

# LICENSING SUB COMMITTEE HEARING



## AGENDA

**Date:** Thursday 19th August 2021

**Time:** 10.00am

**Venue:** Council Chamber, Causeway House, Bocking End, Braintree CM7 9HB

### Membership:

|                          |
|--------------------------|
| Councillor A Hensman     |
| Councillor R van Dulken  |
| Councillor Mrs L Walters |
| Councillor R Wright      |

**Members are requested to attend this meeting, to transact the following business:-**

1. **Appointment of Chairman.** To appoint a Chairman to conduct the business of this Hearing.
2. **Apologies for Absence.**
3. **Declarations of Interests.** To declare the existence and nature of any interests relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
4. To consider an application under the Licensing Act 2003 for the variation of a Club Premises Certificate in respect of **KELVEDON CONSERVATIVE CLUB, 84 HIGH STREET, KELVEDON** (Report and application attached).

If you require any further information relating to this Agenda, or you wish to forward your apologies for absence, please contact Alison Webb on (01376) 552525 Ext. 2614 or e-mail [alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk)

Emma Wisbey  
Governance and Member Manager

|  |                                     |
|--|-------------------------------------|
| <b>Report Title: APPLICATION FOR A VARIATION OF A CLUB PREMISES CERTIFICATE - KELVEDON CONSERVATIVE CLUB, KELVEDON</b> |                                     |
| <b>Report to: Licensing Sub-Committee</b>  |                                     |
| <b>Date: 19th August 2021</b>  | <b>For: Decision</b>                |
| <b>Key Decision: No</b>  | <b>Decision Planner Ref No: N/A</b> |
| <b>Report Presented by: John Meddings, Principal Licensing Officer</b>   |                                     |
| <b>Enquiries to: John Meddings, Principal Licensing Officer</b>  |                                     |

## 1. Purpose of the Report

1.1 Members of the Licensing Sub-Committee are requested to consider an application for the variation of a Club Premises Certificate having regard to the representation received and the requirement to promote the four licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

## 2. Summary of Issues

### 2.1 Premises

Kelvedon Conservative Club  
84 High Street  
Kelvedon  
Colchester  
Essex  
CO5 9AA

### 2.2 Applicant

Mitch Goodchild  
Secretary to the Club  
65 Riverside Way  
Kelvedon  
Colchester  
Essex  
CO5 9LX

### **2.3 Application**

An application was received and validated from Mitch Goodchild (Club Secretary) on behalf of Kelvedon Conservative Club on 28<sup>th</sup> June 2021 for the variation of the Club Premises Certificate for Kelvedon Conservative Club, Kelvedon, Colchester, Essex, CO5 9AA.

The purpose of the variation application is to increase the licensed area to cover an additional external area as detailed on the plan (Appendix 2) included as part of the application.

The applicant has detailed a number of steps within the operating schedule to promote the four licensing objectives.

The application has been properly made in accordance with the Licensing Act 2003 and a notice of variation was displayed at the premises and in a locally circulated publication. The completed application form is attached as Appendix 1 and the plan detailing the increased area is attached as Appendix 2.

### **2.4 Representations**

The Section 182 Guidance for the Licensing Act 2003 states that relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body, or business that has grounds to do so.

During the 28 day consultation period under the Licensing Act 2003, the Licensing Authority received one representation from an interested party (Appendix 3).

Essex Police have also agreed a condition with the applicant during the consultation period regarding the outdoor seating area (Appendix 4).

### **2.5 Statement of Licensing Policy**

The following extracts from the Council's Statement of Licensing Policy are brought to the general attention of Members:

(1.2) When assessing applications, other than Personal Licences, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives.

(1.6) In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be

implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

(1.19) When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003, as amended and the licensing objectives,
- Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
- any supporting regulations
- this statement of licensing policy

(1.20) This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

(1.21) When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority.

(1.31) Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

(1.34) The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a Licence will be tailored to each individual premise, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions,

will therefore be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.

The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;
- A prosperous district that attracts business growth and provides high quality employment opportunities;

### **3. Options**

3.1 Members are advised they have the following options when determining this application with respect to Kelvedon Conservative Club.

1. To grant the application to vary the Club Premises Certificate with conditions as described within the operating schedule to the Premises Licence application.
2. To grant the application to vary the Club Premises Certificate with additional conditions deemed necessary to promote the four licensing objectives.
3. To grant the application to vary the Club Premises Certificate with amended activities or times.
4. To refuse the application to vary the Club Premises Certificate.

