

# Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall  
8 January 2010 at 10.00am**

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

# Information for Members of the Public

## Access to information and meetings

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

## Have Your Say!

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

## Private Sessions

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

## Mobile phones, pagers, cameras, audio recorders

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

## Access

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

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

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

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

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

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

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

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

The Council's case:-

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

The Applicant's case:-

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

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

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

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

(15) Each party will present their case.

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

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

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

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

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

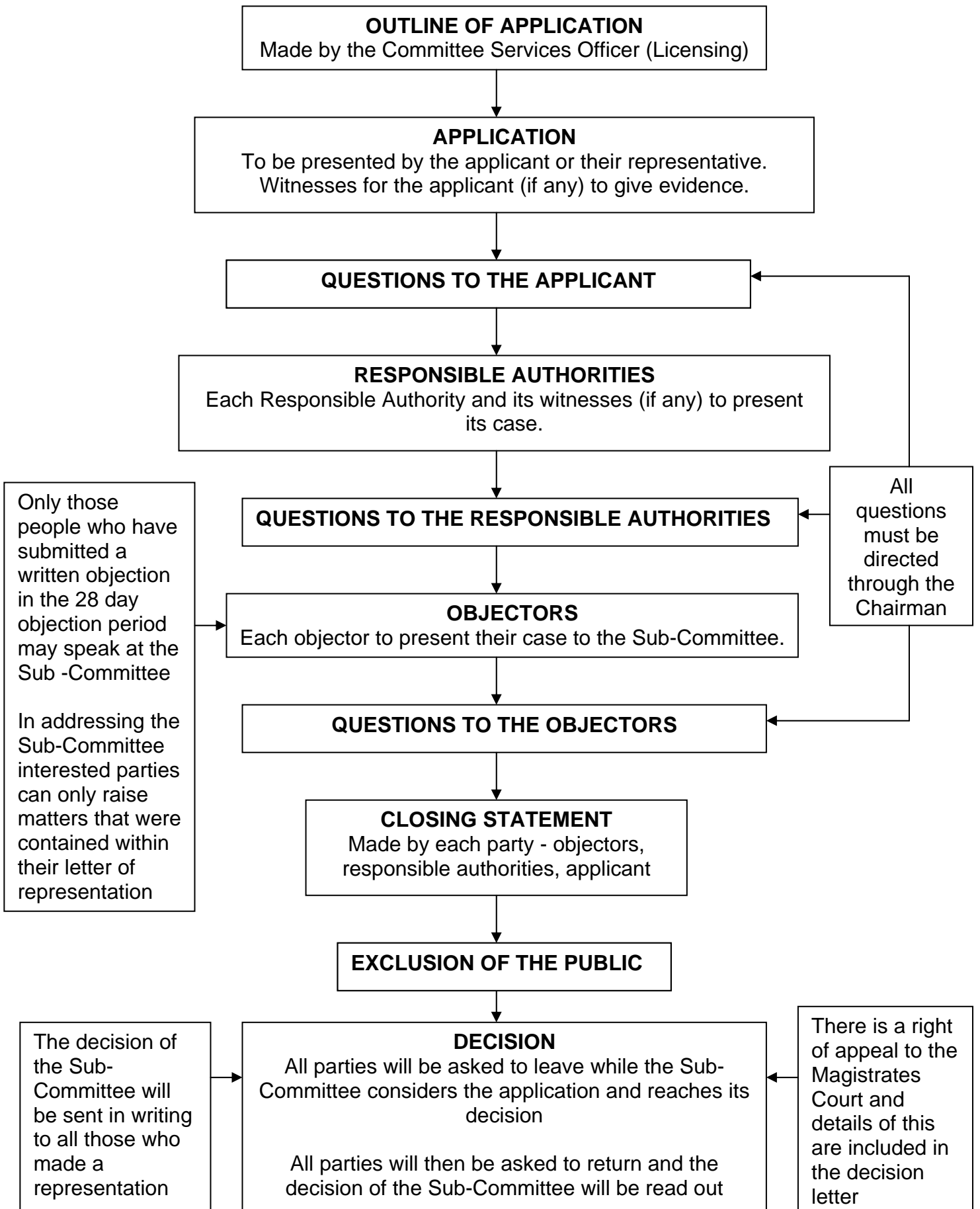
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

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

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

# The Licensing Sub-Committee Hearings Process



**COLCHESTER BOROUGH COUNCIL  
LICENSING SUB-COMMITTEE HEARINGS  
8 January 2010 at 10:00am**

**Members**

Councillors Barrie Cook, Nick Cope and Christopher Garnett.

