

Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 04 August 2022 at 11:00**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003.

Information for Members of the Public

Access to information and meetings

You have the right of access to all meetings of the Council, its Committees and Cabinet which may be conducted remotely such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Thursday, 04 August 2022 at 11:00

The Licensing Sub-Committee Hearing Members are:

Michelle Burrows - Member, Dave Harris - Member, Tim Young - Member

The Licensing Sub-Committee Hearing Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 4 are normally dealt with briefly.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Application to vary a premises licence

5 - 68

The Sub-Committee will determine an application to vary a premises licence which has been made in accordance with the Licensing Act 2003, in respect of a premises known as Dabchicks Sailing Club, 143 Coast Road, West Mersea.

LA 2003 hearings process flowchart

69 - 70

6 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B
(not open to the public including the press)**

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website: www.colchester.gov.uk



Licensing Sub-Committee	Item 5
Dabchicks	FOR GENERAL RELEASE

Purpose of the Report	<p>To determine an application, made under the Licensing Act 2003, to vary the club premises certificate of Dabchicks (143 Coast Road, West Mersea), to extend the licensable area by way of amendment to the plan.</p> <p>In addition, the amendment of the condition in relation to club membership:</p> <p>‘Membership to be checked via online system’</p>
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1. Application

Applicant and Premises	
Application Type	Variation of club premises certificate (M004686)
Applicant	Dabchicks Sailing Club
Premises	Dabchicks Sailing Club
Premises Address	143 Coast Road, West Mersea
Ward	Mersea and Pyefleet

2. Proposed Variation

To amend the licensable plan to include the outside area. The proposed plan and application are shown at Appendix 1.

Conditions

Suggested condition
Admission to the club is confined to members and bona-fide guests and controlled through club officials and employees via an online system.
Condition to remove

Admission to the club is confined to members and bona-fide guests and controlled through door keepers and membership cards, the bar staff will check associate if unsure.

3. Current hours

Supply of alcohol, Live Music and Recorded Music	
Monday to Saturday	11.00 to 00.00
Sunday	12.00 to 23.00

Current certificate shown at Appendix 2.

4. Representations

Local Residents	Twelve objections from local residents	Appendix 3
Essex Police	No objection	
Environmental Protection	No objection and no record of a served noise abatement notice	

5. Letter of support

Local Residents	One letter of support	Appendix 4
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6. Additional Information

Local resident objections to the application have referred to the use of land that Dabchicks propose to include in their variation. Dabchicks Sailing Club have provided further information for reference. This information is shown at Appendix 5.

7. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in

order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.

2.10 The Licensing Policy is applicable to all premises providing any licensable activity. Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

2.15 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

3 Key Factors

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly, they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a

range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind down or chill out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard to the licensable activities applied for, the size, structure and proposed capacity, the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected

- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.18 There is the need to balance the needs of residents with that of the night-time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise.
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy).
- Prevention of disturbance by people outside the premises (e.g. smoking areas).
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside of licensed premises).
- Disturbance caused by deliveries and collections at the premises including waste and bottle collection.

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied

for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

KF4 – Standards to promote the licensing objectives

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application and having regard to their comprehensive risk assessment of the operation of their premises. These measures are not exhaustive, and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

8. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

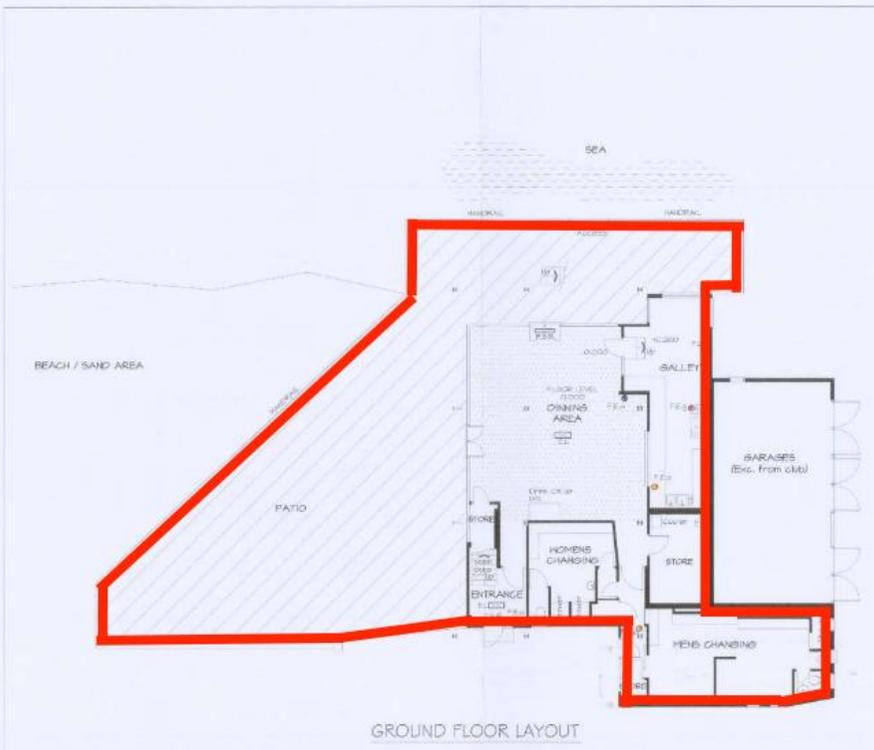
- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Proposed plan and application
Appendix 2	Current premises certificate
Appendix 3	Representations
Appendix 4	Letter of support
Appendix 5	Land ownership information

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT

SYMBOL LEGEND

- F200 FREE STANDING FIRE EXTINGUISHER (Water)
- F210 FREE STANDING FIRE EXTINGUISHER (Foam)
- F220 FREE STANDING FIRE EXTINGUISHER (Powder)
- F230 FIRE BLANKET
- ☀ FIRE SIGN ABOVE DOOR (REFLECTIVE TYPE ONLY)
- ☀ EMERGENCY LIGHT (Ceiling Lev)
- ± 0 DATUM LEVEL - ALL LEVELS ARE EITHER + OR - FROM ZERO. FIGURES IN BRACKETS () INDICATE IMMEDIATE RISE OR FALL TO ADJACENT LEVEL.
- ▨ INDICATES AREA OF SALE & CONSUMPTION OF ALCOHOL

▨ For Variation: Indicates area potential siting of temporary bar for sale of alcohol. The function of the hardstanding changes seasonally, so no fixed location identified.

- F200 FREE STANDING FIRE EXTINGUISHER (Powder)

A1	LICENSING ACT 2003	GDU	27.07.05
ISSUE	REVISION	DRAWN	DATE
DAEONICKS SAILING CLUB 143 COAST ROAD WEST MERSEA COLCHESTER ESSEX CO12 5JX Tel: 01245 226365 E-Mail: homeownerlogbook@yahoo.co.uk			
CONTRACT TITLE DAEONICKS SAILING CLUB 143 COAST ROAD WEST MERSEA COLCHESTER ESSEX CO12 5JX			
DRAWING TITLE GROUND & 1st FLOOR PLAN			
CLIENT DAEONICKS SAILING CLUB			
SCALE 1:100			
DRAWN	GDU	JOB NO.	DRAWING NO.
DATE	27.07.05	SDUC0506	01
CHECKED			



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A1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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.