The Licensing Sub-Committee is required to give full reasons for its decision.

The Sub-Committee is reminded that the applicant, or any person making a representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

### **4. Financial Implications**

None arising from this report.

### **5. Legal Implications**

The Licensing Sub-Committee is required to give reasons for its decision and any party who is dissatisfied may appeal to the Magistrates' Court within 21 days. If such an appeal is made by the Club Premises Certificate holder then any decision taken is stayed until such time as an appeal is heard.

## **6. Equality and Diversity Implications**

- 6.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

## **7. List of Appendices**

Application – Appendix 1  
Plan – Appendix 2  
Representation – Appendix 3  
Essex Police agreed condition – Appendix 4  
Club Premises Certificate – Appendix 5

## **8. Background Papers**

Braintree District Council's Licensing Act Policy Statement  
[Licensing Act 2003](#)  
[Guidance issued under Section 182 – April 2018](#)



**Braintree**  
**Application for a variation to a club premises**  
**certificate**  
**Licensing Act 2003**

For help contact

Telephone: 01376 557790

\* required information

**Section 1 of 17**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Is your business registered outside the UK?  Yes  No

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 17**

**APPLICATION DETAILS**

Club premises certificate number

Name of club

The above named club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in this section 2 below.

**Club Premises Address**

Address     OS map reference     Description

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country



Continued from previous page...

**Club Premises Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail

Telephone number

Other telephone number

**Name Of Person Performing Duties Of A Secretary To The Club**

First name

Family name

**Address Of Person Performing Duties Of A Secretary To The Club**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Secretary Contact Details**

E-mail

Telephone number

Other telephone number

**Section 3 of 17**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

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.

*Continued from previous page...*

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

**Describe Briefly The Nature Of The Proposed Variation**

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.

The variation is to allow the club to serve alcoholic beverages in the patio and car parking area. Due to an oversight the outside area was not included when alterations were made following the sale of adjoining land to Braintree Council. All bar sales are to members of the club and are in the main for consumption on the premises but a small percentage may be for off sales.

**Section 4 of 17**

**PROVISION OF PLAYS**

Will there be a change to the provision of plays?

Yes  No

**Section 5 of 17**

**PROVISION OF FILMS**

Will there be a change to the provision of films?

Yes  No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will there be a change to the provision of indoor sporting events?

Yes  No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will there be a change to the provision of boxing or wrestling entertainments?

Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will there be a change to the provision of live music?

Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

*Continued from previous page...*

Will there be a change to the provision of recorded music?

Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will there be a change to the provision of performances of dance?

Yes  No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will there be a change to the provision of anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 12 of 17**

**SUPPLY OF ALCOHOL**

Will there be changes to the supply of alcohol by or on behalf of a club to, or to the order of a member of the club?

Yes  No

**Section 13 of 17**

**HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS**

Will there be changes to 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?

Yes  No

**Section 14 of 17**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children.

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

We do not hold any adult themed entertainment or events. The gambling machines are strictly for use by members who, by definition, must be over 18 years of age.

**Section 15 of 17**

**CURRENT CONDITIONS**

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

Give details here.

The only condition to amend on the certificate would be to extend the on-premises sales to include the club's patio area and car parking area (note: car parking area will only be used when promoting social distancing).

**Continued from previous page...**

I will be submitting the club premises certificate

I will be submitting the relevant part of the club premises certificate

**Section 16 of 17**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

We are a member's club where everyone is bound by the rules and regulations that govern our club. Any guests are signed in by a club member who then retains responsibility for their time on club premises. We are affiliated to the Association of Conservative Clubs and are subject to their Rules and Regulations.

b) The prevention of crime and disorder

As a club we have control over who may enter the premises, via a door access control system, limiting entrance to our members and their guests. Therefore, all of our customers are known to the club either as registered members or under the supervision of a registered member. All members subscribe to our code of conduct and are aware of the sanctions should any breaches occur.

c) Public safety

Public safety is of paramount concern to the Club and all our operating processes and procedures are subject to thorough and vigorous review, with all Health and Safety risk assessments applied and adhered to.

d) The prevention of public nuisance

Although Rule 62 (Misconduct of Members) refers to on Club Premises, we consider it to be the duty of every member to uphold the good and proper reputation of the club in all circumstances. Therefore the Club Committee would apply sanctions to any member whose actions could tarnish the Club's reputation.

e) The protection of children from harm

We have a policy governing children in the Club premises in-line with the Licensing Authority requirements:

Children shall be admitted to the Club premises during the hours fixed by or under Rule 63 (Hours of Opening and Closing Premises) and specifically at such times and in such parts of the premises as the Committee in their sole discretion shall determine, always provide they are under the care and sole control of a bona fide parent or guardian.