*(Chairman and Deputy Chairman to be appointed at first meeting)*

**Substitute Members** :

**Agenda - Part A**

(open to the public including the media)

**Pages**

**1. Appointment of Chairman**

To appoint a Chairman for the meeting.

**2. Welcome and Announcements**

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

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

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

**3. Declarations of Interest**

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

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

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

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

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

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

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

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

**4. Minutes**

**1 - 6**

To confirm as a correct record the minutes of the meeting held on 29 May 2009.

**5. Applications under the Licensing Act 2003**

**7 - 35**

Ocean Supermarket  
57 North Station Road,  
Colchester,  
Essex  
CO1 1RQ





# LICENSING SUB-COMMITTEE HEARINGS

## 29 MAY 2009

*Present :-* Councillor Barrie Cook (Chairman)  
Councillors Christopher Garnett and Ann Quarrie

*Also Present :-* Mr Simon Harvey

### 1. Membership

*RESOLVED* that Councillor Cook be appointed Chairman.

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Applications under the Licensing Act 2003

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

#### a) **The Cherry Tree, Mersea Road, Colchester**

The Sub-Committee considered an application to vary the premises licence in respect of The Cherry Tree, Mersea Road, Colchester to permit-

- Extension of hours for the sale of alcohol
- Extension of opening hours
- Provision of live music, recorded music, performances of dance, provision of facilities for dancing and making music indoors

#### **In Attendance**

Premises Licence Holder: Ms Crosby and Mr Stellan

Responsible Authority: Ms L Newman, Environmental Control

Officers: Mr Essex, Lawyer and Mr Harvey, Licensing Manager

Residents: Councillor T Sutton on behalf of Mrs Keating, local resident

#### **The Application**

Mrs White, Committee Services Officer (Licensing), briefly introduced the application explaining that representations opposing an extension to the premises licence had been made by Environmental Control and by three local residents.

Ms Crosby addressed the Sub-Committee explaining that she wished to extend the licence to assist the business in holding weddings and other similar functions. 70% of the business turnover was from food and therefore it was not her intention to have music all the time. In response to questions, Ms Crosby explained that the extension on a Wednesday was sought to enable karaoke to take place. She also identified the position in the premises where the music would take place and said that she had had sound proofing made to put up at the windows to block the noise. It was her contention that there was no noise nuisance from the garden. Ms Crosby did not consider that the events she held required door staff and as the premises was normally well staffed door staff were unnecessary and were also expensive to provide.

Ms Newman from Environmental Control addressed the Sub-Committee on the noise nuisance complaints that had been received in respect of the premises. The complaints concerned nuisance from loud music and noise from the smoking area some reports concerned nuisance occurring as late as 02.00. The noise had been witnessed by an officer from Environmental Control. The first complaint had been made on 17 February 2009 with the most recent complaint being made at the beginning of May. In response to the first complaint a letter had been sent to Ms Crosby informing her of the complaint and of the process involved in noise complaints. No response had been received from Ms Crosby. In response Ms Crosby said that she had stopped people using the garden and had moved the smoking area to the front. She confirmed that she was happy to work with everyone to address the problems and was happy to accept the conditions sought by Environmental Control.

Councillor Sutton attended the Sub-Committee and addressed the Sub-Committee on behalf of Mrs Keating, a local resident who had submitted an objection to the application. Mrs Keating had lived in the locality for 10 years and had already contacted Environmental Control regarding the noise nuisance emanating from the premises. The application sought to licence activities that were already being carried out at the premises either without a licence or by way of temporary event notices. These activities were already causing problems and nuisance to local residents. Mrs Keating had on occasions telephoned the premises to ask them to turn the noise down and had not been treated with respect. The last incident had occurred the previous weekend. Reference was also made to the fact that patrons had been seen in the premises after hours.

