

Licensing Sub- Committee Hearings

**Grand Jury Room, Town Hall
19 November 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 or from Democratic Services.

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

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
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.

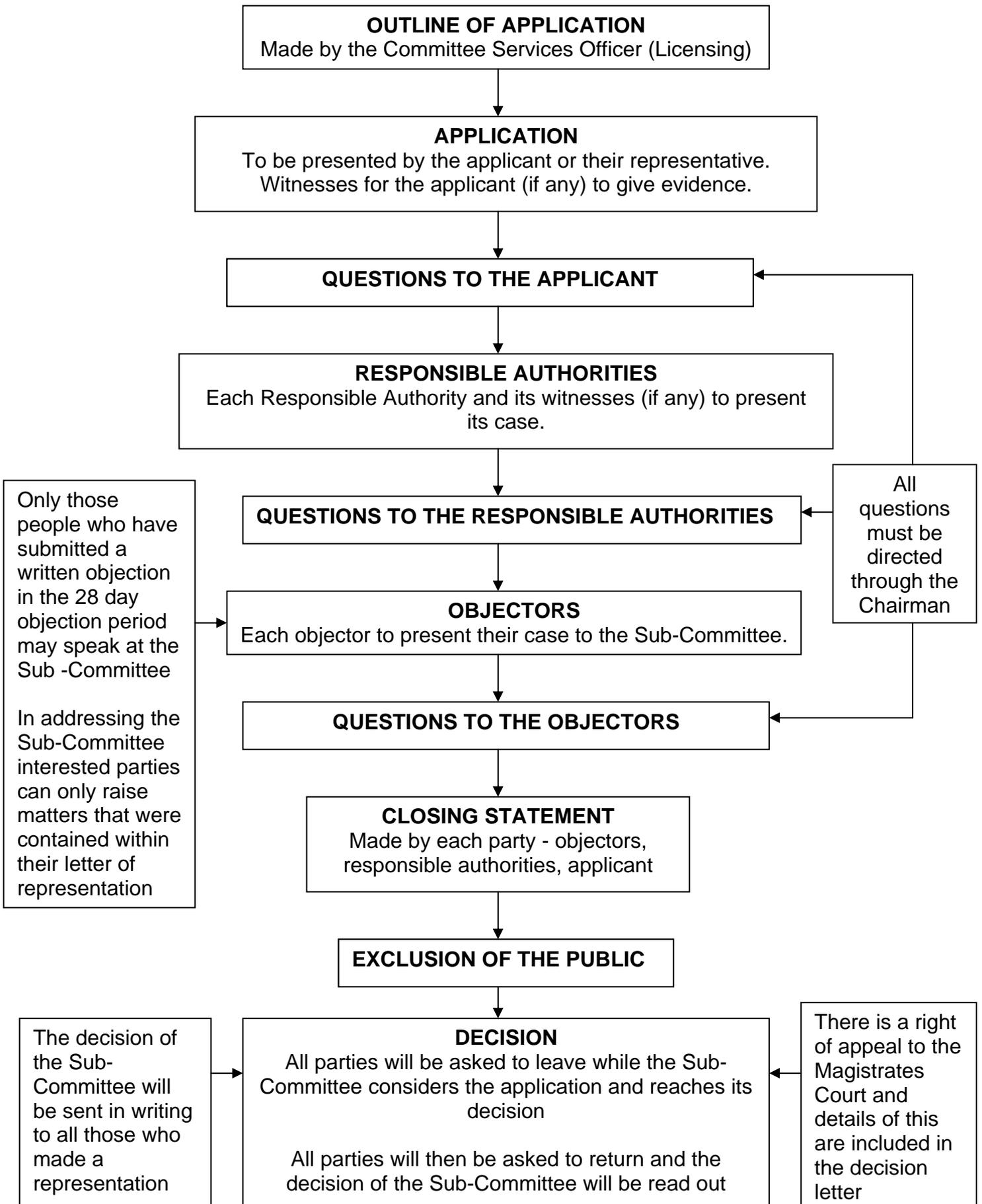
(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

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
19 November 2010 at 10:00am**

Members

Councillors Barrie Cook, Nick Cope and Michael Lilley.
(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. Temporary Event Notice - Licensing Act 2003