**Section 17 of 17**

Continued from previous page...

## PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

|                           |          |
|---------------------------|----------|
| Band A - No RV to £4300   | £100.00  |
| Band B - £4301 to £33000  | £190.00  |
| Band C - £33001 to £8700  | £315.00  |
| Band D - £87001 to £12500 | £450.00* |
| Band E - £125001 and over | £635.00* |

\* Fee amount (£)

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/club-licensing/braintree/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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**

**OFFICE USE ONLY**

|                            |                          |
|----------------------------|--------------------------|
| Applicant reference number | <input type="text"/>     |
| Fee paid                   | <input type="text"/>     |
| Payment provider reference | <input type="text"/>     |
| ELMS Payment Reference     | <input type="text"/>     |
| Payment status             | <input type="text"/>     |
| Payment authorisation code | <input type="text"/>     |
| Payment authorisation date | <input type="text"/>     |
| Date and time submitted    | <input type="text"/>     |
| Approval deadline          | <input type="text"/>     |
| Error message              | <input type="text"/>     |
| Is Digitally signed        | <input type="checkbox"/> |

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Next >



**Webb, Alison**

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**From:** Tom Short REDACTED E-Mail Address  
**Sent:** 30 June 2021 16:11  
**To:** Licensing  
**Cc:** Tom Short  
**Subject:** Licensing Objection/Representation - Reference: 21/00503/LAFULC - Kelvedon Conservative Club

This email formally opposes the extension of the KCC's license for use of the outdoor area during the evenings and late at night.

Dear Licensing Team,

Following on from conversations I have had over past few months with your colleague John Meddings, and more recently, Anthony (Tony) Lynch, I would like to make a representation/objection in respect of Reference: 21/00503/LAFULC - Kelvedon Conservative Club (KCC) requesting to extend their outdoor licensing area. Our objection is the high and consistent noise and nuisance the club's patron's create in the evening and late at night.

My heavily pregnant wife and I (and our puppy!) live at [REDACTED] the property directly adjacent to the KCC bordering their car park.

Since the club has reopened after the easing of the third national corona virus lockdown, we haven't been able to relax inside or outside our home on Thursday, Friday, Saturday and Sunday evenings, the common days for the club has a real influx of customers using the currently unlicensed outdoor area.

As it stands, the KCC does nothing to protect residents from the public nuisance and drunk and disorderly behaviour that is caused by their customers shouting at the top of their voices outside until the early hours of the morning. To this end, we have submitted various complaints via legitimate council sources, which has since lead to the KCC applying to extend their license into the area.

We are reasonable citizens and of course support everyone in the village who wants to social lives. Therefore, we are note writing this with the aim to outright oppose the entire use of the outdoor area. We are opposing the use of this area in the evenings and late at night. We feel this is the fair thing to do and hope that our honest account of our struggles with the KCC as nuisance neighbours is taken into account during your licensing hearing.

We do not believe the management of the KCC have any interest in controlling their customers in a way that will allow us all to live in harmony in the evening/night time. This has become clear by the unwavering behaviour from patrons events 4 night a weeks. We simply do not think it is right that we cannot relax and get to sleep in our own home due to the behaviour of patrons standing 6-10 ft away from the back of our property, shouting and swearing at the top of their lungs all night long 4 nights a week.

You will be aware that Kelvedon is a quite village. This is reflected in the other licensed premises in the area conducting themselves as such, whilst also ensuring their customers enjoy themselves but do not cause disruption to residents. Unfortunately for us and other neighbours, the management and patrons of the KCC do not follow the same example or rules that contribute to village life.

I am aware that many councils around the country embed and enforce noise plans into applications. We believe that if you grant this extension, allowing continued use of the outdoor area at the KCC, we believe that an explicitly clear set of agreed days and times of use will need to be sewn into the license to protect us as residents. If the noise plan is a "nice to have" but not a licensing obligation, we believe there is very little



chance of it being taken seriously by management/committee members and we as residents will be left in the lurch.

