

LICENSING SUB-COMMITTEE
Wednesday 2 December 2020 at 5.30pm
Zoom - Online

AGENDA

1. Appointment of Chair
To appoint a Chair for this meeting.
2. Declarations of Interest
Councillors' declarations of interest (if any) in relation to any items on the agenda.
3. Premises Licence Review Hearing - The Chequers, 2 Market Street, Old Harlow, Harlow
 - a) Procedure for the Meeting (Page 2)
 - b) Determination of Premises Licence Review (Pages 3 - 199)

Membership of the Sub Committee

Councillor Shannon Jezzard
Councillor Maggie Hulcoop
Councillor Nancy Watson

LICENSING REVIEW HEARING – COMMITTEE PROCEDURE (Guidance)

1. Appointment of Sub Committee Chair
2. Chair's introduction and outline of procedure.
3. Outline of the case by the Licensing Team.

Officers from the Licensing Team may be asked questions at any time by Members of the Committee, or by any of the parties present, in order to clarify issues relevant to the case or relating to the Licensing Act 2003 and the Council's licensing policy.

4. Applicant's presentation of evidence.
5. The applicant may be asked questions by:
 - a) Licence holder;
 - b) Licensing Sub Committee Members.
6. Presentation of evidence from each representative:
7. Each representative in turn may be asked questions by:
 - a) Licence holder;
 - b) Licensing Sub Committee Members
8. Licence holder respond to review.

The Licence holder may be asked questions by:

- a) The Applicant;
 - b) Licensing Sub Committee Members.
9. Additional comments from Licensing Team
10. The Applicant makes a closing statement.
11. Licence holder makes a closing statement.
12. Committee Members may then wish to discuss the evidence and representations made before reaching their decision. Committee Members will retire to discuss their decision. They will be accompanied by the Committee Clerk and, if requested, the Legal Advisor to the Committee.
13. The decision of the Committee, with reasons, will normally be given at the end of the hearing.
14. Notification of the decision to all parties will be confirmed in writing within 5 working days or sooner if required.

REPORT TO: LICENSING SUB COMMITTEE

DATE: 2 DECEMBER 2020

TITLE: REVIEW HEARING – THE CHEQUERS, 2
MARKET STREET, OLD HARLOW, ESSEX,
CM17 0AH

LEAD OFFICERS: CHRIS BENNETT, PRINCIPAL
ENVIRONMENTAL HEALTH OFFICER
(LICENSING) (licensing@harlow.gov.uk)

RACHEL CROUCH, SENIOR LICENSING
OFFICER

CONTRIBUTING OFFICER: MICHAEL PITT, ENVIRONMENT AND
LICENSING MANAGER (01279) 446114
(env.health@harlow.gov.uk)

EXECUTIVE SUMMARY

1. Following 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** on 8 October 2020, the Sub-Committee is requested to consider the review application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.
2. The report provides details of a review pursuant to Section 51 of the Licensing Act 2003 in relation to the premises and outlines the evidence presented by the parties in relation to the review.

RECOMMENDATIONS

- A** That the Sub-Committee consider the application for review and any **RELEVANT** representations and take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:
- i) to modify the conditions of the licence;
 - ii) to exclude a licensable activity from the scope of the licence;
 - iii) to remove the designated premises supervisor from the licence;
 - iv) to suspend the licence for a period not exceeding three months; or to revoke the licence.

For this purpose the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added.

B Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives. Where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:

- i) The prevention of crime and disorder
- ii) Public Safety
- iii) The prevention of public nuisance
- iv) The protection of children from harm

C Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and the evidence presented by the parties in relation to the review.

D Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

- i) The rules of natural justice
- ii) The provisions of the Human Rights Act 1998

INTRODUCTION

3. The Licensing Act 2003 provides that, where an application has been received in respect of the review of a premise licence, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.
4. Section 51 Licensing Act 2003, allows Interested Parties or Responsible Authorities to request a review of a Premises Licence where one or more of the Licensing Objectives are not being met.

Application and Background

5. On 8 October 2020, an application for Review was received from Stuart Athol Principal Environmental Health Officer, on behalf of the Environmental Health, Harlow Council. A fully copy of the application and supplementary information in support of review is attached as Appendix A to the report.
6. The Application for the review of the premise licence is made pursuant to Section 51 of the Licensing Act 2003 and the relevant Section of the Act

dealing with the determination of such an Application is contained in Section 52 of the Act. The grounds for the review set out by Stuart Athol, Environmental Health Officer, are;

- i) The Licence holder has failed to uphold the Licensing Objective of the Prevention of public nuisance.
- ii) Mr Reeve has not taken appropriate steps to protect the licensing objective even when asked or required to do so.
- iii) Mr Reeve has repeatedly breached licence condition which requires;

2.4 The outside drinking area shall be restricted to:
23:20hrs Monday to Saturday
22:30hrs Sunday

- iv) To date we have not seen any documented evidence that condition 2.5 is being adhered to.

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

Whereas there is substantial evidence of nuisance caused by business at the premises.

- v) The premises has repeatedly failed to comply with formal COVID-19 guidance and restrictions 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 an 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 s182 Guidance (gatherings being prejudicial to health due to the COVID-19 infection risk).

