



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE:	Friday, 8 April 2022
TIME:	10.30 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Casey
Councillor McWilliams

Councillor Turner

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis.

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573 or email: dbunce@tendringdc.gov.uk

DATE OF PUBLICATION: Wednesday, 30 March 2022

AGENDA

1 Chairman of the Meeting

The Sub-Committee will elect its Chairman for the meeting.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 Minutes of the Last Meetings (Pages 1 - 12)

To confirm and sign as correct records, the minutes of the meetings of the Sub-Committee, held on 13 August 2021 and 19 August 2021.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

5 Report of the Assistant Director, Partnerships - A.1 - Application for the Grant of a Club Premises Certificate - Upper Dovercourt Social Club, 618 Main Road, Harwich, Essex CO12 4LW (Pages 13 - 58)

The Sub-Committee will determine an application for the grant of a Club Premises Certificate in respect of the above premises.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the room and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 13TH AUGUST, 2021 AT 1.00 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley, V Guglielmi, J Henderson and Casey (Standby Member)
Also Present:	Peter Vaughan (Licence Holder, British Flag), Ronan McManus (Senior Licensing Officer, Essex Police)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer), Lisa Tann (Licensing Technical Officer)

34. CHAIRMAN OF THE MEETING

It was moved by Councillor J Henderson, seconded by Councillor Coley and:

RESOLVED – That Councillor V Guglielmi be elected as Chairman for the meeting.

35. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions on this occasion.

36. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 14 June 2021 were approved as a correct record and signed by the Chairman.

37. DECLARATIONS OF INTEREST

There were none.

38. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- BRITISH FLAG, 56 WEST STREET, HARWICH, ESSEX CO12 3DD

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Michael Cook) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operations and Delivery), an application for the variation of a Premises Licence held in respect of the British Flag, 56 West Street, Harwich, Essex CO12 3DD.

The application had been made under the Licensing Act 2003 to request an increase of the opening hours and the sale of alcohol hours.

Section 2.2 of the written report set out the current opening hours of the premises which were as follows:-

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

Sale of Alcohol on and off the premises

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Live Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Recorded Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Other Entertainment falling within Act

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Non Standard Timings

Sale of Alcohol on and off the premises, Performance of Live Music, Performance of Recorded Music, Other Entertainment falling within Act

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, Midnight on 31 December).

Section 3.1 of the written report set out the proposed licensable activities which were the subject of the variation application as follows:

Opening Hours

Monday to Thursday	1000 – 0030
Friday and Saturday	1000 – 0230
Sunday	1200 – 0000

Sale of Alcohol on and off the premises

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0200
Sunday	1200 – 2330

The applicant had also stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive of the Officer report.

Members were further informed that twelve letters of representation/objection had been received from residents in relation to this application.

It was further reported that one representation had been received from Essex Police with the following comments:

Essex Police decided that the application posed a risk to the residents of Harwich and formally objected to the variation on the 14th of July 2021. Essex Police made this objection under the Crime and Disorder and Public Nuisance licensing objectives.

Full details of those objections were included in Essex Police's supplementary bundle which was attached to the Officer report.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance
- (2) Prevention of Crime and Disorder; and
- (3) Hours of Trading

The Sub-Committee also had before it the Applicant's Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the Applicant, Admiral Taverns Limited to give representations to the Sub-Committee.

Peter Vaughan of Admiral Taverns, the Licence Holder for the British Flag was present. He explained that he had agreed with Essex Police to vary the hours applied for which would now be only 30 minutes more on a Friday and Saturday than the existing Licence as follows:-

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0130
Sunday	1200 – 0000

Mr Vaughan explained that in all of the other businesses that he ran he believed that he complied with all of the Licensing Objectives. He had been running businesses for 37 years. He stated that though he lived in Chelmsford he visited the British Flag 2 or 3 days a week. He said that he knows the local area well. He said that the complaints received had been in relation to music but that the application before the Sub-Committee was only to extend the times for the sale of alcohol. He said that the beer garden was not in use after 11.30 p.m.

Mr Vaughan explained that he operated a closed door policy with no under 18s on the premises after 8.00 p.m. Any adults with children must remain sober.

He explained that there was no entry after 10.00 p.m. Mondays – Thursdays, no entry after 11.00 p.m. Fridays and Saturdays and no entry after 9.00 p.m. on Sundays.

The Chairman then asked if any Members had questions that they would like to ask Mr Vaughan.

Mr Vaughan was asked why he wanted to extend the hours of the pub, i.e. what was the justification. Mr Vaughan explained that he wanted to tap into the local market for 40-55 year olds that worked on the lighthouse and the windfarms who finished their shifts around 8.30 p.m. – 9.00 p.m. and only arrived at the pub at 10.00 p.m. Those individuals generally stayed locally in Bed & Breakfast accommodation and they were older people who did not want loud music. He just wanted to provide an period of 30 minutes drinking time.

Mr Vaughan was then asked to explain the resident's concerns about the noise in the back garden and that on one occasion the noise had been heard until 2.30 a.m and the Police had been contacted. Residents were claiming that the doors had been left open. He said that since lockdown had ceased when he had re-opened it had not been beyond Midnight.

Ronan McManus, Senior Licensing Officer for Essex Police was also in attendance and the Chairman then invited him to give representations to the Sub-Committee.

Mr McManus explained that Essex Police felt that the initial application to extend the opening hours of the premises would have had a significant impact on local residents. Essex Police were also concerned that if the hours were extended it would set a precedent for other Licenced Premises in the area.

He explained that on 15 July 2021 Darren Kelly of Admiral Taverns had contacted William Moody, the District Licensing Officer for Essex Police and had agreed in principle an extra half-an-hour on Fridays and Saturdays only with the last entry to the premises being one hour before closing time. Those hours and conditions had been subsequently confirmed by Admiral Taverns.

He explained that the last incident of note on the Police records in relation to the premises had occurred on 30 November 2019. There had been no incidents of note in

the last year but due to the pandemic the premises had not been open for much of that time.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time, the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

1. The Sub Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The Sub-Committee **DOES NOT AGREE** to grant the application in full but agrees to the sale of alcohol on the premises until 01.30 Fridays and Saturdays only and on the condition that no entry is allowed after 00.30.
3. The Sub-Committee takes this opportunity to remind the Applicant of the other conditions on its licence, including when the doors and windows must be closed, and the use of the smoking area which is for that alone and not for drinking.
4. The Sub-Committee also recommend that measures should be taken to ensure that customers to the Premises leave quietly including for example that calming and soothing winding-down music is played; lights are increased; and customers are reminded to open and close doors quietly and not to talk or sing loudly, or communicate at excessive volume.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates' Court.

This Decision was made today, 13 August 2021 and will be confirmed in writing to all parties.

The meeting was declared closed at 2.10 pm

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON THURSDAY, 19TH AUGUST, 2021 AT 10.05 AM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors V Guglielmi, McWilliams, Winfield and Casey (Stand-by Member).
Also Present:	Mr Ralph Davis, Mrs Jane Davis and Miss Abbi McCutcheon.
In Attendance:	Michael Cook (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Debbie Bunce (Legal and Governance Administration Officer) and Lisa Tann (Licensing Technical Officer)

39. CHAIRMAN OF THE MEETING

It was moved by Councillor Winfield, seconded by Councillor McWilliams and:

RESOLVED – That Councillor V Guglielmi be elected as Chairman for the meeting.

40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions on this occasion.

41. DECLARATIONS OF INTEREST

Councillor McWilliams declared as a point of information for the public record that she was the Ward Member for The Bentleys and Frating, which was the adjacent ward to Alresford and Elmstead Ward in which the premises in question was located.

**42. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SNOOTY FOX,
FRATING ROAD, GREAT BROMLEY, ESSEX**

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Michael Cook) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operations and Delivery), an application for the grant of a Premises Licence in respect of The Snooty Fox, Frating Road, Great Bromley..

The application had been made under the Licensing Act 2003 for a Premises Licence to be granted which would include the sale of alcohol on and off the premises, the performance of live music, the playing of recorded music, the performance of dance, and the provision of late night refreshment.

The Sub-Committee was informed that this Premises was a public house complete with a beer garden/decking area attached to and within the grounds of the public house. The area also included a car parking area if required for Weddings or other events.

Section 2.2 of the written Officer report set out the proposed opening hours of the premises which were as follows:-

2.2 PROPOSED OPENING HOURS

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

3.0 PROPOSED LICENSABLE ACTIVITIES

3.1 Live Music

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.2 Recorded Music

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.3 Performance of Dance

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.4 Anything of a Similar Description of Live Music, Recorded Music or Performance of Dance

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.5 Late Night Refreshment

Mondays to Saturdays	2300 to 0000
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3.6 Sale of Alcohol on and off the premises

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

The applicant had also stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive of the Officer report.

Members were further informed that nine letters of representation/objection had been received from residents in relation to this application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control

The Sub-Committee also had before them the Applicant's Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the Applicant, Snooty Fox Bromley Ltd to give representations to the Sub-Committee.

Mr Ralph Davis assisted by his wife Mrs Jane Davis, who were two of the Applicants advised the Sub-Committee that they had been running public houses since 1989. They had begun with The White Horse in Capel St Mary and then The Brewers Arms in Colchester, where they were still the Licensees.

They explained that they had always worked co-operatively with Police Licensing Officers and that they were responsible Licence holders.

The Chairman asked if any Members had questions that they would like to ask Mr and Mrs Davis.

Members expressed concern about the item regarding any adult entertainment or services ancillary to the use of the premises whereby they had stated the following in their application:

Stag and and Hen Parties
Strippers
Drag Queens
Stand-up Comedians
Gaming Machines.

