

Consultation Responses- Licensing Policy 2016 -2021

	Name / Organisation	Response	Observation from the Licensing, Food Safety Manager
1	Colchester Civic Society	<p>Supports the move to diversify premises and more positive engagement with local residents.</p> <p>Licensed premises should be required to consult with local residents</p> <p>Concern at the reliance on receipt of relevant representations without which an application will be granted.</p> <p>New expanded special policy area is welcomed.</p>	<p>The act doesn't require applicants/operators to engage with local residents so we can only lawfully encourage operators to do so.</p> <p>The law requires that an application is granted if relevant representations are not received. This is a legal requirement.</p>
2	Essex Chambers of Commerce	No comments	
3	Marks Tey Parish Council	No objections to the proposed new policy	
4	Mr Stringer	Concern at the number of fast food outlets in specific areas of North Hill and North Stations Road.	Public Health is not a licensing objective and this limits what can be done within the licensing policy. However the Policy indicates there is a presumption against granting any new licences in the Old Town Zone and a limitation on operating hours in residential and mixed commercial/residential areas.
5	Sheena Valentine and Andrew Pilgrim Victoria Inn, Colchester	<ul style="list-style-type: none"> Regular dialogue with residents may invite complaints Voluntary reduction on high strength products 	<ul style="list-style-type: none"> Experience tends to suggest that if there is an established channel of communication between residents and operators, complaints are more effectively dealt with and are less likely to escalate. The point relating to supermarkets is acknowledged. The reduce the strength campaign has been primarily directed at smaller shops and convenience stores which have in the

Appendix 2

		<ul style="list-style-type: none"> • Pubwatch • Extensive consultation • Planning Permission • Consideration of need • Old Town Zone • Types of Evidence • Avoid premises simply focussed on the consumption of alcohol 	<p>past served to street drinkers.</p> <ul style="list-style-type: none"> • The concerns relating to the effectiveness of Pubwatch are noted. The Council has plans to establish a broader based licensed trade group established around the principles of purple flag aimed at promoting good business practise and encouraging people into the Town Centre. • This refers to the number of organisations consulted rather than the dialogue with those who have commented. Going forward the policy will be reviewed on a regular basis and will be more responsive to changes in circumstance. • The point made is noted. It is possible under the planning regime to change the use of a premises 'upwards' from drinking establishment to shop without change of use. • The law does not permit the consideration of need. Through the Policy the Council seeks to balance the types of premises in operation. • The boundaries are determined by evidence from a variety of sources including police and ambulance data and also the work of the multi-agency Licensing Enforcement Group (LEG). • SOS bus data is included within the evidence taken from the LEG. • The aim of the Policy is not to legislate against tradition community based pubs and Counsel's opinion has been sought on the best way to achieve the distinction in the Policy between 'traditional' pubs and high volume vertical
--	--	--	--

		<ul style="list-style-type: none"> Opening hours Multiple Searches Town Link access SOS bus Public Safety matters Licensing Enforcement Group 	<p>drinking establishments.</p> <ul style="list-style-type: none"> The hours have been amended to bring the pubs and wine bars into line. These are to search for drugs and knives. This point is being investigated. The operation of the bus demonstrably reduces demand for the accident and emergency attendances and reduces the negative impact of the night time economy on business, residents and the town in general. It is considered that its provision should be supported by the businesses that contribute towards its need and therefore that the inclusion of CD18 is appropriate and should remain within the policy. These are matters of general housekeeping in well run establishments but the Policy is designed to be a document accessible to all operators, old and new alike, it is considered therefore that these matters should be retained. Constructive dialogue with business operating in the night time economy is welcomed and will be the basis of the new group to be established
--	--	---	---



Colchester Civic Society

CBC Draft Licensing Policy 2016-2021

This is more positive than its predecessors, in looking for diversity between premises and in interaction with residents. It is probably fairly aspirational, but should be welcomed and can be referred to when licensees fail to match up to the high ideals in the policy.

Our concerns about the legal force of a document in which the word MUST only appears once were allayed by the officer's explanation that CBC were constrained by the need to comply here with the 2003 Licensing Act.

The responsibility for ensuring cooperation between licenses and residents and local businesses lies with the former. There is no indication as to how this might be done at the planning stage. If the LA considers it extremely important that licensed premises operate as good neighbours they should "require" them to consult rather than "encouraging" them to do so.