Consultation

- 5. In accordance with the Licensing Act 2003 regulations, public notices have been displayed and published. The notices can be seen at Appendix B to the report. Responsible authorities were notified of the application.
- 6. In respect of the review application no other representations were received from any of the responsible authorities, however, representations have been

received from five different local residents and a representation from the freeholder, Ei Group Ltd, of the premises. The representations are attached at Appendix C to the report.

7. The representations received from local residents have been made in relation to the prevention of public nuisance objective and in relation to the crime and disorder objective.
8. At the time of receiving the local resident's representations during the consultation period, residents have requested that the personal data in respect of their written submission be withheld. The reasons they have provided have been considered in respect of the Section 182 guidance and the validating officer is satisfied that they meet the guidance outlined in respect of this.
9. To provide context in relation to the location of the premises the licensing authority have attached a plan and images of the premises in Appendix D to the report.

The Premises and History

10. 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.
11. Mr Reeve is a tenant at this premises and the freeholder of the property is Ei Group Ltd.
12. A premises licence HARLOW/PREM/0012 issued under the Licensing Act 2003 is held for The Chequers, 2 Market Street, Old Harlow, Essex, CM17 0AH by Mr Bradley Reeve Premises Licence Holder (PLH). A copy of the premises licence is attached as Appendix E to the report.
13. The Licence is subject to a number of conditions from the operating schedule. The Premises is licensed for the following licensable activities:

Sale or Supply of Alcohol – Consumption On and Off Premises

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

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends:
from 11:00 hours to 01:00 hours.

Exhibition of a film – Indoors

Monday to Thursday	11:00 to 00:30
Friday and Saturday	11:00 to 01:00
Sunday	11:00 to 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends:
from 11:00 hours to 01:00 hours.

Indoor Sporting Events

Monday to Thursday	11:00 - 00:30
Friday and Saturday	11:00 - 01:00
Sunday	11:00 - 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends:
from 11:00 hours to 01:00 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
Friday and Saturday	11:00 - 00:30

Sunday 11:00 - 00:00

Non-Standard Timings:

31st December from: 11:00 hours to: 00:00 hours
1st January from: 00:00 hours to: 23:00 hours
24th December from: 11:00 hours to: 01:00 hours
26th December from: 11:00 hours to: 01:00 hours
On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends:
from 11:00 hours to 01:00 hours.

Provision of entertainment or similar (Indoors)

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

Non-Standard Timings:

31st December from: 11:00 hours to: 00:00 hours
1st January from: 00:00 hours to: 23:00 hours
24th December from: 11:00 hours to: 01:00 hours
26th December from: 11:00 hours to: 01:00 hours
On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends:
from 11:00 hours to 01:00

14. Application History in respect of the premises licence:

10.10.2019 – Application to Transfer – Applicant Mr Bradley Reeve

17.01.2014 – Application to Transfer – Applicant Harvard Bars Lounge Ltd

07.06.2013 – Application to Vary DPS – Applicant to vary DPS – Mr Bradley
Reeve

20.03.2013 – Application to Transfer - Applicant Chequers Old Harlow Ltd

02.06.2010 – Application to Transfer – Applicant Mrs Edwards

17.07.2007 – Application to Vary DPS – Applicant to vary DPS – Kim Tiffin

09.06.2005 – Application for Premises Licence – Mr Diggle & Kim Tiffin

15. The premises recently came to the attention of Harlow District Council's
Licensing Service as a result of an increase in complaints received in respect

of the premises, specifically following 4th July 2020 when premises could re-open following a period of “lockdown” as a result of the Covid-19 pandemic.

16. The council received complaints from local residents in respect of alleged noise nuisance and crime and disorder associated with the premises. On the 10 July 2020 a letter was sent by Michael Pitt, Environment and Licensing Manager, advising Mr Reeve 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 you have made for any DJ
 - iv) Make it clear through the same channels that you have used to advertise the presence of DJs that they have been cancelled and that there will be no musical entertainment
17. The Licensing service was notified by Andrew Bramidge, Head of Environment and Planning, of a Community Protection Warning issued on the 14 August 2020 under Section 43 Anti-Social Behaviour Crime and Policing Act 2014. This was served on the premises licence holder as the Council were satisfied that the precautions necessary to control the spread of COVID-19 were not being taken at the premises.
18. The Licensing Services was further notified by Environmental Health colleagues that a prohibition notice was issued on 14 September 2020 under The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in respect of the premises.
19. Patrols were carried out by officers and, in the opinion of the officers, it was believed that the noise from licensable activities carried out at the premises may cause nuisance to local residents, particularly when providing entertainment from the temporary structure that has recently been built in the rear garden. Music was being played particularly loud on 12 September 2020 which finished at 23:16hrs.
20. On 12 September 2020, officers witnessed the outside area to the side of the premises open to members of the public beyond 23:20hrs. This is contrary to the premises licence condition.
21. On 14 September 2020, the Licensing service requested Mr Reeve to provide details in respect of noise levels that were monitored in accordance with the premises licence conditions, details of which should have been taken on 12 September 2020. A copy of the letter sent to Mr Reeve is attached as Appendix F to the report.

