

# Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall  
11 July 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](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.

## Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

## Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester  
Telephone (01206) 282222 or textphone (01206) 18001 followed by the full telephone number  
you wish to call  
e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
[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.

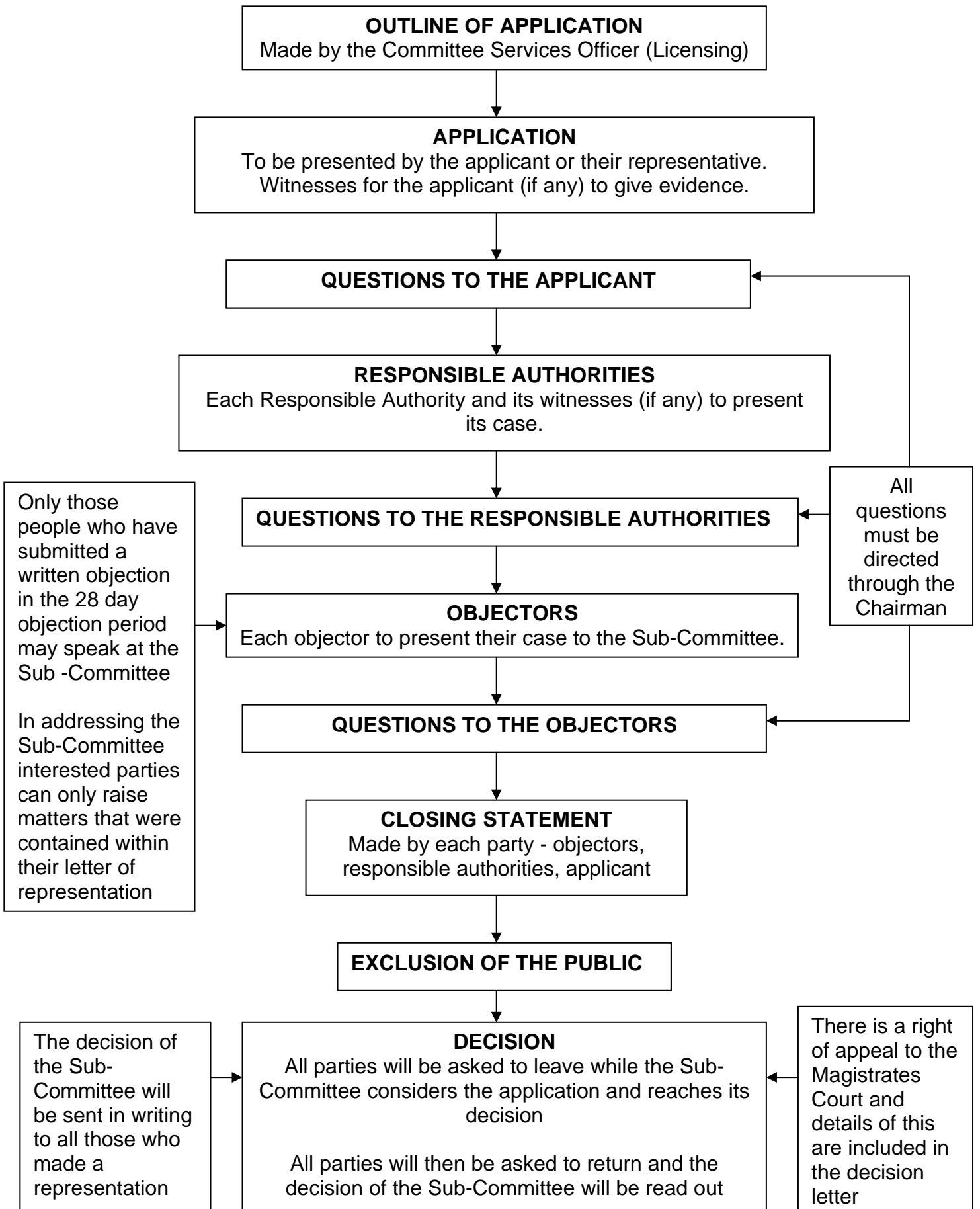
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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  
11 July 2008 at 10:00am**

**Members**

Chairman : Councillor Barrie Cook.  
Councillors Helen Chuah and Christopher Garnett.