Mr Davis explained that when they had applied for their Licence in Colchester they had been given a list of what activities they were able to apply for and so they had picked all of the activities listed. They had therefore asked for the same items when applying for the current Licence. They explained that they did not intend to have strippers etc, but that if there was a hen party or stag do at the pub then it would allow the party to have a stripper-gram as the Licence would cover those occasions. The premises was primarily going to be a restaurant which was why they had asked for music to be included in their Licence. They also wanted to be able to provide live music for occasions when someone was having a birthday party and wanted to have a live band.

Members asked whether they had taken on board the advice of the Council's Licensing Team and they said that they had.

Mr Davis further explained that they had applied for the hours that the pub had previously been granted but that they had not known that the pub had been closed for the past three years, this was therefore not a transfer of the existing licence application but was in fact a completely new application for a fresh licence.

Mr Davis was asked whether if there was music outdoors could the noise levels be controlled and he advised that they would never be live music outdoors and any activities outside would be very infrequent.

Mr Davis explained that outside there was a decking area and smokers were encouraged to use the front of the area so that they were not near to the restaurant or kitchen area and the drinkers and those patrons with children were requested to use the rear of the decking area. After 7.00 p.m once children had left, the smokers were asked to then use the rear area to take them away from the neighbouring properties and so avoid any excessive noise. If there was any entertainment indoors, the doors and windows would be closed.

The Chairman then asked those persons present who had made representations/objections if they wished to address the Sub-Committee.

Mr Olly Pittman then addressed the Sub-Committee. He explained that he had live at his present address for ten years. He said that because of the excessive noise from the pub previously he had considered moving house. He did not feel the need for the pub to be open until 1.30 a.m. and that he felt that 11.00 p.m. or 12 Midnight would be sufficient and then that would not be an issue for him.

Mr Paul Willey then addressed the Sub-Committee.

He explained that there had been instances when someone had urinated up the side boundary wall at his house and also that he had found beer bottles in his garden. He said that these incidents were a nuisance but he felt that it did not warrant reporting to the Police. He said that he had two young children who slept in the bedroom at the front of the house and the side so he was concerned about excessive noise. He explained that he had previously supported the pub and said that he would do so again.

The Sub-Committee then asked further questions of Mr Davis regarding the opening hours and Mr Davis confirmed that they had only applied for the hours that the pub had previously been granted on the previous licence but that they were willing to reduce the hours of operation.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time, the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

- “1. *The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicants, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority’s own Statement of Licensing Policy.*
2. *The Sub-Committee **DOES NOT AGREE** to grant the application in full. The sections of the application that are not agreed are for the sale of alcohol on and off the premises to 01.30 hours Mondays to Saturdays and the performance of dance, live music, recorded music and late night refreshments until midnight Mondays to Saturdays.*

These hours were not granted because the Sub-Committee recognise that this is a country pub and importantly, because the Applicants, having spoken to their new neighbours acknowledge that the hours sought, albeit it is believed they were similar to the hours that the premises previously had when known as the White Rose, may be excessive and had indicated that they were quite willing to reduce the hours.

3. ***HOWEVER, SUBJECT TO PARAGRAPH 2 ABOVE,** the Sub-Committee has decided to grant the application as follows. In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply, in order to satisfy the relevant Licensing Objective.*

Sale of Alcohol on and off the premises:

*Mondays to Saturdays – 10.00 to 23.30 hours
Sundays – 10.00 to 22.30 hours*

Performance of dance, live music, recorded music and late night refreshments:

*Mondays to Saturdays – 10.00 to 23.30 hours indoors only, and
Sundays – 10.00 to 22.30 hours indoors only.*

Events in the garden or parking area of the public house, including live music, must not exceed more than 6 occasions per calendar year. Events in the garden or parking area must not occur or take place beyond dusk or 19.00 hours, whichever is the later on the 6 occasions.

In terms of non-standard timings, i.e. bank or public holidays, Christmas Eve or New Year’s Eve, the timings will be as follows:

*Sale of alcohol on and off the premises – 10.00 to 01.30 hours
And*

*Performance of dance, live music, recorded music and late night refreshment –
10.00 to 01.00 hours*

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court.

This decision was made today, 19 August 2021 and will be confirmed in writing to all parties.

The meeting was declared closed at 11.24 am

Chairman

TENDRING DISTRICT COUNCIL

Procedure for hearings – Premises/Personal Licences Sub-Committee

Licensing Act 2003 and Hearing Regulations 2005

The Licensing Committee officers and their roles

- The Committee Clerk (Democratic Services Officer) records the proceedings;
- The Legal Advisor provides independent advice to the Committee Members on legal matters; and
- The Licensing Officer introduces the matter, outlines the application or review as set out in the Report, and answers any questions Members may have.

Committee Members (Councillors):

Members have a responsibility to declare interests, those who declare **Discloseable Pecuniary Interest (DPI)** as defined by The Relevant Authorities (DPI) Regulations 2012 must not take part in the hearing of the application.

If a Member declares a **Pecuniary or Non-Pecuniary Interests**, as defined by Tendring District Council's Members' Code of Conduct (paragraphs 5 and 6), they must consider the impact of that interest on participation and the public perception;

- Matters for Members to consider would cover, but not exclusively:
 - o they know the applicant or any of the objectors; or
 - o they wish either to support or oppose the granting or continuation of a licence either personally or on behalf of their constituents.
 - o whether they have expressed a view on the application site especially, if situated either in their ward or an adjacent ward;

Other Persons or Interested Parties:

This is the term given to an individual, body or business or a representative acting on their behalf-that raises an objection or make a representation to an application for a premises/personal licence. It should be noted that only the Police can make a representation against a Personal Licence application however. These other persons or interested parties are separate to Responsible Authorities, who may also be a party to the hearing.

PROCEDURE

THESE SUB-COMMITTEES MEETINGS & THE HEARING ARE HELD IN PUBLIC, UNLESS THERE IS A LEGAL REASON NOT TO DO SO, HOWEVER THESE ARE IN LIMITED CIRCUMSTANCES.

Note: if the Sub-committee does not have an elected Chairman already, the election of one Member as Chairman will be the first item of business.

HEARING

Step	By whom	
1	Chairman	<p>The Chairman will welcome everyone to the meeting then:</p> <ul style="list-style-type: none"> a. introduce themselves and the other 2 members and explain that the 4th member (substitute) will not take any part in the hearing or decision making process unless there is a valid objection to one of the other members sitting, if any interest declared debars a member or a member falls ill; b. announce the item to be considered; c. confirm that this procedure will be followed at the hearing, including any maximum periods of time for each side to put their case or objections (*); d. ask all parties, including any "Responsible Authority", to introduce themselves indicating whether or not they are represented, if they are calling any witnesses and if so to identify the witnesses they will be calling. Where there are a number of objectors they will be asked to confirm who their spokesperson is if it is relevant or appropriate for them to do so. e. if a party or Responsible Authority who has made relevant representations is not present, the Sub-Committee will decide whether they consider it in the public interest to (a) continue with the hearing or (b) defer it to enable the party or authority to attend. In reaching a decision on this point, the Sub-Committee will consider any information received from the party either directly or via the Licensing Officer or any other interested person/party where relevant or appropriate; f. remind all present that the Sub-Committee can only make its decision based on the four licensing objectives, namely: <ul style="list-style-type: none"> (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance and (4) protection of children from harm.