Dabchicks Sailing Club

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number 004686
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Part 1 – Club premises details

Name of club Dabchicks Sailing Club		
Postal address of premises, if any, or if none ordnance survey map reference or description 143 Coast Road West Mersea		
Post town Colchester	Postcode CO5 8NX	
Telephone number (if any) 01206 383786		
E-mail address (optional) club.manager@dabchicks.org		

Name of person performing duties of a secretary to the club Club Manager

Address of person performing duties of a secretary to the club 143 Coast Road West Mersea		
Post town	Colchester	Postcode CO5 8NX
Daytime contact telephone number (if any)	07535084199	
E-mail address (optional)	club.manager@dabchicks.org	

Part 2 – Applicant details

Daytime contact telephone number (if any)	07535084199	
E-mail address (optional)	club.manager@dabchicks.org	
Current postal address if different from premises address	As above	
Post town		Postcode

Part 3 - Variation

Please tick

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To include our outside area for the sale of alcohol

Dabchicks premises comprises of a two-storey building with adjacent concrete space at the end of Coast Road.

At present, the club members are able to purchase drinks in the bar upstairs and regularly consume them outside at the picnic tables on the concrete space.

In response to the latter-day concerns for socialising inside, we are seeking to set up a bar with a smaller range of products than our main bar. It would be positioned on our concrete area, set back from the roadside facing into the main seating area. The construction would not be permanent and the products would be stored inside the building when not in use.

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

n/a

Part 4 – Club Operating Schedule

Please complete those parts of the Club Operating Schedule which would be subject to change if this application to vary is successful.

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment:

Please tick as appropriate

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

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 I)

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 J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
		Indoors	Outdoors
Day	Start	Finish	Both
Mon			<input type="checkbox"/>
Tue			<input type="checkbox"/>
Wed			<input type="checkbox"/>
Thur			
Fri			
Sat			
Sun			
Please give further details here (please read guidance note 4)			
State any seasonal variations for performing plays (please read guidance note 5)			
Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list (please read guidance note 6)			

B

Films Standard days and timings (please read guidance note 7)		Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
		Indoors	Outdoors
Day	Start	Finish	Both
Mon			<input type="checkbox"/>
Tue			<input type="checkbox"/>
Wed			<input type="checkbox"/>
Thur			
Fri			
Sat			
Sun			
Please give further details here (please read guidance note 4)			
State any seasonal variations for the exhibition of film (please read guidance note 5)			
Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list (please read guidance note 6)			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details here (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)		Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
		Indoors	Outdoors
Day	Start	Finish	Both
Mon			<input type="checkbox"/>
Tue			<input type="checkbox"/>
Wed			<input type="checkbox"/>
Thur			
Fri			
Sat			
Sun			
<p><u>Please give further details here</u> (please read guidance note 4)</p>			
<p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)</p>			
<p><u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>			

E

Live music Standard days and timings (please read guidance note 7)		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		
		Indoors	Outdoors	Both
Day	Start	Finish		
Mon			<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>
Wed			<input type="checkbox"/>	<input type="checkbox"/>
Thur			<input type="checkbox"/>	<input type="checkbox"/>
Fri			<input type="checkbox"/>	<input type="checkbox"/>
Sat			<input type="checkbox"/>	<input type="checkbox"/>
Sun			<input type="checkbox"/>	<input type="checkbox"/>
<p>Please give further details here (please read guidance note 4)</p>				
<p>State any seasonal variations for the performance of live music (please read guidance note 5)</p>				
<p>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 6)</p>				

F

Recorded music Standard days and timings (please read guidance note 7)		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
		Indoors	Outdoors
Day	Start	Finish	Both
Mon			<input type="checkbox"/>
Tue			<input type="checkbox"/>
Wed			<input type="checkbox"/>
Thur			
Fri			
Sat			
Sun			
<p><u>Please give further details here</u> (please read guidance note 4)</p>			
<p><u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)</p>			
<p><u>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>			

G

Performances of dance Standard days and timings (please read guidance note 7)		<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors <input type="checkbox"/>
Mon			Outdoors <input type="checkbox"/>
Tue			Both <input type="checkbox"/>
<u>Please give further details here</u> (please read guidance note 4)			
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			<u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)		Please give a description of the type of entertainment that the club will be providing Social Dancing e.g Disco		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Mon			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>
Tue			Both <input type="checkbox"/>	
Wed			<u>Please give further details here</u> (please read guidance note 4)	
Thur				
Fri				
Sat			<u>State any seasonal variations for this entertainment</u> (please read guidance note 5)	
Sun	v	23:00		
<u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 6)				

I

Supply of alcohol Standard days and timings (please read guidance note 7)		<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	
Day	Start	Finish	On the premises Off the premises Both
Mon			<p>State any seasonal variations (please read guidance note 5) The premises will close 30 minutes after last orders are supplied within the authorised hours.</p> <p>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 6) It is expected that the club will require the additional variation. New Year's Eve 11.00 to 01.00.</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

J

<p>Hours club premises are open to the members and guests Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
<p><u>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking.

Membership can be demonstrated and checked via online system and club officials and employees have access to check current list instead of using Membership Cards.

Please tick as appropriate

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

If you have not ticked one of these boxes, please fill in reasons for not including the certificate or part of it below

Reasons why the club has not enclosed the club premises certificate or relevant part of it:

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

General - all objectives Door keepers monitor arrivals and departures at Club's main entrance. The staff also have a list of members and a flag officer or committee member is always present. Club management and bar staff are informed of the Licensing Act 2003 objectives and statutory requirements to comply with all relevant provisions of the act.

b) The prevention of crime and disorder

Club constitution includes rules governing the conduct of members and their guests within adjacent to the club premises. Admission to the club is confined to members and bona fide guests and controlled through door keepers and online membership lists, the bar staff will check associate if unsure. Club employees are instructed not to admit or serve members and guests who behave in a drunk or disorderly fashion. Misconduct is reported to the committee to consider action under the club's disciplinary code.

c) Public safety

The club complies with Health and Safety and Fire precautions regulations. Following risk assessment, preventative and control measures are in place to ensure the safety of members, guests, employees and entertainers while on premises. The club complies with advised capacity limits. Fire action notices are posted and emergency escape routes are signposted. First aid is always available.

d) The prevention of public nuisance

Signage is displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises. When live or recorded music is played all reasonable steps are taken to avoid disturbance to neighbouring properties. A noise limiter is fitted and used on acoustic equipment.

e) The protection of children from harm

Flag officers and club staff ensure that young children seeking admission to the club for any purpose are accompanied by any parent or guardian. Young adults applying for membership must satisfy the committee that they are a sailor or want to learn to sail. Any applicant under 12 years must have a parent member. Accompanied children and grandchildren of members and their guests may attend a private party in the bar and lounge area. Committee members and other members of staff are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Signage is posted at all bars prohibiting the direct or indirect supply or delivery of alcohol to children. A child protection policy is in place.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities.
- I understand that I must now advertise my application.
- I have enclosed the club premises certificate or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 11)

I Sarah Lowe

(Insert full name)

make this application on behalf of the club and have authority to bind the club

Signature	
Date	8/6/22
Capacity	<500

Address for correspondence associated with this application (please read guidance note 12) Dabchicks Sailing Club 143 Coast Road West Mersea			
Post town	Colchester	Postcode	CO5 8NX
Telephone number (if any)		07535 084199	
If you would prefer us to correspond with you by e mail, your e mail address (optional) club.manager@dabchicks.org			

Notes for Guidance

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises, For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00).
8. If the club wishes members and their guests to be able to consume alcohol on the premises, please tick 'on the premises'. If the club wishes people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If the club wishes people to be able to do both, please tick 'both'.
9. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling machines etc.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed by someone with the authority to bind the club.
12. This is the address which we will use to correspond with the club about this application.



