

**LICENSING SUB-COMMITTEE HEARINGS  
6 JUNE 2008**

*Present :-* Councillor Christopher Garnett (Chairman)  
Councillors Ann Quarrie  
*Substitute Member :-* Councillor Helen Chuah for Councillor Mike Hogg

**1. Membership**

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

**2. Appointment of Chairman**

RESOLVED that Councillor Garnett be appointed Chairman.

**3. Declarations of Interest**

There were no declarations of interest.

**4. Minutes**

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

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

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

**6. Pink Panther, 3-5 Kendall Road, Colchester CO1 2BN**

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.

## **7. The Blackwater Pearl, 122a Coast Road, West Mersea, Colchester CO5 8PA**

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.

### **Close of Meeting**

The meeting closed at 12.00.