We would feel comfortable if there were restrictions placed on this extension to the license. For example, the outdoor area to close at 9pm every evening. This way the club is still able to offer use of the outdoor space all day long and into the early evening through to 9pm. If patrons need to smoke, they can exit via the front door that they use to enter and exit the club. This will allow us, and other nearby elderly neighbours and those with children to get to sleep at an appropriate hour.

The situation is starting to cause my wife considerable stress and anxiety during her current pregnancy which I do not want to continue. There are a small handful of elderly neighbours who are too quiet and not tech-savvy enough to email you to raise the flag on this and so we may well be the only residents who contact you about this matter and asking for these time restrictions to be put in place.

We kindly request that you seriously consider putting timing restrictions on the use of the KCC's outdoor area, so this matter can be put to bed and we can live side by side in a harmonious manner in our village, Kelvedon.

I look forward to hearing from you.

Best,

Tom Short

REDACTED Postal Address

**Webb, Alison**

**From:** Licensing Braintree and Uttlesford <Licensing.Braintree.and.Uttlesford@essex.police.uk>  
**Sent:** 07 July 2021 14:32  
**To:** Licensing  
**Subject:** FW: EXTERNAL - Re: Application for a variation to the Club Premises Certificate

Good afternoon,

We have no objection to the Variation of the Club Premises Certificate for Kelvedon Conservative Club subject to inclusion of the following conditions in Annex 2.

- Monday - Wednesday: No use of the outdoor seating area after 21:00
- Thursday - Saturday: No use of the outdoor seating area after 23:30
- Sunday: No use of the outdoor seating area after 21:00
- Bank Holiday Monday: No use of the outdoor seating area after 23:30

Access to the outdoor smoking area is not limited to the above timings and use is permitted within the Alcohol Trading Hours specified on the certificate.

Kind regards,

Rachel Parker

*Licensing Officer Rachel Parker*

*Braintree & Uttlesford District Policing Area  
 North Local Policing Area  
 Mobile: 07817 155455  
 Email: [rachel.parker@essex.police.uk](mailto:rachel.parker@essex.police.uk)*

*Braintree Police Station, Blyths Meadow, Braintree, CM72DJ*

*Please note, my working days are Monday, Tuesday & Wednesday if you need a response outside of these days please contact [licensing@braintree.and.uttlesford@essex.police.uk](mailto:licensing@braintree.and.uttlesford@essex.police.uk) or contact the Licensing Team office on 01245 452035.*



**From:** mitch.goodchild REDACTED E-Mail Address  
**Sent:** 07 July 2021 11:25  
**To:** Licensing Braintree and Uttlesford <Licensing.Braintree.and.Uttlesford@essex.police.uk>  
**Subject:** EXTERNAL - Re: Application for a variation to the Club Premises Certificate

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rachel,

Thanks for summarising our call. I would like to propose a change which would enable us make the most of our busy periods and help to get the club back on the road to recovery following the restrictions during the pandemic.

Could we change the restriction for Thursday from 21:00 to 23:30 (bringing it inline with Friday and Saturday)? We could then increase the Sunday restriction from 22:00 to 21:00, bringing it inline with Monday to Wednesday?

Bank Holidays and access to smoking shelter to remain as detailed in you email below.

Thank you very much for all your help with this matter.

Happy to discuss,

Mitch.

----- Original Message -----

From: "Licensing Braintree and Uttlesford" <[Licensing.Braintree.and.Uttlesford@essex.police.uk](mailto:Licensing.Braintree.and.Uttlesford@essex.police.uk)>

To: 'REDACTED E-Mail Address'

Sent: Tuesday, 6 Jul, 2021 At 09:13

Subject: Application for a variation to the Club Premises Certificate

Good morning Mr Goodchild,

Please review the below conditions as they will appear on your Club Premises Certificate if granted under Annex 2. **Please confirm by return of email if you are happy with these.** I can then notify the local authority that there are no representations to make against the grant of the certificate from Essex Police.

- Monday - Thursday: No use of the outdoor seating area after 21:00
- Friday and Saturday: No use of the outdoor seating area after 23:30
- Sunday: No use of the outdoor seating area after 22:00
- Bank Holiday Monday: No use of the outdoor seating area after 23:30

Access to the outdoor smoking area is not limited to the above timings and use is permitted within the Alcohol Trading Hours specified on the certificate.

