

Licensing Sub-Committee Item 6	16 December 2016
Yates, 1-3 High Street, Colchester	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a variation application of a premises licence under the Licensing Act 2003.
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1. Application

Applicant and Premises	
Application Type	Variation application Premises (ref M/ 090452)
Applicant	Yates 1-3 Head Street Colchester
Premises	Yates's
Premises Address	1-3 Head Street Colchester
Premises description	Bar
Ward	Ward: Castle

Proposed licensable activities and hours

Provision of films							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					03.00	03.00	
Seasonal variations							
Non-standard timings							

Performance of Live Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					03.00	03.00	
Seasonal variations							
Non-standard							

timings	
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Performance of Recorded Music							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					03.00	03.00	
Seasonal variations							
Non-standard timings							

Anything of a similar description							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					03.00	03.00	
Seasonal variations							
Non-standard timings							

Provision of late night refreshment							
Indoors/Outdoors or both			Indoors		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					23.00	23.00	
End					03.00	03.00	
Seasonal variations							
Non-standard timings							

Supply of alcohol							
On / Off the premises or both			On sales		Off sales	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start					10.00	10.00	
End					03.00	03.00	
Seasonal variations							
Non-standard timings							

2. Other changes

Proposed variation
<ul style="list-style-type: none"> To vary the layout of the premises in accordance with the plan at Appendix 2. To amend the following conditions (by the addition of the words marked in bold) <p>Annex 4 Condition 1 – Crime and Disorder - Where the premises open for the sale of alcohol until 02:00 or later there will be a minimum of 2 door supervisors on duty from 21:00 until close and the remaining number to be determined by risk assessment and at all other times by risk assessment in</p>

addition.

Annex 4 Condition 3 – Public Nuisance - 3. Windows and doors to be **kept** closed by 23:00 to reduce noise levels for regulated entertainment, **except for access and egress**.

Annex 4 Conditions 5 – Public Nuisance - 5. No bottles and glasses to be taken off the premises **except for consumption in any external area**.

Proposed additional conditions in the event that later hours are granted –

- The door supervision team will actively monitor patrons wishing to enter the venue and any deemed too intoxicated will be refused entry.
- On Fridays and Saturdays when the premises is open for the sale of alcohol until 03.00 hours, there shall be no new entry to the premises after 02.00 hours, save for customers who have temporarily left the premises eg to smoke.

3. Representations

Licensing Authority	Appendix 3a
Local Residents	Appendix 3b
Colchester Civic Society	Appendix 3c

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

Special Policy for Colchester's Old Town Zone

The application is in an area where the Council has adopted a special policy, known as the Old Town Zone Policy. This means that in the area in which the premises is situated, there is evidence of problems associated with operation of licensed premises and the promotion of the licensing objectives is being undermined. Regard must therefore be given to Section 9 of the Policy.

Departures from Policy

2.17 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the standards expected in order to ensure the promotion of the licensing objectives. The Licensing Authority may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. However, it is expected that any such departure would only be in exceptional circumstances.

9.11 Exceptional circumstances will not include the quality of management or size of venue.

3.24 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

5. Background Information

Information relevant to the licensing and/or operation of the premises

In Section M on the application form attached at Appendix 1 the applicants have outlined their assessment of how the application sits in relation to the Council's Policy.

6. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Premises plans and location plan
Appendix 3	Responsible authorities/other bodies representations and supporting documentation
Appendix 4	Premises Licence

Report Author

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