More worrying is the reliance of the Licensing Authority on the receipt of relevant representations without which the application will be granted as applied for. The police, who with the Fire Brigade, are the responsible authorities are already heavily engaged in keeping order and the projected reduction in their numbers and will have fewer resources to commit to licensing matters.

We have revised our initial reaction to the reliance on the SOS Bus to mitigate the problems caused by the concentration of licensed premises in the newly designated Special Policy Area; it was explained that without this it could become necessary to implement a cumulative impact and saturation policy which could result in the further spread of disorder.

We welcome the new expanded Special Policy Area and hope that it will assist the Licensing Authority in the difficult task of controlling the night time economy.

We very much appreciate the determined and imaginative efforts the licensing team are making in an attempt to diversify the early evening economy.

Elisabeth Baines

Chairman, Colchester Civic Society

Licensing Committee

From: David Burch <davidburch@essexchambers.co.uk>
Sent: 18 August 2015 14:03
To: Licensing Team
Subject: Licensing Policy - Consultation

**Essex
Chambers of Commerce**

Better for business

Thank you for your email of the 17th regarding the above consultation. We have no comments that we wish to make on the council's proposals.

Kind regards

David Burch
Director of Policy

Essex Chambers of Commerce
8 & 9 St Peters Court
Colchester
Essex, CO1 1WD

T 01206 363723

W <http://www.essexchambers.co.uk>

Follow us on Facebook:

Follow us on Twitter:



<https://www.facebook.com/EssexChambers>
<http://twitter.com/#!/EssexChambers>

Registered Office:

Essex Chambers of Commerce & Industry Ltd
8 & 9 St Peters Court, Colchester, Essex CO1 1WD



**Come and join us at a
Networking Event near you!**

Confidentiality: This e-mail and its attachments are confidential and are intended for the above named only. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this e-mail and highlight the error

Security and virus warning: Computer viruses can be transmitted via email. The recipient should check this email and any attachments for the presence of viruses. We do not accept liability for any damage caused by any virus transmitted by this email. E-mail transmission cannot be guaranteed to be secure or error-free. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission

Licensing.Committee

From: Marks Tey Parish <parish.clerk@marksteyparish.org.uk>
Sent: 08 October 2015 11:58
To: Licensing Team
Subject: Council's Licensing Policy - Consultation

Dear Sir / Madam

At a meeting of the Marks Tey Parish Council on 5 October 2015 it was resolved that the Parish Council had no objection to the proposed new policy

Steve Marriott

Parish Clerk and Responsible Financial Officer

Marks Tey Parish Council

Council Offices
Old London Road
Marks Tey
CO6 1EJ
Telephone: 01206 213250

Please note that my working days are Tuesday and Thursday

Unless otherwise stated, the contents of this message should not be taken as necessarily being the views, opinions, policies or procedures of Marks Tey Parish Council.

Licensing.Committee

From: Dominic Stringer [redacted]
Sent: 27 September 2015 16:23
To: Licensing Team; Licensing.Committee
Subject: Consultation of new draft policy considerations

Dear Sir/Madam

I would like the department to consider the number of similar businesses already in the area and the effect that these type of outlets have on the residents of Colchester, when granting a license for a new premises.

For example, in North Station Road there are approximately eight fast food outlets, in close proximity, and at the bottom of North Hill, two further fast food businesses are in operation.

St Helena School, the Sixth Form College and Colchester Technical College students are tempted by these outlets en route to all the above learning centres and the council should question if this is a healthy lifestyle choice for the students.

The UK is facing a crisis of childhood obesity which is not something the council should encourage by allowing a high number of takeaway outlets so close to schools and colleges, and I feel the resulting impact of obesity on local GP surgeries and hospital services, should also be taken into account.

Yours faithfully

Dominic Stringer
[redacted]
[redacted]
[redacted]