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

- a. Banquet 1408, 342 London Road, Stanway, Colchester, Essex

**1 - 28**







<b>Licensing Committee – 11 July 2008</b>	<b>Agenda Item 3a</b>
<b>Banquet 1408</b>	<b>FOR GENERAL RELEASE</b>

<b>Premises</b>	Banquet 1408 342 London Road Stanway, Colchester	Ward: Stanway Stress Area: No Flare Ref: 17686 Author: Simon Harvey
<b>Application</b>	Application to vary a premises licence  Proposed variation:-  <ul style="list-style-type: none"> <li>- Sale of alcohol for additional time</li> <li>- Late night refreshment for additional time</li> <li>- Provision of facilities for making music for additional time</li> <li>- Live Music</li> <li>- Recorded Music</li> <li>- Karaoke</li> <li>- Provision of facilities for dancing</li> <li>- Provision of facilities for entertainment of a similar description</li> <li>- Removal of conditions</li> <li>- Premises to be open for additional time.</li> </ul>	Appendix 1
<b>Street Plan</b>		Appendix 2
<b>Premises Licence</b>	Existing Conditions	Appendix 3
<b>Responsible Authorities</b>		
Planning Authority	Objection	Appendix 4
Environmental Control	Objection	Appendix 5
<b>Interested Parties</b>		
Local Resident	Letter of Objection	Appendix 6

## Existing Premises Licence

The existing licence provides for:-

### Supply of alcohol:

- Mondays to Sundays – 11.00 to 23.30

Non-standard times for the supply of alcohol: From 10.00 New Year's Eve until 23.00 New Year's Day.

### Facilities for Making Music:

- Mondays to Sundays – 18.00 to 23.30

### Late Night Refreshment:

- Mondays to Sundays – 23.00 to 23.30

### Hours the premises are open to the public:

- Mondays to Sundays – 11.00 to 23.30

## Variation of the Licence

**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:**

- Mondays to Sundays – 12.00 to 01.00

### Late Night Refreshment:

- Mondays to Sundays – 23.00 to 01.00

### Supply of alcohol:

- Mondays to Sundays – 11.00 to 01.00

### Hours the premises are open to the public:

- Mondays to Sundays – 11.00 to 01.30

### To remove the following licence conditions:

Annex 4 – Conditions consistent with the Operating Schedule:

- 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.
- Any loud speaker 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 outcome.
- 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.

General – All Objectives

- 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.

## **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 comprehensive list of best practice.**
- ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour**
- 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) whether 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;**
- (viii) 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 of 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.**

Representations have been received in regard to this licensing objective from a local resident and also the Council’s Planning Authority and its Environmental Control Team.

The Planning Authority strongly objects to this application to vary the premises licence on the grounds that the additional three hours of opening are unacceptable in the premises’ quiet setting and therefore will be a public nuisance.

Environmental Control has objected on the grounds that while they acknowledge they have not received any complaints about the existing operation of the premises, they believe that if the existing conditions are removed, the character of the premises will change and lead to potential noise problems.

The local resident’s letter of objection refers to the public nuisance the proposed changes could cause and believes that the proposed changes will cause a public nuisance and will detract from the living conditions that he and his family currently enjoy, by their having to endure noise until 01.00am.

## **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 this 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 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.

## **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.



[Insert name and address of relevant licensing authority and its reference number (optional)]

COLCHESTER BOROUGH COUNCIL  
 PO BOX 889  
 TOWN HALL  
 COLCHESTER CO1 1FL

**Application to Vary a Premises Licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

(1) ~~W~~ (2) RUNNING STREAM *H Zhor*

(1) Delete as applicable.  
 (2) Insert name(s) of applicant(s).