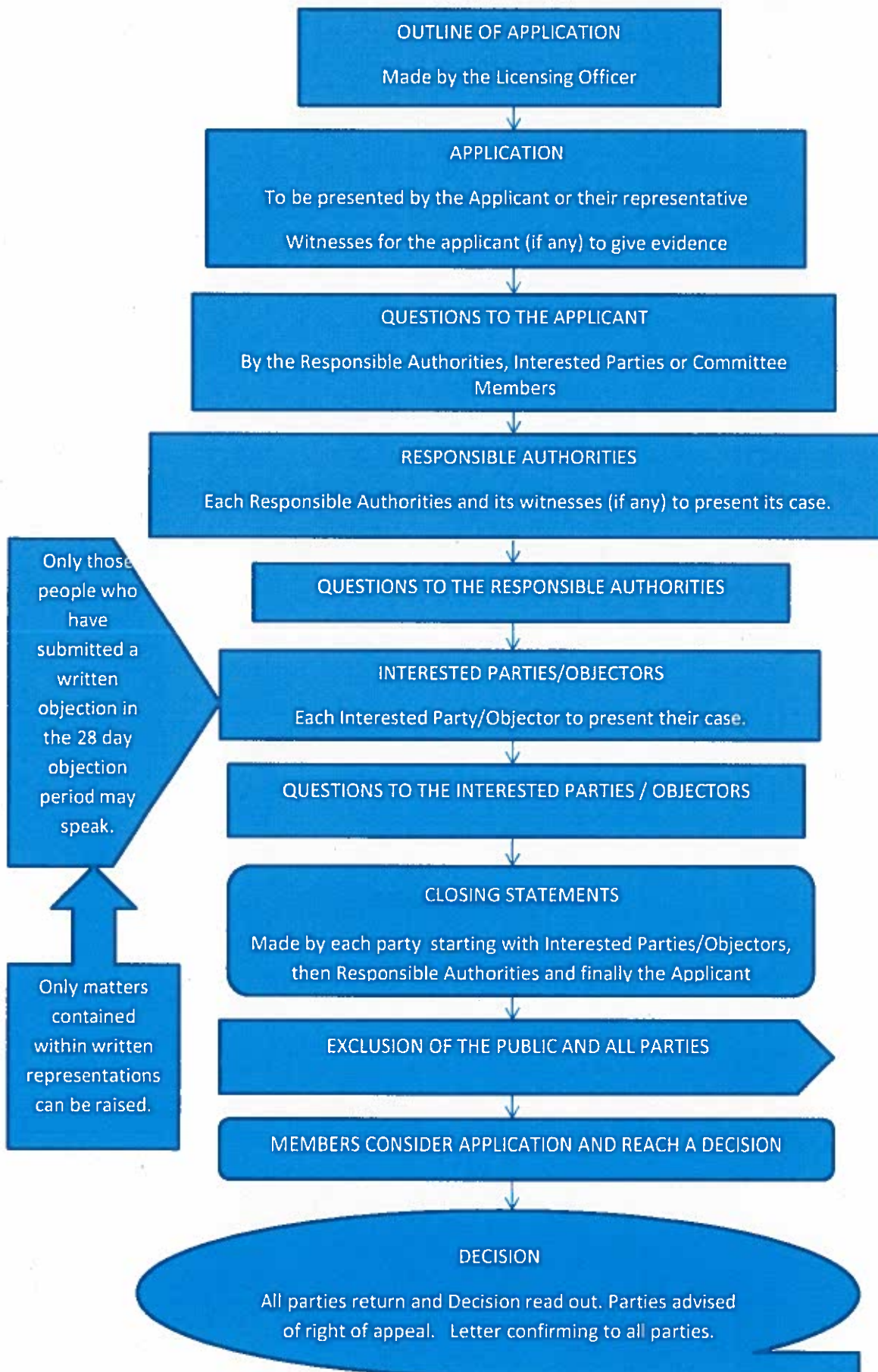
2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant for the review. In those circumstances they would present their case following the summary given by the Licensing Officer)</p>		
4	Applicant or their representative	Will present their case and call witnesses.
5	Responsible authorities or Interested Parties	Each, in turn, may ask questions of the Applicant by way of clarification.
6	Committee members	In turn, each may ask questions of the Applicant.
7	Applicant	May ask any further questions of any witnesses to clear up any points raised in the earlier questioning.
<p>The Responsible Authorities and/or Interested Parties</p>		
8	Responsible Authorities	Will make their representations to the Sub-Committee.
9	Applicant or their representative	May ask questions of the Responsible Authorities by way of clarification.
10	Other persons	May ask questions of the Responsible Authorities or Licensing Officer by way of clarification. Note: this is not the time for other persons to put their objections.
11	Committee Members	May ask questions of the Responsible Authorities by way of clarification. Committee can also ask questions of the objectors by way of clarification.
12	Interested Parties	At this point those who have objected to the application will be asked to present their objections and make observations on the application if appropriate.

13	Applicant or their representative	May ask questions of the Interested Parties /objectors by way of clarification.
14	Committee members	May ask questions of the Interested Parties /objectors.
Closing statements or summary		
15	Chairman	<p>Will ask:</p> <ul style="list-style-type: none"> a. both the Responsible Authorities and Interested Parties /objectors to comment, briefly, on the application or review and summarise their position. No new issues can be raised at this point. b. the applicant or their representative to summarise the application or review and briefly comment on the representations or objections made. c. if everyone is satisfied that they have said what they wanted to say, but making clear that no new issues can be raised at this point.
DECISION MAKING		
16	Sub-Committee	Will retire to consider the application or review and may request the Legal Advisor and/or Committee Clerk to retire with them.
RESUMING THE MEETING AND CONCLUSION		
17	Legal Advisor	If legal advice has been given to the Members whilst in retirement, this advice will be summarised and repeated in the presence of all parties.
18	Chairman	<p>Will:</p> <ul style="list-style-type: none"> a. announce the decision made by the sub-committee and the reasons for that decision; b. advise that the decision, and reasons, will be confirmed in writing to all the parties who made representations; and c. advise all parties of their rights of appeal to the Magistrates' Court.

(*) after receiving copies of this procedure, all parties are requested to give the Council's Licensing Department an indication of the time estimated to present their case. This will be taken into consideration when deciding whether maximum periods of time will be necessary.

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE



PREMISES/PERSONAL LICENCES SUB-COMMITTEE

8 APRIL 2022

REPORT OF THE ASSISTANT DIRECTOR - PARTNERSHIPS

LICENSING ACT 2003

Members are respectfully reminded that, in determining the matters listed under item A.1, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

Premises Licence Applications

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm.

The options open to the Sub-Committee when considering this application are:

1. To grant the application for a premises licence subject to such conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions applicable.
2. To grant the application for the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and which are modified to such an extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions applicable.
3. To grant the licence as above, but to exclude from the scope of the premises licence any of the licensable activities to which the application relates.
4. To reject the application

When determining the application with a view to promoting the licensing objectives in the overall interests of the local community the Licensing Authority in the form of the Licensing Sub-Committee must have regard and give appropriate weight to the following:

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy.
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of the property must be balanced against all other public interests or representations in this matter that the Premises/Personal Licences Sub-Committee may wish to consider as appropriate, reasonable and proportionate in relation to the application that has been submitted and also the representation/s that has/have been received against it.

In making their decision as to whether to grant this application, Members of the Premises/Personal Licences Sub-Committee should also take into consideration 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 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.

Members are requested to consider the information shown below where the Licensing Authority has received a representation about an application which is relevant to one or more of the four licensing objectives, and which suggests that the application may have a negative impact on one or more of the licensing objectives.

A.1 LICENSING ACT 2003 – APPLICATION NO: 22/00058/CLUBPR APPLICATION FOR THE GRANT OF A CLUB PREMISES CERTIFICATE - UPPER DOVERCOURT SOCIAL CLUB 618 MAIN ROAD, HARWICH, ESSEX CO12 4LW

1.0 APPLICATION DETAILS

1.1 Applicants

Ms Aimi Wosko

1.2 Premises

Upper Dovercourt Social Club, 618 Main Road, Harwich, Essex

1.3 Agents

None

1.4 Ward

Dovercourt All Saints

1.5 Reason for Application

The application is made under the Licensing Act 2003 for a Club Premises Certificate to include the supply of alcohol on and off the premises, performance of dance, exhibition of films, indoor sporting events, performance of live music, performance of recorded music, performance of plays and regulated entertainment of a similar description.

2.0 GENERAL DESCRIPTION OF PREMISES

- 2.1** Upper Dovercourt Social Club offers a relaxed environment for its members to enjoy shared interests in darts, pool and cribbage.

Entertainment in the form of live music, quiz nights and bingo will also be available to members.

Members will have the opportunity to join and host sports competitions with the availability of club sponsorship.

2.2 Proposed Opening Hours

The applicants are proposing to open to the public are:

Mondays to Thursdays and Sundays	10:00 – 00:30
Fridays and Saturdays	10:00 – 01:30

3.0 PROPOSED LICENSABLE ACTIVITIES

3.1 Performance of Plays

Mondays to Sundays	10:00 – 00:00
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3.2 Exhibition of Films

Mondays to Thursdays and Sundays	10:00 – 00:30
Fridays and Saturdays	10:00 – 01:30

3.3 Indoor Sporting Events

Mondays to Thursdays and Sundays	10:00 – 00:30
Fridays and Saturdays	10:00 – 01:30

3.4 Performance of Live Music

Mondays to Thursdays and Sundays	10:00 – 23:00
Fridays and Saturdays	10:00 – 00:00

3.5 Performance of Recorded Music

Mondays to Thursdays	10:00 – 00:00
Fridays and Saturdays	10:00 – 01:00
Sundays	10:00 – 23:00

3.6 Performance of Dance

Mondays to Thursdays	10:00 – 00:00
Fridays and Saturdays	10:00 – 01:00
Sundays	10:00 – 23:00

3.7 Provision of facilities for making music

Mondays to Saturdays	10:00 – 00:00
Sundays	10:00 – 23:00

3.8 Provision of facilities for dancing

Mondays to Saturdays	10:00 – 00:00
Sundays	10:00 – 23:00

3.9 Supply of Alcohol on and off the premises

Mondays to Thursdays and Sundays	10:00 – 00:00
Fridays and Saturdays	10:00 – 01:00

4.0 STEPS THAT APPLICANTS PROPOSE TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE

The applicant has stated the following steps in the application to promote the licensing objectives. These measures are reproduced as shown in the application form and are detailed below for ease of reference. These are:

4.1 Crime and Disorder

Comprehensive CCTV will be installed at the premises, ensuring adequate coverage of all trade areas including but not limited to the entrances and exits for the purpose of visual identification of patrons. The club will ensure to operate and maintain a system whereby detailed digital images capable of depicting the natures of any crime will be held on the premises for a period of 31 days and accessible to the police at any reasonable given time. All recorded images will be time stamped, dated and position marked. The recordings will be held in a secure location.. The system will be capable of recording in all light and colour environments. Signage will be displayed in trade areas to advise that CCTV will be in operation. Exported copies will be available in any requested format including but not limited to email attached MP4 files and USB stick.

4.2 Public Safety

Correct fire safety procedures are in place, including fire extinguishers (Foam, H2O, CO2), fire blankets, illuminated fire exits, emergency lighting and smoke detectors. All appliances are inspected annually. All emergency exits will be kept free from obstructions at all times. Fire evacuation plan including meeting point to be written and displayed. Staff to be trained on fire response.

4.3 Prevention of Public Nuisance

All members asked to leave in a quiet and respectful manner. Signs will be placed on view to reiterate this point on exits to the premises. All recorded music to be turned to a lower volume as the evening progresses.

