

**MINUTES OF THE LICENSING SUB-COMMITTEE
HELD ON**

2 December 2020

5.30 - 10.45 pm

PRESENT

Committee Members

Councillor Shannon Jezzard (Chair)
Councillor Maggie Hulcoop
Councillor Nancy Watson

Officers

Stuart Athol, Principal Environmental Health Officer
Chris Bennett, Principal Environmental Health Officer
Andrew Bramidge, Head of Environment and Planning
Christine Cheung, Senior Licensing Officer
Hannah Criddle, Governance Support Officer
Rachel Crouch, Senior Licensing Officer
Michael Pitt, Environment and Licensing Manager
Dimple Roopchand, Principal Solicitor
Denise Westwood, Assistant FCilex

79. **APPOINTMENT OF CHAIR**

RESOLVED that Councillor Shannon Jezzard is elected to chair this hearing.

80. **DECLARATIONS OF INTEREST**

None.

81. **PROCEDURE FOR THE MEETING**

RESOLVED that the procedure for the meeting is noted.

82. **DETERMINATION OF PREMISES LICENCE REVIEW**

On 8 October 2020, the Council received an application for review of the Premises Licence in respect of The Chequers, 2 Market Street, Old Harlow, Essex, CM17 0AH made by Stuart Athol, Principal Environmental Health Officer, Environmental Health, Harlow Council (applicant).

Having carefully considered all the evidence presented by the Licensing Officers, the Environmental Health Officers (applicant), the Licence Holder, the freeholder of the premises and the written representations made it was:

RESOLVED that the conditions of the licence are **MODIFIED** as follows:

- (1) Exclude the Performance of Live Music (Indoors) Licensable activity from the scope of the licence,
- (2) Modify the operating hours of the premises licence, and
- (3) To remove and modify Annex 2 of the conditions of the Licence and insert new conditions at Annex 3.

A copy of the modified conditions are outlined in pages 11-20 of the attached decision notice.

CHAIR OF THE SUB-COMMITTEE

**DECISION OF THE LICENSING SUB-COMMITTEE OF HARLOW DISTRICT
COUNCIL ON 2 DECEMBER 2020**

PREMISES LICENCE REVIEW HEARING

PREMISES LICENCE HOLDER (PLH): Bradley Reeve

ADDRESS OF PREMISES: The Chequers, 2 Market Street, Old Harlow,
Essex

CONSTITUTION OF COMMITTEE: Cllr Shannon Jezzard (Chair)
Cllr Maggie Hulcoop
Cllr Nancy Watson

NAMES OF OTHERS PRESENT:

(1) FOR THE PLH: Bradley Reeve

(2) FOR THE APPLICANT Stuart Athol (Principal EHO)

(3) FOR THE REPRESENTATIVES: Steve Bushell - EI Group Ltd

(4) FOR THE AUTHORITY: Michael Pitt (Licensing Manager)
Chris Bennett (Principal EHO)
Rachel Crouch (Senior Licensing Officer)
Christine Cheung (Licensing Officer)
Andrew Brambridge (Head of Environment
and Planning)

(5) OTHERS: Dimple Roopchand (Legal Advisor)
Denise Westwood (Legal Advisor)
Hannah Criddle (Governance Support
Officer)

EVIDENCE

- (1) Report from authority
- (2) Oral representations from Applicant
- (3) Oral representations from Representatives
- (4) Written representations from Representatives

THE HEARING

1. Members were informed by officers from the Licensing department that an application for a Review of the premises licence in respect of The Chequers, 2 Market Street, Old Harlow, Essex CM17 0AH was received from Stuart Athol, Principal Environmental Health Officer on behalf of the Environmental Health department at Harlow Council on 8 October 2020.
2. The Application for the review was made pursuant to Section 51 of the Licensing Act 2003. The grounds for review are:
 - i) The Licence Holder has failed to uphold the Licensing Objective of the Prevention of public nuisance
 - ii) The Licence Holder as not taken appropriate steps to protect the licensing objective even when asked to do so.
 - iii) The Licence Holder as repeatedly breached licence condition 2.4 which requires:

The outside drinking area shall be restricted to
23:20hrs Monday to Saturday
22:30hrs Sunday
 - iv) There is substantial evidence of nuisance caused by the business at the premises. The Licence Holder has not provided documented evidence that licence condition 2.5 is being adhered to. Licence condition 2.5 states that Noise levels must be monitored at regular intervals by Management to ensure that no nuisance is being created by the entertainment being provided.
 - v) The Licence Holder has repeatedly failed to comply with formal COVID-19 guidance and restrictions at the premises thus putting staff patrons and members of the wider community at risk of transmission of COVID-19 with the attendant risk of causing additional demand on health care services. This posed a risk of infection among customers with the added risk of all those customers taking infection back to their own homes and the subsequent impact on the safety of the wider community that they come into contact with and constituting a nuisance in accordance with the s.182 Guidance (gatherings prejudicial to health due to the COVID19 infection risk)
3. Following consultation of the review application, no representations were received from any other responsible authority; however valid representations have been received from five different local residents in relation to the prevention of public nuisance objective and in relation to the crime and disorder objective. Members were informed that the local residents who have submitted written representations have asked for their personal data to be withheld. The reasons provided have been considered in respect of the Section 182 Guidance and the validating office was satisfied that they met

the guidance outlined in respect of this. Members were happy to take the representations as read.

Concerns raised by local residents which include but are not limited to the following:

- Late night opening and associated crime;
- Anti-social behaviour concerns including people vomiting and urinating in the street, loud shouting, screaming and swearing;
- Patrons not dispersing and door staff not assisting with this;
- Broken glass in the street;
- Loud music played in the beer garden;
- Loud music up to 2am on Friday & Saturday nights;
- Location not suitable for Ibiza style or pseudo nightclub premises or live DJ's;
- Crime concerns include regular fights and drug dealing in the vicinity;
- Lots of evidence of nitrous oxide canisters in the vicinity;
- Disregard for COVID-19 restrictions and guidance;
- Disregard for local community.

A representation was also received from Ei Group Ltd, the freeholder of the premises.

4. By way of background Members were informed that the Chequers is a two storey traditional style pub in the centre of Old Harlow. The pub sits in a conservation area with modern décor with some original features. The external side has been laid with cobble effect paving leading onto a large patio area to the rear, which can accommodate approx. 50 covers. This leads onto a grassed garden area which can accommodate approx. 40 - 50 covers.

Mr Bradley Reeve is a tenant at the premises and the freeholder of the property is Ei Group Ltd. The premises licence HARLOW/PREM/0012 for the Chequers is held by Bradley Reeve, Premises Licence Holder (PLH). Mr Reeve is also the Designated Premises Supervisor (DPS) at the premises. A copy of the premises licence, outlining the licensable activities licensed and the conditions which the licence is subject to was attached at Appendix E of the report. Mr Bradley Reeve, has had direct responsibility and control of this premises in respect of the premise licence dating back to 2013. Whilst Mr Reeve has not personally been the premises licence holder for this duration, he has been the Director of the companies that have previously held the premises licence and continued to be the DPS.

Members were informed that the premises recently came to the attention of Harlow Council's Licensing Services following an increase in complaints received from local residents in respect of alleged noise nuisance and crime and disorder associated at the premises. The complaints had specifically

been received following the 4th July 2020 when the premises could re-open following the national lockdown as a result of the Covid-19 pandemic.

Members were informed that the Licensing service has sent Bradley Reeve a series of letters

As a result of these complaints, a letter was sent by Michael Pitt, Environmental and Licensing Manager to Bradley Reeve to inform him of the complaints received and a request was made to:

- i) Cease to play or permit loud music
- ii) Prevent communal dancing
- iii) Cancel any bookings that have been made for a DJ
- iv) Make it clear through the same advertising channels used to advertise the presence of DJ's that they have been cancelled and that there is no musical entertainment.

Members were informed that on 14th August 2020 a Community Protection Warning pursuant to Section 43 Anti-Social Behaviour Crime and Policing Act 2014 had been issued and served on Bradley Reeve due to precautions necessary to control the spread of COVID-19 were not being taken at the premises.