22. Mr Reeve to date has not provided any of these details in respect of noise level monitoring nor has Mr Reeve given reasons as to why these details haven't been taken.
23. Looking at the records held by the Licensing Service, a number of meetings have taken place with the Licensing Service and Mr Reeve, inclusive of a multi-agency meeting held on 17 December 2018. A documented list of letters which have been sent to the premises licence holder are dated 31 July 2015, 13 August 2015, 15 September 2015, 3 May 2016, 9 June 2016 and 4 June 2018. Some of the letters are attached to the application for review at Appendix A to the report. The letters that have not been attached by the applicant with the application are attached at Appendix G to the report.
24. In addition to the letters sent to Mr Reeve in respect of complaints and observations, the details of the complaint history held in respect of the premises is attached at attached Appendix H to the report.
25. I note that whilst the premises licence has been transferred to different licence holders during the period of the licence, the DPS, Mr Bradley Reeve, has remained the same following an application made in 2013. Mr Reeve has been involved with the premises and been the active director in companies which have held the premises licence during the period of the licence, therefore, officers are satisfied that Mr Reeve has previously been made aware and given ample warning of premises licence breaches, public nuisance and crime and disorder concerns associated with this premises.

Reasons for the Decision

26. The following steps that the licensing authority can take are:
- i) the modification of the conditions of the premises licence;
 - ii) the exclusion of a licensable activity from the scope of the licence;
 - iii) the removal of the designated premises supervisor from the licence;
 - iv) the suspension of the licence for a period not exceeding 3 months; and
 - v) the revocation of the licence.
27. Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
28. The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution, and provide the key reasons why the recommendation/s has been made.

Statement of Licensing Policy

29. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with Section 5 of the Licensing Act 2003. The policy can be seen at Appendix I to the report.
30. Relevant policy sections include:
- i) Para 1 – Where appropriate any Responsible Authority will likely give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
 - ii) Para 5 – The Council intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
31. Applicants need to be clear that the Council will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated effective measures planned to prevent public nuisance are in place, may be suitable for longer opening hours.

Secretary of State’s Guidance

32. The Licensing Authority must also have due regard to the guidance issued under Section 182 of the Licensing Act 2003. A copy of the guidance can be found at the link under “background papers” at the end of this report.
33. Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law definition. This is addressed, at paragraphs 2.18-2.21, by the S182 of Guidance under the Licensing Act 2003.
34. The public nuisance objective is designed to focus on the effect of licensable activities at specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.
35. The issue in the context of LA03 was taken to the higher courts in the case of ‘The Endurance’, R (Hope and Glory Public House Ltd) v City of Westminster Magistrates’ Court [2009] EWHC 1996.

This case ‘Hope and Glory’ 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
- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises
- sets out the approach that should be taken when making licensing decisions

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.

36. S182 - Section 11 Reviews sets out powers of a Licensing Authority on the determination of a review.
37. Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.
38. Members are reminded that should any conditions be added or modified, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

Secretary of State's Guidance

32. By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect: a) Until the end of the period given for appealing against the decision; or b) If the decision is appealed against, until the appeal is disposed of.

33. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1988 to exercise its various functions doing all that it can to prevent Crime and Disorder, and Anti-Social Behaviour, behaviour adversely affecting the environment as well as the misuse of drugs, alcohol and re-offending in the Local Environment.
34. Disclosure of personal details of persons making representations.
35. 9.26 - Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
36. 9.27 - In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
37. 9.28 - Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
38. 9.29 - For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
39. 9.30 - The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Legal Considerations

40. There is a right of appeal for all parties against the review decision within 21 days.
41. Grounds for appeal against the decision of the Licensing Sub-Committee are made available by section 181 and schedule 5 of the Act. Schedule 5, 8 provides that an appeal may be made against the decision by;
- i) The applicant for the review,
 - ii) The holder of the premises licence,

- iii) Any other person who made a relevant representation in relation to the application.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As outlined in the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As outlined in the report.

Author: Julie Houston, Strategy & Economic Development Manager on the behalf of Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Members must have due regard to the application for this review of the Premises License, the representations received and determine the application in accordance with the promotion of the licensing objectives. Further legal advice in relation to any aspects of this application will be provided by an Officer at the Sub Committee hearing to enable the process to be fair to all parties.

Author: Dimple Roopchand, Principal Solicitor on the behalf of Simon Hill, Head of Governance

Appendices

Appendix A - Application for Review 08.10.2020 (Appendix 4 of this Appendix is a series of videos which will be supplied at the meeting)

Appendix B - Copy of Public Notice

Appendix C - Copy of Representations from Interested Parties

Appendix D - Location Plan for the Premises

Appendix E – Copy of Premises Licence

Appendix F- Copy of letter sent by Licensing Team to Premises Licence Holder 14.09.2020

Appendix G – Copy of Historic Letters sent by Licensing Team

Appendix H – Complaints History held for The Chequers, Old Harlow

Appendix I - Harlow District Council Statement of Licensing Policy

Background Papers

Secretary of State Guidance -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Licensing Team
 Harlow Council
 Civic Centre
 The Water Gardens
 Harlow
 CM20 1WG



**Application for the review of a premises licence or club premises certificate
 under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I  Environmental Health Officer,
 Environmental Health, Harlow Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

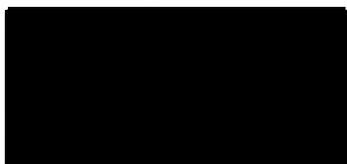
Postal address of premises or, if none, ordnance survey map reference or description

2 Market Street

Post town
 Harlow

Post code
 CM17 0AH

Name of premises licence holder or club holding club premises certificate (if known)



Number of premises licence or club premises certificate (if known)

HARLOW/PREM/0012

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname **First names**

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address [REDACTED] [REDACTED] Environmental Health Officer Harlow District Council Environmental Health Department The Civic Centre The Water Gardens Harlow Essex CM20 1WG
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The Licence holder has failed to uphold the Licensing Objective of the Prevention of public nuisance.