Colchester Borough Council

Club Premises Certificate

Granted under the Licensing Act 2003 s72

Colchester Borough Council
 Licensing Team
 PO Box 889
 Rowan House, 33 Sheepen Road
 Colchester CO3 3WG

Club Premises Certificate number: 004686

CLUB DETAILS	
Dabchicks Sailing Club 143 Coast Road West Mersea	
Post town: Colchester	Post code: CO5 8NX
Telephone number at premises:	
If different from above the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description.	
Certificate Start Date: 31 October 2005	

Qualifying Club Activities authorised by this certificate:	
Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	
Late Night Refreshment	
Sale by Retail of Alcohol	Licensed

The times the certificate authorises the carrying out of Qualifying Club Activities:		
a) The sale by retail of alcohol :-		
Monday	11.00 to 0.00	
Tuesday	11.00 to 0.00	
Wednesday	11.00 to 0.00	
Thursday	11.00 to 0.00	
Friday	11.00 to 0.00	
Saturday	11.00 to 0.00	
Sunday	12.00 to 23.00	
Seasonal Variations	The premises will close 30 minutes after last orders are supplied within the authorised hours.	
Non-Standard Times	It is expected that the club will require the additional variation. New Years Eve 11.00 to 01.00.	
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Performance of Live Music	Playing of Recorded Music
Monday	11.00 to 0.00	11.00 to 0.00
Tuesday	11.00 to 0.00	11.00 to 0.00
Wednesday	11.00 to 0.00	11.00 to 0.00
Thursday	11.00 to 0.00	11.00 to 0.00
Friday	11.00 to 0.00	11.00 to 0.00
Saturday	11.00 to 0.00	11.00 to 0.00
Sunday	12.00 to 23.00	12.00 to 23.00
Seasonal Variations	Occasional members private parties in lounge bar upstairs (subject to club committee's approval) with live or recorded music.	It is not expected that the club will require any additional variations.
Non-Standard Times	It is expected that the club will require the additional variation. New Years Eve 11.00 to 01.00	It is expected that the club will require the additional variation. New Years Eve 11.00 to 01.00.

	Performance of Dance	Other Music or Dance Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
	Facilities for Making Music	Facilities for Dancing
Monday		11.00 to 0.00
Tuesday		11.00 to 0.00
Wednesday		11.00 to 0.00
Thursday		11.00 to 0.00
Friday		11.00 to 0.00
Saturday		11.00 to 0.00
Sunday		12.00 to 23.00
Seasonal Variations		It is not expected that the club will require additional variations.
Non-Standard Times		It is expected that the club will require the additional variations.
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		

The Opening Hours of the Club	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	
Seasonal Variations	
Non-Standard Times	

Where the certificate authorises supplies of alcohol, whether these are on and/or off supplies:



Beverley Jones – Head of Professional Services

21 April 2016
Date of Issue

Annex 1 – Mandatory Conditions

Supply of alcohol

1. The supply of alcohol for consumption off the premises must:

- a. Only be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with this club premises certificate, to members of the club for consumption on the premises
- b. Be in a sealed container
- c. Only be made to a member of the club in person

Drinks promotions

2(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2(2) In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

Provision of water

3. The responsible person must ensure that free portable water is provided on request to customers where it is reasonably available.

Age verification policy

4(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

4(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

4(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a. a holographic mark; or
- b. an ultraviolet feature.

Alcoholic drink measures

5. The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Drinks Pricing

6(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

6(2) For the purposes of the condition set out in paragraph (1)-

- a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- b. “permitted price” is the price found by applying the formula-
 $P=D+(D \times V)$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;
- c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the members or officer to prevent the supply in question; and
- e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

6(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) or paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

6(4)(2) The permitted price which would apply on the first day applied to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Exhibition of films

7(1). Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

7(2). Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the licensing authority's Statement of Licensing Policy.

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Consistent with the Operating Schedule

General - all objectives

Door keepers monitor arrivals and departures at Club's main entrance. The staff also have a list of members and a flag officer or committee member is always present. Club management and bar staff are informed of the Licensing Act 2003 objectives and statutory requirements to comply with all relevant provisions of the act.

Prevention of Crime & Disorder

Club constitution includes rules governing the conduct of members and their guests within adjacent to the club premises. Admission to the club is confined to members and bona-fide guests and controlled through door keepers and membership cards, the bar staff will check associate if unsure. Club employees are instructed not to admit or serve members and guests who behave in a drunk or disorderly fashion. Misconduct is reported to the committee to consider action under the club's disciplinary code.

Public Safety

The club complies with Health and Safety and Fire precautions regulations. Following risk assessment, preventative and control measures are in place to ensure the safety of members, guests, employees and entertainers while on premises. The club complies with advised capacity limits. Fire action notices are posted and emergency escape routes are signposted. First aid is always available.

Prevention of Public Nuisance

Signage is displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises. When live or recorded music is played all reasonable steps are taken to avoid disturbance to neighbouring properties. A noise limiter is fitted and used on acoustic equipment.

Protection of Children

Flag officers and club staff ensure that young children seeking admission to the club for any purpose are accompanied by any parent or guardian. Young adults applying for membership must satisfy the committee that they are a sailor or want to learn to sail. Any applicant under 12 years must have a parent member. Accompanied children and grandchildren of members and their guests may attend a private party in the bar and lounge area. Committee members and other members of staff are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Signage is posted at all bars prohibiting the direct or indirect supply or delivery of alcohol to children. A child protection policy is in place.

Annex 4 – Conditions Carried Forward on Conversion

Annex 5 – Conditions Agreed with Responsible Authorities

Annex 6 – Conditions Attached after a Hearing by the Licensing Authority

Representations

8 July 2022

Ref: 000071162 CBC Licensing Register, Dabchicks Sailing Club, 143 Coast Road, West Mersea

* **The prevention of Crime and Disorder:** the proposal to vary conditions is to sell alcohol outside the premises of the sailing club and on the land adjacent to the clubhouse. Land adjacent to the clubhouse is a public area with no defining features - it opens on to a public right of way, a beach, and to the corner of Coast Road and The Lane. With the tourist season in full swing the open bar would be in full sight and easy reach of anyone who is in the area. Conditions of the license depend on door keepers and signage posted inside the building - they could not control the public. This is inviting trouble.