Mr Harvey, the Licensing Manager, clarified the position with regard to the

provision of late night refreshment which as it had not been included on the licence could not be provided after 23.00. He also stressed the importance of role of the DPS and their responsibility for the day to day management of the premises and the responsibility that the DPS has in controlling the licensable activities at the premises. Ms Crosby acknowledged that she was aware of these responsibilities.

### **The Decision**

The Sub-Committee, having carefully considered the application and having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representations received and the submissions made at the hearing, resolved to vary the licence to permit the following-

- Supply of alcohol on and off the premises for the following hours-

Friday and Saturday – 10.00 to 00.00

Sunday – 12.00 to 23.30

- Provision of facilities for making music indoors-

Wednesday – 12.00 to 23.00

Friday and Saturday – 12.00 to 23.30

- Provision of live music, recorded music, performances of dance, provision of facilities for dancing indoors-

Friday and Saturday – 12.00 to 00.00

- The premises to be open for the following hours-

Friday and Saturday – 10.00 to 00.30

Sunday – 10.00 to 00.00

### **Reasons for the Determination**

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and in particular that of the prevention of public nuisance.

The Sub-Committee was concerned at the likely problem of noise nuisance which may arise from the use of the premises however the Sub-Committee felt that when weighed against the evidence presented by the interested parties, some of which was not within the remit of the Sub-Committee, it preferred the evidence of the applicant and that these concerns could be successfully

addressed by varying the proposed hours as set out and by limiting the regulated entertainment permitted. In addition the imposition of the conditions as set out together with those offered in the operating schedule would mitigate any potential increase in noise nuisance that may occur as a result of the grant of the licence.

The Sub-Committee felt that the case made by local residents in respect of the likely noise nuisance as a result of the application was not proved sufficiently to justify the refusal of the application but did justify the imposition of the conditions sought by Environmental Control to control the noise nuisance emanating from the premises.

### **Conditions imposed by the Sub-Committee at the Hearing**

The Sub-Committee considered that the imposition of the following conditions was necessary and proportionate in order to promote the licensing objective of the prevention of public nuisance-

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

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

- A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of live and amplified music at the premises. The noise limiting device shall be connected to all music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to any person other than the licensee. Levels to be set in consultation with the Council's Environmental Control Team.

Note to applicant: The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration/checking by the owner or operator. Maintenance records must be kept for 12 months.

- Amplified sound from the licensed premises including a designated smoking area shall not be audible at the boundary of any noise sensitive premises.
- The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises including the designated smoking area on every occasion the premises is used for regulated entertainment and shall take steps to reduce the level of

noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

- Clear and prominent notices shall be displayed within the car park requesting that the public respect the needs of local residents and to leave the premises and the area quietly.
- A member of staff to supervise the smoking area.
- A member of staff to supervise the car park area at closing time to encourage patrons to leave the premises quietly.
- No bottles or glasses to be permitted in the smoking area 30 minutes before closing.
- No bottles to be emptied outside between 00.00 and 08.00.

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

- Aim to sound proof all doors and windows.
- Stop people from smoking outside.
- Plenty of bar staff to supervise.
- Only serve people over the age of 18.
- Check ID on a regular basis.
- Refuse to serve anybody over intoxicated.
- Door staff as required.
- The licence is required for the facility of karaoke and disco not on a regular basis but when people book mainly private functions.
- At the end of the evening ask people to leave quietly and respect the neighbours.
- Place notices in the pub to ask people to leave quietly.
- No children allowed in the pub after 20.00.

### **Mandatory Conditions**

Mandatory conditions where licence authorises supply of alcohol

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

Mandatory condition: door supervision

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.

The meeting closed at 12.33.