██████████ has not taken appropriate steps to protect the licensing objective even when asked or required to do so.

██████████ has repeatedly breached licence condition which requires;

2.4 The outside drinking area shall be restricted to:

23:20hrs Monday to Saturday

22:30hrs Sunday

To date we have not seen any documented evidence that condition 2.5 is being adhered to

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

Whereas there is substantial evidence of nuisance caused by business at the premises.

The premises has repeatedly failed to comply with formal COVID-19 guidance and restrictions this 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 an 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 s182 Guidance (gatherings being prejudicial to health due to the COVID-19 infection risk).

Please provide as much information as possible to support the application
(please read guidance note 3)

Public Nuisance Due to Noise

Complaints of noise have been received by Harlow Council Environmental Health team from nearby residents of this establishment dating back to at least 2013. Complaints have increased following the recent addition to a marquee structure positioned in the garden of the premises.

On Friday 11th September 2015 loud music emanating from the premises was witnessed by Harlow Council Licensing Officers which was considered to likely cause nuisance to nearby residents. The licence holder was informed of this matter in writing on the 15th September 2015 **Appendix 1**.

Further complaints concerning noise nuisance continued to be received and the licence holder was verbally notified of this concern during a meeting between Harlow Council Licensing Officers on the 11th May 2016 and confirmed in writing on 9th June 2016 **Appendix 2**. The licence holder was informed that residents in nearby housing are entitled to occupy their homes without being exposed to unreasonable noise.

A visit to the premises was carried out on the 27th May 2018 by the Licensing Officer, details of this visit and discussions were noted by way of email sent to the licence holder on the 4th June 2018 **Appendix 3**. It was noted that patrons using the outside area were very loud making it difficult for the officer to hold a conversation with the licence holder. The Licensing Officer also informed him that nearby residents had also expressed concerns about the level of noise from the garden earlier in the day when noise levels were reported as high from the sound system.

During this time complaints concerning noise nuisance emanating from the premises have been received. The complainants declined to allow Environmental Health staff to witness the noise nuisance (music and/or shouting or talking) from their premises due to fear of reprisals by the licence holder if their identities were possibly to be revealed in any subsequent court action.

On the 1st September 2020 a marquee like structure was erected in the garden to the rear of the premises. This was done so without planning permission which is a separate matter to this review application. Since the weekend following this installation more complaints were received by the Environmental Health team.

On the 12th September 2020 out of office hours patrols were undertaken by Harlow Council Officers and mobile video recordings were taken at 21:52 whilst standing outside nearby residence videos available for viewing. Very loud pumping bass/dance music was recorded and people could clearly be heard singing along to various different songs all emanating from the marquee

structure. Observation Videos. 12.09.20 **Appendix 4**

In my opinion the volume of music along with people singing as shown in the recordings is enough to consider that a public nuisance will reoccur whilst patrons and music live, recorded or otherwise is allowed to operate from these premises bearing in mind the close vicinity of nearby residents.

Noise complaints received from residents.

2013 – 5 (a) Loud music (b) Loud music (c) Loud music (d) Loud music (e) Loud music.

Warning letter sent 3rd July 2013. **Appendix 5.**

2014 – 2 (a) Loud music (b) Loud music.

Warning letter sent 25th March 2014 & 22nd October 2014. **Appendices 6 & 7.**

2018 – 1 (a) Loud music

2019 – 2 (a) Loud music (b) Loud music.

Warning letter sent 28th August 2019. **Appendix 8.**

2020 – 7 (4 since marquee erected) (a) Loud music (b) Loud music (c) Loud music & shouting (d) (e) Loud music (f) Loud music (g) Loud music.

Appendix 4 Observation Reports from Officers.

Attached to this application is a map showing the distance of the premises to nearby residential properties. **Appendix 9.**

Public Nuisance due to failure to implement proper precautions against the spread of COVID-19

Premises in the “hospitality” industry including public houses and night clubs were required to close with effect from in response to the national COVID-19 emergency by the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. Subsequently the Health Protection (Coronavirus, Restrictions) (no.2) (England) Regulations 2020 provided from 4th July 2020 for the reopening of public houses, but not for the reopening of night clubs or any provision for music and dancing in other premises. Public houses could open but music and dancing was not permitted. Public houses reopening were to do so having carried out risk assessments and implemented measures to mitigate the transmission of COVID-19 in accordance with central government guidance.

In advance of 4th July 2020 the Council wrote to the management of licensed premises in the district including the Chequers to draw their attention to the requirements for reopening. The Council’s letter is attached at **Appendix 10.**

On 02 July 2020 an officer telephoned [REDACTED] as the Council had become aware of advertisement of musical entertainment including a live singer for the

forthcoming weekend. He was warned that this was considered contrary to the guidance. ██████████ stated that he was aware of the guidance but had already booked the entertainment in advance and declined to cancel it. He advised that a customer booking system would be operational and that contact records would be made to support Test and Trace. However no concrete evidence of this was forthcoming.