1 - 18

Fashion Café Bar
2 St Botolph's Street
Colchester
Essex
CO2 7DX

Licensing Committee – 19 November 2010	Agenda Item
Applications for Temporary Event Notice Fashion Café	FOR GENERAL RELEASE

Premises	Mr Adem Aykut Fashion Cafe 2 St Botolphs Street Colchester	Ward: Castle Ward Stress Area: Yes Flare Ref: Author: Simon Harvey
Application	Application for a Temporary Event Notices to permit the sale of alcohol and regulated entertainment which will include live and recorded music.	Appendix 1
Street Plan		Appendix 2
Existing Conditions	Not Applicable to a Temporary Event Notice	
Responsible Authorities	Essex Police Objection	Appendix 3
Interested Parties	Not Applicable to a Temporary Event Notice	
Local Residents	Not Applicable to a Temporary Event Notice	

Application for a Temporary Event Notice
<p>To permit:-</p> <ul style="list-style-type: none"> - The supply of alcohol on the premises for the following hours- <ul style="list-style-type: none"> - Saturday 20 November 2010 - 03.00 to 04.30 (a.m.) - Sunday 21 November 2010 - 03.00 to 04.30 (a.m.) - and - Provision of regulated entertainment to include Live & Recorded Music as follows- <ul style="list-style-type: none"> - Saturday 20 November 2010 - 03.00 to 04.30 (a.m.) - Sunday 21 November 2010 - 03.00 to 04.30 (a.m.)

Existing Premises Licence

Not Applicable

Policy Guidelines – Temporary Event Notice – Fashion Café

Colchester Borough Council’s Statement of Licensing Policy

Policy in relation to Temporary Event Notices

Paragraph 5.17 of Colchester Borough Council’s statement of Licensing Policy advises that:

Certain temporary events are not required to be licensed, but can still be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, they can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder. Appendix 17 provides details regarding the application process and timescales for the submission of Temporary Event Notices. Temporary Event Notices can be augmented by the use of Essex Police’s promotion/event risk assessment form which can be supplied to them by Essex Police or by the Licensing Authority. The form can be viewed as appendix 19 to this policy.

‘Temporary Event Notice’ means a notice of intention to conduct a permitted temporary activity involving one or more Licensable Activities subject to the following various limitations:-

- duration – they are limited to events lasting for up to 96 hours (or 4 days).
- scale - more than 499 people cannot be present at any one time.
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, and are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- the number of notices given by an individual within a set period of time. A Personal Licence holder is limited to 50 notices in one year and any other person to five notices in one year. In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved.

Policy advice on Temporary Event Notices

Appendix 17

Temporary Event Notices

The Licensing Act 2003 allows for the putting on of small scale events without the need to hold a premises licence and which is defined in the act as being an event for less than 500 people and lasting for no longer than 96 hours (4 days) duration in total.

There is a difference between the number of temporary events that the holder of a personal licence can put on, as opposed to the number of events that a non-personal licence holder can put on.

A personal licence holder can put on a maximum number of 50 events per year, whereas non-personal licence holders may only put on a maximum of 5 per year.

In each case, the maximum aggregate duration of the periods covered by a temporary event notice at any individual premises is 15 days and the maximum number of times that a premises can be used to hold a temporary event is 12, regardless of whether the events are being put on by a personal licence holder or non-personal licence holder.

If any more than 12 events per year are required, applicants are strongly recommended by the Licensing Authority to apply for a full premises licence or club premises certificate.

Applications can be made giving a minimum of at least 10 working days to the Licensing Authority and the Police and in accordance with Section 193 of the Licensing Act 2003. A working day is defined as “any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales” and “ten working days notice” means ten working days exclusive of the day on which the event is to start.

However, in practice the Licensing Authority strongly recommends that a much longer notice period than 10 days is given and would recommend a minimum notice period of no fewer than 30 working days and a maximum of not more than 120 working days. Too little notice does not give a reasonable amount of time to consider the application, whilst notice given too far in advance could mean that the circumstances surrounding the event may change considerably in the intervening period.