Licensing Committee – 8 January 2010	Agenda Item 5
Ocean Supermarket	FOR GENERAL RELEASE

<b>Premises</b>	Ocean Supermarket 37 North Station Road Colchester Essex CO1 1RQ	Ward: Castle Stress Area: No Flare Ref: 066551 Author: Simon Harvey
<b>Application</b>	Application for a new premises licence:  To permit the supply of alcohol.	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Interested Parties</b>  <b>Local Residents</b>		Appendix 3

<b>New Application for a Premises Licence</b>
<p>To permit:-</p> <ul style="list-style-type: none"> <li>- The supply of alcohol off the premises for the following hours- 8.00 to 00.00 Mondays to Sundays inclusive.</li> <li>- Hours the premises are open to the public for the following hours- 8.00 to 00.00 Mondays to Sundays inclusive.</li> </ul>

<b>Policy Guidelines – Ocean Supermarket</b>
<p><b>Colchester Borough Council’s Statement of Licensing Policy</b></p> <p><b>Assessing Applications</b></p> <p><b>Boxed bold type</b> refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant’s operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.</p>

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

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

### **Policy**

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

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

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

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

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

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

### **Policy**

Paragraph **5.20** of the Policy states that:

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

- (i) Whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue,**



the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18 of the Council's statement of Licensing Policy) has been taken into account. This provides a compressive list of best practice.

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

There has been one relevant representation received from an interested party in regard to this licensing objective.

A proprietor of a local business which is situated within the vicinity of the premises has objected to this application on the grounds that there have already been alcohol related incidences involving minors in North Station Road and is concerned that the problem will be intensified if this application were granted. The objector reports that this behaviour is often intimidating and causes a disturbance to local residents, particularly in the early hours of the morning and is concerned as to the rights of residents to have a peaceful evening and night.

## **Public Safety**

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

## **Policy**

Paragraph 5.24 of the policy states that:

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

- (i) Where appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity of, the premises.

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

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.

## **Prevention of Public Nuisance**

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

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

licensed premises”.

## **Policy**

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

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

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

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

## **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.

## Protection of Children from Harm

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

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

### Policy

Paragraph 5.38 of the Policy states that:

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

Paragraph 5.39 of the Policy states that:

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

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**

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

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

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

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

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

### **Off Sales/Shops and Supermarkets**

Paragraph **3.41** of the Policy states that:

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

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

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

### **Human Rights Implications**

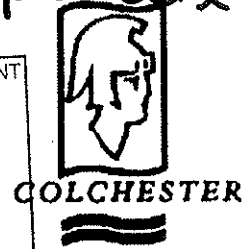
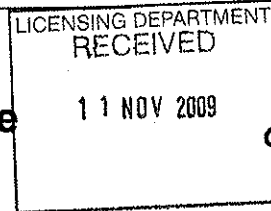
A Licence is to be regarded as the property of the applicant; however their right to the use of that property must be balanced against all other public interests or representations in this matter that the Licensing Sub-Committee may wish to consider reasonable and proportionate in relation to the application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

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

### **Crime and Disorder Implications**

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

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



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

(1)

Reference number:

### 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

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

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description OCEAN SUPERMARKET 57 NORTH STATION ROAD	
Post town COLCHESTER	Postcode CO1 1RQ

Telephone number at premises(if any)

Non-domestic rateable value of premises

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

Surname       First names

I am 18 years old or over  Please tick ✓ yes      Date of birth 

Day	Month	Year

Current postal address if different from premises address

Post town       Postcode

Daytime contact telephone number

E-mail address (optional)



**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

Surname  First names

I am 18 years old or over  Please tick ✓ yes  Date of birth 

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current postal address if different from premises address

Post town  Postcode

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

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

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

**Part 3 - Operating Schedule**

When do you want the premises licences to start?

Day	Month	Year

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

Day	Month	Year

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

PREMISES IS A SMALL CONTINENTAL STYLE SUPERMARKET DEALING IN A VARIETY OF EUROPEAN STYLE PROVISIONS AND ALCOHOL.

