, 15 August and 1 September and 8 October 2008.

4. Applications under the Licensing Act 2003

a. Wine Me Up, 35 North Hill, Colchester, Essex

27 - 54

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

6 June 2008

MINUTES OF PROCEEDINGS

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

Present:- Councillor Garnett
Councillor Chuah
Councillor Quarrie

1. Membership

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

RESOLVED that Councillor Garnett be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

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

4. Licensing Applications

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

a) Pink Panther

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

In Attendance

Applicants: Mr L. Page, Designated Premises Supervisor

Residents: Mr M. Nicholson

Responsible Authorities: Mr G. Milham, Environmental Control

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

The Application

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

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

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

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

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

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

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

The Decision

RESOLVED that –

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

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

Removal of the following conditions:

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

Subject to the following conditions:

Imposed by the Sub-Committee

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

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

Mandatory Conditions:

Mandatory conditions where licence authorises supply of alcohol

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

b) The Blackwater Pearl

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

In Attendance

Applicants: Ms K. Proctor

Residents: Mr P. Harley and Mr R. Open

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

The Application

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

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

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

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

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

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

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

The Decision

RESOLVED that –

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

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

08.00 to 22.00 Mondays to Sundays

- The premises to be open for the following hours:

08.00 to 22.30 Mondays to Sundays

Save

Mandatory Conditions:

Mandatory conditions where licence authorises supply of alcohol

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

5. Close of Meeting

The meeting closed at 12.00

Chairman:

Date:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

11 July 2008

MINUTES OF PROCEEDINGS

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

Present:- Councillor Chuah
Councillor Cook
Councillor Garnett

1. Membership

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

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

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

3. Licensing Applications

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

a) Banquet 1408

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

In Attendance

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

Residents: Mr R. Donnelly

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

The Application

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

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

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

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

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

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

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

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

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

The Decision

RESOLVED that-

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

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

Mondays to Sundays – 12.00 to 01.00

- Late Night Refreshment for the following hours-

Mondays to Sundays – 23.00 to 01.00

- Supply of alcohol for the following hours-

Mondays to Sundays – 11.00 to 01.00

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

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

Mondays to Saturdays – 11.00 to 01.30

Sundays – 11.00 to 01.00

(ii) The following conditions be removed –

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

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

Imposed by the Sub-Committee at the Hearing

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

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

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

5. Close of Meeting

The meeting closed at 12.30.

Chairman:

Date:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

1 August 2008

MINUTES OF PROCEEDINGS

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

Present:- Councillor Blundell
Councillor Cook
Councillor Quarrie

1. Membership

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Applications

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

a) Colchester Community Stadium

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

In Attendance

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

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

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

The Application

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

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

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

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

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

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

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

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

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

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

The Decision

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

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

10.00 to 02.30 Mondays to Sundays inclusive

- Provision of late night refreshment for the following hours-

23.00 to 02.30 Mondays to Sundays inclusive

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

10.00 to 03.00 Mondays to Sundays inclusive

Subject to the following conditions:-

Imposed by the Sub-Committee at the Hearing

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

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

Conditions offered by the applicant on the Operating Schedule

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

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

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

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

Mandatory Conditions

- **Where licence authorises supply of alcohol**

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

- **Exhibition of films**

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

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

4) In this section-

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

- **Door supervision**

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

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

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

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

3) For the purposes of this section-

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

4. Close of Meeting

The meeting closed at 16.45.

Chairman:

Date:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

15 August 2008

MINUTES OF PROCEEDINGS

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

Present:- Councillor Cook
Councillor Cope
Councillor Martin

Officers: - Simon Harvey
Andrew Weavers
Sarah White

1. Membership

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

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Application

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

Fiveways Post Office

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

In Attendance

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

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

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

The Application

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

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

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

The Decision

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

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

Subject to the following conditions-

Imposed by the Sub-Committee

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

Provided on the Operating Schedule

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

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

Mandatory condition where the licence authorizes the supply of alcohol

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

4. Close of Meeting

The meeting closed at 12.00.