4.4 Protection of Children from Harm

The club will enforce a Challenge 25 policy only accepting the following as valid proof of identification; photographic driving licence or passport, proof of age cards that carry the pass hologram, citizen card or an official identity card issued by HM Forces or by an EU Country bearing the photograph and date of birth of the bearer. All staff will be trained in underage sales prevention regularly. A register of refused sales will be kept and maintained on the premises.

4.5 General Information in support of the application in relation to all of the licensing objectives.

The club will ensure the proper training of staff in regards to licensable activities, especially in regard to the sale of alcohol with an increased focus on drunkenness and underage persons. Records to be kept of training. Sufficient members of competent staff to ensure the upholding of the terms and conditions of the club premises certificate and the licensing objectives.

5.0 RELEVANT REPRESENTATIONS

5.1 Interested Parties/Other Persons

5.2 The Police Reform and Social Responsibility Act 2011 (PRSR Act 2011) removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises.

5.3 There was no guidance or definition of 'vicinity' within the Licensing Act 2003 which effectively had a limiting effect on those that could make relevant representations.

5.4 The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a business for example in the proximity of the premises to be able to submit a valid and relevant representation.

5.5 The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons'. They are shown in italics for ease of reference.

8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

5.6 Representations can be made either against or in support of an application. The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to this point.

9.3 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

5.7 6 letters of representation/objection have been received from residents in relation to this application.

6.0 RESPONSIBLE AUTHORITIES

No representations have been received from any other Responsible Authorities.

7.0 POLICY CONSIDERATIONS

The Licensing Authority's Statement of Licensing Policy expects applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance relevant to the individual style and characteristics of their premises.

7.1 The relevant extracts from the Council's Statement of Licensing Policy in respect of Planning considerations (shown in italics) and also the 'Prevention of Public Nuisance' licensing objective are as follows:

1.20 *When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)*

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

8.0 RELEVANT SECTION 182 GUIDANCE – PREVENTION OF PUBLIC NUISANCE

- 8.1 The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. These are:
- 2.18 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- 2.19 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

9.0 RELEVANT SECTION 182 GUIDANCE - PREVENTION OF CRIME AND DISORDER

- 9.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. This is:

2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder.

10.0 RELEVANT SECTION 182 GUIDANCE – PLANNING AND BUILDING CONTROL

- 10.1 The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing.

13.56 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.57 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

11.0 ASSOCIATED PAPERS

The following papers are attached as part of this agenda for Members of this Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Representation/objection letter

Copies of all documentation concerning this application are also available from Licensing Section upon request.

12.0 DECISION

- 12.1 Each application must be considered in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.
- 12.2 The Licensing Sub Committee is therefore asked to determine this application taking into consideration the application in its own right and on its own merits and also all of the relevant information that has been submitted as part of this report and at the hearing itself.

ANASTASIA SIMPSON
ASSISTANT DIRECTOR, PARTNERSHIPS

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TENDRING DISTRICT COUNCIL

Application for a club premises certificate to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

..... UPPER DOVERCOURT SOCIAL CLUB, club applies for a club premises
(Insert name of club)
certificate under section 71 of the Licensing Act 2003 for the premises described in Part 1
below (the club premises)

The club is making this application to you as the relevant licensing authority in accordance
with section 68 of the Licensing Act 2003.

Part 1 - Club Premises Details

Name of club UPPER DOVERCOURT SOCIAL CLUB	
Postal address of club, if any, or if none, ordnance survey map reference or description 618 MAIN ROAD	
Post Town DOVERCOURT	Post Code CO124LW
Telephone number (if any)	
Email address (optional)	

Name of person performing duties of a secretary to the club		AIMI WOSKO
Address of person performing duties of a secretary to the club		
Post Town		Post Code
Daytime contact telephone number (if any)		
Email address (optional)		

Non-domestic rateable value of club premises.

£	£4,700
---	--------

Are the club premises occupied and habitually used by the club

Yes



No

☐ Type text here

Part 2 – Club Operating Schedule

When do you want the premises licence to start?

Day

Month

Year

1	7	0	3	2	0	2	2
---	---	---	---	---	---	---	---

If you wish the certificate to be valid only for a limited period, when do you want it to end?

Day

Month

Year

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

General description of club (please read guidance note 1)

UPPER DOVERCOURT SOCIAL CLUB OFFERS A RELAXED ENVIROMENT FOR ITS MEMBERS TO ENJOY A SHARED INTEREST IN DARTS, POOL AND CRIBAGE. ENTERTAINMENT IN THE FORM OF LIVE MUSIC, QUIZ NIGHTS AND BINGO WILL ALSO BE AVAILABLE TO MEMBERS. MEMBERS WILL HAVE THE OPPERTUNITY TO JOIN AND HOST SPORTS COMPETITIONS WITH THE AVAILABILITY OF CLUB SPONSERSHIP.

What qualifying club activities do you intend to conduct on the club premises Please tick ✓ Yes

Provision of regulated entertainment:

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainments (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (I) or (J)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box L) ☒

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
(if ticking yes, fill in box L) ☒

In all cases complete boxes M, N and O

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) THE USE OF THE FUNCTION HALL FOR AMATEUR DRAMATIC REHEARSAL.			
Mon	10:00	00:00				
Tue	10:00	00:00				
Wed	10:00	00:00	State any seasonal variations for performing plays (please read guidance note 4)			
Thur	10:00	00:00				
Fri	10:00	00:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	10:00	00:00				
Sun	10:00	00:00				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	10:00	00:30				
Tue	10:00	00:30				
Wed	10:00	00:30	State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur	10:00	00:30				
Fri	10:00	01:30	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	10:00	01:30				
Sun	10:00	00:30				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3) THE USE OF DARTS BOARDS, POOL TABLE AND CRIBAGE BOARDS. TO HOLD COMPETITIONS.
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	10:00	00:30	
Thur	10:00	00:30	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	
			Indoors	
			Outdoors	
			Both	
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the boxing or wrestling entertainment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) FOR THE PURPOSE OF ENTERTAINMENT AND ALSO REHEARSAL.			
Mon	10:00	23:00				
Tue	10:00	23:00				
Wed	10:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Thur	10:00	23:00				
Fri	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	10:00	00:00				
Sun	10:00	23:00				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	10:00	00:00				
Tue	10:00	00:00				
Wed	10:00	00:00	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)			
Thur	10:00	00:00				
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	10:00	01:00				
Sun	10:00	23:00				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	10:00	00:00				
Tue	10:00	00:00				
Wed	10:00	00:00				
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur	10:00	00:00				
			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri	10:00	01:00				
Sat	10:00	01:00				
Sun	10:00	23:00				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoor
					Outdoor
Mon					Both
			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where the club intends to use the premises for the entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> FUNCTION HALL FOR REHEARSAL.		
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	✓
				Outdoor	
Mon	10:00	00:00		Both	
			<u>Please give further details here</u> (please read guidance note 3)		
Tue	10:00	00:00			
Wed	10:00	00:00			
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	00:00			
			<u>Non standard timings. Where the club intends to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	00:00			
Sun	10:00	23:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 3)			
Tue	10:00	00:00				
Wed	10:00	00:00	<u>State any seasonal variations for provision of dancing facilities</u> (please read guidance note 4)			
Thur	10:00	00:00				
Fri	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	10:00	00:00				
Sun	10:00	23:00				

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing facilities</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
				Outdoor	
Mon				Both	
			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
			<u>State any seasonal variations for the provision of this entertainment facility</u> (please read guidance note 4)		
Thur					
Fri					
			<u>Non standard timings. Where the club intends to use the premises for provision of facilities for entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

L

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (please tick box ✓) (please read guidance note 7)	On the premises Off the premises Both	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<u>State any seasonal variations</u> (please read guidance note 4)		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	<u>Non standard timings. Where the club intends to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

M

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	<u>Non standard timings. Where you intend to use the premises to be open to the members and guests at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

N

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children (please read guidance note 8)

GAMING MACHINES

O

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (see guidance note 9)

THE CLUB WILL ENSURE THE PROPER TRAINING OF STAFF IN REGARDS TO LICENSABLE ACTIVITIES, ESPECIALLY IN REGARD TO THE SALE OF ALCOHOL WITH AN INCREASED FOCUS ON DRUNKENESS AND UNDER AGE PERSONS. RECORDS TO BE KEPT OF TRAINING. SUFFICIENT NUMBERS OF COMPETANT STAFF TO ENSURE THE UPHOLDING OF THE TERMS AND CONDITIONS OF THE CLUB PREMISES CERTIFICATE AND THE LICENSING OBJECTIVES.

b) The prevention of crime and disorder

COMPREHENSIVE CCTV WILL BE INSTALLED AT THE PREMISES. ENSURING ADAQUATE COVERAGE OF ALL TRADE AREAS INCLUDING BUT NOT LIMITED TO ENTRANCES AND EXITS FOR THE PURPOSE OF VISUAL IDENTIFICATION OF PATRONS. THE CLUB WILL ENSURE TO OPERATE AND MAINTAIN A SYSTEM WHERBY DETAILED DIGITAL IMAGES CAPABLE OF DEPICTING THE NATURES OF ANY CRIME WILL BE HELD ON THE PREMISES FOR A PERIOD OF 31 DAYS AND ACCESSIBLE TO THE POLICE AT ANY REASONABLE GIVEN TIME. ALL RECORDED IMAGES WILL BE TIME STAMPED, DATED AND POSITION MARKED. THE RECORDING WILL BE HELD IN A SECURE LOCATION. THE SYSTEM WILL BE CAPABLE OF RECORDING IN ALL LIGHT AND COLOUR ENVIRONMENTS. SIGNAGE WILL BE DISPLAYED IN TRADE AREAS TO ADVISE THAT CCTV WILL BE IN OPERATION. EXPORTED COPIES WILL BE AVAILABLE IN ANY REQUESTED FORMAT INCLUDING BUT NOT LIMITED TO, EMAIL ATTACHED .MP4FILES AND USB STICK.