- 1.10 **Regular dialogue with residents** This seems a good idea in theory but could be seen as actively seeking to invite complaints.
- 1.13 **Voluntary reduction in high strength products**, will this include large supermarkets as these are the main source when people are preloading?
- 1.17 **Pubwatch?**.... Is it up and running, again? In the 5 years we have been at the Victoria the only contact we have had was an invoice for outstanding fees from the period before we took over!. Pubwatch is a fantastic tool but it needs organising properly. Is it not the case that participation in the Pubwatch scheme is a condition attached to most town centre premises licences?
- 1.18 **Extensive consultation?**.... All we have received is the small card posted through to us. If the end of the consultation period is 31st October as stated then that only leaves November and December for Licensees to be involved in giving input should any amendments be proposed before the implementation date of 1st January. These are the two busiest months for most licenced premises. Maybe the timings could be looked at?
- 1.20 **Planning permission not generally required...** This is incorrect as no planning permission is required for change of use 'downwards' from say a public house to off-licence/supermarket. There are currently proposals in government to try and close this planning loophole however these are being opposed by the large Pub-Cos as they are currently selling off hundreds of pubs off to be converted into supermarkets. They need to do this to service the unsustainable amounts of debt they have. Marstons sold off 205 earlier this year to be converted into Co-Op stores. Yet another shift from controlled drinking environment to street drinking.
- 1.23 **Consideration of need.** This is contradictory to the aims of the Borough Council in retaining a healthy balance of venues. See page 11 KF2. In York, at town of roughly the same population as Colchester and a similar outlook re promoting its history to tourists, for many years the local council had a policy of not granting any new licences as they believed that the town centre was adequately served by the venues which were trading. This was relaxed and many new venues opened up. York has now become a northern mecca for Stag and Hen parties from Scotland, Newcastle, Leeds, Sheffield etc. and the town centre has at times become a no go zone at weekends with locals and visiting tourists avoiding whole areas. We would suggest that the market does not always know best.
- 2.30 **Evidential data from July 2015** We would be interested in viewing this. Is it publicly available?
- 2.90 **Old Town Zone** Can you confirm that this is the same as the Town Centre Zone on the attached map? If so I would be interested to learn how the boundaries were set and when.
- 3.30 **Types of evidence** To get a wider picture would it be prudent to include data from the SOS bus?
- 4.20 **Cumulative impact and saturation policy** What is this?
- 4.80
- PN3 Communication with local residents.** Please see comments on 1.10.

PN9 Not all taxi firms in Colchester will offer a ring back facility, and of those that do it is often unreliable.

PN10 Pubwatch See comments re 1.17

5.30 Key aim... Avoid premises simply focused on the consumption of alcohol This defines most old fashioned style pubs! For example at the Victoria we have no TVs, no pool table, no darts and we do not serve food. So by definition we are solely focussed on the consumption of alcohol. But in venues such as ours alcohol is consumed in a responsible manor under the supervision of the Landlords & bar staff. It also contradicts 5.11 'We aim to encourage quieter local-style venues' Maybe a rewording of this section could be considered or could you explain why 'traditional' pubs are not to be encouraged?

5.12 Opening hours It appears that pubs and wine bars are to be treated differently in regards to permitted opening hours. Why different and how do you intend to decide if a new application is a wine bar or a 'posh' pub?

5.14 Vertical Drinking Establishments We wholeheartedly agree with this for reasons set out in 1.23.

6.10 CD5 Multiple Searches What for?

CD8 Town link Radio In the 5 years we have been at our premises we have had no contact or been offered the opportunity to join this scheme.

CD18 SOS Bus Worthy as it may well be, should an obligation to support this scheme really be written into a licencing document? I would suggest that this may not be entirely legal and open to possible challenge. While the SOS bus undoubtable helps many town centre revellers at the weekends maybe we should be asking ourselves why we need the bus at all. I have much to say on this subject ... far too much to include here.

7.10 Public Safety

PS3 This is general housekeeping and not needed

PS6 Operation of a glass collection and spillage policy Again, Is this not just basic housekeeping? And if so what place does it have in a Licensing policy document?

10.10 Off Sales of Alcohol You Say that 'consumption of alcohol on the way to licenced premises gives rise to drunk and disorderly behaviour'. I would add that the majority of pre loading happens at home where people meet up before heading up town.

Again I have much to say on this subject regarding alcohol pricing, availability and controlled drinking environments, far too much to include here. The simplified issue is this....

People used to go out and get drunk, Now they get drunk to go out.

13.3 Licencing Enforcement Group I note that this group has representatives from all the responsible authorities and the Garrison. If you feel it would be helpful to have a representative from the businesses that any changes to the licencing policy mostly

affects, i.e. the licensees themselves, I would be more than willing to find the time to offer my input.

Reading back the points raised above I am aware that they may be perceived to be slightly critical and negative of the proposed policy document., I can assure you that is not the case. I thought it best to be short and to the point and would like to stress that overall the document (wordy as it is) makes for interesting reading.