

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

10 September 2015

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 10 September 2015 at 10.00am in the Grand Jury Room, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Harris
Councillor Lilley
Councillor Martin

1. Membership

RESOLVED that Councillor Lilley be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

RESOLVED that the minutes of the meetings held on 10 April and 10 July were approved as a correct record.

4. Licensing Application

The Head of Professional Services submitted a report in respect of the following application which had been made in accordance with the provisions of the Licensing Act 2003, for a new premises licence for -

- Boadicea's Bar & Restaurant, King Edward Quay, Colchester

In Attendance

Mr L Broome
Mr J Campbell-Broome

Mr D Martin, Environmental Protection

Mrs S Harrington, Planning & Licensing Manager
Mrs A Ozono, Legal Services
Mrs White, Licensing & Committee Co-Ordinator

Ms Harrington outlined the application and informed the Sub-Committee that the objections had been received to the application from Essex Police, the Licensing Authority and Environmental Protection. The representations by the Police and Licensing Authority had been resolved following a reduction in hours and the addition of conditions but the

representation from Environmental Protection was unresolved and therefore required the Sub-Committee's determination.

Mr Broome addressed the Sub-Committee on the application and the proposed nature of the bar and restaurant. It was intended that the premises should appeal to the entire community and not just the students who would be resident in the accommodation above the premises. The company had an interest in the entire building and as a result they had a vested interest in ensuring that any disturbance from the premises was kept to a minimum. As part of the planning process there had been an extensive acoustic assessment of the area and the building had been designed and constructed with acoustic measures in place which they believed would limit the escape of noise. There would be no outside activities beyond 23.00 and the outside spaces would be closed off and monitored by security staff. If noise was an issue Mr Broome explained that they would modify their operating arrangements to deal with the problem. They hoped to encourage those in the area to use the premises and therefore reduce the migration into town which could also be the cause of noise and nuisance to other residents.

Mr Martin addressed the Sub-Committee on the representation made by Environmental Protection. He explained that in particular its concerns centred on the use of the outside area. There was another bar in the area which had been the source of long running noise complaints which despite positive engagement by the owners had been extremely difficult to resolve and there was concern that this application may lead to the creation of similar issues. It was acknowledged that other noise problems in the area could be attributed to activities on a barge moored locally and this had in recent months moved on thereby removing that particular problem.

A letter had been circulated from the Maltings Student Village management confirming that it was happy with the proposed licensing hours and welcoming the addition of the bar and restaurant as a great facility for students.

RESOLVED -

(i) To permit the supply of alcohol on the premises and the provision of recorded music for the following hours –

Monday to Thursdays from 11.00 to 00.00
Fridays and Saturdays from 11.00 to 02.00
Sundays from 11.00 to 22.30

The premises to be open for the following hours –

Monday to Thursdays from 08.00 to 00.30
Fridays and Saturdays from 08.00 to 02.30
Sundays from 08.00 to 23.00

(ii) That orders for food should not be stopped before 22.00.

Reasons for the determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and objector under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy.

The Sub-Committee had regard to the concerns raised by Environmental Protection but was satisfied with the measures proposed by the applicant to deal with these concerns and control the noise nuisance from the premises.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the condition as set out and those previously agreed with the Police and the Licensing Authority.