c) Public safety

CORRECT FIRE SAFETY PROCEDURES ARE IN PLACE, INCLUDING FIRE EQTINGUISHERS (FOAM, H2O, CO2), FIRE BLANKETS, ILLUMINATED FIRE EXIT SIGNS, EMERGENCY LIGHTING AND SMOKE DETECTORS. ALL APPLIANCES TO BE INSPECTED ANNUALLY. ALL EMERGENCY EXITS WILL BE KEPT FREE FROM OBSTRUCTION AT ALL TIMES. FIRE EVACUATION PLAN INCLUDING MEETING POINT TO BE WRITTEN AND DISPLAYED. STAFF TO BE TRAINED ON FIRE RESPONSE.

d) The prevention of public nuisance

ALL MEMBERS TO BE ASKED TO LEAVE IN A QUIET AND RESPECTFUL MANNER. SIGNS WILL BE PLACED ON VIEW TO REITERATE THIS POINT ON EXITS TO THE PREMISES. ALL RECORDED MUSIC TO BE TURNED TO A LOWER VOLUME AS THE EVENING PROGRESSES.

e) The protection of children from harm

THE CLUB WILL ENFORCE A CHALLENGE 25 POLICY ONLY ACCEPTING THE FOLLOWING AS VALID PROOF OF IDENTIFICATION; PHOTOGRAPHIC DRIVING LICENCE OR PASSPORT, PROOF OF AGE CARDS THAT CARRY THE PASS HOLOGRAM, CITIZEN CARD OR AN OFFICAL IDENTITY CARD ISSUED BY HM FORCES OR BY AN EU COUNTRY BEARING THE PHOTOGRAPH AND DATE OF BIRTH OF THE BEARER. ALL STAFF WILL BE TRAINED IN UNDERAGE SALES PREVENTION REGULARLY. A REGISTER OF REFUSED SALE WILL BE KEPT AND MAINTAINED ON THE PREMISES.

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and plan to the responsible authorities ☒
- I have completed and enclosed the club declaration and enclose a copy of the club rules ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 10)

I AIMI WOSKO **make this application on behalf**
(insert full name) **of the club and have authority to bind the club.**

Signature: AIMI WOSKO

Date: 17/02/2022

Capacity: CLUB SECRETARY

Address for correspondence associated with this application (please read guidance note 11)

Post town	Post code
Telephone number (if any)	
Email address – If you would prefer us to correspond with you by email (optional)	

Upper Dovercourt Social Club

Club Constitution

1. Name

The club will be called Upper Dovercourt Social Club (Hereinafter referred to as The Club) and it may also be known as UDSC

2. Aims and Objectives

The purposes of The Club are to provide the local community with a safe, relaxed environment for social interactions and to promote the acquisition and application of skills relating to amateur darts, pool and cribbage within the Dovercourt area, this will include:

- (a) Opportunities for peer-led advice and competition
- (b) Promotion of the club within the local community
- (c) Manage the premises of 618 Main Road, Dovercourt, Harwich, Essex, CO12 4LW
- (d) Ensure a duty of care to all members of the club
- (e) Provide its services in a way that is fair to everyone
- (f) Ensure that all present and future members receive fair and equal treatment

3. Membership

(a) Membership of The Club will be restricted to persons aged 18 and over, due to the provision of alcohol sales upon the premises and in the interest of the protection of children. Under 18's will be permitted access to The Club only as a guest of a full member and will be denied the sale of alcohol in compliance with the Licencing Act 2003.

Membership will be open to any interested person over the age of 18 regardless of sex, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However limitation of membership may exist on a strictly non-discriminatory basis in compliance and/or the protection of the Licencing Act 2003 and/or the Licensing objectives outlined by the relevant authorities.

(b) Membership fees to be uniform and once yearly, of equal cost to all members with no exceptions.

(c) Membership fees to be determined by the committee at the Annual General Meeting (AGM)

(d) All members joining the Club shall be deemed to accept the terms of this Constitution and any Bye-laws from time to time adopted by The Club, in particular without prejudice to the foregoing generality, the requirement to conduct themselves in accordance with The Club's ethical framework and the bye-laws as to discipline set out therein.

(e) The Club Committee may refuse membership, or remove it only for good cause such as conduct or character likely to bring the club into disrepute. An appeal against refusal or removal may be made to members and if deemed to be of an honest nature a hearing will be considered.

(f) Sanctions may be taken against members for minor breaches of The Club rules these will be non-discriminatory but may include suspension of a membership for a time period agreed upon by no less than four overall committee members including two officers at a disciplinary hearing.

(g) Individuals shall not be eligible to take part in the business of The Club, vote at general meetings or be eligible for selection of any club team unless the applicable subscription has been paid by the due date and/or membership has been agreed by The Club committee.

(h) Members shall be allowed guests at the discretion of the committee or in their place any working member of staff who shall act to represent them in such an instance, refusal for such a fact will be on a strictly non-discriminatory basis but will take into account the protection of the licensing objectives and/or The Clubs constitution, an example of one such use of this power is in the interests of fire safety and to prevent overcrowding.

4. Sports Equity

(a) The Club is committed to ensuring that equity is incorporated across all aspects of its development. In doing so it acknowledges and adopts the following Sport England definition of sports equity:

(1) Sports equity is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure it becomes equally accessible to everyone in society.

(b) The Club respects the rights, dignity and worth of every person and will treat everyone equally within the context of their sport, regardless of age, ability, gender, race, ethnicity, religious belief, sexuality or social/economic status.

(c) The Club is committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse.

(d) All club members have a responsibility to oppose discriminatory behaviour and promote equality of opportunity.

5. Committee

(a) The club will be managed through the Management Committee consisting of: Chairman, Vice Chairman, Secretary, Treasurer, Club Captain and an unbiased selection of four non-role holding committee members. Only these posts will have the right to vote at meetings of the Management Committee.

(b) The officers of the club will be:

(1) *Chair*

(2) *Vice Chair*

(3) *Secretary*

(4) *Treasurer*

(5) *Club Captain*

(c) Officers will be elected annually at the annual general meeting (AGM). All officers will retire each year but will be eligible for reappointment.

(d) All committee members must be members of the Club.

(e) If the post of any officer or ordinary committee member should fall vacant after such an election, the Executive Committee shall have the power to fill the vacancy until the succeeding Annual General Meeting.

(f) The Management Committee will be convened by the Secretary of the club and hold no less than 6 meetings per year.

(g) The Committee will be responsible for disciplinary hearings of members who infringe the club rules/regulations/constitution. The Committee will be responsible for taking any action of suspension or discipline following such hearings.

(h) The quorum required for business to be agreed at Management Committee meetings will be: 3 Officers.

(i) The Management Committee will be responsible for adopting new policy, codes of practice and rules that affect the organisation of the club.

(j) The Chair shall chair each meeting of the Committee and shall preside at the AGM until the election of the Chair for the new year is taken on the agenda. At this point the Secretary shall conduct the election of Chair, and thereafter the new Chair, if appropriate, shall preside. The Chair shall ensure that the constitution of the Club is maintained, reviewed and developed on behalf and for the benefit of the membership. The Chair shall manage the members of the Committee fairly and effectively and delegate tasks to Committee members where these have been agreed by the Committee.

(k) The Chair shall not have the power of a veto in respect to any matter that is before the Committee or the Club.

(l) The Secretary shall circulate a calling notice and agenda for each Committee meeting to each committee member at least seven days in advance of each management meeting. The Secretary will take minutes and circulate these no more than ten days after each meeting. The Secretary shall also prepare the papers for the Annual General Meeting.

(m) The Treasurer shall ultimately be accountable for monies received and spent by Committee members and shall make appropriate arrangements with Committee members for the proper recording of all transactions on behalf of the Club.

(n) The Secretary shall be responsible for taking the minutes at all meetings of the Club, for filing and submitting minutes to the Club members. The Secretary is responsible for all correspondence and record keeping of the Club and should keep records up-to-date as deemed appropriate.

(o) Officers should fulfil their elected duties with commitment and best endeavours and strive to maintain the good name of the Club.

(p) Each Committee member shall be elected at an Annual General Meeting or, if necessary at an Extraordinary General Meeting.

6. Annual General Meeting

(a) Annual General Meetings shall be held at a time and place to be determined by the Committee.

(b) The agenda for Annual General Meetings shall be prepared by the Secretary and shall be made available before the commencement of the Annual General Meeting. The agenda shall include the following:

(1) Apologies for Absence; Minutes of the Previous AGM or EGM; Matters Arising from the Minutes; Chair's Report; Reports from Committee Members; Adoption of the Accounts for the previous financial year; Election of Committee Members - Chair, Secretary and Treasurer and other members as the Meeting thinks fit; the Setting of the Annual Subscription Fees; Adoption of Key Objectives for the Year; Affiliation to outside bodies; Motions registered by any member with the Secretary; Any Other Business.

(2) Motions not otherwise registered with the Secretary can be raised by any member at the AGM under 'Any Other Business'

(c) . Notice of an Annual General Meeting shall be given to all members not less than one month in advance of the time and date.