Chairman:

Date:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

1 September 2008

MINUTES OF PROCEEDINGS

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

Present:- Councillor Cook
Councillor Lilley
Councillor Quarrie

1. Membership

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Applications

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

a) Frankie and Benny's

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

In Attendance

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

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

The Application

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

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

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

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

The Decision

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

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

Subject to the following conditions:-

Conditions consistent with the operating schedule

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

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

Mandatory conditions

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

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

b) Ranges Service Station

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

In Attendance

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

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

The Application

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

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

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

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

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

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

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

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

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

The Decision

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

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

Subject to the following conditions:-

Imposed by the Sub-Committee at the Hearing

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

Offered by the applicant at the Hearing

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

Conditions consistent with the operating schedule

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

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

Mandatory conditions

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

4. Close of Meeting

The meeting closed at 12.00.

Chairman:

Date:

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

8 October 2008

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 8 October 2008 at 10.00 in the Licensing Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present:- Councillor Blundell
Councillor Cook
Councillor Sykes

1. Membership

RESOLVED that Councillor Cook be appointed Chairman,

2. Declarations of Interest

There were no declarations of interest.

3. Licensing Applications

The Sub-Committee resolved to exclude the public from the meeting for the following item, under the provisions of the Licensing Act 2003, as it was likely to involve the disclosure of confidential information.

a) Personal Licence Application

The Sub-Committee considered a report by the Head of Planning, Protection and Licensing giving details of an objection by the police to the granting of a personal licence.

In Attendance

Responsible Authority: Mr Aitchison, Divisional Police Licensing Officer, Essex Police
Officers: Mr Harvey, Licensing Manager and Mr Essex, Solicitor
Applicant: Mr M and friend

The Decision

RESOLVED that having carefully considered the application and having regard to the submission made at the Hearing by the representative from Essex Police the Sub-Committee determined to refuse the personal licence application as the conviction was a relevant offence under Schedule 4 paragraph 14(b) of the Licensing Act 2003. The Sub-Committee considered this decision necessary for the promotion of the crime prevention objective.

4. Close of Meeting

The meeting closed at 10.20am.

Chairman:



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| Licensing Committee – 5 December 2008 | Agenda Item 4 |
| Wine Me Up | FOR GENERAL RELEASE |

| | | |
|--------------------------------|---|---|
| Premises | Wine Me Up 35 North Hill, Colchester CO1 1QR | Ward: Castle Ward Stress Area: No Flare Ref: 018352 Author: Simon Harvey |
| Application | Application for a variation of a premises licence Proposed Variation:- <ul style="list-style-type: none"> - To extend the hours the premises are open to the public - To extend the hours for the supply of alcohol on and off the premises | Appendix 1 |
| Street Plan | | Appendix 2 |
| Responsible Authorities | | |
| Child Protection | Conditions agreed with the applicant | Appendix 3 |
| Essex Police | Conditions agreed with the applicant | Appendix 4 |
| Interested Parties | | |
| Dutch Quarter Association | Letter of objection | Appendix 5 |

Existing Premises Licence

Currently permits-

- **The supply of alcohol off the premises for the following hours-**
07.00 to 23.00 Mondays to Sundays inclusive.
- **Hours the premises are open to the public for the following hours**
07.00 to 01.00 Sundays to Thursdays
07.00 to 03.00 Fridays and Saturdays

Variation of a Licence

To permit:-

- **The supply of alcohol off the premises for the following hours-**
07.00 to 03.00 Mondays to Sundays inclusive
- **Hours the premises are open to the public for the following hours**
07.00 to 03.00 Mondays to Sundays inclusive

Policy Guidelines – Wine Me Up, 35 North Hill, Colchester

Colchester Borough Council's Statement of Licensing Policy.