* **The prevention of public nuisance:** the sailing club is obliged to moderate noise coming from inside the building. If alcohol is sold outside the building the inevitable noise and crowd creep would certainly be a public nuisance to surrounding residents.

* **The protection of children from harm:** the club's license conditions include ensuring that children are accompanied by adults when within the bar area. If there is a bar open to surrounding land, beach, road way, it would be impossible to supervise and manage all the children who are likely to attend the club, especially as the Dabchicks is primarily for children who wish to learn to sail. The club would not be able to protect all their younger members from harm, and certainly would not be able to prevent non-members from mixing in with the crowd.

This application for varying the club's license is very worrying, and if granted we can foresee activities spreading, all over the land adjacent to the club, without restraint.

Respectfully

Faith Richardson, Chairperson
Mersea Island Society

8th July 2022

Dear Sarah

The Dabchicks is in a conservation area made up of listed buildings and very old cottages. It is situated in the heart of the 'Old City' on Mersea Island and part of its land has 'Village Green' status.

This proposed temporary outside bar, which we are given to understand has been donated by a local brewery, would be sited only a few metres from residents' properties and bedrooms. It is unreasonable to think this would in any way be appropriate or acceptable.

This application also gives emphasis to the disrespect and discourteous manner Dabchicks Commodores and some committee members recurrently show to residents.

Respect, consideration and working together with their neighbours would go a long way to alleviating many of the contentious issues that arise. However, sadly the opposite frequently happens, and situations that adversely affect residents, that could be easily resolved with dialogue and sensitivity, worsen, and on occasions appear to be deliberately antagonistic.

Introducing an outside bar can only increase the already existing problems and make the situation worse.

We too, enjoy many aspects of the club and really don't wish to spoil members enjoyment of the facilities on offer. However, the club has a considerable and ever-increasing membership. If serving drinks outside is deemed necessary, then considered measures need to put in place that reflect the situation and the privileged tranquil surroundings that we *all* enjoy. Employing an additional staff member to serve people from the galley or the perfectly adequate existing bar, would be an effective and very simple compromise.

In the interests of fairness, good neighbourliness and consideration for all, this application must surely be refused.

Yours sincerely

Coast Road

Objection.

I consider that the disturbance affecting neighbours and interference with the peaceful enjoyment of the adjacent village green caused by an outside bar would be unacceptable.

The use of the Village green, which abuts directly on to the Club Building, as a drinking venue for non-villagers would be a criminal act. This goes against our licencing policy.

The misuse of a Village Green is a criminal not civil offence.

While the Dabchicks owns the freehold of a small triangle of land, it does not affect its status as village green.

In the absence of membership cards, there would be no way that use of the outside bar could be restricted to club members and would therefore contravene the original club licence.

I hope that the subcommittee, in its wisdom, will reject this application.

Cllr Moore

Dear Team

It is with some surprise that I learnt of Dabchicks Sailing Club's (DSC) application for an extension to their license to allow them to serve alcohol at an outside bar. This usually quiet conservation area of the Old City of West Mersea is already plagued by excessive noise and nuisance from the **inside** bar at DSC. Previously I have had to go across and request that they turn down the volume of music when we could no longer hear our own television in our front room, with our doors and windows closed. I was told by senior members that we shouldn't have moved there then, even though the house has been in my partner's family for over 100 years - i.e. long before Dabchicks existed. It must be remembered that some of the properties closest to DSC are listed buildings and therefore are unable to have double glazing etc.

DSC has shown a scant regard for its local neighbours and neighbourhood and in recent years has shown a complete unwillingness to engage with the nearby residents in meaningful, constructive dialogue. The officers' answers are usually as above - we shouldn't have moved here, or 'No, now go away' when we ask for discussions on topics relating to the club's interaction with the locale.

I would also bring the Team's attention to the name of the club - it is Dabchicks **Sailing** Club, not Dabchicks Pub, Nightclub or after hours bar. Originally envisaged as a club to teach youngsters how to sail it is now a bar and nightclub with occasional sailing. Apart from Wednesday evenings, which is a 'kiddies' sailing' evening (where the non-sailing youngsters run riot in the area, playing unsupervised on the public highway whilst their parents drink - an accident waiting to happen) and Cadet Week, there appear to be precious few actual sailing related activities for children and rather a lot more nightclub and drinking activities for adults.

It is already apparent that the club is unable to police membership, having admitted that it no longer issues physical membership cards and it is all 'done on line'. So how do they check that it is only members visiting the bar? Further, now that they have over 700 members (for a clubhouse originally envisaged for around 300), what chance is there of being able to facially recognise those that are or are not members? This will only be worse with an outside bar which will be seen by passing visitors as an open beach bar, especially as it would serve directly on to the Village Green.

The club is inappropriately positioned particularly with its current membership levels - I can't think of a sailing club anywhere that has no parking at all (let alone on-site parking) and sits literally within 6 or 7 metres of residential houses and bedrooms. And that is the point - this is a **residential** area with a high proportion of the population being retired / elderly and not a nightclub entertainment zone which it frequently seems to resemble. The **existing** drunken behaviour of people who have attended, or are 'attending', the club is already unpleasant and often intimidating to the residents who then cannot enjoy the peace of their own property. When 30 or 40 young adults under the influence of alcohol are behaving inconsiderately (outside of the club building) it is difficult for a single elderly resident to ask them to modify their behaviour. This can ONLY be worse if an additional (outside) bar becomes available for drinking.

Having an outside bar will also make it very much more difficult for the public to make use of the Village Green area (to which they have a legal right to 'free and unhindered access'). DSC has already tried, unsuccessfully, to appropriate parts of this for its own financial gain (i.e. serving more alcohol), even to the extent of placing benches on the part of the Village Green they do not own. Serving alcohol on this area will mean families with young children will not feel comfortable using the Green as is their right. They have served alcohol in this area several times already, contrary to their existing license.

It is clear that this license extension request is only a cynical device to raise more club funds, precious little of which are being used for the Club's original purpose. It may pay to look at the Club's 'Articles of Association' to see what its purposes are supposed to be.

I trust that this license extension request will be refused and furthermore that the original noise controls (in line with the Noise Abatement Order that was previously issued to them) be reinstated in order to **reduce** the already intolerable noise and nuisance.

Yours faithfully

Coast Road.

Dear Licensing Team

We write to strongly object to the above application by Dabchicks Sailing Club. The Club have a perfectly adequate bar area upstairs and a downstairs bar on the Village Green would result in even more anti-social behaviour by the Clubs members and visitors.

We have had people urinating and vomiting outside our property and couples engaging in sexual intercourse in full view of our window.

Members children run around unsupervised, throwing stones and causing damage.

Children also urinate up the garages. Dabchicks and parents have been told on many occasions about this behaviour but do nothing to resolve it.

Any more alcohol outlets will totally exacerbate the already alcohol induced anti-social behaviour we have to put up with.

We hope, for the sake of all residents, this application is refused.

Many thanks

Coast Road

Dear Sirs,

I am writing to register my strong objection to the Dabchicks S C application for an amendment to their existing Alcohol Licence, which would allow the erection of an outside bar on our Village Green (VG241). Dabchicks have a perfectly adequate bar area inside their own clubhouse, which has served it's members over many years. The Commons Act 1876 S28, and Inclosure Act 1857 S 12, make it illegal for any action which causes an encroachment of a Village Green. This has never been allowed before, and would constitute an illegal act.