(d) Minutes of Annual General Meetings shall be taken by the Secretary or his/her nominated representative and displayed within The Club.

(e) The quorum for an AGM or EGM shall be 10 members.

(f) The Constitution of the Club must be reviewed periodically at AGM's and in any event not less than every 3 years.

(g) All members have the right to vote at the AGM.

(h) The Management Committee has the right to call extraordinary general meetings (EGMs) outside the AGM. Procedures for EGMs will be the same as for the AGM.

7. Finances

(a) All club monies will be banked in an account held in the name of the club.

(b) The club's Treasurer will be responsible for the finances of the club.

(c) The financial year of the club will run from 20th March to 19th March.

(d) An audited statement of annual accounts will be presented by the treasurer at the AGM.

(e) All surplus income or profits are to be reinvested in the club. No surpluses or assets will be distributed to members or third parties.

8. Disciplines and Appeals

(a) All concerns, allegations or reports of poor practice/abuse relating to the welfare of children and young people will be recorded and responded to swiftly and appropriately in accordance with the club's child protection policy and procedures. The Club Secretary is the lead contact for all members in the event of any child protection concerns.

(b) All complaints regarding the behaviour of members should be submitted in writing to the secretary.

(c) The Management Committee will meet to hear complaints within 48 hours of a complaint being lodged.

(d) The committee has the power to take appropriate disciplinary action, including the termination of membership.

(e) The outcome of a disciplinary hearing should be notified in writing to the person who lodged the complaint and the member against whom the complaint was made within 48 hours of hearing.

(f) There will be the right to appeal to the Management Committee following disciplinary action being announced. The committee should consider the appeal within 48 hours of the secretary receiving the appeal.

9. Dissolution

(a) A resolution to dissolve the club can only be passed at an AGM or extraordinary general meeting (EGM) through a majority vote of the membership.

(b) In the event of dissolution, any financial assets of the club that remain are to be shared fairly and evenly between members, only after firstly, any initial investment has been repaid to surviving founding members and secondly, any future investment has been repaid to investing members.

10. Declaration

Upper Dovercourt Social Club hereby adopts and accepts this constitution as a current operating guide regulating the actions of members.

Signed: 

Date: 17/02/2022
Name: Mr Bradleigh Wosko
Position: Club Chairman

Signed: 

Date: 17/02/2022
Name: Mrs Aimi Wosko
Position: Club Secretary

Upper Dovercourt Social Club

Not Set



Legend

Scale: 0 0.0075 0.015 0.03 KM

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Organisation	Tendring District Council
Department	Planning Department
Comments	Not Set
Date	18/03/2022
MSA Number	100018684

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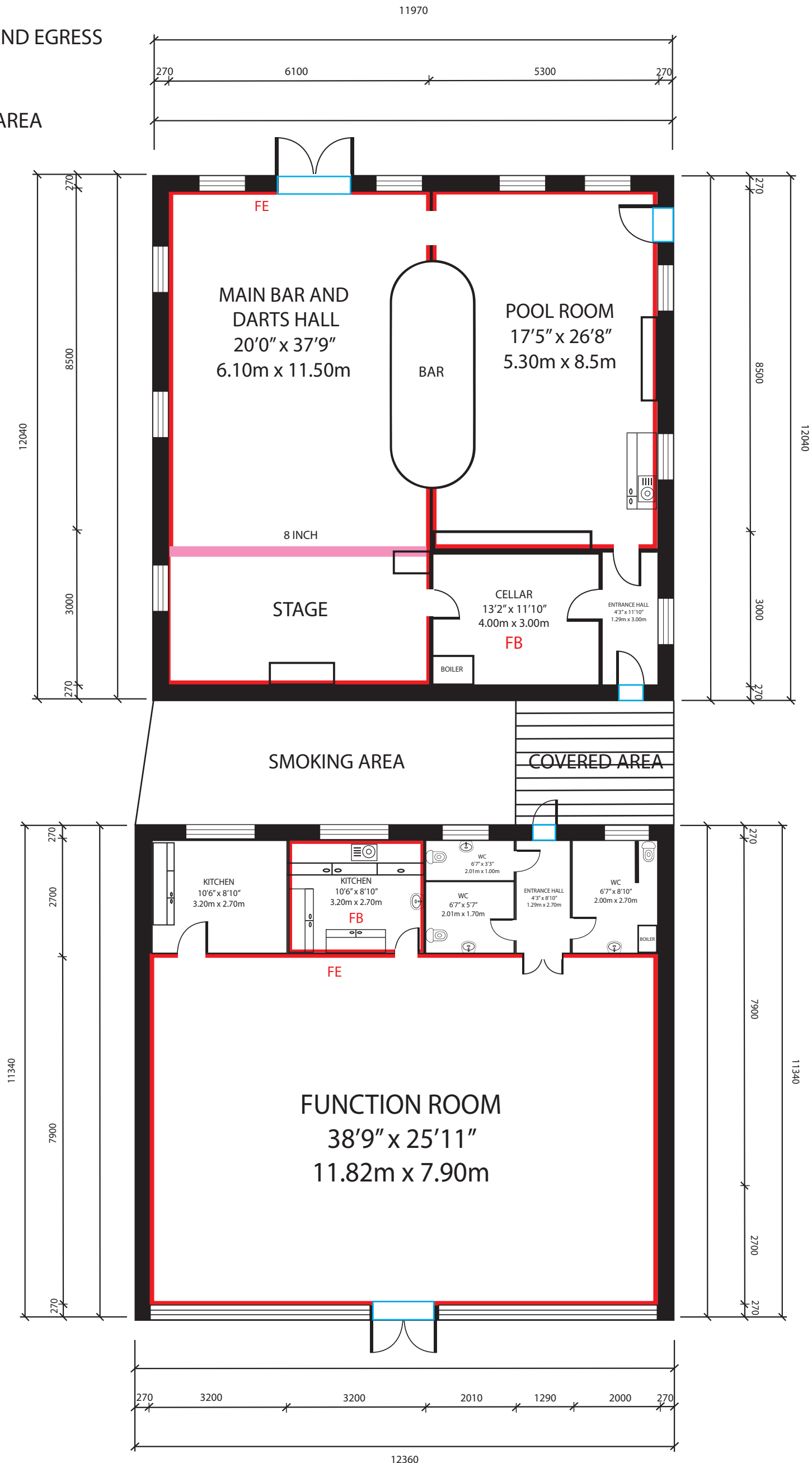
 LICENSED AREA

 ACCESS AND EGRESS

 RAISED AREA

GROUND FLOOR

2882 sq.ft (267.7 sq.m.) approx.

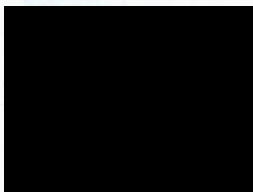


FLOOR PLAN

SOCIAL CLUB

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Patricia Cockrill



Licensing Section
Town Hall
Clacton on Sea
Essex
CO15 1SE

12 March 2022

Dear Sir/Madam

Ref: Upper Dovercourt Social Club, 618 Main Road, Dovercourt, Essex

I would like to object to the application for a social club in the old church hall on the grounds that this is too close to residential premises and a cemetery.

There are already issues with parking for residents with the businesses already in existence on the narrow slip road on which this hall is situated. There are also problems with cars passing each other on that narrow road. Additional traffic would only increase the problems.

There is already a long established licensed premises – The Trafalgar – next door to the hall so a second licensed premises so close to an already long established premises that has struggled for trade over the years seems like an unnecessary and unfair addition.

The hall is much closer to residences than the existing businesses on that slip road so the noise pollution to the residences close to the proposed Club is going to be a nuisance if it is allowed to operate with a music until at least midnight 6 days a week! We have had noise from the Trafalgar at weekends when they have entertainment but you expect that living close to a public house – you do not expect it 7 days a week as this license application is requesting and also not this close to residences.

It is also adjacent to a cemetery. Having the premises licensed for music all day everyday when there will be funerals on and using the access road to the cemetery seems wrong. Can you imagine burying a loved one with inappropriate music in the background or intoxicated people hanging around that entrance or cars blocking the access.

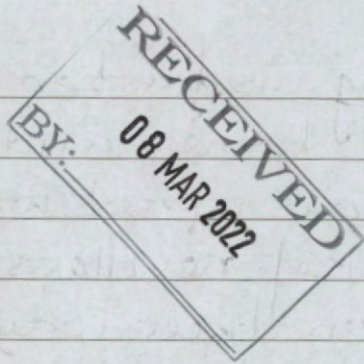
Whilst I welcome investment into the area I think this business is superfluous to requirements when there are other, better locations for this social club away from residences.

I hope my objections will be taken into account.

Yours faithfully



Patricia Cockrill



6th MARCH 2022.

RE: 618 MAIN ROAD DOVERCOURT

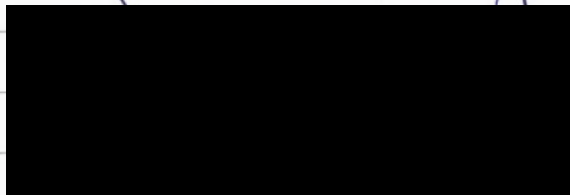
Dear Sir,

We are writing to object to the application for an alcohol & late night dance/music licenses our reasons being noise nuisance & lack of parking places.

Whilst we have no objections to an Upper Dovercourt Social Club we feel it is not an appropriate building to facilitate

3
it as the building is far too close to peoples homes and could cause serious upset with noise late night noise revellers causing mayhem on their way home we already have had wing mirrors smashed off of our cars. We are prisoners living a relatively quiet life and would like to continue to do so.