Assessing Applications

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

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

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

Policy

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

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

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

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

The Prevention of Crime and Disorder

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

Policy

Paragraph 5.20 of the Policy states that:

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

- (i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a compressive list of best practice;**
- (ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour;**
- (iii) whether the operating schedule includes management measures to prevent crime and disorder;**
- (iv) whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of**

people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the area set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 of the Policy to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.

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

Public Safety

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

Policy

Paragraph 5.24 of the policy states that:

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

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

Clubbing', in applications for facilities for music and dance. The key areas identified are:

- **Prevention of overcrowding**
- **Air conditioning and ventilation**
- **Availability of drinking water**
- **Further measures to combat overheating**
- **Overall safety;**

(vii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

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

The Prevention of Public Nuisance

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

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

Policy

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

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

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

residents living in the immediate vicinity of the premises.

There has been one relevant representation received from the Dutch Quarter Association in regard to this licensing objective.

The Association express their concern that customers of other 'on' licensed premises will "use this off licence as a source of cheap alcohol which will be consumed away from a place of control and out of view in our local streets" and also advise that the lives of Dutch Quarter residents "are constantly blighted not just by discarded cans, bottles and broken glass but also the crime, drunken rowdyism, antisocial behaviour and vandalism associated with drinking".

Their representation ends by stating that "the granting of this licence would also place an extra burden on the already over stretched resources of the Police in their attempts to maintain law and order".

The Licensing Authority wrote to the Dutch Quarter Association on the 11 and 12 November 2008 in order to make them aware that the applicant had agreed to accept licence conditions that had been required by Essex Police and the Child Protection Service (Essex County Council's Children's Safeguarding Service). Advice was sought from the Dutch Quarter Association as to whether or not they still wished to maintain their objection to this application in light of these agreed conditions. The Association has confirmed on the 12 November that they still wish their representation to stand and have advised that they do not want the premises to be granted "carry out off sales" after 23.00 hours.

Additional Policy Guidance – Public Nuisance

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

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

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

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

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

These may include:

- **The location of the premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;**
- **The hours of opening between 11.00pm and 7.00am;**
- **The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are**

to be held inside or outside the premises;

- The design and layout of the premises; particularly the presence of noise limiting features;
- The provision of toilet facilities on the premises;
- The safe capacity of the premises;
- The availability of public transport or taxis;
- A wind down period between the end of the licensable activities and closure of the premises;
- The last admission time.

The Protection of Children from Harm

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

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

Policy

Paragraph 5.38 of the Policy states that:

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

Paragraph 5.39 of the Policy states that:

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

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

Additional Policy Guidance – General

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

with this application.

Areas outside of the Stress Area Policy

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

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

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

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

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

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

Human Rights Implications

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

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

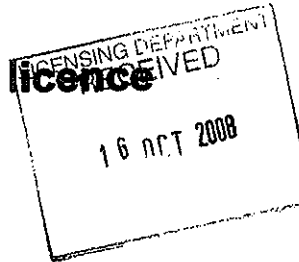
Crime and Disorder Implications

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

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



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



Reference number:

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

(2) **I/We** MEHMET YAMAK

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

Premises licence number

Part 1 - Premises details

| | |
|---|------------------|
| Postal address of premises or, if none, Ordnance Survey map reference or description WINE ME UP 35 NORTH HILL | |
| Post town COLCHESTER | Postcode CO1 1QR |

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Daytime contact telephone number

E-mail address (optional)

| | |
|---|----------|
| Current postal address if different from premises address | |
| Post town | Postcode |

(1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant
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Part 3 - Variation

Please tick ✓ yes

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

If not do you want the variation to take effect from

| Day | Month | Year |
|-----|-------|------|
| | | |

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

TO EXTEND THE HOURS FOR THE SALE OF ALCOHOL UNTIL 03.00AM MONDAY TO SUNDAY,
WITH SALE BEING MADE FOR DELIVERY ONLY AFTER MIDNIGHT.

