
**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 8TH APRIL, 2022 AT 1.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Casey, McWilliams and Turner
Also Present:	Jonathan Smith – Poppleston Allen, Solicitors (representing Park Resorts Limited), Andy Kemp (Licensing Manager - Park Resorts Limited) and Tom Joyce (General Manager, Naze Marine Caravan Park)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Lisa Tann (Licensing Technical Officer)

48. CHAIRMAN FOR THE MEETING

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

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

49. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions.

50. DECLARATIONS OF INTEREST

There were none.

51. REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - NAZE ARMADA, NAZE MARINE CARAVAN PARK, HALL LANE, WALTON-ON-THE-NAZE, ESSEX

The Chairman, Councillor Casey 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 Assistant Director, Partnerships, an application for the variation of a Premises Licence in respect of the Naze Armada, Naze Marine Caravan Park, Hall Lane, Walton-on-the-Naze, CO14 8HL.

The Sub-Committee had been informed that this application had been made under the Licensing Act 2003 for the variation of the Premises Licence and thereby to increase the opening hours, and the permitted hours for the sale of alcohol and regulated entertainment. In addition, the current layout plans would be amended with two further

external areas added to the licensed area which were both directly outside the entertainment complex.

Section 2.1 of the Officer's written report set out a general description of the premises which was as follows:

"The premises was previously describe as a caravan holiday park with club room and bar with facilities for the sale of alcohol. The park also has facilities for the provision of food, drink and entertainment".

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

Monday to Sunday 00:00 - 00:00

SHOP PREMISES ONLY

Monday to Sunday 08:00 - 23:00

Sections 3.0 and 3.1 of the written report set out the current and proposed licensable activities which were as follows:

Current Licensable Activities – Permitted Hours

Exhibition of a Film

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)
Monday to Sunday	14:00 - 23:00	(Outdoors)

Indoor Sporting Event

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

Performance of Live Music

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)
Monday to Sunday	11:30 - 19:00	(Outdoors)

Performance of Recorded Music

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)
Monday to Sunday	11:30 - 19:00	(Outdoors)

Performance of Dance

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)
Monday to Sunday	11:30 - 19:00	(Outdoors)

Other Entertainment falling within Act

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)
Monday to Sunday	11:30 - 19:00	(Outdoors)

Provision of facilities for making music

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)

Provision of facilities for dancing

Monday to Thursday	10:00 - 00:00	(Indoors)
Fridays and Saturdays	10:00 - 00:30	(Indoors)
Sunday	10:00 - 00:00	(Indoors)

Late Night Refreshment

Monday to Thursday	23:00 - 00:00	(Indoors)
Fridays and Saturdays	23:00 - 00:30	(Indoors)
Sunday	23:00 - 00:00	(Indoors)

Sale of Alcohol on and off the premises

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

Boxing or Wrestling

Monday to Sunday	09:00 - 23:00	Club House Only
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SHOP PREMISES ONLY

Sale of Alcohol off the premises

Monday to Sunday	08:00 - 23:00
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ACTIVITIES – PROPOSED PERMITTED HOURS

Opening Hours

Mondays to Sundays 00:00 – 24:00

SHOP PREMISES ONLY

Mondays to Sundays 08:00 - 23:00

Provision of Plays

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of Films

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of Indoor Sporting Events

Mondays to Sundays 10:00 – 02:00 (Indoors)

Provision of Boxing or Wrestling Entertainments

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of Recorded Music

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of Performances of Dance

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of anything of a similar description to live music, recorded music, or performances of dance

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of Late Night Refreshment

Mondays to Sundays 23:00 – 02:00 (Indoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Supply of Alcohol on and off the premises

Mondays to Sundays 10:00 – 02:00 (Indoors)
10:00 – 23:00 (Outdoors)

Non Standard Timings

An additional hour to the standard and non-standard timings on the day when British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

SHOP PREMISES ONLY

Sale of Alcohol off the premises

Mondays to Sundays 08:00 - 23:00 (No Variation to existing hours
already in place)

The applicant also stated the steps that they proposed to take to promote the statutory licensing objectives and those steps were detailed in Sections 4.1 to 4.5 inclusive of the Officer report.

Members were further informed that one letter of representation/objection had been received from the local Councillor in relation to this application. No representations had been received from any of the Responsible Authorities.

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 policy considerations and 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 Guidance

Members also had before them the Application Form and supporting documentation, a location plan and a copy of the representation/objection letters.

The Chairman invited the Applicant, Park Resorts Limited to give its representations to the Sub-Committee.