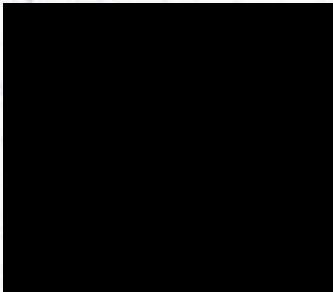
Yours Sincerely



(Mrs)

RECORDED DELIVERY

Mrs Lorna M Mayer



07th March 2022

Re Upper Dovercourt Social Club, 618 Main Rd, CO12 4LW

To whom it may concern,

I would like to put forward my thoughts and worrying concerns to the application for a club premises application/entertainment licence, at the above mentioned premises.

Parking/Highway

This building is on a small setback section of the Main Rd, which has many ongoing issues with parking/vehicle damage at the moment, due to the amount of businesses it caters for at present, and homes, including those at Fitzgerald and Trafalgar cottages. Should any of our properties, or those along this stretch need the help of emergency services (Fire) we would be unable to make use of them, as they would not be able to get along the road, we have had trouble previously when the now demolished factory behind us was on fire, and they were unable to get access. Yellow lines were added to a small section, by the alley way to rear of our houses, to allow access for the cemetery hearses to be able to exit, however 9/10 these are ignored, making it difficult to manoeuvre. Most cars on the pavement side of the road, by the business premises park half on the pavement, making it incredibly difficult to walk safely on the path, and impassable with buggies/wheelchairs, this is at all times of day. These will be of patrons to the drinking establishments, and vehicles will be left overnight to be collected at some point. Many of our cars have been damaged, and repaired at our own costs, as nobody seems to have the decency anymore to stop and accept responsibility. Allowing this business to operate the hours it wants, will just create more parking issues, we will have continued issues all day/every day, at least at the moment we get some respite when the dance studio, the Chinese, and Fish shop are closed. I understand its not a right to be able to park, but when you buy your own homes, you do not expect your concerns, to be totally ignored, and being a Blue Badge holder, life made more difficult than needed.

Noise

The applicants have applied to have entertainment of various types up to 1.30am, Friday and Saturday nights, along with the Trafalgar having similar allowance, the local residents, will be kept awake until 2am at the earliest, every weekend, whilst music is going and people are leaving the premises at closing. This is totally unacceptable, and yet again feel that the local residents have not been taken into account at all. Never did I expect to be living 15 metres away from such premises, at

least there is a bit of a distance from the Trafalgar, which we already have to live around the noise pollution from. This itself is going to be worse, as I understand they have also applied for live music all day inside and out, but has been open for many years. I should be able to sit in my home or its garden, peacefully, to enjoy what I worked hard for, I would not be permitted to play loud music, or have live music on until those hours, my mental state will be in ruins.

Anti Social Behaviour

On numerous occasions last year (2021), we were subjected to patrons of the Trafalgar pub using the side alleyway to the cemetery, as a weed smoking and urinating area, especially during the football, we would be in the garden, to be then stunk out by fumes, from groups of them, along with listening to the shouting and bad language, I know this may not be classed as the pubs fault, as its not on their premises, but they were customers of theirs, We have on numerous occasions, been woken up to fighting on the green of customers, had people beaten outside the church and bottles thrown up the road at people, that have been drinking, why on earth would you allow this behaviour to worsen for residents. It should also be noted how close this will be to the cemetery where people go to pay respects, remember loved ones, in peace and quiet. I am pretty sure they will not be expecting to be subject to any of this when reflecting their thoughts in the cemetery.

Social Club

I personally think that the premises is totally unsuitable for this kind of establishment, and feel that should something like this be wanted or needed there are better suited areas, such as the underused Community Centre on Long Meadows, this would be much more suitable, with parking, more distance from residents, and accessible to all. The Trafalgar is an ongoing licensed premises which is the only one in the area due to the closure of the other drinking establishments over the years ,that have obviously not been used, therefore another reason this is not a required/needed amenity.

I trust my issues will be taken into account, and understood in the way they are expressed, I am certain that there are not many people that would be overjoyed at the thought of this on their doorstep, and put my trust in the people that act on behalf of the residents.

I also understand that there may be people that support this application, but would ask that it is noted they will not be living in close proximity, to be plagued by the issues I have mentioned above.

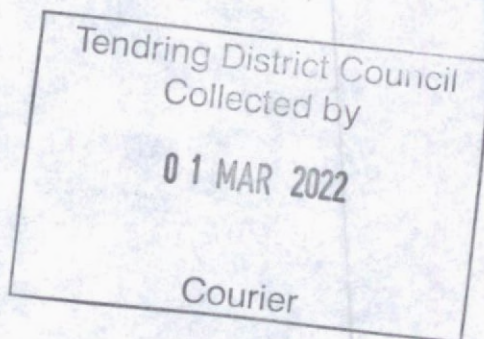
I have no objections to any development/investment in Harwich, and would welcome it, but not when it will create issues for local residents some of us who have been living in this pretty little area for over 30 years, when there are alternatives that could be pursued.

Yours sincerely



Mrs Lorna M Mayer

Tendring District Council
Licensing Section
Town Hall
Clacton-on-Sea
Essex
CO15 1SE



28th February 2022

Dear Sir/Madam,

Ref: Notice - Upper Dovercourt Social Club Application for Club Premises Certificate

Having read the above Notice in The Harwich and Manningtree Standard, February 25th 2022, we would like to register our views concerning this application. One of us, Mr S Richardson, is an elected Harwich Town Councillor and as such would like to confirm that the content of this letter reflects his views only and not those of the Town Council. The application for approval of licensing hours has implications for both parking and noise levels yet the Notice does not indicate that the applicant has supported their application with any further information about the implications of the Certificate for which approval is being sought.

If a member of the TDC came to this part of Dovercourt, they would realise that on the same side of the proposed Upper Social Dovercourt Club is The Trafalgar Pub (we understand that the same person owns both) and then immediately next to the Pub there is a Chinese Takeaway and then a Fish and Chip Shop. There is also a building where children in the past have been dropped off and then collected after their dance classes. We do not know whether this is still operational. Parking outside all of these businesses is very much restricted by existing residents who park their cars and the fact that the road is especially narrow prior to its junction with Main Road. As a result, members of the public have often no option but to park on Main Road whilst they go and fetch their takeaway orders etc. On Main Road and exactly opposite the proposed Social Club, the Pub and the 2 takeaways is a terrace of houses where the majority of residents do not have the opportunity to park their cars off road so there are always cars parked from the mini-roundabout for about a distance of 100/150 metres...so few spaces are available. From the mini-roundabout and continuing past our house in the direction of Colchester, Main Road has white parallel lines with diagonal stripes on the road which we understand is to separate traffic lanes or to protect traffic turning right. Also, if...as is the case...the area is bordered by a broken white line, you should not enter the area unless it is necessary and you can see that it is safe to do so. Currently, because parking places are at a premium, people do stop for short times at the kerb outside our home or in front of other houses, whilst collecting their order from either of the 2 takeaways. When this happens, the parallel lines with diagonal stripes are crossed into by road traffic so reducing the width of the road for both lanes on a very slight bend. As a consequence, people will often park their cars half on/half off the pavement which compromises the safety of the public's use of the pavement. There are occasions when heavy traffic drives both ways along Main Road, so the width of each carriageway is of particular importance. Of course, because the people who park and make use of the takeaways stay for very short periods of time, to date this has not caused much of an issue. The application made for The Upper Dovercourt Social Club suggests a whole range of activities which will need to draw people from further afield than from residents of houses within walking distance, if the project is to succeed. **The obvious question is where will all the cars park** for periods of up to 3 hours when activities will be taking place and of course, with the sale of alcohol being supplied, for periods of up to 13 hours? It must be said, that if cars start to park all along Main Road it will make it almost impossible for us, as well as other residents of Main Road (left and right of us who also have off road parking) to exit our driveways onto Main Road...whether turning left towards Colchester or right towards Harwich...without total lack of visibility. This happens on the odd occasion but for it to be a regular occurrence, an accident will no doubt be on the cards. It is impossible to see if traffic is coming when cars are parked either side of a driveway accessing Main Road. In our view, this section of Main Road cannot sustain the extra parking of cars for much longer periods of time than at the moment, if the safety of both motorists and pedestrians is to be maintained.

There is of course the option for people going to the Social Club to use the available Bus services, but they do not operate at midnight let alone 1.00 am Sunday morning and the services are not so regular as to be able to easily access the day activities. People may wish to use Taxis, but where are they likely to park to pick up their customers?

With regard to **noise levels**: -

- There will be noise when customers return to parked cars at midnight through the week and later every weekend. They may be asked to respect the peace and quiet of residents living local to the Social Club but as we all know that often lands on deaf ears

- There will be noise when people are picked up by taxis, whether from outside the Social Club or from on Main Road, again sometimes late into the night
- The range of activities covered by this Club Premises Certificate will create noise. Will there be restrictions on keeping doors and windows closed and the volume of noise? Before COVID, The Trafalgar Pub had the odd weekend 'do' which lasted late into the evening and we suspect that will continue. To date this has not been that frequent and whilst music and noise can be clearly heard from our home, it has by no means been every weekend and so perfectly tolerable. We see that the Pub is currently being refurbished and these evening events will no doubt continue, to ensure people visit the Pub....possibly on a more regular basis? The disturbance to local residents...behind, opposite and each side will be in stereo from the Pub and Social Club. We wonder if TDC councillors would like to live close by and listen to all this noise and entertainment as well as having their safety compromised by the increased number of vehicles coming and going and regularly at very unsociable hours?