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

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

| Films | | | Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Standard days and timings (please read guidance note 6) | | | Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) |
| | | | |
| Tue | | | State any seasonal variations for the exhibition of films (please read guidance note 4) |
| | | | |
| Wed | | | Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5) |
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|---|--------------|---------------|---|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details here (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | |
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| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
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| Wed | | | Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5) |
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|---|--------------|---------------|--|-----------------------------------|-------------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) | | |
| Day | Start | Finish | Indoors <input type="checkbox"/> | Outdoors <input type="checkbox"/> | Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | | |
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| Tue | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
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| Wed | | | Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5) | | |
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| Live music | | | Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Standard days and timings (please read guidance note 6) | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) |
| Mon | | | |
| | | | State any seasonal variations for the performance of live music (please read guidance note 4) |
| Tue | | | |
| | | | Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5) |
| Wed | | | |
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|--|--------------|---------------|--|
| Recorded music | | | Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Standard days and timings (please read guidance note 6) | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) |
| Mon | | | |
| | | | State any seasonal variations for the playing of recorded music (please read guidance note 4) |
| Tue | | | |
| | | | Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5) |
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| Performances of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) 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 | | | |
| | | | Please give further details here (please read guidance note 3) |
| Tue | | | |
| | | | State any seasonal variations for the performance of dance (please read guidance note 4) |
| Wed | | | |
| | | | State any seasonal variations for the performance of dance (please read guidance note 4) |
| Thur | | | |
| | | | Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5) |
| Fri | | | |
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| Sat | | | |
| | | | Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5) |
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| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Mon | | | |
| | | | Please give further details here (please read guidance note 3) |
| Tue | | | |
| | | | Please give further details here (please read guidance note 3) |
| Wed | | | |
| | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) |
| Thur | | | |
| | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) |
| Fri | | | |
| | | | Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5) |
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| Provision of facilities for making music | | | Please give a description of the facilities for making music you will be providing |
| Standard days and timings (please read guidance note 6) | | | Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) |
| Day | Start | Finish | Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | State any seasonal variations for the provision of facilities for making music (please read guidance note 4) |
| | | | |
| Thur | | | |
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| Fri | | | Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5) |
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| Provision of facilities for dancing | | | Please give a description of the facilities for dancing you will be providing |
| Standard days and timings (please read guidance note 6) | | | Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) |
| Day | Start | Finish | Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) |
| | | | |
| Tue | | | |
| | | | |
| Wed | | | State any seasonal variations for providing dancing facilities (please read guidance note 4) |
| | | | |
| Thur | | | |
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| Fri | | | Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5) |
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| Provision of facilities for entertainment of a similar description to that falling within I or J | | | Please give a description of the type of entertainment facility you will be providing |
| | | | Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Standard days and timings (please read guidance note 6) | | | Please give further details here (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | |
| | | | |
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| State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4) | | | |
| Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5) | | | |
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| 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 <input checked="" type="checkbox"/> (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 | | | |
| | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) |
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| Thur | | | |
| | | | |
| Fri | | | Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

M

| | | | |
|--|--------------|---------------|---|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7) |
| | | | On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) |
| Mon | | | |
| | 07:00 | 03:00 | |
| Tue | | | |
| | 07:00 | 03:00 | |
| Wed | | | |
| | 07:00 | 03:00 | |
| Thur | | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5) |
| | 07:00 | 03:00 | |
| Fri | | | |
| | 07:00 | 03:00 | |
| Sat | | | |
| | 07:00 | 03:00 | |
| Sun | | | |
| | 07:00 | 03:00 | |

N

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

NONE

O

Hours premises are open to the public

State any seasonal variation (please read guidance note 4)

Standard days and timings
(please read guidance note 6)

| Day | Start | Finish |
|------|-------|--------|
| Mon | | |
| | 07:00 | 03:00 |
| Tue | | |
| | 07:00 | 03:00 |
| Wed | | |
| | 07:00 | 03:00 |
| Thur | | |
| | 07:00 | 03:00 |
| Fri | | |
| | 07:00 | 03:00 |
| Sat | | |
| | 07:00 | 03:00 |
| Sun | | |
| | 07:00 | 03:00 |

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

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

NONE

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

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

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

b) The prevention of crime and disorder

SALE OF ALCOHOL WILL STOP AT MIDNIGHT ON THE PREMISES AND THEREAFTER WILL BE ONLY SOLD FOR DELIVERIES ONLY.

c) Public safety

ALL DELIVERIES MADE TO PREMISES WILL ONLY BE HANDED OVER TO THE PERSON WHO HAS MADE THE ORDER.