The Applicant, (Park Resorts Limited) were represented by Jonathan Smith of Poppleston Allen Solicitors. Mr Tom Joyce, the Designated Premises Supervisor and General Manager for the Naze Marine Caravan Park was also in attendance, together with Andy Kemp, the Licensing Manager for Park Resorts Limited.

Mr Smith addressed the Sub-Committee and advised that the application was to vary the hours of the Premises Licence for indoor and outdoor activities and to change the layout plan to include two new outside entertainment areas. He referred the Sub-Committee to the plans on pages 50 and 51 of the Officer Report and state that the plan on page 51 was an overview of the Caravan Park with the hatched areas being the areas that were licensed for outdoor entertainment. Currently the outside areas were licenced for licensable activities until 7.00 p.m. but a change of hours to 11.00 p.m. was now being requested. Mr Smith advised that he understood the objector, Councillor Miles, was happy with those hours. The Applicant wished to be able to offer "Movie's under the Stars" and other entertainment outside by licensing the two additional outdoor areas. He also advised that the hours and licensable activities of the two hatched areas outside which were already licensed were to remain the same as the current licence.

Mr Smith advised that £2 million was being spent on the Park with £1 million on areas around the entertainment complex. There would be a covered outside seating area and stage area, plus the Horseshoe Bar and two retail units in order to provide more choice for guests. The Applicant was looking to introduce outdoor entertainment, which was partially due to the pandemic when it had become apparent that guests preferred to sit outside. The outside stage would be used during the day time for children's entertainment and for live singers in the evenings who would finish at around 10.00 p.m.

Mr Smith advised that an Acoustic Report had been submitted (and which had been included in the report to the Sub-Committee). He explained that the background noise levels had been measured at the residential premises nearest to the site. That level had set the level of noise that could then be produced on the stage. He advised that all amplified music went through a noise limiter.

Mr Smith advised that a Licence was needed to sell alcohol outside from 10.00 am. until 10.00 p.m. The later hours were for the areas marked red on the plan included in the report.

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

Mr Smith was asked whether the trees along the boundary line of the park were still in existence and the Sub-Committee was advised that they were.

Mr Smith was asked about the hours requested in respect of the indoor premises and he advised that, at the present time, the premises were licenced until Midnight Sundays to Thursdays and until 12.30 a.m. on Fridays and Saturdays and that the Applicant was applying to extend the hours until 2.00 a.m.

Mr Smith said that the objection that had been received had stated that there should be parity with other nearby premises but he advised that other premises nearby were licensed for 12 midnight or 1.30 a.m. and that currently the Park did not have those hours. The Licence Conditions only allowed the Applicant to sell alcohol to residents on the Park. Access to the Park was controlled by Security Guards and residents had to have a pass to gain entry to the Park. The Park had operated until 12 midnight or 12.30 a.m. for some time and had never had any complaints.

Mr Smith advised that 70% of the caravans were occupied by people who owned those caravans.

Mr Smith pointed out that there had been no objections received from the Responsible Authorities. He advised that there was air conditioning in the indoor areas so that there was no need to open doors and that there was also a noise limiter in the Show Bar. He reiterated that the park was not open to the general public. There were up to three or four security personnel on duty at night.

Members asked where the nearest residents were and Mr Smith explained that where the noise measurements had been taken for the acoustic report the levels had to be a maximum of 88db during the day and 85db in the evening but that they would not, in fact, exceed 85db at any time. Those measurements had been taken at the property nearest to the boundary of the Park.

Mr Smith was asked whether there was security on site 24 hours a day and he confirmed that there was. There was a 24 hour barrier at the entrance to the site with an intercom for residents use.

Mr Smith was asked whether the Designated Premises Supervisor (DPS) (who is also the General Manager of the Park) lived on site and the Sub-Committee were advised that the DPS lived off site in Colchester. Mr Smith was asked who was responsible for the licensed areas when the DPS was not present and he advised that in addition to the DPS, there was also a Complex Manager and bar supervisors who are well trained to serve alcohol. Mr Kemp confirmed that the Complex Manager was in overall charge when the DPS was not present and that role is the second in charge after the General Manager. Mr Kemp also advised that they were currently recruiting to the role of Complex Manager and this role was usually a personal licence holder as well.

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 to 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.

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 decision of the Sub-Committee is to grant this application in full subject to a Designated Premises Supervisor or a Personal Licence holder being on duty whilst the licensed premises/areas are open.

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, 8 April 2022 and will be confirmed in writing to all parties.

The meeting was declared closed at 2.35 pm

Chairman