The proposed outside bar area would have a significant impact on the enjoyment, by local residents, with their families and young children, using the Village Green for their normal recreation.

It will also set a very worrying, negative precedent for the future. The next obvious step would be for Dabchicks to have portable kitchen equipment brought outdoors, together with an outdoors tables and chairs, dining area.

Any Village Green needs to be protected from this encroachment. Family picnics are a recreational enjoyment, a for profits bar area is not appropriate in this setting.

The use of a Village Green for the Dabchicks type of commercial purposes of selling alcohol, must be resisted. Inevitably, any alcoholic bar generates high noise levels, to the detriment of the close neighbours. Furthermore, this noise, and accompanying noisy behaviour would continue into the late hours.

The benefits of the Dabchicks existing indoors bar is that:

- i) the noise levels are somewhat reduced to neighbouring properties
- ii) the bar staff are more able to control the behaviour of the drinking club members.

I trust that this proposal will be rejected. If not, then steps will be taken to raise a prosecution for an illegal action against the 1876 and 1857 Acts.

Yours faithfully,

To Whom It May Concern

I wish to object most strongly to the application by Dabchicks Sailing Club to install an outside bar on what is our Village Green, which I believe has been illegally appropriated, albeit according to Dabchicks, situated on their property.

For anyone of the ten or eleven households adjacent to Dabchicks, that has to suffer the extreme noise levels from rowdy crowds of inebriated people and ensuing litter in the way of bottles, glasses, cigarette stubs and general detritus such as discarded food, crisp packets, etc, will know only too well that on occasions, it becomes completely unbearable, quite often, the noise level drowning out the sound of my television.

Dabchicks is primarily a sailing club, meant for the advancement of sailing skills taught to children but over the last 25 years, it appears to have morphed into an adults drinking venue.

Often in the summer months, children are left to run wild in the vicinity of the Coast Road and The Lane junctions, completely unsupervised whilst the parents are busy partying, the inevitable result is many a drunken parent.

I have personally had the unpleasant experience of a person urinating in my garden and had numerous glasses and bottles just tossed onto the property.

Permission to build an outside bar will make this already poorly controlled situation worse and all manner of events will eventually take place.

The noise level emitted by the crowds is always extremely high, often accompanied by loud music, the customers have zero respect for the residential surroundings that they are in and can be hostile if confronted about their rowdy behaviour, which make the situation completely intolerable.

The current licence that Dabchicks has is often blatantly exceeded beyond the legal limits, there are never any out of hours checks or visits made by the authorities when Dabchicks holds these events and permissions for an outside bar would inevitably be steered towards food/catering and would soon turn into a fully fledged Bar/Restaurant complex.

Apart from using the changing rooms, I have never seen children using other parts of the premises for lessons, it is confined, it seems for the enjoyment of adults and only occasionally private parties which invariably turn into semi raves with young drunken teenagers overflowing onto the streets causing problems for local residents.

It is a nonsense that only membership card carrying members can go there, I know for a fact that in the summer months many, many people from the caravan park use

Dabchicks and it appears one has only to say your a visiting yachtsman if ever queried, to gain access.

It would be of no benefit whatsoever to the local community of the 'Old City' to grant an outside drinks license to Dabchicks, all it would do is to attract evermore noise and disruption and therefore request that a license is denied.

The Lane

Dear Sirs

I'm writing to object to the application by the Dabchicks Sailing Club to have a outside bar .

This club has consistently upset locals with their late night drinking parties and an outside bar will only make the situation worse .

I've no objection to members enjoying their evening events after sailing but it appears the drinking and associated noise is continuing to cause a nuisance to the residents living in the old cottages around this area .

Yours sincerely

The Lane

CBC Licensing

I consider the claim by the applicant that this facility is now required due to the pandemic should be dismissed

There is no longer a requirement for any social gatherings etc to be outside as restrictions have been removed

If that was reintroduced then would be more appropriate to apply for a temporary and not permanent revision

However the same issues as outlined in my earlier response would apply eg detriment to residential amenity

With thanks

Broomhills Road,

CBC Licensing

Response to the Consultation in Objection to the Licencing Application by Dabchicks Sailing Club in West Mersea for Amendment to Alcohol Licence and withdrawal of use of membership cards

Membership Cards

The use of digital or other membership cards is an effective method of ensuring compliance with the licencing requirement of serving alcohol only to members and their registered guests

The sign in facility at the entrance to the club-house does not cover this entering the club house and bar a second entrance and will not cover those using the bar as proposed outside it

Sailing club by custom allow visiting yachtsmen eg if members of other clubs to purchase alcohol. It is unclear if that complies with the licence or if so how regulated if neither have cards

Proposed Outside Bar

The Clubhouse is situated in a quiet residential area which is part of the Coast Road Conservation Area also subject to Article 4 Directions suggesting a Planning Application may also be required.

This Conservation Area is characterised by old timber cottages ie of poor sound proofing and any increase in gatherings outside will affect their right of quiet enjoyments amenity of their homes

The Dabchicks Sailing Club has increased its membership from about 350 to over 750 ie in excess of the capacity of the building suggesting this is a reason for the need to increase the licence area

The noise nuisance from the Clubhouse to neighbouring properties has already been subject of warning issued by a CBC Environmental Health Officer and of a formal Noise Abatement Order

This infers that the approval of a licence relating to the area outside the clubhouse as in effect a further licence would further reduce the amenity and good order of the quiet residential area.

The application and the significant increase in membership and social activity suggests that any disturbance from those on the apron will be in addition any disturbance from the Clubhouse itself.

Furthermore such use of the apron, being an open area, is likely to cause more disturbance than from within the clubhouse itself which may extend to other ie adjoining areas of the Village Green.

The Club will have no ability to ensure compliance with the requirements to serve alcohol only to members and their guests which have been signed in if alcohol is served outside of the clubhouse

This is further emphasised as the apron is part of Village Green 241 having previously been open foreshore later purchased by the Club to which all residents are entitled equal rights of access..

The status of the apron also implies that, unlike for the Clubhouse itself which can be physically closed ,the Club will have no control over the continued use of the apron by members after hours.

I attach a an extract of a crime map for 2022 for the area adjacent to the Club showing four reports of public order or anti-social behaviour. It should be reviewed if any are linked to the Club.

The area around the Club is subject to tidal flooding including both the apron and the ground floor of the Clubhouse noting that they are not protected by the Coast Road Flood Defence Scheme

Those in the Club would usually remain on the first floor of the Clubhouse until the tide has receded however if the clubhouse is already at capacity those on the apron s could not shelter in it.

I acknowledge that the status of the land as a Village Green is not a licencing consideration as such however that status itself then infers the issues above will arise if the application is approved

That status of the apron is not recognised by the club but is the current position of Essex County Council Legal Services who are registrars. Enclosure or obstruction of a Village Green it is an offence

This would include impact on they amenity of the area for residents who would no longer have unrestricted use of the apron ie Village Green noting that there is else little other open space nearby.