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

--

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

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

**Provision of regulated entertainment**

Please tick  yes

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

**Provision of entertainment facilities 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)**

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

**In all cases complete boxes N, O and P**

# A

<b>Plays</b>			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)
Thur			
Fri			
Sat			
Sun			

# B

<b>Films</b>			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)
Thur			
Fri			
Sat			
Sun			

**C**

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

**D**

<b>Boxing or wrestling entertainments</b> 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	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

# E

<b>Live music</b>			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)			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	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			
Thur			
Fri			
Sat			
Sun			

# F

<b>Recorded music</b>			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)			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	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 entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

# G

<b>Performances of dance</b> 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	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	
Mon			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"/>
Tue			Please give further details here (please read guidance note 3)
Wed			
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 the entertainment of 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)
Sat			
Sun			

<b>Provision of facilities for making music</b>			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
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			
Fri			Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

**J**

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
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			
Fri			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Sat			
Sun			



# K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b>			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			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"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Tue			
			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)
Wed			
Thur			
Fri			
Sat			
Sun			

**L**

<b>Late night refreshment</b> 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)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	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 provision of late night refreshment (please read guidance note 4)
Wed			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)
Thur			
Fri			
Sat			
Sun			

**M**

<b>Supply of alcohol</b> 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)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Mon	08:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	08:00	00:00	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)
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

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

Name

Address

Postcode

Personal Licence number (if known)

Issuing licensing authority (if known) COLCHESTER BOROUGH COUNCIL

**N**

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

NONE

**O**

**Hours premises are open to the public**

Standard days and timings  
(please read guidance note 6)

Day	Start	Finish
Mon	08:00	00:00
Tue	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations (please read guidance note 4)

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)

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

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

THE PREMISES IS TO BE A SMALL CONTINENTAL STYLE SUPERMARKET SITUATED ON THE OUTSKIRTS OF THE TOWN.  
THE PREMISES WILL NOT REMAIN OPEN AFTER MIDNIGHT ON ANY DAY OF THE WEEK.

b) The prevention of crime and disorder

CCTV INSTALLED

c) Public safety

RISK ASSESSMENT CARRIED OUT  
FIRE FIGHTING EQUIPMENT CHECKED ANNUALLY

d) The prevention of public nuisance

PREMISES NOT OPEN AFTER MIDNIGHT ON ANY DAY OF THE WEEK  
PREMISES LOCATED IN A WELL LIT STREET WITH A NUMBER OF FAST FOOD OUTLETS NEARBY  
NOT TOWN CENTRE LOCATION

e) The protection of children from harm

PROOF OF AGE REQUESTED  
CHALLENGE 21 TO BE ADOPTED  
NO ID NO SALE

CHECKLIST:

Please tick ✓ yes

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

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

**Part 4 - Signatures** (please read guidance note 10)

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

Signature .....

Date 11/11/2009

Capacity owner

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent.  
(Please read guidance note 12)

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

Signature .....

Date

Capacity

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

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



Appendix 2

Licence Application Reference: 066551  
Premises Name & Address: Ocean Supermarket 57 North Station Road Colchester  
Date Produced: 9 December 2009

MAP NOT TO SCALE

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LICENSING DEPARTMENT  
RECEIVED

08 DEC 2009

Licensing Department  
Colchester Borough Council  
8/12/9.North Station Road, Colchester  
CO1 1RQ,Subject: Objection to the application for a premises  
licence for Ocean Supermarket  
57, North Station Road.

Dear Sir,

I am writing to you to object to the application raised for premises licence for 57, North Station Road. I am doing this in the capacity of a local business owner and a resident (flat above the shop) who has lived on this road for the last 5 years. I am objecting on the following grounds:

1. The premises is located on North Station road and is on the way to A level College, Colchester Institute and St Helena secondary school from mainline North Station and north Colchester. The premises which are currently licenced to sell alcohol by retail (off premises) are continuously targeted for under age selling by Trading Standards officers as there is a huge potential to put under age students going to college or school at harm. (in the form of under age selling or tempt to steal alcohol). By granting the permission, the Council will only increase the risk of kids being put at harm in the form of underage sales or another shop to steal alcohol from. As  
(The applicant) also

(2)

owns " off-licence at , North Hill,  
it will be worth while to check his record regarding  
alcohol related incidences at this off-licence since it  
first opened about 2 years ago. I understand this  
shop has a reputation for easy access to cigarettes  
and alcohol for underage minors and a check will  
demonstrate how good or bad the applicant is in  
running an off-licence (or managing).