It is our view that the owner of the intended Social Club and existing Pub needs to consider these two important issues ie parking and noise and make it clear in their application on how they intend to mitigate them. For example

- use of land for parking around and at the rear of the Pub and Social Club
- insulation of the Club in order to reduce noise
- consider more reasonable Social Club opening hours
- not having an event in the Pub at the same time as a late night activity in the Social Club

There are however several more significant points that we would like to make. They are concerning the **Club Premises Certificate being applied for and what that certificate allows as well as conditions which apply**. The Social Club must have a minimum of 25 members.

Firstly, and with regard to what the certificate allows, there are several points of concern:-

- it doesn't need to specify a Designated Premises Supervisor
- police and licensing officers have more limited rights of entry because the premises are private

The concern is about the length of time alcohol will be on sale, at times 13 hours at a stretch, when there is no designated supervisor and if there happens to be a problem or disturbance inside the Social Club then the police and licensing authorities have limited rights of entry. There is a Pub next door selling alcohol during normal Pub hours. In this situation there will be the opportunity to continue drinking 'till 1 in the morning. We question the need for 2 premises located side by side selling alcohol for the majority of the day. We leave you to think about the potential for problems or disturbances. It does not take anyone with any sense to realize that they will occur and the hands of the Police will be tied.

Secondly the conditions for the Certificate to be granted. There are a number highlighted, but the most relevant is the following:-

To qualify for a certificate, your club must make sure that:

- it has premises that are occupied and used regularly for club purposes

This condition cannot be met with regard to 'occupied' as this word implies 'residence' which we do not believe can be fulfilled.

We would ask that further investigations are made by TDC into these extremely important issues, which should include an on-site visit. The terms and conditions of granting a Club Premises Certificate to be reviewed for relevance to this application, as well as asking for an explanation by the owner of how they intend to reduce noise and sort out parking, particularly in tandem with their Pub. These investigations should be an integral part of this application before consideration is even given so that complaints about noise and parking from local residents are avoided in the future. We feel strongly that TDC has a responsibility to ensure the health and safety of the community is given the seriousness it deserves.

We therefore believe that the application for a Club Premises Certificate which includes the approval of extensive licensing hours but which in no way addresses its implications for noise levels and parking, is not viable in its current format.

Yours faithfully,



Mr and Mrs S and C Richardson

PLANNING REQUEST AT METHODIST CHURCH ON MAIN ROAD IN HARWICH

DEAR Sir / MADAM

A REQUEST HAS BEEN PUT IN FOR PLANNING TO MAKE THE ABOVE TO BECOME A CLUB SERVICES FOR A NUMBER OF THINGS INCLUDING LIVE/RECORDED MUSIC DANCE, FILMS ETC. AND TO SERVE ALCOHOL.

I AM AGAINST THIS BEING PASSED FOR PLANNING.

MY REASONS ARE THAT I LIVE VERY CLOSE TO THIS SITE. THIS IS A BUILT UP HOUSING AREA AND THERE IS ALREADY A PUB AND TWO TAKEAWAYS HERE. AND A DANCE SCHOOL.

MY CONCERNS ARE THE HOURS OF OPENING AND CLOSING, 10 IN THE MORNING TILL 12-12.30 AT NIGHT AND 1.30 SATURDAY NIGHTS. IF THERE'S MUSIC OR DANCE OR SOME SORT OF SPORTING EVENT GOING ON ALL DAY AND WITH ALCOHOL ON TOP DAY TO DAY LIVING WILL BE A LOT HARDER AND STRESSFUL. ALSO THE POTENTIAL FOR ALCOHOL INDUCED ANTI SOCIAL BEHAVIOUR. AS A SHIFT WORKER THIS FOR ME WILL MAKE LIFE DIFFICULT.

ANOTHER CONCERN AND THIS A BIG CONCERN IS PARKING. THERE ARE NO PARKING FACILITIES AT THIS SITE. WHERE WILL CARS PARK?? THE ESTATE I LIVE ON IS ALREADY USED AS A CAR PARK WITH THE ROAD AND RESIDENTS DRIVEWAYS BEING BLOCKED DUE TO THE PUB AND TAKEAWAYS AND DANCE SCHOOL THAT ARE ALREADY HERE.

ALTHOUGH THIS IS A GOOD IDEA THE BUILDING WHERE IT IS SITUATED IS NOT IN AN APPROPRIATE AREA FOR THE KIND OF THINGS THAT BEEN REQUESTED TO BE ALLOWED ESPECIALLY IN THE SUMMER WHEN DOORS AND WINDOWS WILL FULLY OPEN.

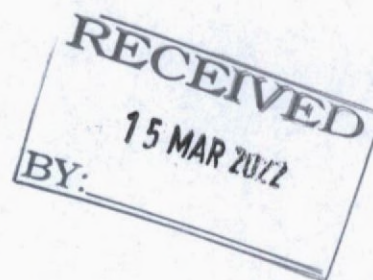
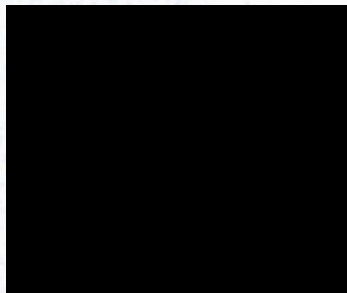
I HOPE YOU WILL TAKE THESE POINTS AND RESIDENTS WELFARE WHEN IT COMES TO REVIEWING THE REQUEST FOR PLANNING.

YOURS SINCERELY

D. WHITEHEAD



Mr S D Wilson



Ref: Licencing Act 2003: Upper Dovercourt Social Club, 618 Main Road , Dovercourt, Essex.

I am the owner/occupier of 620 Main Road and have resided here since August 2007. I live here with my wife and daughter (who is of Primary school age).

I have deep concern regarding the change of use of the facilities at 618 Main Road Dovercourt, specifically the licencing of alcohol at these premises.

As such in line with the provisions of the Licensing Act 2003 I wish to make the following representations.

Prevention of crime and disorder.

Alcohol is a catalyst for violent disorder and antisocial behaviour. Given the location of this facility, set back from a busy road and some distance from the town centre there is little visible Police presence in this area to act as a moderating factor. The street area and access to the rear of the premises is poorly illuminated at night and known to be an area used to take and supply drugs. I have reported this to the police on several occasions in the past.

With the Trafalgar pub is located at 616 Main Road the potential for additional alcohol related crime and disorder (criminal damage, public disorder, urination, physical assault, verbal assault) is likely to be exacerbated either on or off the premises.

Public Safety

The premises do not offer off-road parking facilities. Existing parking in this area is already limited. When vehicles park on both sides of the road two-way traffic is flow is impaired increasing the risk of road traffic incidents occurring.

Street parking provision has been reduced in this location because of single and double yellow lines installed adjunct to the cemetery entrance and drop kerbs installed at 622 and 624 Main Road. Increasingly more drivers are parking upon the pavement making walking hazardous for pedestrians.

Double parking and the road being blocked by delivery vehicles (as already occurs at the Trafalgar Pub and Mandarin House takeaway), would certainly affect the ability of emergency service vehicles to access the area in the event of an emergency.

Parking enforcement in this area, by the Essex parking Partnership is sporadic at best and non-existent during the evenings and night.

Public nuisance

I am likely to suffer loss of amenity at my property because of noise and traffic congestion from proposed licenced activities at the social club.

My daughter's bedroom window is less than 10 meters from the boundary of 618 Main Road and faces the entrance to the building. I challenge the applicants to demonstrate how my daughter will be able to sleep, with her window open without being affected by noise from activities, increased vehicle movements and disorder which alcohol creates.

The lane separating 620 from 618 serves as a vehicle access to Dovercourt Cemetery as well as rear of property parking for 620 and 622 Main Road. Frequently this access is obstructed or blocked by inconsiderately parked vehicles to the extent that my neighbour and I cannot drive our vehicles out onto the public highway. Similarly, vehicles are unable to exit the cemetery and end up knocking on my door to complain. In the past vehicles attempting to squeeze out have struck and damaged my garden wall, struck my boundary fence whilst reversing and struck other parked vehicles and endangered pedestrians. Without any off-road parking provision at 618 Main Road (unlike the Community Centre at nearby Long Meadows) how is this likely to improve the situation for residents and users of existing facilities in the area?

Protection of children from harm

As noted, my daughter's bedroom window is close to the boundary and faces the entrance of the premises. I am concerned that at night her ability to sleep will be adversely affected by noisy activities going on until 00:00 during the week or 01:30 at the weekend.

Given the need to have the window open for ventilation, especially during the warmer months there is an increased likelihood of regular exposure to loud antisocial behaviour including the use of swearing and sexual expletives.

Measures should also be taken to discourage smoking in this area to prevent smoking fumes from entering the house.

In a wider social context, I do not believe there is a strong enough commercial bias to warrant the granting of a licence at this location. The community is adequately served by the well-established public house (Trafalgar) at 616 Main Road, (currently undergoing renovation to improve its facilities) and the community centre at Long Meadows.

In recent years the following pubs have closed in the area. The Devonshire Arms (now used for retail), The White House (now housing) and The Royal (proposed flats). The loss of these pubs suggests a declining market for 'social drinking'. In this case I can only assume the applicants are relying on the lure of 'cheap alcohol' to gain customer footfall, a prospect I hardly find encouraging.

Kind Regards,

A black rectangular box redacting the signature of Scott Wilson.

Scott Wilson