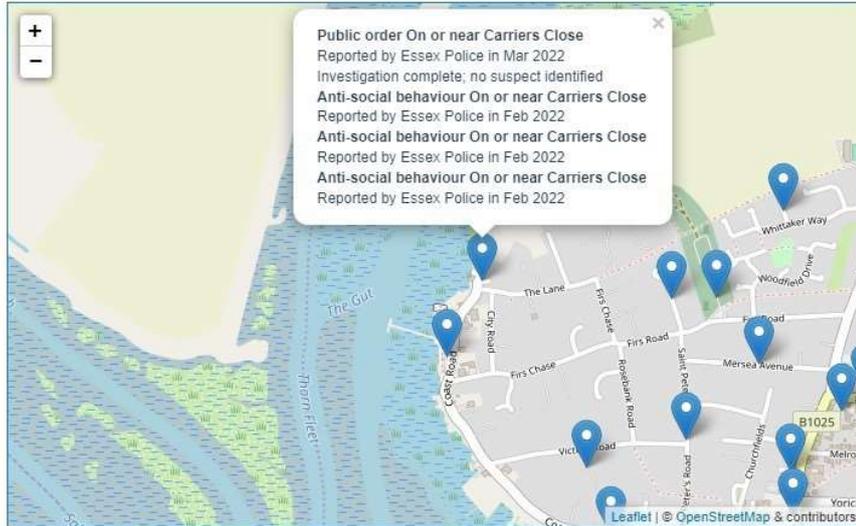
It is unclear if the applicant has adequate staff and training in place noting volunteers are used eg a paid bar manager would appear to be unable to supervise staff at both locations ie in and outside.

Attached 2 x Jpg

With thanks

Broomhills Road,

Map



Crimes Listed



Dear Sirs,

I am most concerned to learn that Dabchicks Sailing Club has applied for an amendment to its alcohol licence in order to install and operate an outside bar.

The noise which the club emits from events both inside and outside the clubhouse together with the many instances of anti-social behaviour from its members and guests is already bordering on intolerable for myself and other nearby residents.

Since the concrete apron built on the village green has been used more frequently as an overspill area for an increasing membership, drinkers and smokers congregate long after the bar has closed. Bearing in mind the situation of the properties in this conservation area of the Old City, there are at least eight bedrooms affected by the noise which inevitably increases as the night draws on. Summer weekend afternoons are also regularly disrupted by the noise of outdoor drinkers.

My front wall and that of my neighbour is more often than not littered with empty beer bottles and glasses following events - particularly during Cadet Week and Mersea Week. Last year on August 14th, the Dabchicks moved some of its tables and benches over on to the sand and served alcohol (supposedly to members), further obstructing the village green for the enjoyment of us all.

There have already been several instances of members urinating on the sandy part of the village green and against the garden walls and fences of properties in The Lane as they walk home. A resident has also reported seeing a couple leaving the Dabchicks and having sex in full view outside. Another neighbour had to suffer the view of vomit spewed from a window of the Dabchicks' clubhouse for several days before it was cleaned off the wall. A female resident was alarmed to return home late at night to find a drunken visiting yachtsman passed out in her garden in City Road during a function at the Dabchicks. Members were called from the event to remove him.

I have an elderly neighbour who has felt intimidated when sitting in her own front garden due to the mass of drinkers and smokers spilling over on to the Coast Road and leaning against her garden fence. On one occasion when we were away sailing, the Dabchicks Manager even sat with her for a while and other neighbours have also stepped in to help her feel less stressed by the situation.

On Wednesday evenings and during Cadet Week, cars trying to reach their homes in Carriers Close and The Nothe have been hampered by children

playing unsupervised on Coast Road. While the temporary flood barriers are in place the Dabchicks have at least taken note and stopped children using it as an assault course! Once the road is reopened I fear it will take a child being badly injured by a car before adult supervision is deemed more necessary.

My major worries are that an outside bar will inevitably increase noise levels and anti-social behaviour and impact on the safety and well-being of local residents. Allowing this change in licensing could open the door to the club becoming less of a sailing club with occasional social activities to more of a rowdy pub with sailing alongside. This is a residential area as well as being a conservation area of beauty and tranquillity after all. I also very much doubt that only members will be served alcohol as it will be too difficult for the club to monitor and enforce.

I trust that this application will be refused. I further request that as residents we are equipped with a noise monitor to assess levels (as my father did in 1995 after which the Dabchicks was served with a Noise Abatement Order). With Cadet Week, Mersea Week, the Town Regatta and other Dabchicks' social events coming up during the summer months this will prove a valid indication as to the extreme noise pollution we are subjected to on a regular basis.

Yours faithfully,

Coast Road,

Dear Sirs,

I have lived opposite the Dabchicks since 1994. Problems occur when they hold gatherings which include alcohol. Therefore I would oppose any granting of extension in this regard.

Just a few points as to why I am worried:-

- When there is a function of 50 or more persons, it is impossible to stop them spilling out onto Coast Road. I have seen the Manager trying to get them back onto their forecourt but to no avail
- Persons then lean against my picket fence and dispose of their used glasses and plates on my property – the next morning I have a clearing up exercise to do. I have asked them to respect other people's property and it is quite intimidating when they do not.

- The noise element has to be heard to be believed – shouting, screaming, swearing. When music is involved the bass is on so loud my floorboards shake
- In the end I retire into my house and just wait until it is all over and I am sure this is the case for all residents of this tiny conservation area, which is a very sad situation.

Yours faithfully
Coast Road

I thank you for your email rejecting my objection to the variation of Licences application by the Dabchicks Sailing Club.

I do however believe that the first three criteria of the requirements for objection are met namely.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

The reasons are because this is locally a very sensitive and controversial piece of land to the local community. As such, the community will resent any activity restricted to members only and their signed in guests. This could well lead to the three criteria listed above being the consequence. Also it should be noted that in the past the Police have been called because of the noise nuisance to adjacent properties.

There is also the question of disorder and public nuisance on a Village Green which does have it's own special regulations which should be taken into consideration when considering this application.

Yours

East Road

[Redacted]

[Redacted] Kingsland Road
West Mersea
Colchester

CO3 8RB

4th July 2022

Colchester Borough Council
Licensing Authority
P.O. Box 88a
Rowan House
Colchester CO3 3W9

To whom it may concern:-
Re - application for sale of alcoholic drinks
outside the building of Dabchicks Sailing Club,
Coast Road, West Mersea, on the concrete area
~ variation of a club premises certificate.

As a long-standing member of Dabchicks Sailing
Club, I write in support of the above application,
which is, I understand, to facilitate the purchase
of such drinks by club members who cannot
(through disablement) or wish not (compromised
health conditions) to enter the club buildings
including the upstairs bar area.