This recommendation is made by the Licensing Authority in order that proper discussion can take place between the applicant and the Police, on how the event proposed will meet the licensing objectives of the prevention of crime and disorder.

Only the Police may object to an application for a temporary event notice however and may only do so on grounds of the prevention of crime and disorder. It is only on these grounds that the licensing authority may refuse such an application, after having first received representations from the Police that will satisfy the Licensing Authority that such a refusal is warranted.

The Licensing Authority, whilst not in any way wishing to fetter the discretion of either the applicant or the Police in this matter, would suggest however that any applicant not giving the Police sufficient notice of an event, and therefore sufficient time to consider the crime and disorder implications of holding such an event, may well leave the Police with little option other than to raise an automatic objection to such an application with the Licensing Authority, thereby triggering the need for a hearing which could have been avoided if a reasonable notice period had been given.

The Licensing Act 2003 (section 161) gives the Police powers to close premises which are the subject of temporary events notices where there is, or is likely to be, disorder on or in the vicinity of the premises or where a public nuisance is being caused by noise coming from the premises.

It should also be noted that, in certain circumstances where the application is in breach

of part 5 of the Licensing Act 2003, the Licensing Authority will issue a counter notice to the applicant.

The Licensing Authority fully acknowledges that the use of temporary event notices are of great benefit to many charities, community and voluntary groups such as schools, churches and hospital, when staging either indoor or outdoor fund raising events. However, it must be understood by applicants that the grant of a temporary event notice does not circumvent any requirements under planning law for appropriate planning permission where it is required; neither does it relieve the applicant of any need to comply with all relevant health and safety or noise nuisance legislation.

Nevertheless, the Licensing Authority also acknowledges that the concept of the temporary event notice supposes a less regulatory approach to temporary activities and a lighter touch regime to administer them. It will therefore strive to keep arrangements for temporary events manageable and user-friendly for such charitable, community or voluntary groups.

In doing so it recommends all applicants applying for Temporary Event Notices to be aware of and have full regard to the advice given in the following publications:

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999 (“*The Purple Book*”) ISBN 0 7176 2453 6

Managing Crowds Safety – (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

The Guide to Safety at Sports Grounds (The Stationary Office 1997) (“*The Green Guide*”) ISBN 11 300095 2

**Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances – Published by the Independent Street Arts Network, copies of which can be obtained through:
www.streetartsnetwork.org.uk/pages/publications.htm**

This recommended list is by no means exhaustive or comprehensive in terms of health and safety requirements and an applicant should always seek the relevant professional advice relating to the type and nature of event that is being held.

Relevant Information from the Licensing Act 2003 in relation to TEN’s

The following information is taken from the Licensing Act 2003 for the advice of the Licensing Sub Committee, the applicant and Essex Police and details the relevant paragraphs of the Licensing Act 2003 that deals with the mechanism for objections, the licensing hearing and the giving of a counter notice by the Licensing Authority if it considers it necessary for the promotion of the crime

Section 104 - Objection to notice by the police

(1)The premises user must give a copy of any temporary event notice to the relevant chief officer of police no later than ten working days before the day on which the event period specified in the notice begins.

(2)Where a chief officer of police who receives a copy notice under subsection (1) is

satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an “objection notice”)—

(a) to the relevant licensing authority, and

(b) to the premises user.

(3) The objection notice must be given no later than two working days after the chief officer of police is given a copy of the temporary event notice under subsection (1).

(4) Subsection (2) does not apply at any time after the relevant chief officer of police has received a copy of a counter notice under section 107 in respect of the temporary event notice.

(5) In this section “relevant chief officer of police” means—

(a) where the premises are situated in one police area, the chief officer of police for that area, and

(b) where the premises are situated in two or more police areas, the chief officer of police for each of those areas.

Section 105 - Counter notice following police objection

(1) This section applies where an objection notice is given in respect of a temporary event notice.

(2) The relevant licensing authority must—

(a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objective to do so.

(3) The relevant licensing authority must—

(a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and

(b) in any other case—

(i) give the premises user the counter notice and a notice stating the reasons for its decision, and

(ii) give the relevant chief officer of police a copy of both of those notices.