Kind regards,

Rachel Parker

Licensing Officer Rachel Parker

Braintree & Withford District Policing Area

North Local Policing Area

Mobile: 07817 185455

Email: [rachel.parker@essex.police.uk](mailto:rachel.parker@essex.police.uk)

Braintree Police Station, Blyths Meadow, Braintree CM735J

Please note, my working days are Monday, Tuesday & Wednesday if you need a response outside of these days please contact [licensing.braintree.and.withford@essex.police.uk](mailto:licensing.braintree.and.withford@essex.police.uk) or contact the Licensing Team office on 01245 452035.



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K1/3

**CLUB DETAILS**

**Name of Club in whose name this certificate is granted and relevant postal address of club**

**Kelvedon Conservative Club  
84 High Street  
Kelvedon  
Essex**

**Post Town: Colchester**

**Post Code: CO5 9AA**

**Telephone number** REDACTED

**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**

**N/A**

**Post Town:**

**Post Code:**

**Telephone number :**

**Where the club premises certificate is time limited the dates**

**N/A**

**Qualifying club activities authorised by the certificate**

- a) **The supply of alcohol by or on behalf of the club to, or the order of, a member of the club for consumption on and off the premises.**

**Provision of Regulated entertainment consisting of:**

**b) Recorded Music – Indoors**

**The times the certificate authorises the carrying out of qualifying club activities**

- a) The supply of alcohol by or on behalf of the club to, or the order of, a member of the club for consumption on and off the premises.**

**Monday to Saturday Inclusive 11:00 to 00:00  
Sunday 11:00 to 23:30**

**Non Standard Timings**

**Christmas Eve, Sunday preceding Easter Monday and all recognised Bank Holiday Mondays 11:00 to 01:00**

**Provision of Regulated entertainment consisting of:**

- b) Recorded Music – Indoors**

**Friday and Saturday 20:00 to 23:00**

**The opening hours of the club**

**Not specified**

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

**On and off supplies**

**State whether access to the club premises by children is restricted or prohibited**

- 1. Persons under the age of 18 shall only be permitted to enter the premises if accompanied by an adult.**
- 2. Only children accompanied by an adult shall be permitted in the snooker room for tuition or in an area set aside for private functions.**
- 3. Notices will be displayed at all bars prohibiting the direct or indirect supply or delivery of alcohol to children.**

**Club Premises Certificate**

**Club Premises Certificate number:**

**14/00754/LAPREC K1/3**

**Part 1 – Club Details**

|  |                           |
|--|---------------------------|
| <b>Name of Club in whose name this certificate is granted and relevant postal address of club</b>  |                           |
| <b>Kelvedon Conservative Club<br/>84 High Street<br/>Kelvedon<br/>Essex</b>  |                           |
| <b>Post Town: Colchester</b>   | <b>Post Code: CO5 9AA</b> |
| <b>Telephone number at premises:</b>   | REDACTED                  |
| <b>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</b> |                           |
| N/A  |                           |
| <b>Post Town:</b>  | <b>Post Code:</b>         |
| <b>Telephone number</b>  |                           |
| <b>Where the club premises certificate is time limited the dates</b>   |                           |
| N/A  |                           |

**Qualifying club activities authorised by the certificate**

- a) **The supply of alcohol by or on behalf of the club to, or the order of, a member of the club for consumption on and off the premises.**

**Provision of Regulated entertainment consisting of:**

- b) **Recorded Music – Indoors**

**The times the certificate authorises the carrying out of qualifying club activities**

- a) **The supply of alcohol by or on behalf of the club to, or the order of, a member of the club for consumption on and off the premises.**

**Monday to Saturday Inclusive 11:00 to 00:00  
Sunday 11:00 to 23:30**

**Non Standard Timings**

**Christmas Eve, Sunday preceding Easter Monday and all recognised Bank Holiday Mondays 11:00 to 01:00**

**Provision of Regulated entertainment consisting of:**

- b) **Recorded Music – Indoors**

**Friday and Saturday 20:00 to 23:00**

**The opening hours of the club**

**Not specified**

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

**On and Off supplies**

*A. M. Wright*

\_\_\_\_\_  
Corporate Director

30<sup>th</sup> May 2014

\_\_\_\_\_  
Date Granted

15<sup>th</sup> September 2014

\_\_\_\_\_  
Date of Issue



## **Annex 1 – Mandatory Conditions**

### **Irresponsible promotions**

- 1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
- (2) In this paragraph, an irresponsible promotion means any 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:**
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)**
  - (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**
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:**
    - (i) the outcome of a race, competition or other event or process, or**
    - (ii) the likelihood of anything occurring or not occurring**
  - (e) 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.**