ID WILL BE REQUESTED ON ALL OCCASIONS

RECIPTS WILL BE KEPT OF ALL SALES MADE FOR DELIVERY AND A COPY OF THE RECIPT WILL ACCOMPANY THE DRIVER ON THE DELIVERY.

d) The prevention of public nuisance

e) The protection of children from harm

PERSONS MAKING ORDERS WILL BE TOLD THAT ID WILL BE REQUESTED AT THE POINT OF DELIVERY FROM THE PERSON WHO MADE THE ACTUAL ORDER.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

If signing on behalf of the applicant please state in what capacity.

Signature X _____

Date X 16/10/08

Capacity owner

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

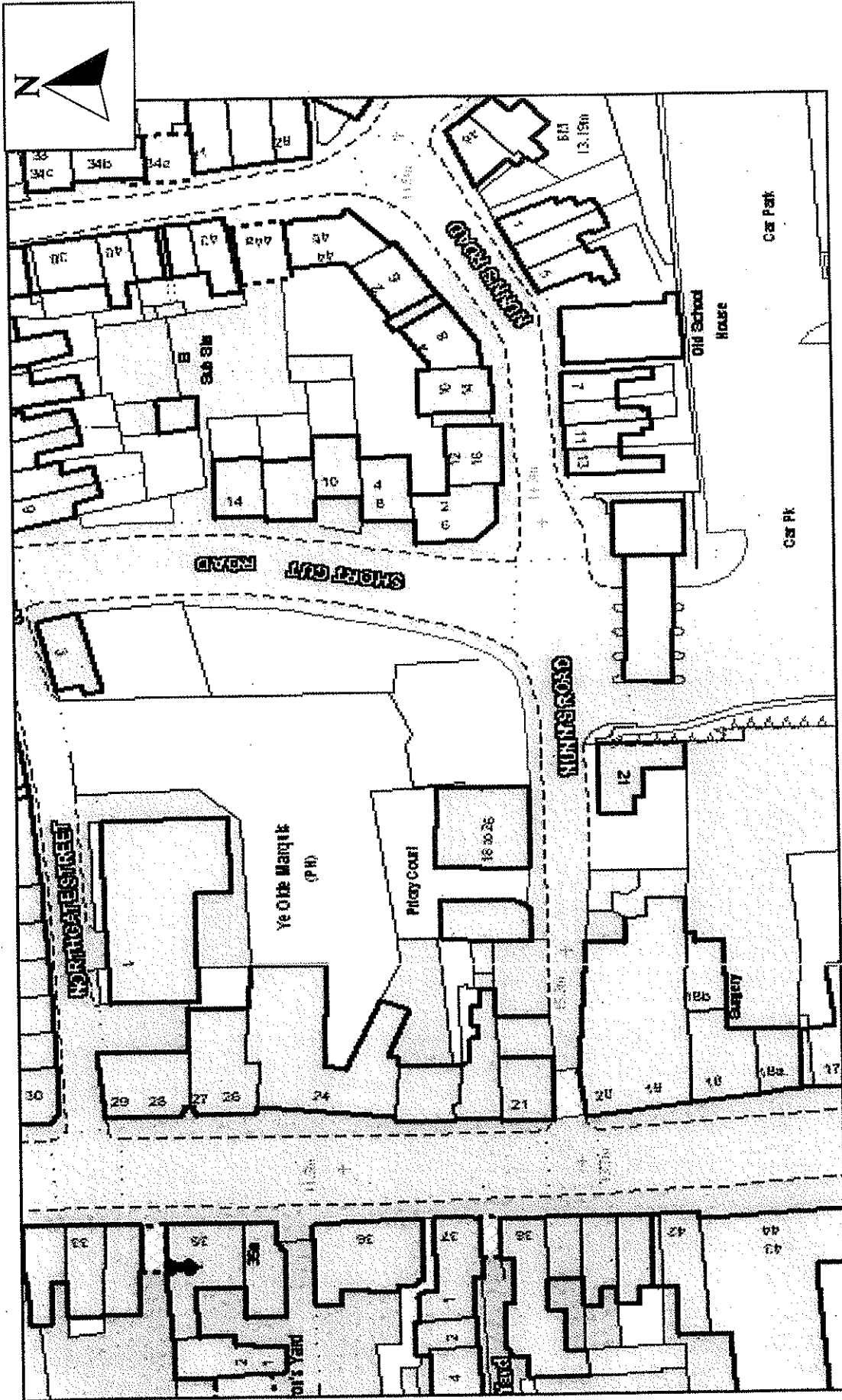
Post town

Postcode

Telephone number (if any)

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

Premises Location Plan



Licence Application Reference: 018352
 Premises Name & Address: Wine Me Up 35 North Hill Colchester
 Date Produced: 18 November 2008

MAP NOT TO SCALE

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Licensing Committee

From: mehmet yamak
To: Licensing.Committee
Cc:

Sent: Wed 12/11/2008 06:09

Subject: Application to vary the premises licence for Wine Me Up,35 North Hill,Colchester,CO1 1QR

Attachments:

Re:Application to vary the premises licence for Wine Me Up,35 North Hill,Colchester,CO1 1QR

From: Mehmet Yamak

To:Licensing Committee

Dear Sirs or Madam,

After speaking with Sian Caruth,Safeguarding Support Officer from Children`s Safeguarding Service,we have come to an agreement to add the following measures as conditions to licence:

1-The "Challenge 21" scheme has been adopted to ensure that alcohol will not be sold on the premise to those under the age of 18 years.Only approved proof of age identification will be accepted,such as a pasaport,photo driving licence of a pass accredited card

2-The "Challenge All" scheme has been adoptedfor when deliveries are made to ensure that alcohol will not be sold on the premise to those under the age of 18 years .Only approved proof of age identification will be accepted,such as passaport,photo driving licence of a pass accredited card