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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> BANQUET 1408 342 LONDON ROAD STANWAY	
<b>Post town</b> COLCHESTER	<b>Post code</b> CO3 8LT

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

**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	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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**Please describe briefly the nature of the proposed variation (Please read guidance note 1)**

TO ADD LICENSABLE ACTIVITIES OF LIVE MUSIC, RECORDED MUSIC AND SIMILAR ENTERTAINMENT, FACILITIES FOR DANCING, MAKING MUSIC AND SIMILAR ENTERTAINMENT AND LATE NIGHT REFRESHMENT, AND TO EXTEND THE TIME FOR ALL LICENSABLE ACTIVITIES TO 1AM AND TO REMOVE SOME EXISTING CONDITIONS.

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)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**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)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

<input checked="" type="checkbox"/>
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**Sale by retail of alcohol** (if ticking yes, fill in box M)

<input checked="" type="checkbox"/>
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**In all cases complete boxes N, O and P**

# A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<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)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# B

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

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri			
Sat			
Sun			

# D

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

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<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)</b>	Indoors	X
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>		
Mon	12.00	01.00	SOLO-ARTISTS, DUETS, ETC, FOR THEME NIGHTS		
Tue	12.00	01.00			
Wed	12.00	01.00	<b>State any seasonal variations for the performance of live music (please read guidance note 4)</b>		
Thur	12.00	01.00			
Fri	12.00	01.00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	12.00	01.00			
Sun	12.00	01.00			

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<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)</b>	Indoors	X
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>		
Mon	12.00	01.00			
Tue	12.00	01.00			
Wed	12.00	01.00	<b>State any seasonal variations for the playing of recorded music (please read guidance note 4)</b>		
Thur	12.00	01.00			
Fri	12.00	01.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	12.00	01.00			
Sun	12.00	01.00			

# 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	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri						
Sat						
Sun			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			

# 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 KARAOKE				
			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors	x	
					Outdoors		
Day	Start	Finish	Please give further details here (please read guidance note 3)				
Mon	12.00	01.00	KARAOKE				
Tue	12.00?	01.00					
Wed	12.00	01.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)				
Thur	12.00	01.00					
Fri	12.00	01.00					
Sat	12.00	01.00					
Sun	12.00	01.00	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 to those listed in the column on the left, please list (please read guidance note 5)				

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)			KARAOKE	
			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon	12.00	01.00	Please give further details here (please read guidance note 3) KARAOKE	
Tue	12.00	01.00		
Wed	12.00	01.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	12.00	01.00		
Fri	12.00	01.00	Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12.00	01.00		
Sun	12.00	01.00		

**J**

Provision of facilities for dancing			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	
Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing CUSTOMERS DANCING TO MUSIC IN FUNCTION ROOM AND IN RESTAURANT ON THEMED NIGHTS	
Day	Start	Finish		
Mon	12.00	01.00	Please give further details here (please read guidance note 3)	
Tue	12.00	01.00		
Wed	12.00	01.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	12.00	01.00		
Fri	12.00	01.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12.00	01.00		
Sun	12.00	01.00		

# K

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							
Standard days and timings (please read guidance note 6)			KARAOKE							
			<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>		Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>									
Outdoors	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)							
Mon	12.00	01.00	Please give further details here (please read guidance note 3)							
Tue	12.00	01.00								
Wed	12.00	01.00								
Thur	12.00	01.00								
Fri	12.00	01.00								
Sat	12.00	01.00								
Sun	12.00	01.00								
			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)							
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)							

# L

Late night refreshment			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)							
Standard days and timings (please read guidance note 6)			<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>		Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>									
Outdoors	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)							
Tue	23.00	01.00								
Wed	23.00	01.00								
Thur	23.00	01.00								
Fri	23.00	01.00								
Sat	23.00	01.00								
Sun	23.00	01.00								
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)							



