

LICENSING SUB-COMMITTEE HEARINGS

9 JULY 2012

Present :- Councillors Nick Cope and Pauline Hazell
Substitute Member :- Councillor Michael Lilley for Councillor Colin Mudie

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Temporary Event Notice - Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to an objection notice from Environmental Protection in relation to a Temporary Event Notice submitted in respect of the provision of regulated entertainment on the outside terrace of The Silk Road at 4 St Botolph's Street, Colchester.

In Attendance

Applicant - Mr O Rasih; and Mr R Harding, Promotions Manager
Environmental Control – Ms R Parkin, Environmental Protection Officer
Licensing Authority – Mr S Swain, Licensing Enforcement Officer; Mrs S White, Committee Services Officer (Licensing); Mr JC Samuel, Legal Services

Mr Swain presented the report advising that a Temporary Event Notice (TEN) had been submitted in respect of the Silk Road to permit regulated entertainment in the form of recorded music to take place on the outside terrace at the Silk Road from 14.00 to 23.30 on 14 July 2012. An objection to the TEN had been received from Environmental Protection on the grounds that the provision of music on the outside terrace was likely to cause a public nuisance.

Mr Rasih and Mr Harding presented the application explaining that it was intended to provide music using a DJ on the outside terrace using a small sound system and at a level below that provided inside for dancing. They were confident that the event, if allowed to proceed, would not result in complaints and asked that they be given the opportunity to demonstrate this.

Ms Parkin informed the Sub-Committee that Environmental Protection had received complaints in the past from residents in Arthur Street in relation to noise emanating from the Silk Road. A recent check of the locality indicated that there were a number of residential properties in the area and it was a noise sensitive location. It was the view of Environmental Protection that residents were likely to be disturbed by music being played in the outside area. There were discussions as to whether a limit could be set on

the level the music was played at, but Ms Parkin commented that it was very difficult to control the base levels of any music played and it was this frequency that caused the most problems for residents.

In response to questions Mr Rasih indicated that he expected between 50-80 people on the terrace and that this would be the first event of its type as the premises was usually closed on a Saturday afternoon. If the event was a success it was anticipated that further events would be held.

The Decision

The Licensing Sub-Committee gave careful consideration to the case presented on behalf of the Silk Road and the objections raised by Environmental Protection and considered that the licensing objective of the prevention of public nuisance was liable to be jeopardised by the provision of music on the outside terrace and therefore the application was refused.

4. Close of Meeting

The meeting closed at 14.45.