Yours faithfully

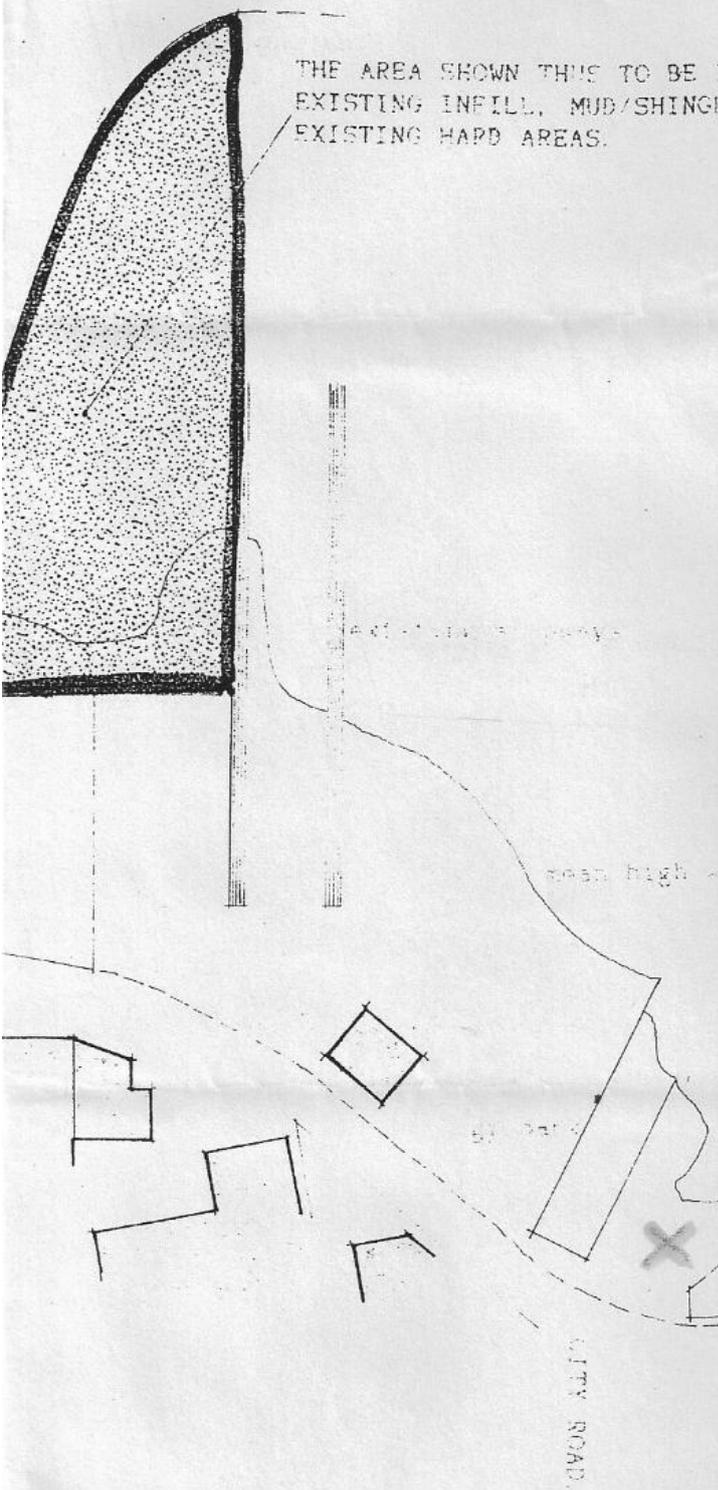
[Redacted signature block]

CO2/91/0164

TL 0012

low water mark.
MUD AND SHINGLE

THE AREA SHOWN THIS TO BE INFILLED WITH SELECTED HARDCORE LAID ON TO EXISTING INFILL, MUD/SHINGLE AND SURFACED WITH HOGGIN/SHINGLE TO MATCH EXISTING HARD AREAS.



16
DEVELOPMENT SERVICES
13 FEB 1991
RECEIVED

COLCHESTER BOROUGH COUNCIL
REFUSED
Under the town & Country Planning Acts.
Date of Refusal: 08 APR 1991

ENSION TO EXISTING BOAT
RD AREA.
WEST MERSEA.
DATE: 02.91.





**In the Matter of Stonehill Hard and Town Hard,
West Mersea, Essex**

DECISION

This reference relates to the question of the ownership of land known as Stonehill Hard and Town Hard, West Mersea, being the land comprised in the Land Section of Register Unit No. VG 241 in the Register of Town or Village Greens maintained by the Essex County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Wm Wyatt Ltd and Dabchicks Sailing Club claimed to be the freehold owners of parts of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Colchester on 8 December 1983.

At the hearing the Colchester Borough Council was represented by Mr M J Ennals, Solicitor, Wm Wyatt Ltd by Mr S J Cutts, one of its directors, and Dabchicks Sailing Club by Mr T W Wood, its Vice-Commodore, and Mr B R Keene appeared in person. Mr Keene did not claim to be the owner of the land in question, but, living in a house opposite the land, he was concerned as to its future. I am however, grateful to him for producing a map containing more detail than the copy of the Register Map which accompanied the reference.

Most of the land originally comprised in the Register Unit has been excluded from it, leaving within it only a strip of land on the landward side of Stonehill Hard and a small area to the south of the Dabchicks Sailing Club's clubhouse.

The easternmost part of the strip of land on the landward side of Stonehill Hard, together with other land to the east, was conveyed to the Borough Council by a Conveyance made 23 December 1978 between (1) West Mersea Town Council (2) Colchester Borough Council. The Town Council had a good title to the major part of this land in a Conveyance made 7 May 1959 between (1) Cyril Stanley Page and Beryl Margaret Dimmock (2) The Urban District Council of West Mersea and to a very small part at its northern extremity in Conveyance made 10 May 1958 between (1) Munson George Cooke (2) Urban District Council of West Mersea.

On this evidence I am satisfied that the Colchester Borough Council is the owner of the easternmost part of the land adjoining Stonehill Hard, and I shall accordingly direct the Essex County Council, as registration authority, to register the Borough Council as the owner of that land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the westernmost part of the land adjoining Stonehill Hard, and I shall accordingly direct the County Council to register the West Mersea Town Council as the owner of that part of the land adjoining Stonehill Hard under section 8(2) of the Act of 1965.



-2-

Turning to the remaining land still comprised in the Register Unit, namely, that to the south of the Dabchicks Sailing Club's clubhouse. I have had some difficulty with this part of the case in reconciling the various plans which have been produced - a difficulty which was shared by those who appeared before me. However, after a careful consideration of the evidence, I am satisfied that a small triangle of land in the north-east corner of this land was conveyed to the Trustees of the Sailing Club by a Conveyance made 9 July 1956 between (1) Thomas Peter Bromley Smith (2) Barclays Bank Ltd (3) Walter Bruce Rainbird, Leo Ferdinand Michael-Smith, Frederick George Unwin, and Edwin William Winfield.

Land to the south of that conveyed to the Trustees of the Sailing Club (I use this vague description advisedly) was conveyed to Wm Wyatt Ltd by a Conveyance made 1 July 1952 between (1) John William Wyatt (2) Wm Wyatt Ltd. This land is described in an indenture made 1 August 1914 between (1) Henry Geoffrey Elwes (2) Joseph Alloysius Kumer as bounded on the north by a sewer of the former West Mersea Rural District Council. This boundary is not now identifiable. However, Mr Cutts, who has been a director of Wm Wyatt Ltd for the last fourteen years, gave evidence that during the whole of that time his company had used the land up to the boundary of the Dabchicks Club property for the storage of articles connected with its trade of yacht and boat builders. About 1972 the Dabchicks Club put up a notice warning people off the northern part of the land, but Wm Wyatt Ltd contested this and no further action was taken. Nobody else has ever questioned the right of Wm Wyatt Ltd to occupy this part of the land.