# M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box <input checked="" type="checkbox"/> ) (please read guidance note 7)		On the premises <input checked="" type="checkbox"/>			
					Off the premises <input type="checkbox"/>			
					Both <input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	11.00	01.00						
Tue	11.00	01.00						
Wed	11.00	01.00						
Thur	11.00	01.00						
Fri	11.00	01.00						
Sat	11.00	01.00						
Sun	11.00	01.00						
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

# 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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	01.30	
Tue	11.00	01.30	
Wed	11.00	01.30	
Thur	11.00	01.30	
Fri	11.00	01.30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	11.00	01.30	
Sun	11.00	01.30	

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

ANNEX 4 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

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.

Any loud speaker 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 outcome.

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.

GENERAL - ALL OBJECTIVES

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.

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 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**

(c) **Public safety**

(d) **The prevention of public nuisance**

(e) **The protection of children from harm**

- 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

X
X
X
X
X

**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

Date

Capacity SOLICITOR

**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

1/5/08

Capacity

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

ELLISONS SOLICITORS  
HEADGATE COURT, HEAD STREET  
COLCHESTER  
ESSEX

Post town ESSEX

Post code CO1 1NP

Telephone number (if any) 01206 764477

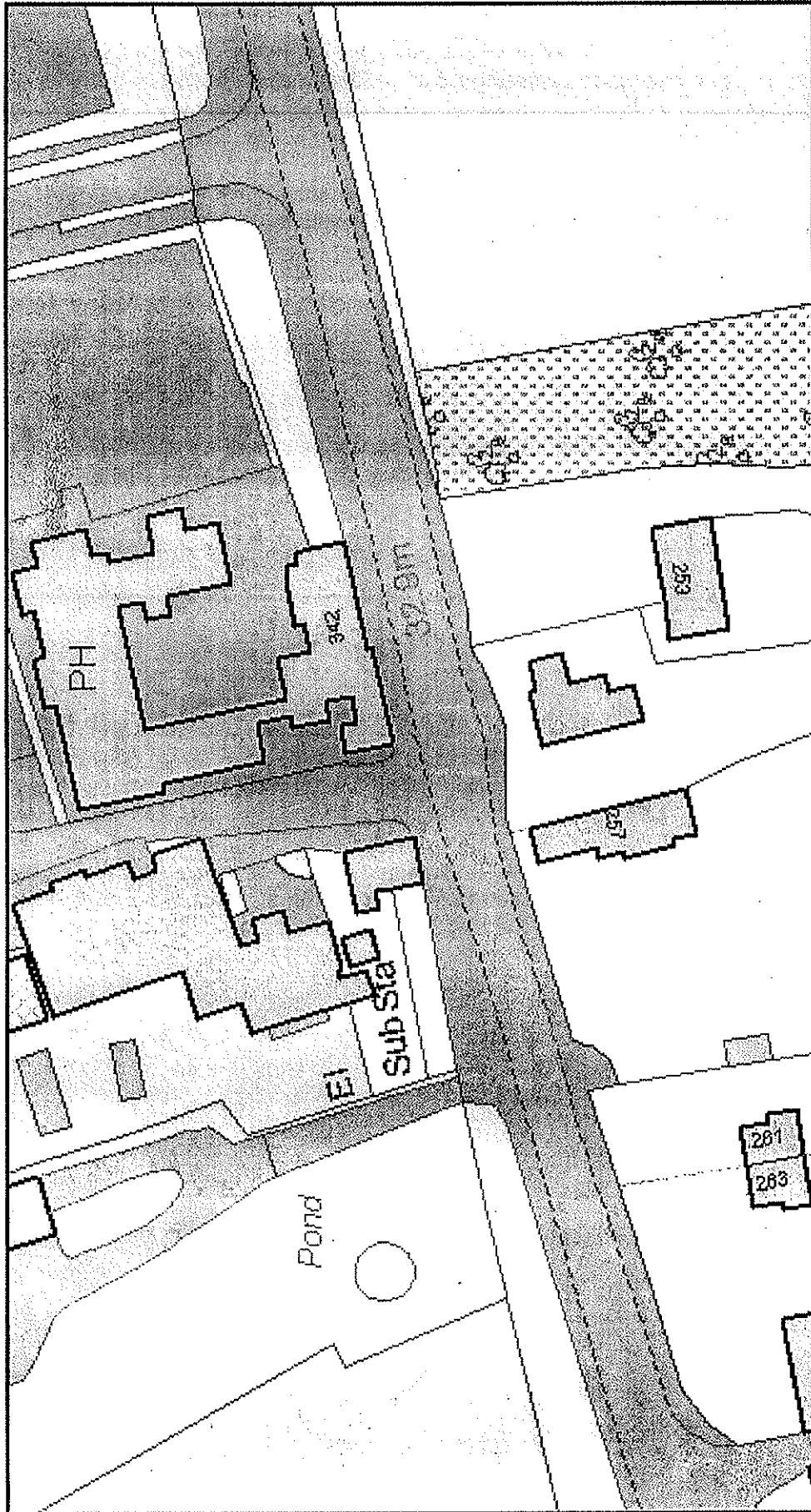
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Premises Location Plan