(4) A decision must be made under subsection (2)(b), and the requirements of subsection (3) must be met, at least 24 hours before the beginning of the event period specified in the temporary event notice.

(5) Where the premises are situated in the area of more than one licensing authority,

the functions conferred on the relevant licensing authority by this section must be exercised by those authorities jointly.

(6) This section does not apply—

(a) if the objection notice has been withdrawn (whether by virtue of section 106 or otherwise), or

(b) if the premises user has been given a counter notice under section 107.

(7) In this section “objection notice” and “relevant chief officer of police” have the same meaning as in section 104.

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.**

Background information on TEN application and objection from Essex Police

Mr Adem Aykut has submitted through his Solicitor Mr Richard Porter of Thompson Smith and Puxon a Temporary Event Notice to extend his opening hours on Saturday the 20 November 2010 from 03.00 to 04.30 (a.m.) and Sunday the 21 November 2010 from 0300 to 04.30 (a.m.) to allow the sale of alcohol and the provision of regulated entertainment (which includes live and recorded music).

There has been an objection from Essex Police that if granted, the application submitted for this Temporary Event Notices will undermine the Crime Prevention Objective.

Writing on behalf of Essex Police, Inspector Butcher has objected to the TEN on the grounds that granting the event is likely to exacerbate existing high levels of alcohol related crime and disorder in the stress area of the town and impact on the Priory Streets residents quality of life.

Inspector Butcher adds that crime and disorder in Colchester town centre is likely to increase by temporarily extending the operating hours of the Fashion Café under this Temporary Event Notice and also that the event will be in the stress area where there is high concentration of licensed premises, bars and clubs and seven late night take away establishments and it is likely to have a significant potential impact on the promotion of the crime and disorder licensing objective.

Appendix 18

Crime Prevention and Effective Management Checklist

<input type="checkbox"/>	Links to Health and Safety Policy and legislation:	
	1. Is there a written Health and Safety Policy for the premises?	
	2. Is there a written Risk Assessment?	
	3. When was it carried out?	
<input type="checkbox"/>	Incident Logs – Crime & Disorder incidents to be recorded	
<input type="checkbox"/>	Mapping scheme, mark location incidents within premises	
	1. Is there an incident log in operation?	
	2. Is the incident log available for inspection?	
	3. Within your premises, where are your crime hotspots?	
<input type="checkbox"/>	Staff Training – training to resolve identified risks	
	1. Are all staff trained to recognise aggressive or suspicious behaviour?	
	2. Are all staff requested to approach customers about unattended property/drinks?	
	3. On busy nights are staff employed to warn customers about leaving property unattended?	
	4. Do door Supervisors attend staff training days?	
	5. Is there a record of staff training?	
	6. Do staff sign a training attendance record?	
	7. Who is responsible for company policy on staff training?	
	8. Where food premises are involved – are staff trained to the appropriate standard to handle food?	
<input type="checkbox"/>	Staffing Levels	
	1. What are your minimum and maximum staffing levels?	
	2. How are they decided?	
<input type="checkbox"/>	Design of Premises – implement recommendations of Crime Reduction Officer	