Council staff carried out observations of licenced premises and noted loud music with thumping bass from the garden of the chequers on Saturday 4th July and little evidence of proper social distancing controls exercised by staff on both Saturday 4th and Sunday 5th July 2020 **Appendix 11**.

The Council received complaint that music and dancing had been provided at the Chequers on Sunday 5th July 2020. A "DJ" had been engaged and an event calculated to attract customers to music and dancing advertised. Music volumes had been excessively loud, social distancing had not been required by management or observed by patrons and the event continued until 02:00 contrary to the Premises Licence conditions.

The Council wrote to the business operator on 10 July 2020 making it plain that music and dancing were not permitted, and that any music must be kept at a level such that customers were not required to raise their voices to converse: attached as **Appendix 12**.

Despite this there continued to be further evidence of loud music being played and dancing being permitted [Appendix 4]. Advertisements for music based events at the premises are attached as **Appendix 13**.

In response to ongoing concern about transmission of COVID-19 on 14th August 2020 the Council served a Community Protection Warning notice on the business operator, giving detailed instructions on complying with COVID-19 precautions: attached as **Appendix 14**.

Essex County Council as the Public Health Authority on liaison with Harlow Council had sufficient concern to warn the business operator formally that if precautions were not improved a Direction under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 possibly leading to closure of the premises by a further direction might result. Essex County Council's warning letter is attached as **Appendix 15**.

Observations **Appendix 16** evidenced ongoing absence of the precautions expected of a business operating a COVID secure environment, such as operating a booking system, controlling or even recording the numbers of customers present, recording contact details of customers so that they might be contacted in case of anyone associated with the premises being diagnosed as a COVID-19 case, operating table service only, limiting group size, spacing groups and providing alternative mitigating measures such as screens between groups where 2m separation could not be achieved, providing screens at the bar and managing departure from the premises to prevent

large numbers of people coming together in and outside the premises, and keeping any music at a background level over which customers would not be required to raise their voices to converse. Complaints received by the Council corroborated these findings.

The Council in relation to the suspected provision of music and dancing served a Prohibition Notice on the premises **Appendices 17, 18, and 19.**

Essex County Council on being made aware of the failure of the premises to implement COVID-19 controls despite the extensive advice and warning that had been issued served a Direction under Regulation 4(1) of the Health Protection (Coronavirus, Restrictions)(England) (No.3) Regulations 2020 **Appendices 20 and 21** on the premises issued on the 17th September 2020.

On the 24th September 2020 a review was undertaken of the Direction following officers visit to the premises on the 19th September 2020 **Appendix 22** officers observation notes. It was felt that the management had made efforts to comply with the measures in the direction and taking into account the Government's further restrictions announced on the 22nd September 2020 (table service only, closure by 22:00 and QR codes) will also lessen the threat. With this in mind asking for a closure was considered disproportionate at this stage. However the lack of full compliance, even though the direction was very clear, shows that a threat remains, and a direction was still needed **Appendix 23.**

7 days later a further review of the Direction was considered on the 1st October 2020 and again a decision was made by Essex County Council that it will remain in place **Appendix 24.**

Observations subsequent to the Direction indicate that a better standard of compliance with COVID-19 requirements was achieved. However the licensee appears to have operated with cavalier disregard for guidance and public safety ignored all warnings and advice and modified operations only in the face of the most stringent of legal requirements.

Controls such as a Direction are intended to be temporary only in their effect and as the Council can on the clear evidence available have little confidence in the voluntary cooperation of the Licensee, a more lasting resolution by way of licensing controls appears appropriate.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law definition. This is addressed, at paragraphs 2.18-2.21, by the formal Guidance issued by the Home Office under s182 of the Licensing Act 2003 **Appendix 25.**

The public nuisance objective is designed to focus on the effect of licensable activities at specific premises on persons living and working (including those carrying on business) in the area around the premises which may be

disproportionate and unreasonable.

The issue in the context of LA03 was taken to the higher courts in the case of 'The Endurance', R (oao Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court [2009] EWHC 1996.

This case 'Hope and Glory' 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
- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises
- sets out the approach that should be taken when making licensing decisions

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.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

0	0	0	0	0	0	0	0
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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

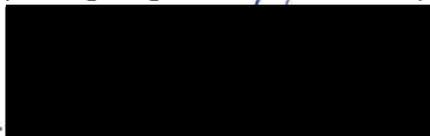
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

8/10/20

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.


Chequers Old Harlow Ltd
2 Market Street
Old Harlow
Essex
CM17 0AH

Licensing Team

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: ENV/15/02011
Your Ref:
Date: 15th Sept 2015

Dear Sir

Licensing Act 2003 The Chequers Public House

The council has recently monitored licenced premises in the Old Harlow area to determine whether they are operating in accordance with licence conditions.

Your premises were checked on Saturday 22nd August 2015 and again on 11th September 2015. The following observations were made;

1. On Saturday 22nd August 2015 the playing of recorded music continued until 00.45 (23rd August) contrary to your licence conditions which requires recorded music to cease at 00.30.
2. On Friday 11th September 2015 the playing of recorded music continued until 00.45 (12th September) contrary to your licence conditions which requires recorded music to cease at 00.30. In addition, the outside area to the side of the premises was open to the public until midnight contrary to licence conditions which requires the outside area to be closed at 23.20.