Licence Application Reference: 017686  
 Premises Name & Address: Banquet 1408 342 London Road Stanway Colchester  
 Date Produced: 18 June 2008

MAP NOT TO SCALE

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**Annex 1 – Mandatory Conditions**

**Alcohol**

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.

2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.

3. Every sale/supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

**Door Supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out a security activity, they must be licensed by the Security Industry Authority

## **Annex 4 – Conditions Consistent with the Operating Schedule**

### **Conditions Agreed with Responsible Authorities**

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.

Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

No off sales of alcohol from the premises, with the exception of the takeaway area, designated on the plan, where off sales may take place, but only when takeaway food is purchased i.e. bottle of wine.

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.

All windows and doors to private rooms must be kept closed other than for access and egress whilst events involving amplified sound are taking place.

The doors/windows at private rooms shall be fitted with acoustic glazing in order to improve the sound attenuation of the premises.

Any loud speaker 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 outcome.

Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut. 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.

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.

**General - all objectives**

When alcoholic 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.

Substantial food shall be available at all times the premises are open to the public.

When alcoholic refreshment is sold for consumption off the premises it will be sold to people purchasing food at the same time.

**Prevention of Crime & Disorder**

Alcoholic refreshment will not be sold to anyone under the age of 18.

**Public Safety**

Management will regularly inspect all electrical and fire appliances.

All appropriate Health and Safety certificates will be obtained for the operation of the kitchen and restaurant.

**Prevention of Public Nuisance**

Best practice will be followed in the relation to the extraction of cooking smells etc.

**Protection of Children**

Alcoholic refreshment will not be sold to anyone under the age of 18. Strict proof of identity will be required.

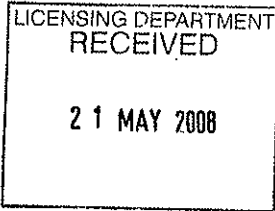
No adult entertainment will take place on the premises.





