

**SUPPLEMENTARY DOCUMENTS FOR  
LICENSING SUB COMMITTEE  
Thursday 16 November 2023 at 6.30pm  
Council Chamber - Civic Centre**

**AGENDA**

3. Application for a Premises Licence - The Marquis of Granby Public House, 2 Fore Street, Harlow, Essex, CM17 0AA
- b) Application for a Premises Licence - The Marquis of Granby Public House, 2 Fore Street, Harlow, Essex, CM17 0AA (Pages 2 - 11)

This supplementary agenda pack contains the following two items:

- Supplementary bundle - provided by Essex Police
- Overview of agreed conditions by the applicant with Responsible Authorities – provided by Licensing Team administration

**OBJECTION TO PREMISES LICENCE APPLICATION (LICENSING ACT 2003)**

**Marquis of Granby  
2 Fore street, Harlow, Essex, CM17 0AA**

**1.0 Outline of circumstances leading to the objection to the Premises Licence application.**

- 1.1 The application seeks to allow the sale of alcohol from Sundays - Thursdays until 01:00 and Fridays & Saturdays until 01:30.  
Live and recorded music Sundays – Thursdays until 01:00 and Fridays & Saturdays until 01:30.  
Late night refreshments Sundays – Thursdays until 01:00 and Fridays & Saturdays until 01:30.
- 1.2 Essex Police have objected to this application under the licensing objectives:
  - Crime and Disorder
  - Prevention of Public Nuisance
- 1.3 The reason for this are, Essex Police feel that the premises will become a destination venue due to the late timings it can sell alcohol (as proposed on the application). There are 2 licensed premises within 75 metres of the premises with earlier closing times thus promoting this becoming a go to venue at the end of the evening.
- 1.4 Customer dispersal at the end of the evening is a concern, as there is no public transport links in the area and no other transport to get customer away from the immediate area at this later time.
- 1.5 Essex Police believe that on the balance of probabilities there will be an increase in crime, disorder and public nuisance on Friday and Saturday nights (into the following mornings). If the application is granted in its current form.
- 1.6 The only way that patrons can disperse the area is via private vehicles and private hire vehicles. Patrons will have to meet their transport along Fore Street which could mean that a throng of intoxicated persons in the area leading to crime and disorder and public nuisance in the early hours of the morning.
- 1.7 The premises is in extremely close proximity to residential properties and the neighbours have in the past had issues with the premises in regard to noise complaints. \*Annex 1 at the end of bundle shows arial view of the area.
- 1.8 Previously when the premises was a public house, in 2018 and 2019, there were several reports to police regarding fighting at the premises and outside during the hours proposed. The reports all stated that the people had come from the premises. In April 2019 the premises was closed and repossessed. The premises then opened as a restaurant by new owners.
- 1.9 When the premises operated as a restaurant there were substantially less incidents of crime and disorder. There was 1 issue between 2020-2023. This issue was over a disputed bill and resulted in a common assault being recorded by police.
- 1.10 Essex Police have further concerns that the conditions offered up by the application would not uphold the 4 licensing objectives.

## 2.0 Outcome Sought

- 2.1 Essex Police feel that by having a licence until 0100 hours during the week and until 0130 hours during the weekend there will be increased crime and disorder. Essex Police would suggest, from discussions with the applicant, that the following times for the licensable activities proposed be:  
Sundays 11:00 – 23:30.  
Mondays – Thursdays 11:00 – 23:30.  
Fridays & Saturdays 11:00 - 00:00.
- 2.2 During discussions between Essex Police and the applicant several conditions have been agreed. Essex Police wish for these conditions to go onto the application/licence.
- 2.3 Prevention of Crime and Disorder:
- The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
    - i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
    - ii. CCTV cameras shall cover all entrances and exits and all areas where the sale of alcohol takes place;
    - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 28 days;
    - iv. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
    - v. The recording equipment and data storage devices shall be kept in a secure environment;
    - vi. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
  - An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
    - a) all crimes reported to the venue
    - b) all ejections of patrons
    - c) any complaints received concerning crime and disorder
    - d) any incidents of disorder
    - e) all seizures of drugs or offensive weapons
    - f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.
  - The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

#### Prevention of Public Nuisance:

- Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly.
- Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
  - I. How patrons leaving the premises shall be directed away from the premises;
  - II. How patrons will be informed of the services of taxi and private hire operators;
  - III. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
  - IV. Any 'wind' down periods;
  - V. Methods to prevent re-entry to the premises;
  - VI. How bottles and glasses will be prevented from being removed from the premises at closing time.
- Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 2100 hours.