On 12th September 2020, patrols were carried out by Council Officers who witnessed that music was being played particularly loudly from a temporary structure in the rear garden of the premises which finished at 23:16hrs. Officers also witnessed the outside area to the side of the premises open to members of the public beyond 23:20hrs which was contrary to the licence conditions on the premises licence. The noise witnessed was likely to cause nuisance to local residents. Members were informed that the premises is only currently permitted to have regulated entertainment of recorded and live music indoors. In some cases regulated entertainment can take place without provision under the Live Music Act 2012 and Deregulation of Schedule 1. The regulated entertainment provided on the 12th September was witnessed taking place within the temporary structure in the rear garden, which in respect of the premise licence would be considered outside and note that this temporary structure is not included or referenced with the current premises licence.

Licensing officers also informed Members that on 14th September 2020 a Prohibition Notice was issued to Bradley Reeve under The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 in respect of the premises.

In respect of recent compliance of the premises licence, Members were informed that on the 14th September the licensing service requested Mr

Bradley Reeve to provide details in respect of noise levels that were monitored on 12th September in accordance with the existing premise licence conditions. As at the date of this Licensing Sub Committee meeting, Bradley Reeve has not provided any of these details in respect of noise level monitoring nor has Mr Bradley Reeve been in contact with the Licensing department prior to arrangements for this hearing since the 15th September.

Members were asked to review and the note the extensive complaints history appended within the report which lists complaints received in respect of The Chequers Public House over the last 11 years. The complaints relate to concerns from local residents in respect of one or more of the licensing objectives, The prevention of crime and disorder, Public Safety, The prevention of public nuisance, The protection of children from harm.

5. Members were asked to consider the application for review and relevant representations and determine what steps, if any, it considers are appropriate for the promotion of the licensing objectives:
 - Modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence,
 - To remove the designated premises supervisor from the licence,
 - To suspend the licence for a period of not exceeding three months,
 - To revoke the licence.

6. Stuart Athol, Principal Environmental Health Officer and Michael Pitt, Environment and Licensing Manager presented the Review Application to the Sub Committee and made the following submissions:
 - a) The Environmental Health department has received complaints relating to public nuisance and noise dating back to approximately 7 years. Bradley Reeve had been notified of the complaints by way of letter and during face to face meetings at the Council's offices and the licensed premises.
 - b) The nuisance in question is predominately that of amplified music being played at such a volume as to cause disturbance to nearby neighbouring houses and thereby interfering with the resident's quiet enjoyment of their properties. This is coupled with the voices of patrons.
 - c) The licence holder has been notified of these complaints both in writing (as per the evidence attached to the review application) and verbally at a meeting at the Civic Centre in May 2016 and during a Licensing Officer's visit to the pub itself in May 2018. At this latter visit it was noted that the patrons in the rear garden were so loud as to make conversation between the officer and the licence holder difficult to be heard.
 - d) Overall Harlow Council has received 17 separate noise complaints predominantly relating to loud music, with 4 in September of this year since a marquee was erected in the rear garden.
 - e) Individual complainants were and still are unwilling to allow the nuisance to be witnessed from their own properties due to fears of alleged reprisals from the licence holder.

- f) Bradley Reeve has erected a temporary structure in the garden of the premises without permission and that there had been 17 reported noise complaints since that structure had been put in place.
- g) The temporary structure is being looked at by the council's Planning Department which is a separate issue.
- h) On the 12th September 2020, following the lifting of Covid-19 restrictions in July 2020, two council officers witnessed loud music being played from the temporary structure in the garden of the premises whilst standing, not in somebody's premises, but outside, and in their view this constituted what amounts to a public nuisance. This took place at a time when Government guidance prohibited the playing of music and dancing.
- i) Video footage taken by officers on the 12th September; at 21.55.48, 22.31.05 and 22.47.36 were played to the Committee showing the level of noise to be above reasonable levels. Singing and shouting could also be heard.
- j) Concerns have also been raised regarding the Licence Holder's failure to implement proper precautions against the spread of Covid-19 regulations at the premises. Patrons have been allowed to mingle, talk loudly and dance. The Licence holder has failed to separate family groups at tables, has failed to assist trace and trace and failed to protect staff by providing correct PPE. These concerns coupled with the representations from residents cannot be underestimated.
- k) A Community Protection Warning was issued to Bradley Reeve on the 14 August 2020 under Section 43 Anti-Social Behaviour Crime and Policing Act 2014 because the Council was satisfied that the precautions necessary to control the spread of COVID-19 were not being taken at the premises to control the transmission of Covid-19 to patrons and staff at the premises thus risking further spread of Covid-19 within the community.
- l) On 14th September 2020, the Council issued a prohibition notice under The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 preventing the playing of loud music at a level which encourages people to dance.
- m) On the 17th September 2020, Essex County Council as the Public Health Authority issued a Direction under the Health Protection (Coronavirus, Restrictions) (No.3) (England) Regulations 2020 due to the premises operating in a way which would expose patrons to the risk of infection and therefore an increased risk of community transmission of the virus. The Direction was withdrawn by Essex County Council following the 2nd lockdown.
- n) The premises is situated in a built up residential area and surrounded by residential properties in close proximity. To have an outlet that allows music to be played outside at any time is untenable if disturbance to nearby residents is to be avoided. The same can also be said for the use of the rear garden by patrons after a reasonable time. Even if the playing of music was to be permitted inside the main pub building itself its volume should be limited to such a level so that it cannot be detected beyond the