1. How many points of entry are there?		
2. Are the entry points monitored?		
3. Is there a Police response alarm?		
4. Do staff carry panic buttons?		
5. Is there a panic button in the cash office?		
6. How is capacity monitored?		
7. Are the tills positioned so staff face customers?		
8. Is cash stored at the premises?		
9. Is there a cloakroom?		
10. Does the cloakroom offer free hand luggage storage?		
11. Is the cloakroom facility advertised?		
12. Can the toilets be monitored easily?		
13. Are cupboards and drawers within the toilet kept locked?		
14. Are the cisterns boxed in and secure?		
15. Are there any flat surfaces?		
16. Do toilet cubicle doors have a gap at top and bottom?		
Managing the effects on the local environment		
1. Is glass prevented from being taken outside the premises?		
2. Are noise levels within acceptable limits?		
3. Are steps taken to ensure that pedestrians and vehicles are not affected?		
4. Are steps taken to ensure that no rubbish is left on the street?		
5. Is CCTV correctly used?		
6. Are staffing levels adequate to monitor outside drinking?		
7. What links do you have with local residents?		
8. What steps are taken to minimise disruption when people leave?		
Commercial Policies – i.e., happy hours		
1. The incident log may show the policy is cause for crime and disorder.		
Positive Victim Care – support for witnesses and appropriate complaint procedure		
1. Is there a Positive Victim Care Policy?		
CCTV		
1. Has the venue got CCTV?		
2. Do high-resolution cameras cover all entry/exit doors?		
3. Does CCTV cover the cash office door?		
4. Is there a written operational requirement for the CCTV?		
5. Where is the CCTV video recorder stored and is it in a secure place?		
6. Which members of staff have access to it?		
7. Are the videotapes/discs secured in a secure place?		
8. Is there a record of CCTV maintenance?		
9. Is there a record of tape/disc changes?		
10. How many tapes/discs do they use?		
11. How often are they renewed?		
12. Does the CCTV cover external area?		
13. Has the CCTV system a dedicated operator?		
14. Is the system operated in accordance with the Data Protection Act? (Registered with Data Protection Registrar)		
Also refer to the guidance on the recommended minimum requirements for CCTV Colchester		
Access Control		
1. Who is responsible for supervising security staff?		
2. Is there a writing access policy?		
3. Is the queue supervised outside the venue?		
4. Is the queue supervised at the cloakroom?		
5. Is a record kept of door staff working on each day?		
6. Are personal details of security staff kept?		
Crime Prevention		
1. Is crime prevention literature displayed?		
2. Is there a company policy regarding the display of crime prevention material?		

3. Who is in charge of the policy?
4. What crime prevention initiatives are in place?

Outside Eating and Drinking

1. Does the venue allow outside drinking?
2. Has the venue got a CBC 'tables and chairs' licence?
3. How are customers supervised outside?
4. Is crime prevention literature displayed?
5. Have any crime prevention measures been implemented outside?
6. How are risks assessed regarding passing pedestrians and traffic?
7. Are members of staff trained to supervise those outside?
8. How are numbers of persons outside controlled? (Capacity)

Drugs and Weapons

1. Does the premises have a search policy?
2. Are notices prominently displayed explaining the policy?
3. Do security staff patrol inside the premises?
4. Are staff trained in identifying problems within the venue?
5. Are efforts made for close supervision of toilets and poorly lit areas?
6. Are Police informed of seizures?
7. Are seizures correctly documented?
8. Has the premises been supplied with self-sealed property bags and plastic weapon containers?
9. Are doorstaff trained in how to deal with weapons/firearms?
10. Do management/staff keep written notebooks for 'original notes'?
11. Has the venue provided search arch and/or search wands?
12. Are door staff registered?
13. Does the venue provide local Police with details of events involving outside promoters (one month notice)?
14. Does the premises enter into contractual agreements with outside promoters?
15. Are Police contacted before such agreements are signed?

Admission of Children

1. Are door supervisors trained and empowered to deal with underage drinking?
2. Have robust systems been put in place to monitor and control the access of young people?
3. Is there a policy statement to deal with underage access, which includes reference to the use of approved 'Proof of Age' schemes that include photo identity cards, such as the PASS scheme?
4. Is the policy on checking of age clearly displayed?

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.

Appendix 1

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

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. YOUR NAME	
Title	(delete as appropriate) Mr Other (please state)
Surname	Adem
Forenames	Aykut
2. PREVIOUS NAMES (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	(delete as appropriate) Mr Mrs Miss Ms Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. YOUR CURRENT ADDRESS (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Fashion Café 2 St Botolphs Street	
Post town Colchester	Post code CO2 7DX
7. OTHER CONTACT DETAILS	
TELEPHONE NUMBERS	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (optional)	

8. ALTERNATIVE ADDRESS FOR CORRESPONDENCE (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. ALTERNATIVE CONTACT DETAILS (IF APPLICABLE)	
TELEPHONE NUMBERS	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (optional)	

2. The premises
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)
Fashion Café 2 St Botolphs Street Colchester CO2 7DX
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)
Please describe the nature of the premises below. (Please read note 4)
Public House
Please describe the nature of the event below. (Please read note 5)
Late Opening Friday/Saturday night

