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Premises / Personal Licences Sub-Committee

8 April 2022

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 8TH APRIL, 2022 AT 10.34 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Casey, McWilliams and Turner
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Chloe Blackwell (Licensing Enforcement Officer)

43. CHAIRMAN OF THE MEETING

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

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

44. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions.

45. MINUTES OF THE LAST MEETINGS

The minutes of the meetings of the Premises/Personal Licences Sub-Committee held on 13 August 2021 and 19 August 2021 were approved as correct records and signed by the Chairman.

46. DECLARATIONS OF INTEREST

There were none.

47. 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

The Chairman, Councillor McWilliams 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 grant of a Club Premises Certificate in respect of the Upper Dovercourt Social Club, 618 Main Road, Dovercourt, CO12 4LW.

The Sub-Committee was informed that this application had been 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.

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

"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.

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

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

Section 3.0 of the written report set out the proposed licensable activities which were as follows:

- | | |
|---|---------------|
| 3.1 Performance of Plays | |
| Mondays to Sundays | 10:00 – 00:00 |
| 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

Members were made aware that the applicant had 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 6 letters of representation/objection had been received from residents in relation to this application. No representations had been received from any 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 copies of the representation/objection letters.

The Chairman then asked Members if they had any questions at this time for the Licensing Manager (Michael Cook).

The Licensing Manager was asked why there had not been a site visit and the Licensing Manager advised that site visits did not normally take place under the Licensing legislation.

Members then asked questions of the applicant Ms Aimi Wosko.

Councillor Turner said that he considered the road outside the Club to be a major issue and asked how any increase in traffic was going to be dealt with. The Applicant advised that most members of the Club would reside locally so there would not be a need for a lot of parking.

The applicant was asked whether there was a car park at the premises and the Sub-Committee was advised that there was no car park and that parking was outside the

front of the Club. The applicant also advised that there would be no admittance to the Club without membership.

The Applicant then went on to say that they were in talks with Harwich Connexions in order to provide a bus service and that they would advertise any events. There were several disabled members of the Club who use motorised scooters. The premises had been used for an active church and Pre-School up until recently and there had not been any issues with parking at that time. There were yellow lines outside the premises but these were not in operation on Saturdays and Sundays. There was another pub and a Chinese Take-Away and Fish and Chip Shop on the same road and traffic could be busy when the Fish and Chip Shop was open. The church had been open every morning and the Pre-School had operated between 9.00 a.m. and 3.00 p.m, and therefore not as late as the hours requested in the current application, however, the Applicant did not propose to routinely stay open until the hours requested but instead advised that they proposed to stay open until 11.00 p.m. on Mondays to Wednesdays and Fridays.

The applicant was then asked about her plans for the Club and she advised that they it was proposed to play music but not continuing late in the evening. They planned to have exercise classes, children's parties and charity events in the function room part of the Club which was why a licence for music was needed. They also proposed to allow local bands to play and advised that they could install noise limiting equipment if needed. The applicant also said that she hoped to have teams and participate in the leagues for events such as cribbage, darts and pool, advising that most league meetings finished at 11.00 p.m.

The applicant was then asked if there would be a responsible person on site when the Club was open and she advised that there would be. The applicant said her husband was a personal licence holder. The applicant also advised that the bar was fully self-contained and that this was only open for Members of the Club to purchase alcohol, and would be supervised at all times. The Club was run by a Committee and was a non-profit making club. She advised that the club would normally be closed by 11.00 p.m. but that she had asked for the extra hours in case they had an event which finished later in the evening. The social club was in the front part of the building, with the back part of the hall being used for the various events but the application was for the whole of the premises to be licensed. She advised that most Members would be using the Club during the daytime.

The objectors were then invited to address the Sub-Committee and to ask any questions of the Applicant.

Scott Wilson, speaking for both himself and on behalf of Ms Mayer and Mr and Mrs Johnson said that the hours that the previous church operated had been on Friday lunchtimes and Sundays only and that the playgroup had used the hall between 9.00 a.m. and 12.30 p.m. on weekdays.

He advised that Harwich Connexions did not run bus services in the evenings and that he was concerned about people using mobility scooters.

Mr Wilson asked what guarantees there would be regarding the installation of CCTV. He advised that there was also a dance school in that vicinity and that parking was a problem when this was being used.

Mr Wilson advised of an incident on Mother's Day this year when there had been an incident at the nearby Trafalgar Public House when the Police had been called out because someone had blocked the road. He was concerned about access for emergency services if the road was blocked with cars.