curtilage of the premises. Thus reducing the risk of causing disturbance to nearby neighbouring residential properties.

7. Steve Bushall, Area Manager for the Ei Group confirmed that save for the two written representations submitted via Gosschalks Solicitors he had no further representations to make but he was happy to answer any questions the Members may have.
8. Members asked a number of questions regarding the freehold, the management of the premises and complaints received. Steve Bushall informed Members that Ei Group were not aware of any issues at the Chequers until they received notification of the review hearing. Ei Group lease The Chequers to Harvard Lounge Bars Ltd, the sole director being Bradley Reeve. Although, Ei Group have no operational responsibility for the premises they would have expected Bradley Reeve to have kept them informed. In terms of the lease, Members were informed that they are seeking a replacement tenant. Bradley Reeve has given written notification to leave the premises. Under the terms of the tenancy, Bradley Reeve is contractually required to give 9 months' notice to end the tenancy (June 2021). However, Ei Group will seek to make this change prior to Christmas. Steve informed Members that he will be responsible for recruiting a new tenant. There are two potential tenants lined up but any decision to seek a new tenant will be subject to the outcome of this review application. Steve Bushall informed Members that it was in both parties interest to terminate the lease and assured Members that Ei Group will not allow Bradley Reeve to revoke his written notice to leave the premises, should he seek to do so.
9. Bradley Reeve, the premises licence holder made the following submissions:
 - a) The premises are immaculate.
 - b) The Chequers opened on the 4th July 2020 and it was busy. People had not been out for months. A risk assessment was done which allowed 180 people in the premises including people using the outside area. The licence allows drinking up time till 1am, however the premises closed at 11.30pm. Patrons were not allowed to use the side alley.
 - c) With regard to the people congregating outside, Mr Reeve could not get any more people who were waiting outside into the pub. There is a one way system in place so when patrons were leaving via the one way system it caused congestion outside.
 - d) After the 4th July 2020, there has been music on 4 occasions. One was a 40th birthday party on the 12th September. The outside structure had been booked for 30 people. Mr Reeve did go outside to check the music levels 30 minutes before Harlow Council officers attended but he couldn't hear any music which would affect the residents.
 - e) At the Ibiza Chill weekends advertised between mid July 2020 and September 2020 (Page 50 – 54 of the report), only chilled background music was being played.

- f) There are notices everywhere in the premises to inform customers they are not allowed to take glass outside. Mr Reeve sweeps the area outside.
- g) It has never been Mr Reeve's intention to upset the local residents. The Chequers is located in a busy area and is well run. During times when the Chequers was busy Mr Reeve did ring the local taxi company to tell them not to drop any more people off as the premises were busy.
- h) There are five hand sanitisers on the premises and wipes are given to customers if required. There are two meter markings around the bar area to remind customers of social distancing. PPE was supplied to the staff.
- i) The complaints received are exaggerated. 90% of the locals drink at the premises and residents who live within Station Road are willing to start a petition.
- j) Mr Reeve wants to leave a nice platform with no restrictions on the licence so that new owner can receive a nice wage.

10.No questions were put to Bradley Reeve from the Environmental Health Department or Ei Group.