The above matters constitute a breach of your licence contrary to Part 7 of the above Act.

Our monitoring of your premises also indicates that the noise from Licensable Activities may cause nuisance to local residents particularly when the door is opened for persons to enter and leave the premises. Music was being played particularly loud on 11th September up to and beyond the time allowed by your licence. I should be grateful if you would advise me whether noise levels were monitored in accordance with your licence conditions on 11th September and whether your assessment indicated that the noise was likely to cause nuisance. Where your activities are likely to cause nuisance it is essential that you take action to reduce the noise to an acceptable level by turning down the volume.

Please be aware that persons carrying out licensable activities other than in accordance with licence conditions may face enforcement action including prosecution. The council should like to work with you to avoid taking formal enforcement action but we will not hesitate to take action where it is considered necessary to protect any of the licensing objectives.

Please ensure that you operate in accordance with licence conditions. If you wish to extend the times when licensable activities take place you may apply to the council for a variation to your licence.

I should be grateful if you would contact me to discuss this matter further.

Yours faithfully

[Redacted signature block]

██████████
Chequers Old Harlow Ltd
2 Market Street
Old Harlow
Essex
CM17 0AH

Place Services

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref:
Your Ref:
Date: 09 June 2016

Dear ██████████

Licensing Act 2003 - The Chequers Public House

Thank you for meeting with ██████████ Licensing Team ██████████, and me on 11 May 2016.

You will recall that I undertook to write to record the position that we arrived at in our discussion.

You were advised that the Council had received a number of complaints relevant to the Council's functions under the Act from members of the public, in the main residents in the vicinity of Market Street where the premises is located.

In relation to a complaint of non-compliance with existing conditions and specific obligations on licensees, the Council as Licensing Authority may take action directly using powers under the Licensing Act, should it be satisfied that this is appropriate.

Where any relevant person or Responsible Authority triggers a review of the licence, the licence may be varied or revoked. The Council as a Licensing Authority in conducting a review would take account of relevant matters that would include its perception of the responsiveness of the licensee in addressing any issues raised.

The Council in addition to its functions as a Licensing Authority is also responsible for investigating complaints of statutory nuisance through its Environmental Health team. The Council as an Environmental Health Authority may initiate a licence review in relation to public nuisance whether or not it takes direct action in relation to statutory nuisance.

The Council further has wide ranging powers to deal with antisocial behaviour which may be engaged in relation to complaints and evidence from any investigation may be presented should there be a licence review.

In these circumstances it appears prudent for a licensee to remain sensitive to the reasonable concerns of residents.

Without detailing specific complaints it is reasonable to summarise concerns put to the Council as follows:

Music noise from the premises is too loud; too much music noise escapes from the premises; music noise goes on until too late an hour; patrons congregating outside the building in parts of the premises open to the air and outside the premises are noisy; patrons leaving the premises cause disturbance; some patrons behave in an unruly way outside the premises, for example by singing, shouting, arguing, accosting passers-by, leaving glasses, cigarette ends and other detritus, being sick, or urinating on nearby property; patrons' behaviour is exacerbated by the lateness of the hour at which they may leave the area, and by the fact that there are people amongst their number who are visibly intoxicated.

We discussed how such concerns might be addressed.

Noise from music and patrons inside the premises

We discussed the times at which music is played and you agreed that you would ensure that at all times it complied with existing Licensing conditions.

We discussed the volume of music played.

Employers have a very clear duty to protect people from noise that could cause hearing damage. Failure to do so in a systematic way puts employers at risk of enforcement action from the authorities, but also of claims from employees and ex-employees. If you are not familiar with health and safety law on noise, there is a great deal of helpful advice on the Health and Safety Executive's website.

Further residents in nearby housing are entitled to occupy their homes without being exposed to unreasonable noise. Excessive noise could impact on the premises licence.

People including your staff and people responsible for playing music [e.g. any "MC" or "DJ"] will find it difficult to be objective because hearing quickly becomes less sensitive to noise. What may seem to be acceptable to those in charge may have become too loud, particularly later.

Although it is not a licence condition you agreed that it might be helpful to you in managing the premises to obtain use systematically and record the results from a relatively low cost sound level meter to give objective information about sound levels.

Nuisance to neighbours from noise within the premises is far more likely, at otherwise-reasonable sound levels, when doors and windows are open for ventilation or while customers are coming and going.

A "lobby" arrangement with two sets of doors reasonably separated so that at least one set of doors will remain closed as people pass through can be helpful in reducing bursts of loud noise escaping. The present access arrangement would make introducing a lobby difficult. You agreed to consider changing access so that a side door would be used which would facilitate such a lobby.

It is unreasonable to expect that there is only natural ventilation doors windows will remain shut in warm weather. You agreed to consider providing Air conditioning so that you could ensure that windows could be kept shut.

Intoxicated patrons.

The law requires that people who show signs of intoxication are not served alcohol. You advised that you understood this and made compliance a requirement for staff; and that people who were visibly intoxicated would not be admitted by door staff. However you agreed to review staff training and management practice in this area to ensure the team remained vigilant so that requirements are consistently complied with.