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	X	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment	X	
The provision of late night refreshment		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)		
20 th and 21 st of November 2010		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)		
03.00am to 04.30am on both days (also includes 30 minutes drinking up time.)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	350	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	X
	Off the premises only	
	Both	

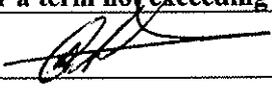
4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes X	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Colchester Borough Council	
Licence number	4174	
Date of issue	24/11/2005	
Date of expiry	23/11/2015	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	X
Send a copy of this notice to the chief officer of police for the area in which the premises are located	X
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	X
Sign the declaration in Section 9 below	X

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)			
The information contained in this form is correct to the best of my knowledge and belief.			
I understand that it is an offence:			
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and			
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.			
SIGNATURE		DATE	04/11/10
Name of Person signing	Aykut Adem		

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)			
I acknowledge receipt of this temporary event notice.			
SIGNATURE	On behalf of the Licensing Authority	DATE	
Name of Officer Signing			

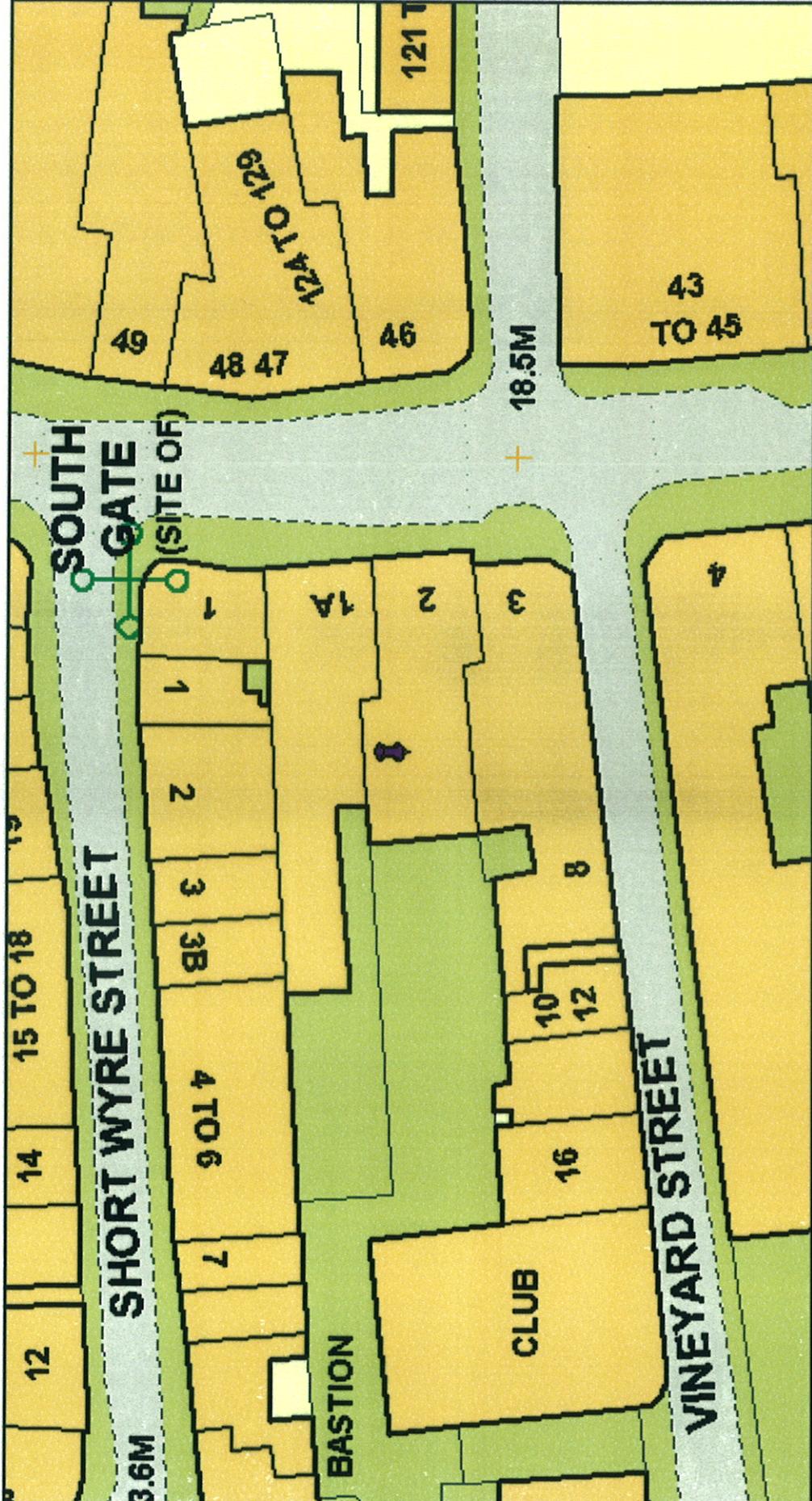
NOTES

General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);

Premises Location Plan



Licence Application Reference: 004330
 Premises Name & Address: Fashion Cafe Bar 2 St. Botolphs Street Colchester
 Date Produced: 16 November 2010

MAP NOT TO SCALE

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Mr Aykut Adem
 Fashion Café
 St Botolphs Street
 Colchester
 Essex

Insp P Butcher
 Police station
 Southway
 Colchester
 Essex
 C03 3BU

Dear Mr Adem

Re – Fashion Café, 2, St Botolph's Street, Colchester CO2 7DX - Application for Temporary Event Notice for 20th and 21st November 2010 03.00 to 04.30 on both days.

The Fashion Café, 2, St Botolph's Street, Colchester, is located in the identified stress area of Colchester Borough Council's Special Cumulative Impact Policy, in the 'Statement of Licensing Policy' relating to the cumulative impact of a concentration of Licensed Premises in Queen Street/St Botolph's Street area, and comes within the designated mapped area in the Policy at 3.95.

Granting this application to Fashion Café until 4.30am is likely to exacerbate existing high levels of alcohol related Crime and Disorder, anti-social behaviour, and Public Nuisance in the stress area of town and impact on the Priory street resident's quality of life.