11.In response to numerous questions raised by Members, Bradley Reeve made the following submissions:

- a) With regard to not responding and non-compliance with correspondence from the Licensing Team and Environmental Health, Mr Reeve stated that he had spoken to both teams verbally. Mr Reeve didn't understand the Direction in which Essex County Council said that if he didn't follow the guidelines then something would happen.
- b) The temporary structure was put up during Covid-19 because after 4th July 2020 the Government said pubs can use beer gardens and therefore Mr Reeve arranged for the temporary structure to be put up at a cost of £4,000. The bar area within the Chequers only allows 36 people and he is not allowed to use the walkway. Mr Reeve was not aware the temporary structure required planning permission and he has been told to take it down within 28 days.
- c) He did not inform Ei Group of all the issues and the Notices served because he was under the impressions that Ei Group would know.
- d) He is always present at the premises when they are open. He has 36 years' experience in the licensing trade and his objective is to earn a good living.
- e) He manages and monitors noise, staff training etc by having staffs work on a rota system. He employs five persons who hold personal licences. His security is fabulous and they use clicker to record the number of people entering the premises.
- f) When he opened on 4th July 2020, the risk assessment identified the maximum capacity allowed in the premises was 176. The majority of these people are in the garden. Members queried how effective the capacity of patron could be safely managed via a one way system. Mr Reeve stated that there are three security guards on site, one would stand at the side door, one in the garden and one would make sure there were

no more than two people in the toilet at any one time. Patrons were reminded to observe the one way system when they were allowed to stand at the bar.

- g) The video recording of the 12th September, viewed by Members during the committee meeting was taken on the night of a 40th birthday party which had been booked. Despite receiving correspondence from the Council advising of the restriction to music activity - no live music was allowed and music should not be loud that Patrons have to raise voices to talk, Mr Reeve submitted that the video was taken directly by the DJ system which is why it sounds loud. Customers were not raising voices.
- h) Mr Reeve felt that the Direction issued by Essex County Council was in relation to crowds waiting outside because they were not allowed in. It is not the case that the rules are not being applied at the premises.
- i) Members queried whether the premises if managed via bookings, from the 4th July 2020 could have reduced the complaints and assisted aggrieved neighbours. Bradley Reeve informed Members that he does operate bookings now. There have only been 4 events and The Chequers is not the only premise in the area that plays music. Even though there had been 4 events, Members reminded Bradley Reeve that he had been notified of the complaints received in between these events. Mr Reeve stated that he didn't know who had complained. All the properties around The Chequers are rented. No-one is forced to live there because they do not have freeholds.
- j) In response to precautions now put in place, Mr Reeve stated that he has stopped playing music outside. No music is played inside as he cannot allow more numbers inside. Every time the Police or licensing officers attended, Mr Reeve asks them if everything is perfect and has asked them to include it in their reports.
- k) The Chequers has a five star rating, mixed clientele and a very good customer base.
- l) In response to the residents representations Bradley Reeve commented that he felt he was a victim of bad press and that the residents of the area accounted for 80% of his trade.

DECISION OF LICENSING SUB COMMITTEE

Members determined to modify conditions of the premises licence as follows:

- (1) Exclude the Performance of Live Music (Indoors) Licensable activity from the scope of the licence as outlined below,
- (2) Modify the operating hours of the premises licence, as outlined below, and
- (3) to remove and modify Annex 2 of the conditions of the Licence and insert new conditions at Annex 3 as outlined below.

Licensable activities authorised by the licence

Exhibition of a film - Indoors
Indoor sporting events
~~Performance of live music – Indoors~~
Playing of recorded music - Indoors
Entertainment similar to music or dance - Indoors
Entertainment facilities for making music - Indoors
Entertainment facilities for dancing – Indoors
Sale or supply of Alcohol - On & Off the Premises

Times the licence authorises the carrying out of licensable activities

Exhibition of a film – Indoors

Monday to Thursday	11:00 to 00:30 23.30
Friday and Saturday	11:00 to 04:00 00.00
Sunday	11:00 to 00:30 23.00

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 11.00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 04:00 00.30hours
26th December	from: 11:00 hours to: 04:00 00.00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:00~~ 23.30 hours.