3-The area where alcohol is stored is secured and accesible only to staff that are of the age of 18 years or over and to the premises llcence holder

Kind regards,

Mehmet Yamak,

Wine Me Up,35 North Hill,Colchester,CO1 1QR

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Licensing Committee

From: mehmet yamak
To: Licensing.Committee
Cc:
Subject: RE: Wine Me Up - Application to Vary Premises Licence - Conditions
Attachments:

Sent: Wed 29/10/2008 22:37

Re-WINE ME UP-Application to vary Premises Licence-Conditions

Dear Lexie Tuthill,

I confirm that i agreed to the following conditions proposed by Essex Police in relation to my application for a variation of a Premises Licence Application in respect of Wine Me Up,35 North Hill,Colchester.Conditions are=

1-Off Sales of alcohol from the premises after 12 midnight until 3 am,may only be delivered of premises if an internet or pre-telephone order has been made.Sales of alcohol must be pre-ordered by telephone or internet and invoice/orders must be carried on delivery vehicle by the driver,and produced by the delivery driver on request,to any Authorised Licencing Officers of the council and police officers.Only pre-ordered alcohol may be carried on the delivery vehicle with invoices for each specific adress as ordered via telephone or internet only,and delivered directly to that adress.Under no circumstances can alcohol be sold to customers personally on the premises from 12 midnight to 3 am.

2-Wine Me Up must keep a record of all alcohol orders with name and adress of customer ordering,and "Proof of age ID" must be requested,adopting the challenge 21 Scheme at point order/delivery,where appropriate, to ensure that alcohol is not supplied or delivered to under 18's.The record must always be produced for inspection at the request of Authorised Licensing Officers of the Licensing Authority and Police Officers to ensure compliance with the Premises Licence Condition.