Crime and Disorder and Public Nuisance, in Colchester town centre, is likely to increase, by temporarily extending hours to Fashion cafe, in the stress area, where there **is a high concentration of Licensed Premises, bars and clubs, and seven Late Night takeaway Establishments.** This is likely to have a **significant potential impact on the promotion of the Licensing Objectives.**

The Government has introduced the Licensing Act 2003 to allow more flexible later opening hours in line with other European Countries. It is envisaged that this style of later licensing hours will produce a more natural dispersal of customers from Bars, and reduce some of the binge drinking and anti-social behaviour problems, stopping customers from binge drinking prior to the closure of Pubs and Clubs and it will see a marked improvement in the reduction of Crime, Disorder and Public Nuisance from alcohol abuse and misuse. This is not the case in the Queen Street/St Botolphs Street area in Colchester, where many alcohol related Crime and Disorder incidents occur over the Night Time economy periods, requiring Police attendance, some of these emanating from Fashion Café Bar.

Later opening at The Fashion Cafe until 430am on this Friday and Saturday nights, is likely to increase Alcohol related Crime, Disorder and Public Nuisance in the town centre to local residents and impact on Police resources, thereby undermining the promotion of the Crime Prevention Licensing Objective.

Essex Police oppose this application by Fashion Cafe on the grounds that it is likely to undermine the promotion of the Licensing Objectives as follows;

- It is likely to lead to an increase in problems associated with Crime and Public Disorder in St Botolph's Street/Queen Street, which will inter-alia be contrary to the statutory obligation under section 17 Crime and Disorder Act 1998 placed upon the Local Authority and Police to reduce Crime and Disorder in or around Licensed Premises and therefore would undermine the Promotion of the Crime Prevention Objective and Public Nuisance Objective.
- It will create an increase in noise nuisance, disorder and anti-social behaviour in the Queen Street and St Botolph's Street, which will exacerbate the existing disorder hot spots in the stress area, where customers are already exiting Clubs and Bars in the stress area, many heading to the seven late night Kebab Takeaways in the stress

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area, where there are existing problems, and this will have a significant effect on Police resources, taking Officers away from other sections of the Division.

Paul Butcher
Inspector 92
Colchester Central NPT

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