Indoor Sporting Events

Monday to Thursday	11:00 - 00:30 23.30
Friday and Saturday	11:00 - 04:00 00.00
Sunday	11:00 - 00:30 23.00

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 11.00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 04:00 00.30 hours
26th December	from: 11:00 hours to: 04:00 00.00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:00~~ 23.30 hours.

~~Live Music (Indoors)~~

Monday to Sunday	11:00 - 23:30
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Recorded Music (Indoors)

Monday to Thursday	11:00 - 00:00 23.00
Friday and Saturday	11:00 - 00:30 23.30
Sunday	11:00 - 00:00 23.00

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 00.30 hours
1st January	from: 00:00 11.00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 04:00 00.30 hours
26th December	from: 11:00 hours to: 04:00 00.00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:00~~ 23.30 hours.

Provision of entertainment or similar (Indoors)

Monday to Thursday	11:00 - 00:00 23.00
Friday and Saturday	11:00 - 00:30 00.00
Sunday	11:00 - 00:00 23.00

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 00.30hours
1st January	from: 00:00 11.00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 04:00 00.30hours
26th December	from: 11:00 hours to: 04:00 00.00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:00~~ 23.30 hours.

Sale or Supply of Alcohol – Consumption On and Off Premises

Monday to Thursday	11:00 - 00:00 23.00
Friday and Saturday	11:00 - 00:30 23.30
Sunday	11:00 - 00:00 22.30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 00.30 hours
1st January	from: 00:00 11.00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 04:00 00.30 hours
26th December	from: 11:00 hours to: 04:00 00.00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:00~~ 23.30 hours.

The opening hours of the premises

Monday 11:00 - ~~00:30~~ 23.30
 Tuesday 11:00 - ~~00:30~~ 23.30
 Wednesday 11:00 - ~~00:30~~ 23.30
 Thursday 11:00 - ~~00:30~~ 23.30
 Friday 11:00 - ~~04:00~~ 00.00
 Saturday 11:00 - ~~04:00~~ 00.00
 Sunday 11:00 - ~~00:30~~ 23.00
 Unlimited

Non-Standard opening hours of the premises

24th December from: 11:00 hours to: ~~04:30~~ 00.30 hours
 26th December from: 11:00 hours to: ~~04:30~~ 00.30 hours
 31st December from: 11:00 hours to: ~~00:00~~ 01.00 hours
 1st January from: ~~00:00~~ 11.00 hours to: ~~00:00~~ 23.30 hours
 2nd January from: ~~00:00~~ 11.00 hours to: ~~04:30~~ 23.30hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to ~~04:30~~ 00.00 hours.

Annex 2:

All conditions in Annex 2 will be removed or modified and moved to Annex 3

No:	Condition	Proposal:
2.1	Licenced capacity of premises is 80	Remove condition
2.2	Any film shown must be under BBFC Classification and will be suitable for the audience	Remove condition – No longer needed
2.3	AWP must be in full view of the bar	Remove condition - No longer needed
2.4	The outside drinking area will be restricted to: 23.30hrs Monday to Saturday 22.30hrs Sunday	New proposed condition
2.5	Noise levels must be monitored at regular intervals by Management to ensure that no nuisance is being created by the entertainment being provided	New proposed condition
2.6	External doors and windows facing residential premises must be kept closed when regulated entertainment is taking place	New proposed condition

2.7	Subject to the standard conditions for places of Public Entertainment Licensed by Harlow Council – Appendix 1	Remove condition - No longer needed
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Annex 3:

New conditions imposed:

3.0 The Performance of Live music (indoors) is prohibited at all times.

The Prevention of Crime & Disorder

3.1 On Fridays / Saturdays and in addition at all times when there is regulated entertainment at least two SIA licensed door supervisors shall be on duty at the premises at all times whilst the premises is open and for at least 30 minutes after the premises has closed.

3.2 Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
 i) The day and date when door supervisors were deployed;
 ii) The name and full SIA registration number of each door supervisor on duty at the premises; and
 iii) 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.

3.3 Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor’s licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log. This log shall be retained for at least 6 months after the last recorded check.