Glasses being left around Market Street.

You advised that it is a requirement of your staff and door staff that glasses from elsewhere are not brought into the Chequers and that glasses are not taken out. However you agreed to review staff training and management practice in this area to ensure that the team remained vigilant so that requirements are consistently complied with.

Nuisance from patrons departing as the premise closes

You advised that you and the door staff team remain on site until the premises is cleared after licensing hours. However this has been a source of complaint and careful management of departing patrons remains important in minimising nuisance. However you agreed to review signage at the site designed to remind patrons of the need to minimise nuisance and to review staff training and management practice in this area to ensure that the team remained vigilant so that your requirements are consistently complied with.

Use of licenced outdoor space.

Congregation of patrons outside the premises for example to smoke gives an impression of poor management and can be noisy and disturbing. Encouraging use of the covered area to the right of the building when viewed from the street may be preferable. It was noted however that the hours for which use of this area were restricted by the licence. Changing the hours would require a variation to the premises licence. With the current focus of some residents on nuisance from licensed premises it is unlikely that a variation to extend hours of outside space would go unchallenged. However, while officers cannot prejudge the views of residents any Licensing Sub-Committee, if the proposal were accompanied by a balancing reduction in overall premises hours the net effect might be seen to be beneficial to neighbours. You agreed to consider the merits of such a proposal.

I trust that this serves to record the principal matters discussed at our meeting. Please do not hesitate to contact me however if you have any comment or query.

Yours sincerely,

[Redacted signature block]

[REDACTED]

From: [REDACTED]
Sent: 13 September 2018 16:12
To: [REDACTED]
Subject: FW: The Chequers Public House

[REDACTED]
[REDACTED] Environmental Health Officer
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 04 June 2018 11:48
To: [REDACTED]
Cc: [REDACTED]
Subject: The Chequers Public House

Good Morning [REDACTED]

Thank you for your time on Sunday 27th May 2018.

As we have discussed, a number of local residents and Members have expressed concerns to the Licensing Team about the impact that your premises are having on the local community. Resident's concerns include;

- Recorded music emanating from the building and from the garden area,
- Noise from persons using the outside patio/garden areas including shouting, talking, laughter, etc.
- Persons milling around at the front of the premises, shouting, talking and generally being very loud,
- Traffic congestion at the front of the premises.

Previous concerns have included

- Glasses and bottles discarded in the street and on doorsteps,
- Patrons fighting in the street,
- Persons urinating in the street,
- Persons drug dealing in the street,
- Shouting, use of bad language and a general feeling of concern due to the number of persons leaving the premises during the early hours of the morning.

Please be aware that the Licensing Team has not been provided with any evidence of drug dealing at your premises.

Your business is located in a densely built area where The Chequers and dwelling houses on Market street open directly onto the road. To the east of the premises at the rear Oakwood Mews overlook the garden area and there are elderly residents living in Black Lion Court to the north of the garden. There is little or no defensible space between noise sensitive premises and your business.

During my visit on Sunday 27th I noted that your external areas remained open after 22.30 contrary to your licence conditions. Furthermore, patrons using the outside area were very loud making it difficult for us to

hold a conversation. It is not hard to understand why neighbours would express concerns about noise given the breach of licence conditions and the level of noise emanating from the garden. Residents have also expressed concerns about the level of noise from the garden earlier in the day when noise levels were reported as high from the sound system.

The Council wants to see businesses develop and flourish but this can't be to the detriment and disturbance of local residents. It is clear that several householders are being disturbed by your business which could result in your licence being reviewed and/or action being taken by Environmental Health should they witness a statutory nuisance.

I would be grateful if you would advise me on what action you propose to reduce the likelihood of nuisance; this must include the business not operating beyond licence conditions.

The Licensing Team is happy to work with you on this matter and we would be grateful if you would visit the Council to discuss the issues further. I am available next week at a time convenient to you.

Regards

[Redacted]

[Redacted]

[Redacted] Environmental Health Officer (Licensing)

[Redacted]

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[Redacted]

Environmental Health

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: ENV/13/02098
Your Ref:
Date: 03 July 2013

Dear Sir

**ENVIRONMENTAL PROTECTION ACT 1990 PART III
NEIGHBOURHOOD NOISE: Chequers Public House, 2 Market Street, Old Harlow.**

I write to inform you that this Service is currently investigating complaints of noise emanating from the above mentioned premises, and to give you the opportunity to consider your actions in this light.

I am advised that residents in the area are being disturbed late at night/early hours of the morning by the following:

- Loud music
- Patrons leaving the premises

If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance: this will help to maintain good relationships in the neighbourhood and may obviate the requirement for further investigation by Environmental Health Services.

Should you consider that there is no cause for justifiable complaint, I hope that you will nonetheless appreciate that the Council has a responsibility to investigate all complaints of this nature. This investigation may involve making programmed or reactive visits to the area and written records, and the use of recording equipment.

Whatever the case, should you wish to discuss this matter, please do not hesitate to contact me on the telephone number given below.

Yours faithfully

[Redacted Signature]

[REDACTED]

Environmental Health

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: ENV/14/01023
Your Ref:
Date: 25 March 2014

Dear Sir

**ENVIRONMENTAL PROTECTION ACT 1990 PART III
NEIGHBOURHOOD NOISE: Chequers Old Harlow Ltd 2 Market Street**

I write to inform you that this Service is currently investigating complaints of noise emanating from the above premises, and to give you the opportunity to consider your actions in this light.

