

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,

The Lane

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.

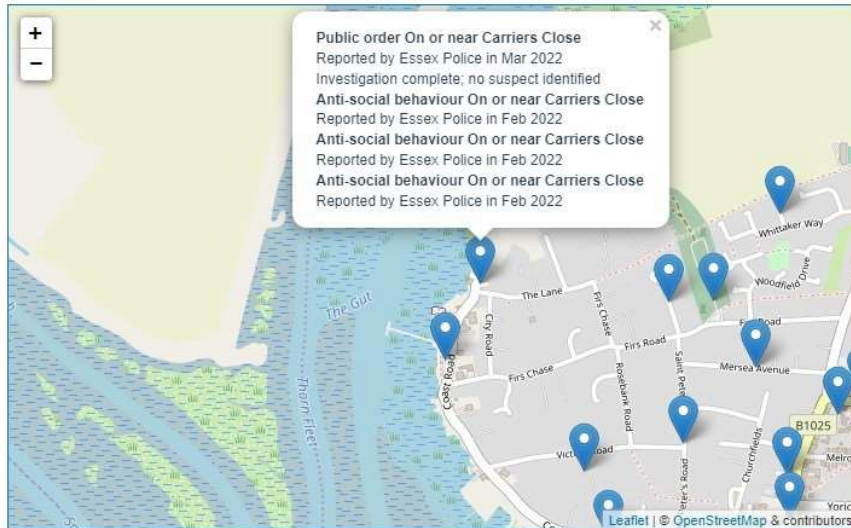
It is unclear if the applicant has adequate staff and training in place noting volunteers are used eg a paid bar manager would appear to be unable to supervise staff at both locations ie in and outside.

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