On this evidence I am satisfied that the Trustees of the Dabchicks Sailing Club and Wm Wyatt Ltd are the owners of parts of the small area of land the subject of the reference to the South of the Sailing Clubs clubhouse, and I shall accordingly direct the Essex County Council, as registration authority, to register the Trustees and Wm Wyatt Ltd as the owners of their respective parts of that land under Section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 16th day of December 1983

C. J. Rainbird

Chief Commons Commissioner

Register of

TOWN OR VILLAGE GREENS

See Overleaf
for Notes

LAND SECTION—Sheet No. 1

No. and date of entry	<i>Description of the land, reference to the register map, registration particulars etc.</i>
1 20 th July 1970	<p>The pieces of land called Stonehill Hard and Town Hard in the Urban District of West Mersea, Essex as marked with green verge lines inside the boundaries on sheet O1 SW/B of the register map and distinguished by the number of this register unit. Registered by the registration authority without application.</p> <p>(Registration-provisional)</p>
2 28 August 1979	<p>The registration at entry No. 1, above, which was disputed, became final on 28 June 1979 with the following modification, namely, the exclusion of the land between high and low water marks of medium tides and shown edged in green colour on the plan attached to Objection No. 377</p>

Register unit No. **V67241**
Edition No. **1**

See Overleaf
for Notes

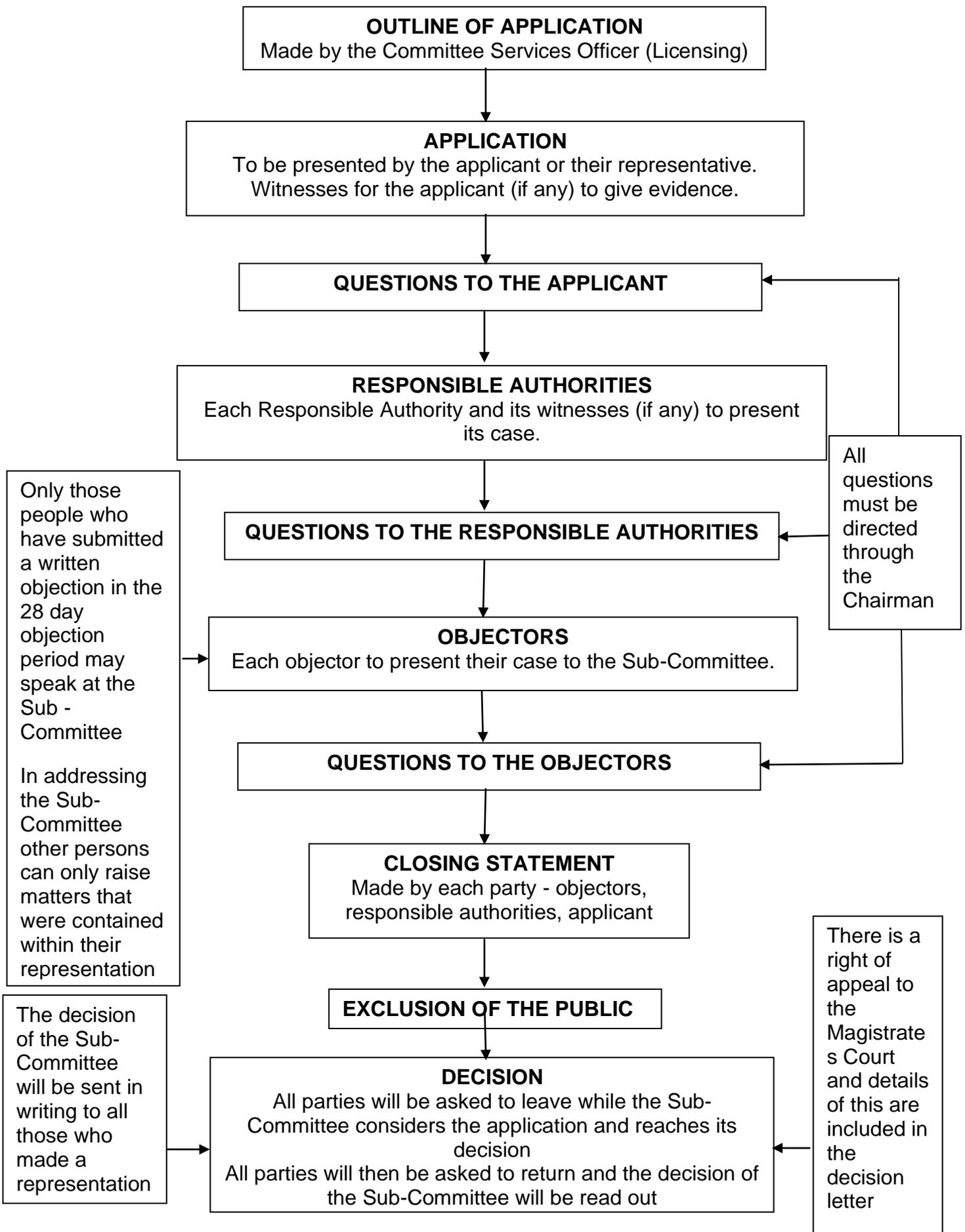
respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Register of TOWN OR VILLAGE GREENS

OWNERSHIP SECTION Sheet No. **1**

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 14 February 1985		<p>Colchester Borough Council Registered pursuant to direction of the Commons Commissioner (reference 212/U/315 Section 8(2)).</p>	<p>That part of the register unit lying east of the line marked E - F shown on register sheet no. 01SW/B</p>
2 14 February 1985		<p>West Mersea Town Council Registered pursuant to direction of the Commons Commissioner (reference 212/U/315 Section 8(3)).</p>	<p>That part of the register unit lying west of the line marked E - F shown on register sheet no. 01SW/B</p>
3 14 February 1985		<p>Dennis Percy Howard of 22 Yorick Road, West Mersea; Walter Bruce Rainbird of 12 Kingsland Beach, West Mersea and Roy Robertson of 21 Ackhurst Court, Melrose Road, West Mersea. Registered pursuant to direction of the Commons Commissioner (reference 212/U/315 Section 8(2)).</p>	<p>That part of the register unit lying north-east of the line marked G - H shown on register sheet no. 01SW/B</p>
4 14 February 1985		<p>Wm. Wyatt Ltd whose registered office is Coast Road, West Mersea Registered pursuant to direction of the Commons</p>	<p>That part of the register unit lying south-west of the line marked G - H shown on register sheet no. 01SW/B</p>

The Licensing Sub-Committee Hearings Process



Schedule A

Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:
 - (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the Sub-Committee may specify.Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.
- (6) A party who wishes to withdraw any representations they have made may do so:
 - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
 - (b) orally at the Hearing.
- (7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.
- (8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:

(a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and

(b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.

(9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.

(10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:

(a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date (notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or

(b) hold the Hearing in the party's absence Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other persons or their representatives and from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or other parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