#### Protection of Children from Harm:

- A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
  - a) Proof of age card bearing the PASS Hologram;
  - b) Photocard driving licence;
  - c) Passport; or
  - d) Ministry of Defence Identity Card.
- The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale.
- A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
- All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every 6 months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

2.4 The Guidance issued under section 182 of the Act provides useful guidance:

a) Paragraph 11.26

*It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

2.5 Furthermore, case law provides additional guidance on balancing financial considerations and the need to promote the licensing objectives, viz:

a) In the case of R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312, Lord Justice Toulson said:

*"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."*

The decision is important because it illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation. The effect on a range of factors such as crime and the quality of life for residents and visitors must be considered and not just the narrow consideration of the premises itself.

b) In the case of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)(2016) Mr Justice Jay said:

*The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.*

2.6 Essex Police wish for the committee to view what has been presented and see if Essex Police's viewpoint is in line with those on the committee. Essex Police wish for the premises to be in keeping with the other licensed premises that are in the immediate vicinity.

## Annex 1



Image obtained from Google Maps.

**18 October 2023**

**Licensing Act 2003 Hearing: Supplementary Information for  
New Premises Licence Application Marquis of Granby, Old Harlow**

For the avoidance of doubt, the applicant, Marquis (Harlow) Ltd, has agreed to modify the application to specify different licensable timings and conditions for the New Premises Licence Application at 2 Fore Street, Old Harlow, CM17 0AA.

The applicant has agreed to conditions with both the Licensing Authority and Essex Police.

**The applicant has agreed the following with the Licensing Authority:**

**Opening Hours**

Monday to Thursday	11:00 to 00:00hrs
Friday and Saturday	11:00 to 00:30hrs
Sunday	11:00 to 00:00hrs

**Sale of Alcohol**

Monday to Thursday	11:00 to 23:30hrs
Friday and Saturday	11:00 to 00:00hrs
Sunday	11:00 to 23:30hrs

**Late Night Refreshment**

Monday to Thursday	23:00 to 23:30hrs
Friday and Saturday	23:00 to 00:00hrs
Sunday	23:00 to 23:30hrs

**Live and Recorded Music**

No regulated entertainment.

**Conditions**

1. The outside area/decked seating area of the premises to be restricted until 21:00hrs.
2. A smoking area to be designated at the front of the premises for patrons to use. Procedures should be in place to ensure smokers remain in the designated smoking area.
3. Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
4. Outside areas must be monitored by staff at all times whilst they are in use.
5. No amplified music between the hours of:  
Monday to Sunday 23:00hrs to 08:00hrs
6. Admittance and readmittance prohibited after 23:00hrs (save for smokers).
7. No glass to be taken off the premises.
8. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

9. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
10. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. Deliveries not permitted between 23:00hrs and 08:00hrs.
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. The Licence holder shall make available a contact telephone number to Harlow Council Licensing Team to be used in the event of complaints arising.
15. A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 25 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Harlow District Council.
16. A 'Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 25 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.
17. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Harlow District Council. The log will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of customers
  - (c) any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]
  - (d) seizures of drugs or offensive weapons
  - (e) any faults in the CCTV system or searching equipment or scanning equipment
  - (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it.
18. There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Essex Police for appropriate disposal.
19. Staff will be appropriately trained in accordance with their role particularly at the point of service where they will be trained in respect of licensing offences, licences and made aware of the Licensing objectives, training will be refreshed every 6 months.



20. Where SIA licensed door supervisors are used at the premises a record shall be maintained and retained on the premises which is legible and details:
- (a) The day and date when door supervisors were deployed;
  - (b) The name and SIA registration number of each door supervisor on duty at the premises;
  - (c) The start and finish time of each door supervisor's worked duty period. This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

**The Applicant has also agreed to the following with Essex Police:**

Prevention of Crime and Disorder:

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
  - (a) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
  - (b) CCTV cameras shall cover all entrances and exits and all areas where the sale of alcohol takes place;
  - (c) Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 28 days;
  - (d) At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;
  - (e) The recording equipment and data storage devices shall be kept in a secure environment;
  - (f) An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
2. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
  - (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received concerning crime and disorder;
  - (d) any incidents of disorder;
  - (e) all seizures of drugs or offensive weapons;
  - (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

### Prevention of Public Nuisance:

3. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly. These signs shall be a minimum size of 200mm x 148mm.
4. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200mm x 148mm.
5. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
  - (a) How patrons leaving the premises shall be directed away from the premises;
  - (b) How patrons will be informed of the services of taxi and private hire operators;
  - (c) What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
  - (d) Any 'wind' down periods;
  - (e) Methods to prevent re-entry to the premises;
  - (f) How bottles and glasses will be prevented from being removed from the premises at closing time.
6. Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut after 2100 hours.

### Protection of Children from Harm:

7. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
  - (a) Proof of age card bearing the PASS Hologram;
  - (b) Photocard driving licence;
  - (c) Passport; or
  - (d) Ministry of Defence Identity Card.
8. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
9. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be

either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

10. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every 6 months.
11. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

Should you have any questions regarding this, please don't hesitate to contact me directly.

Yours sincerely,

Mr. J.Mannix  
Senior Licensing Officer

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