Colchester

Ellisons  
Headgate Court  
Head Street  
Colchester CO1 1NP



### Colchester Borough Council

PO Box 889, Town Hall, Colchester CO1 1FL  
Telephone (01206) 282222 DX 729040 Colchester 15  
Minicom (Textphone) (01206) 282266

### Planning and Protection

Contact Mark Russell

Phone (01206) 506941 Fax (01206) 282598

E-mail mark.russell@colchester.gov.uk

Your ref LEB/jcc/RUN6-1

Our ref MR/DC1

Date 20<sup>th</sup> May 2008

Dear Sirs

### Licensing Act 2003

**Application for an existing licence to be converted and/or varied  
(Banquet 1408, 342 London Road, Stanway, Colchester CO3 8LT)**

I write to thank you for your letter dated 15<sup>th</sup> May and received 19<sup>th</sup> May 2008, regarding the above matter, seeking my comments on the planning implications of the proposal. Having considered your application I can advise you that the Local Planning Authority wishes to make the following representations:-

- Permission for change of use to restaurant was granted on 7<sup>th</sup> September 2005 under application reference C/COL/05/1240. Condition 02 restricted opening times to customers to 11am – 10:30pm. The applicant then proposed licensed opening hours until 11:30pm, which despite an objection from the Local Planning Authority, was granted. The new proposed times of opening, until 01:30 which is some **three hours** later than the permitted hours is totally unacceptable in this quiet setting, and the Local Planning Authority **STRONGLY OBJECTS** to this proposal on the grounds of public nuisance.

You are advised that a copy of this letter has been forwarded to the Borough Council's Licensing section for their information

Yours Sincerely

Mark Russell  
**Planning Officer**

cc Licensing Manager, Colchester Borough Council

A member of

**Colchester2020**

Local  
Strategic  
Partnership



2003-2004  
Tackling Homelessness

2001-2002  
Maintaining a Quality  
Environment



2007-2008  
Emergency Planning



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## Consultation Response

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**Environmental Control Officer:** David Martin

**Licensing Reference No:** 017686

**Ward:** Copford & West Stanway

**Location:** Banquet 1408 342 London Road, Stanway, Colchester, CO3 8LT

**Details:** Application to Vary Premises Licence

**Scheduled Response Date:**

---

**Environmental Control's Comments: -**

*The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective*

Environmental Control would recommend refusal to vary the Premises Licence.

It is true that we have not received any complaints about this business. However removal of these conditions would, I believe, change the character of the business and lead to potential noise problems.

**Signed:** David Martin  
Environmental Control Officer

**Date:** 05/06/2008

**Stephen Swain**

---

**From:**  
**Sent:** 16 June 2008 20:33  
**To:** Stephen Swain  
**Subject:** Fw: Premises Licence Application: Banquet 1408

----- Forwarded Message -----

**From:**  
**To:** stephen.swain@colchester.gov.uk  
**Sent:** Sunday, 15 June, 2008 10:22:10 PM  
**Subject:** Premises Licence Application: Banquet 1408

I refer to our recent telephone conversation and set out my objections below.

I understand Banquet 1408 is a Chinese restaurant which sells food and drink on the premises only.

Since it opened we have noticed:

- cooking smells emanating from the restaurant
- people congregating outside the premises late in the evening to smoke
- cars exiting the premises through the the service road
- Noise at specific times of celebration (eg Chines New Year when Bands are playing on the road)

The current application seeks to allow the construction of a karaoke room in the restaurant which will :

- Increase the number of cars exiting through a service road
- increase the number of people standing on the road outside the premises who are leaving the building to smoke (there is no public footpath)
- Increase the number of people visiting the premises as there is now no restriction on the number of people to be seated
- Change the ethos of the premises, so that many more people will attend just for a drink (there is a pub next door)

As I believe the restaurant has failed to comply with the terms of the existing arrangements, I can only see that the quality of my life will be badly affected by approving this application and I will be seeking a reduction in my council tax.

My wife works for the council  
 should be noted.

and therefore her interest

It is my contention that if the changes are allowed they will be a public nuisance and detract from the living conditions we currently enjoy- my children (bedroom visible from the restaurant ) will have to endure noise until 1 am, additional car volumes will exit almost directly opposite my house. Additional numbers of people will be congregating on the road to smoke and cause disruption when exiting the premises. udeleadcars mplocon sareaaht if the

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