3.4 The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not be limited to:
 i. Searching practices upon entry;
 ii. Dealing with patrons suspected of using drugs on the premises;
 iii. Scrutiny of spaces including toilets or outside areas;
 iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
 v. Staff training regarding identification of suspicious activity and what action to take;
 vi. The handling of items suspected to be illegal drugs or psychoactive substances;
 vii. Steps taken to discourage and disrupt drug use on the premises;
 viii. Steps to be taken to inform patrons of the premises drug policy/practices.

A copy of this policy document shall be lodged with the police and licensing authority.

3.5 A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at a location agreed with the police and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.

3.6 During the period in which the premises is open for licensable activities, toilets shall be checked on at least an hourly basis for the purpose:

- a) Of detecting and deterring the use of controlled drugs and psychoactive substances; and
- b) Maintaining public safety.

A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check. These records shall be made contemporaneously, retained at the premises for at least 3 months and made available immediately upon demand to police or licensing authority staff.

3.7 The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which 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 public areas including all entrances and exits and all areas where the sale of alcohol takes place and in particular will capture those persons entering and leaving the toilet areas;
- iii. A CCTV monitor or monitors will be positioned so that bar staff can view selected cameras at all times (those cameras facing the toilets will be selected for viewing at all times) – the monitor(s) must not be capable of being viewed other than by staff.
- iv. 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 31 days;
- v. 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;
- vi. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
- vii. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure this will be recorded immediately.

3.8 Signs must be displayed at all entrances and on the entrances to toilet facilities advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.

3.9 No alcohol may be supplied by an individual unless that individual has the written consent of the Designated Premises Supervisor. A written record of this consent must be retained on the premises at all times when such an individual supplies or

proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.

3.10 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 in 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.

Public Safety

3.11 No drinks shall be served in glass containers for consumption in the garden or at the front of the premises.

3.12 The designated premises supervisor shall ensure that tables are cleared (inside and outside of the premises) of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

The Prevention of Public Nuisance

3.13 The beer garden and all external areas including the covered areas to the right hand side of the main public house (as viewed from Market Street) building and the covered areas at the rear of the main building shall only be open to customers from 11.00am until 9pm. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons. The licensee shall make appropriate management arrangements to ensure that patrons do not occupy these areas at any other time.

3.14 No equipment for the reproduction of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises or sited in the beer garden and all external areas including the covered areas to the right hand side of the main public house (as viewed from Market Street) and the covered areas at the rear of the main building. **The playing of live or recorded music in the outside areas (all areas that do not form the main public house building) is prohibited.**

3.15 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 200 x 148 mm.

3.16 (modification of 2.6) Except when being used for entry or egress by a patron, all external windows and doors in the licensable areas shall be kept shut after 9pm hours **and** at all times when music other than incidental background music is being played inside the premises.

3.17 (modification of 2.5) During the playing of recorded music (excluding incidental background music) you must carry out perimeter checks every thirty (30) minutes to ensure music cannot be heard at nearby neighbouring properties. Records of these checks shall be made contemporaneously (to include dates and times), retained at the premises for at least 3 months and made available immediately upon demand to police or licensing authority staff or other responsible authority.

3.18 A written dispersal policy will be formulated, implemented and provided to the licensing authority which shall include but not be confined to:

- 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.

3.19 There shall be a documented smoking policy that is compliant with the Health Act 2006 and implemented at the premises.

Notices shall be prominently displayed at any designated area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.

Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

Outside tables and chairs (in the beer garden) shall be rendered unusable by 21.00 hours each day.

Patrons permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them.

3.20 Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or to tidy it up should be demonstrated. Such measures could include regular litter inspections

during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.

At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.

The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

3.21 There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance

3.22 In addition to these conditions, the Premises Licence Holder must at all times comply with any Government and Public Health and Environmental Regulations which may be in force throughout the duration of the licence.

Protection of Children from Harm

3.23 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 and is either a:

- i. Proof of age card bearing the PASS Hologram;
- ii. Photocard driving licence;
- iii. Passport; or
- iv. Ministry of Defence Identity Card.

3.24 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 200 x 148mm.

3.25 No person under the age of 18 years of age shall be permitted to enter or remain on the premises unless they are accompanied by a person aged 18 years or older when the sale or supply of alcohol takes place; save to enter/exit residential parts of the building.