2. **The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).**
3. **The responsible person shall ensure that free tap 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 shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.**
- (2) **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 a holographic mark.**

#### **Alcoholic drink measures**

5. **The responsible person shall 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**
    - (iii) **still wine in a glass: 125 ml**
  - (b) **customers are made aware of the availability of these measures.**

#### **The sale of alcohol below the cost of duty plus VAT**

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.**
- (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(a);**
  - (b) **“permitted price” is the price found by applying the formula –**

$$P = D + (DXV)$$

**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 the alcohol, and**
  - (iii) V is the rate of the 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 the 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 member 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(a).**
  
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this 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.**
  
- (4) (1) Sub paragraph (2) applies where the permitted price given by Paragraph (b) of 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.**
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.**

## **Annex 2 – Conditions consistent with the operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

- 1. Admission to the premises is only for Members and bona fide guests by way of a door entry system at all times.**
- 2. Club employees shall receive instruction that members and/or guests who behave in a drunk and disorderly manner shall not be admitted to the premises or served alcohol.**
- 3. Any matters of misconduct by Members or guests must be reported to the Committee for the appropriate action to be taken under the Club's disciplinary code.**

### **PUBLIC SAFETY**

- 4. A regular risk assessment shall be carried out by or on behalf of the Club and a record maintained for inspection by an authorised officer at any time.**
- 5. The Committee shall ensure that the premises complies with all advised capacity limits.**
- 6. The Committee shall ensure that all fire action notices are posted in the correct places and maintained and that all fire escapes are signposted and the exits routes kept clear.**

### **THE PREVENTION OF PUBLIC NUISANCE**

- 7. Notices will be displayed at each exit requesting those leaving the premises and car park to leave quietly and respect the needs of local residents.**
- 8. At times when live and recorded music are being played the Committee shall take all reasonable steps to ensure that neighbouring properties are not disturbed.**

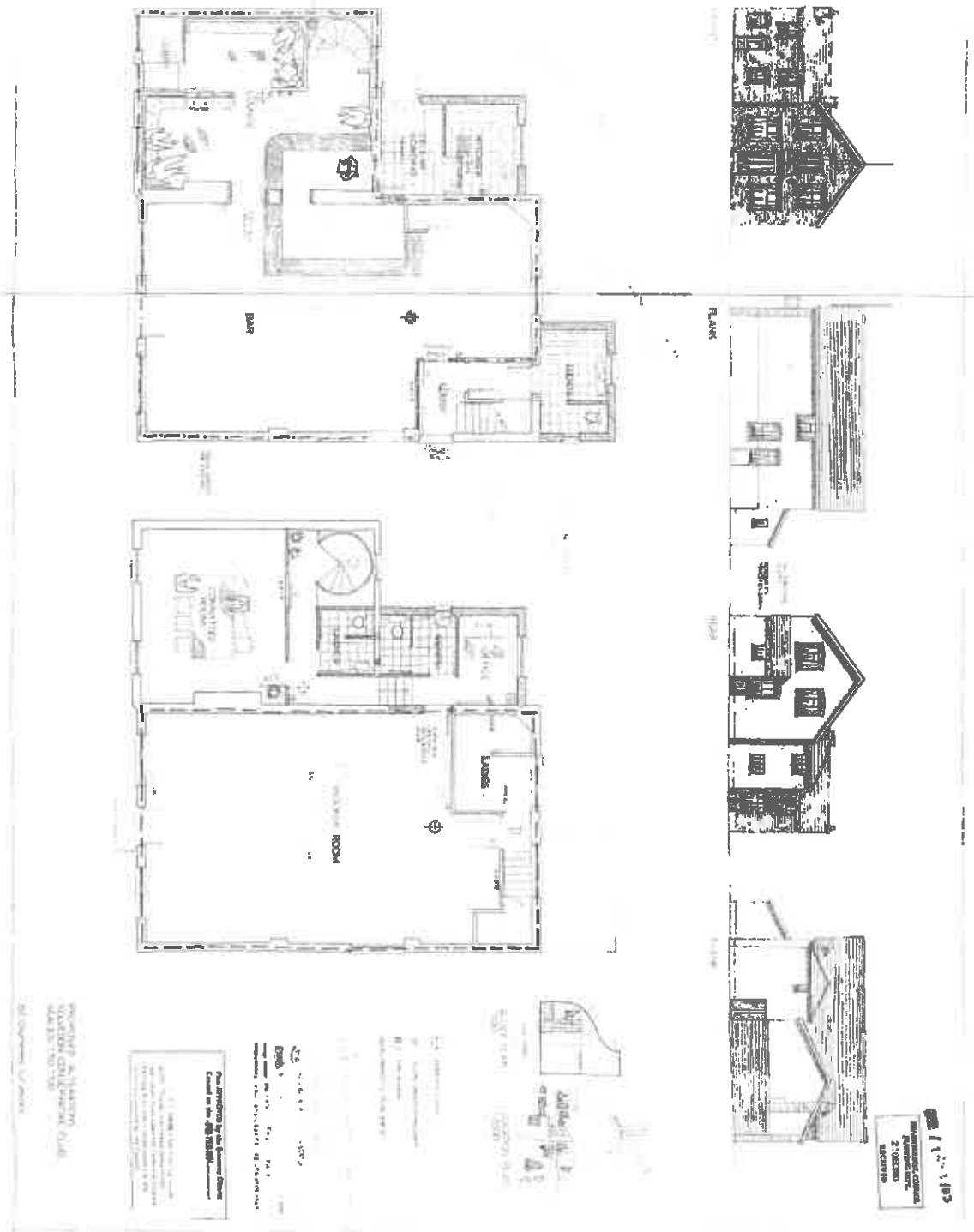
### **THE PROTECTION OF CHILDREN FROM HARM**

