

<b>Licensing Sub-Committee</b>	<b>25 November 2016</b>
<b>After Office Hours</b>	<b>FOR GENERAL RELEASE</b>

<b>Purpose of the Report</b>	To determine an application for the variation of a premises licence under the Licensing Act 2003 for After Office Hours
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## 1. Application

<b>Applicant and Premises</b>	
Application Type	Variation application (ref M/090250)
Applicant	Mr Marc Innes
Premises	After Office Hours
Premises Address	128 High Street Colchester
Premises description	Bar
Ward	Castle

## Proposed licensable activities and hours

<b>Performance of Recorded Music</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>	<b>Both</b>	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start				10.00	10.00	10.00	
End				02.00	02.00	02.00	
Seasonal variations							
Non-standard timings			An additional hour to be permitted on the occasion of British Summertime				

<b>Provision of late night refreshment</b>							
<b>Indoors/Outdoors or both</b>			<b>Indoors</b>		<b>Outdoors</b>	<b>Both</b>	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start				23.00	23.00	23.00	
End				02.00	02.00	02.00	
Seasonal variations							
Non-standard timings			An additional hour to be permitted on the occasion of British Summertime				

<b>Supply of alcohol</b>							
<b>On / Off the premises or both</b>			<b>On sales</b>		<b>Off sales</b>		<b>Both</b>
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start				10.00	10.00	10.00	
End				02.00	02.00	02.00	
Seasonal variations							
Non-standard timings		An additional hour to be permitted on the occasion of British Summertime					

<b>Hours the premises are open to the public</b>							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start				10.00	10.00	10.00	
End				02.30	02.30	02.30	
Seasonal variations							
Non-standard timings		An additional hour to be permitted on the occasion of British Summertime					

<b>Changes to the Conditions</b>	
<ul style="list-style-type: none"> <li>To remove the condition requiring all customers to be over 21 and to replace with a condition stating all children must vacate the premises by 20.00.</li> <li>To remove the condition – Free drinking water to be available at all times.</li> </ul>	

## 2. Representations

Responsible Authority	Licensing Authority	Appendix 3a
Local Residents and Dutch Quarter Association		Appendix 3b

## 3. 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.

## **4. Background Information**

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

The application in front of the Sub-Committee has been reduced in scale by the applicants and now seeks to extend the hours for licensable activities on Thursdays, Fridays and Saturdays only. This change is reflected in the amended application plan attached at Appendix 1.

The applicant has further reduced the application by removing the request to extend the hours for live music.

The following information has been supplied in support of the application -

It is acknowledged that the variation submitted for After Office Hours, 128 High Street, Colchester, brings it within your special policy for the old town zone. Significant discussion has taken place with the Police Licensing Officer who has also, I believe, been in contact with the Council's Licensing Department.

In addition to the amendments to the Licence I can confirm that these premises have been operating without difficulty for some years and there is no proposal to amend the way they are currently operating save for the fact they would like some flexibility to remain open a little later and provide the facility for customers wishing to stay out later to have somewhere to go which isn't a traditional nightclub.

Whilst the premises have no history of disorderly behaviour staff are trained in respect of preventing underage sales and drunkenness and managing and resolving conflict. Staff training is documented and those documents are available upon the request of the Responsible Authorities. Door staff are appointed on a risk assessed basis and written records are kept of any door supervisors on duty.

All staff are notified of the policy with regard to identifying and refusing underage sales and records are retained of all refusals.

Access to the premises is not permitted to anybody who is visibly intoxicated and alcohol free options are readily available.

A digital CCTV system is installed and there is a policy in place to ensure that drinking vessels are not left unattended and are efficiently collected.

The premises participate in community initiatives and have a positive relationship with their neighbours. The mobile contact number for the DPS is made available to local residents. There are policies for the dispersal of customers and the premises have a winding down period to encourage customers to leave the premises gradually and quietly. The premises could use a dedicated taxi calling service which operates a call back facility but you should note that there is a taxi rank opposite them.

The premises already operate Challenge 25.

They are an established business which over the years has formed a positive relationship with the Responsible Authorities. They continue to be a well-run and professional business within the town providing a valuable amenity to customers.

In addition, in relation to the representation from Councillor Ellis you will note that he comments on there being an argument for extended Licences at the weekend and you will note that the application has been amended accordingly. I also note that concerns are raised by local residents with regard to live music and having consulted with my client he has advised that he has no difficulty in his provision of live music remaining as per his current Licence and removing this aspect of the variation.

As a result of the changes made to the application, Councillor Ellis withdrew his objection to the application.

## **5. 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 plan and location plan
Appendix 3	Responsible Authorities and other bodies representations and supporting documentation
Appendix 4	Premises Licence

## Report Author

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