3.26 A refusals record shall be maintained at the premises which 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 either be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

3.27 All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to:

- i. the protection of children from harm (including under-age sales);
- ii. how to recognise drunkenness and the duty not to serve drunk persons;
- iii. dealing with incidents and the prevention of crime and disorder generally; and
- iv. drugs awareness (to specifically include the recognition of drugs use and supply in licensed premises).

Refresher training shall be carried out at least every six 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.

REASONS FOR DECISION

In reaching this decision, Members considered all of the evidence submitted and the oral and written representations made by the parties. Members had regard to the Section 182 Guidance issued under the Licensing Act 2003; in particular paragraphs 2.15 – 2.21 and paragraph 11 and the Council's Statement of Licensing Policy.

Members noted that under paragraph 11.20 of the s.182 Guidance, Members should seek to establish the cause or causes of concerns that the representations identify and invoke any of the steps available for the promotion of the licensing objectives.

Members were mindful of the overwhelming evidence presented outlining the extensive advice, warning, notices issues by Environmental Health, Licensing Services and Essex County Council and noted that the Premises Licences Holder had failed to adhere to the stepped approach taken to address the public nuisance concerns.

Members noted the suggestions put forward by Environmental Health and within the written representations included, but were not limited to the following:

- Earlier closing time such as 11.30pm or 12 midnight;
- No amplified music;
- No loud music; especially outside;
- No live bands;
- No loud music (indoors) after 11pm;
- Noise limiter internally;
- Sound proofing to be added;
- Not allowing use of outside area after a certain time, e.g. 8/9pm
- A change of Landlord;
- Landlord to keep area clean;
- No glass allowed to leave the premises.

Members felt that the concerns raised could be adequately addressed by modifying the conditions of the premises licence and removal of the licensable activity - performance of live music (indoors) from the scope of the licence.

In reaching this decision, Members had regard to the other steps available to them and determined these would not be appropriate for the following reasons:

- Removal of the DPS from the licence - The Members noted that Bradley Reeve is the premises licence holder as well as the DPS and as such would still have day to day control over the management of the premises. Members felt this would not address the concerns raised in the application. The members further took into consideration that by Bradley Reeve's own admission and verified by Ei Group Limited, he was terminating his tenancy and a new premises licence holder and DPS would be appointed in due course.
- The suspension of the licence for a period not exceeding three months - The Members considered suspending the licence in order for the modified licensing conditions to be implemented. However, Members took the view that the modified conditions could be implemented without the need for the licence to be suspended. Further, Members were mindful that the cause of the issues reported were down to the management of the premises for which they had received assurances that Bradley Reeve has terminated his tenancy and would not be responsible for the premises after Christmas 2020.
- Revocation of the licence - Members felt that revocation of the licence would be too draconian in these circumstances which could be resolved by a modification of the licensing conditions and exclusion of a licensable activity from the licence.

In reaching this decision, Members were satisfied that Mr Bradley Reeve is and has been aware of his obligations and has given ample warning of premises licence breaches, public nuisance and crime disorder concerns associated with this premises whilst under his management. Members hope that the modification of conditions and the exclusion of live music indoors will assist to alleviate the concerns raised within the application and will also provide a good platform for the new premises licence holder when the new tenancy commences following Bradley's Reeves departure.

This is a true and accurate record of the decision

Signed: *Shannon Jezzard*

Councillor Shannon Jezzard – Chair of Licensing Committee

Dated: 9 December 2020

Your right of appeal

Applicant

As the applicant you have the right to make an appeal against any decision to impose conditions of the licence.

Objector

As a person making a relevant representation in relation to the application to grant the licence you have a right of appeal to contend -

- a. that the licence ought not to have been granted, or
- b. that the Licensing Authority ought to have imposed different or additional conditions, or to have taken steps to exclude any of the licensable activities or to refuse to specify a person in the licence as the designated premises supervisor.

How to make an appeal

An appeal must be made within a period of **21 days** from the date of this letter.

The notice of appeal must be sent to:

Clerk to the Justices
Essex Magistrates' Courts
Osprey House
Hedgerows Business Park
Colchester Road
Springfield
Chelmsford
CM2 5PF

Tel: 01245 313500