- 9. Persons under the age of 18 shall only be permitted to enter the premises if accompanied by an adult.**
- 10. Only children accompanied by an adult shall be permitted in the snooker room for tuition or in an area set aside for private functions.**
- 11. Young persons applying for membership must satisfy the Committee that they are over 18 years of age by providing proof by way of a recognised proof of age document.**
- 12. Notices will be displayed at all bars prohibiting the direct or indirect supply or delivery of alcohol to children.**

**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

**None**

**Annex 4 - Plans**



**HEARING PROCEDURE FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES  
WHERE APPLICANT AND OBJECTORS ARE PRESENT**

**1. Welcome and Introduction**

- [1] The Chairman welcomes the people who are present and introduces the Members. He/she will ask the Members to confirm that they have no declarations of interest to declare in respect of the application.
- [2] The Chairman asks the Applicant to introduce himself/herself and then asks the Objectors to introduce himself/herself/themselves.
- [3] The Chairman then confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

**2. The Applicant's Case**

- [1] The Chairman asks the Applicant or his/her representative to present his/her application for a licence.
- [2] The Applicant or his/her representative may then call any witnesses and/or give evidence in support of his/her application.
- [3] The Objector[s] or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.
- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Applicant and any witnesses.
- [5] If there are any witnesses, the Applicant or his representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

**3. The Objector[s] Case**

- [1] The Objector[s] will give their reasons for objecting to the application.
- [2] The Objector[s] or their representative will then call any witnesses in support of their objection.
- [3] The Applicant or his representative may then question the Objector[s] [if they have given evidence] and any witnesses.

- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Objector[s] and any witnesses.
- [5] If there are any witnesses, the Objector[s] or their representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

#### **4. Closing Statements**

- [1] By or on behalf of the Objectors. The Objectors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] By or on behalf of the Applicant. The Applicant or his/her representative may summarise any points they wish to make and comment briefly on the Objector's replies to questions. They cannot introduce new issues.
- [3] The Chairman will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is adjourned. The Sub-Committee will then retire to a separate room with the Legal Adviser and Member Services Officer to deliberate.
- [4] If the Legal Adviser gives legal advice to Members during the period of adjournment this advice will be repeated in summary form when the hearing reconvenes.

#### **5. Decision**

- [1] The Chairman will then announce the Sub-Committee's decision and ask the Legal Adviser to read out the details including the reasons.
- [2] Before closing the hearing, the Chairman will notify the Applicant and the Objector[s] of the rights of appeal available to the parties should they disagree with the decision. Such appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.