Yours Sincerely,

MEHMET YAMAK

WINE ME UP,35 North Hill,

COLCHESTER,ESSEX,CO1 1QR

Subject: Wine Me Up - Application to Vary Premises Licence - Conditions
 Date: Wed, 29 Oct 2008 17:12:50 +0000
 From: Licensing.committee@colchester.gov.uk
 To:

Dear Mr Yamak,

We note from Mick Aitchison that further to their later dated 23 October 2008, you have agreed to the two conditions proposed by Essex Police in relation to your application for a variation of a premises licence application in respect of Wine Me Up, 35 North Hill, Colchester. Please could you confirm to us in writing whether or not you agree to the following conditions:

Off sales of alcohol from the Premises after 12 midnight until 3am, may only be delivered off the Premises **if an internet or pre-telephone order has been made**. Sales of alcohol **must be pre-ordered** by telephone or internet and Invoice/orders must be carried on

y vehicle by the driver, 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, as ordered via telephone or internet only, and delivered directly to that address. Under no circumstances can alcohol be sold to customers personally on the premises from 12 midnight to 3am.**

2. WINE ME UP must keep a record of all alcohol orders with Name and address of customer ordering, and **'Proof of age ID'** must be requested, adopting the challenge 21

Scheme at point of order/delivery, where appropriate, **to ensure that alcohol is not**

supplied or delivered to under 18's. The record must always be produced for inspection at the request of Authorised Licensing Officers of the Licensing Authority and

Police Officers to ensure compliance with the Premises Licence Condition.

I look forward to hearing from you soon.

Regards,

Lexie Tuthill
Committee Services Assistant (Licensing)
Environmental & Protective Services
Colchester Borough Council
PO Box 889
Town Hall
Colchester
CO1 1FL
Tel: 01206 506016/506167
Fax: 01206 506014
E-mail: licensing.committee@colchester.gov.uk

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DUTCH QUARTER ASSOCIATION

Working to improve the quality of life for Dutch Quarter Residents

Sarah white

Planning, Protection & Licensing

Colchester Borough Council

Town Hall CO1 1FL

6th November 2008

RE: Variation of Licence for the off-sales of alcohol
'Wine Me Up' 35 North Hill, Colchester

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

Our Association is opposed to the extension of the off-sales licence for the hours applied for from the above premises:

Existing hours 7.00am - 11.00pm

Variation sought 7.00am - 3.00am

Colchester Town Centre already suffers from the on street drinking associated with the night time economy and because of this there are severe restrictions imposed on the establishments that sell alcohol. None of the clubs/bars/pubs are allowed to permit drinking outside their premises after 10.30pm. Further, the existing off-sales premises in the Town Centre have restricted hours, Bottoms-Up closes at 9.00pm and Spar is not allowed to sell alcohol after 11.00pm.

'Wine Me Up's location on North Hill is on one of the main routes in and out of Town for clubbers/drinkers. There are also at least four pubs/bars in close proximity, The Marquis, Twisters, Trotters and Quilters, all of which have late licenses. We are concerned that customers of these establishments and Town Centre clubs will use this off-licence as a source of cheap alcohol which will be consumed away from a place of control and out of view in our local streets.

On street drinking is already a serious problem for Dutch Quarter residents whose lives are constantly blighted not just by the discarded cans, bottles and broken glass but also the crime, drunken rowdyism, antisocial behaviour and vandalism associated with drinking.

The granting of this licence would also place an extra burden on the already over stretched resources of the Police in their attempts to maintain law and order

Yours sincerely

(On behalf of the Committee)

cc Castle Ward Councillors, DQA Committee, Colchester Police

Reply to **Maidenburgh St., COLCHESTER CO1 1UB Tel:**

E-mail

The Dutch Quarter Association is a charity registered in England No. 260158

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