Mr Wilson was further concerned about the operation of the premises, as during the recent storms a fence at the premises had been blown down and had blocked the entrance to the cemetery and that no-one from the club had dealt with this. The applicant replied that they had not been the owners at that time and had in fact only recently bought the premises.

Mr Wilson advised that he lived next door to the premises and that he was concerned about the noise as his daughter's bedroom overlooked the premises. He said he would like to see the whole of the premises land enclosed with fencing as people would be outside the premises drinking.

Mr Wilson said that the premises were comprised of two buildings, a bar area and a community hall and he felt that there should be a responsible person on the premises at all times to ensure that members of the public using the community hall did not go into the bar area which was the members only area.

The applicant confirmed in reply that the bar area would not be available to non-members.

Mrs Richardson, one of the objectors was then invited to address the Sub-Committee and to ask any questions of the applicants.

Mrs Richardson stated that she lived on Main Road and that she was very concerned about the parking and potential noise from the premises. She said that a large proportion of the time that the premises would be open it would be licensed for the sale of alcohol. She said that the premises had been described as a resource for older people, for coffee mornings and lunch clubs and she said that there was already a community centre in the vicinity that provided those types of events, i.e. Long Meadows Community Centre.

She was also concerned about the potential for overspill of car parking from the road outside the Club to Main Road and was therefore concerned about safety and visibility issues. She felt that the late hours requested in the application were excessive. She said that noise was reasonable during the day but not at night and she felt that most people using the Club would not walk there but would use their cars or taxi's. She was also concerned about access for emergency vehicles and pointed out that when brewery lorries were unloading at The Trafalgar Public House they already blocked the road so this would increase with similar alcohol deliveries to the Club.

Mrs Richardson said that she had checked what a Club Premises Certificate was and it said that it was in relation to "premises that were occupied" and asked whether if the

Sub-Committee granted the application today could the activities be changed in the future i.e. through Planning?

The members of the Sub-Committee then asked further questions of the applicant.

The applicant was asked whether a planning application had been submitted and were advised that it had.

The members of the Sub-Committee then asked questions of the objectors, the Licensing Manager and the Applicant.

The Licensing Manager advised that the definition of a Club Premises Certificate, was that the club had to be used regularly for club uses by Club Members and invited guests and only Club Members could purchase alcohol.

The applicant advised that they had had an open day so that any objectors could see the premises and that only one person, Mr Richardson had visited.

The applicant said that they would apply for Temporary Event Notices for special events. She said that other Community Centres were expensive to hire and they wanted to support local people – it was a non-profit club and they would like to sponsor local teams such as darts teams and hold darts matches as part of the local leagues. The applicant was asked how that would work considering only Members could buy alcohol and she advised that the non-members could be signed in by a Member of the club.

She advised that they had no intention of causing any problems in the area and that the Club had begun during the pandemic with Group Chats on-line and now had around 50 members.

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.

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, having heard from the Applicant and the Objectors, it is clear there are concerns about noise that may emanate from the premises, together with the noise from people leaving those premises, taken together with the vehicular access in the surrounding roads, the coming and going of vehicles where access may be difficult and the noise of those vehicles.

3. However, subject to paragraph 2 above, 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 Licensing Objectives of the Protection of Children from Harm, the Prevention of Public Nuisance and the prevention of crime and disorder and the Sub-Committee has decided to grant this application as follows:-

Performance of plays –	Mondays to Sundays – 10.00 to 23.00
Exhibition of films –	Mondays to Sundays – 10.00 to 23.00
Indoor sporting events –	Sundays to Thursdays – 10.00 – 23.00 Fridays and Saturdays – 10.00 – 00.00
Performance of Live music –	Sundays to Thursdays – 10.00 – 23.00 Fridays and Saturdays – 10.00 – 00.00
Performance of recorded music –	Sundays to Thursdays – 10.00 – 23.00 Fridays and Saturdays – 10.00 – 00.00
Performance of dance –	Sundays to Thursdays – 10.00 – 23.00 Fridays and Saturdays – 10.00 – 00.00
Provision of facilities for making music –	Mondays to Saturdays 10.00 – 23.00 Sundays – 10.00 – 22.00
Provision of facilities for dancing –	Mondays to Saturdays 10.00 – 23.00 Sundays – 10.00 to 22.00
Supply of alcohol on and off the premises –	Sundays to Thursdays 10.00 – 23.00 Fridays and Saturdays 10.00 to 00.00

In addition the Sub-Committee have been pleased to learn that the applicants are prepared to have a responsible person on-site throughout all opening times.

The Sub-committee have been pleased to note that throughout the course of this meeting the parties have shown a willingness to talk to each other, that is to be commended and it is hoped it will continue to the benefit of all parties.

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 12.55 pm

Chairman