2. North Station road is classified as a mix of retail,  
residential and office premises. lately more and more  
food outlets are opening well give passed midnight  
(nearly all have premises licence to sell alcohol) and  
this brought noise and disturbance to this part of  
North station road. Five years ago there were 4 (four)  
outlets opening up to midnight (from no. 29 to 57 right  
hand of North station road), now there are ~~3~~ seven.  
Granting another licence to sell alcohol till midnight ~~will~~  
will ~~that~~ take the tally to 8 and will further undermine  
the residents right of quiet evening and nights. This  
will also push the balance towards turning North Station  
Road into a predominantly comprising of retail outlets  
opening well into the morning. Please note that from  
29 to 61, North station road there are flats above ~~one~~  
old <sup>only</sup> ~~members~~ and are occupied by residents. Car parking is a  
major issue for residents as well as business owners  
in the vicinity of 57, North station road and twice  
I have had to call the police as lorries just park  
in the middle of the road to deliver making this  
stretch of the road quite dangerous. Granting the  
licence to Ocean Supermarket will further <sup>the</sup> enhance the car  
parking problems during the course of day and night for  
residents as well business owners locally.



3. Ocean supermarket used to be a printing press until two months ago when I turned it into a convenience store. It is physically located next to traffic lights and as such there is no parking spaces in front of the shop. I, myself have seen cars stop on zig zag lines of traffic lights and even in the middle of the road right in front of green traffic lights to quickly pop in Ocean supermarket to buy a drink or some cigarettes and drive away. If the permission is granted for the premises licence then I am afraid this part of North Station road is likely to become more dangerous than what it is currently and may lead to accidents. Please note that during day time the traffic lights are used for zebra crossing by north primary school kids and their parents which is few yards away from Ocean Supermarket. Please check with police as to how many times they have had to ask drivers not to park their cars.

4. "One Stop Convenience store" which is about 100 yards away from 57, North Station road has premises licence to sell alcohol and opens till 11 PM. There have been many alcohol related incidences at this shop; so much so that they employ a security guard during busy nights. People hang about outside this shop begging for loose change and minors under 18 years of age hang about outside asking passers by to buy cigarettes or alcohol for them often turning abusive and shouting abuse at passers by who refuse to do so. Having another off licence which opens till 12.00 a.m. will only intensify the problem making the road quite intimidating and dangerous specially at evenings and nights. Please refer to police records of alcohol related incidences at "One Stop" shop in the last year.

Having lived in the close vicinity of 57, North Station road for the last 5<sup>33</sup> years, I recognise that this part

of road is very much susceptible to alcohol related incidents (from evening time to early morning when revellers go home) as it is the main route into town from North Station. This in turn gives the residents a poor quality of life.

5. Currently there are 13 premises which hold premises licence to sell alcohol either off or on site by retail (from Albert ~~pub~~ pub roundabout to Middleborough building) - approx. 100 yards). I object to another retail premises being turned into an off-licence as ~~it~~ this will only turn North Station road into a road full of off licences enveloping the town centre. Please note that 5 years ago there were 7 premises licences which could sell alcohol by retail and now there are 13 (from Albert roundabout to Middleborough building). I therefore urge to Council to consider the number of premises which already have a licence and not to flood this part of road with premises licence

6. (the applicant) already has a premises licence for "North Hill" off licence and granting another licence to him on the same street will not be in the best interest of consumer.

7. There have already been incidences when underage kids have stopped adults (including my wife) to buy cigarettes for them from Ocean Supermarket and if this licence is granted then the situation will only get worse and then we are likely to see more under age kids hanging about outside asking people to buy not only cigarettes but alcohol as well making the street intimidating and at nights quite dangerous.

(5)

I hope I have raised genuine concerns above for the Council to decide against granting the licence, I also hope that the Council will maintain the fine balance between retail and <sup>P.M.</sup> ~~residents rights~~ in upholding their residential properties, taking in to consideration residents rights to a peaceful evenings and nights. If the licence is granted than I am afraid that it will be one more step towards turning this beautiful historical road into a town centre street which will be a detriment to residents of this road.

Thanking you  
yours sincerely

North Station Road,  
8/12/09,

P.S. My laptop broke down today and hence had to write manually. I hope this will not be an obstacle in considering the objection fairly.

once again many thanks.

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