I am advised that residents in the area were disturbed in the early hours of the morning by Customers using the garden of the premises.

If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance: this will help to maintain good relationships in the neighbourhood and may obviate the requirement for further investigation by Environmental Health Services.

Should you consider that there is no cause for justifiable complaint, I hope that you will nonetheless appreciate that the Council has a responsibility to investigate all complaints of this nature. This investigation may involve making programmed or reactive visits to the area and written records, and the use of recording equipment.

Whatever the case, should you wish to discuss this matter, please do not hesitate to contact me on the telephone number given below.

Yours faithfully

[REDACTED]

[REDACTED]

Environmental Health

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: ENV/14/04343
Your Ref:
Date: 22 October 2014

Dear Sir

**ENVIRONMENTAL PROTECTION ACT 1990 PART III
CHEQUERS, 2 MARKET STREET, OLD HARLOW, ESSEX CM17 0AH**

I write to inform you that this Service is currently investigating complaints of noise emanating from the above mentioned premises, and to give you the opportunity to consider your actions in this light.

I am advised that neighbours are being disturbed by the following:

- Loud music
- Shouting in the garden
- Noise from patrons leaving the premises

If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance: this will help to maintain good relationships in the neighbourhood and may obviate the requirement for further investigation by Environmental Health Services.

Should you consider that there is no cause for justifiable complaint, I hope that you will nonetheless appreciate that the Council has a responsibility to investigate all complaints of this nature. This investigation may involve making programmed or reactive visits to the area and written records, and the use of recording equipment.

Whatever the case, should you wish to discuss this matter, please do not hesitate to contact me on the telephone number given below.

Yours faithfully

[REDACTED]

Environmental Health

[REDACTED]
The Chequers Old Harlow
2 Market Street
Harlow
Essex
CM17 0AH

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: BNCA/19/01869
Your Ref:
Date: 28 August 2019

Dear [REDACTED]

**Environmental Protection Act 1990
The Chequers Old Harlow, 2 Market Street, Harlow, Essex, CM17 0AH**

I write to inform you that this Service has received complaints from residents concerning loud amplified music and loud voices emanating from the above mentioned premises.

Harlow Council will not tolerate any act of anti-social behaviour and takes complaints of this nature very serious.

The Council monitors complaints by a variety of means including recording and making visits to the area in question for a period of up to the next three months.

I would like to take this opportunity to remind you that should our investigation reveal that a Statutory Nuisance exists; an Abatement Notice will be served on you requiring you to abate the nuisance. Failure to comply with such a notice is a criminal offence with an unlimited fine on summary conviction for each offence committed.

Furthermore, an application will be made to the Magistrates Court for a warrant to enter your premises, by force if necessary, to seize all noise making equipment. (Stereo System(s), Game Console(s), DVD player(s), ipod(s), Television(s), Speaker(s), and any other equipment of this type).

If you wish to discuss the contents of this letter, please do not hesitate to contact me using the details given below.

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]



  Radius: 11.31 m (37.09 ft)

41

Licensing Team
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Date: 30 June 2020

Dear Business owner,

We hope that you've been keeping safe and well over the past few months.

You'll already be aware from the recent government announcements that pubs, bars and restaurants will be allowed to open more fully from 4th July as long as certain measures are put in place to keep your employees and customers safe.

The government has produced “[Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services](#)” to help businesses keep staff and customers as safe as possible. Amongst the measures listed in the guidance are the following key steps for businesses to take:

1. Carry out a COVID-19 risk assessment.
2. In every workplace, increase the frequency of handwashing and surface cleaning.
3. Enable those members of staff that can to work from home and for those that can't make every reasonable effort to comply with [social distancing guidelines](#).
4. Social Distancing of 2m or 1m with risk mitigation (where 2m is not viable) are acceptable – you should consider and set out the mitigations you will introduce in your risk assessment.
5. Where social distancing guidelines cannot be followed in full, for certain activities, mitigating actions must be implemented to reduce risk of transmission between individuals. Mitigating actions include
 - a. Increased hand washing or hand sanitising and surface cleaning particularly in high foot fall areas or common touch points.
 - b. Keeping activity as short as possible.
 - c. Using back to back or side to side working rather than face to face wherever possible.
 - d. Reducing the number of people each person has contact with by using fixed teams or partnering.
 - e. Using fixed screens or barriers to separate people from each other.

The announcement states that you should only re-open your premises once you have completed a risk assessment and are confident that you can manage the risks. It's important that you take the necessary steps to become COVID-19 secure in line with current [Health and safety legislation](#).

There are a number of measures contained in the guidance that you can implement to help keep customers and employees safe. You will need to translate this into the specific actions you need to take, depending on the nature of your business, including the size and type of your business, how it is organised, operated and managed. You will also need to monitor these measures to make sure they continue to protect customers and workers. We recognise that different measures will be needed at different premises and there are several ways to achieve the same end. We will ensure that our

messaging to the public emphasises this point. Regardless of this customers may question why mitigation that they see in one premise is not in place at another. The purpose of your risk assessment is for you to protect the health of your staff and customers from the risk of COVID-19. You will need to be able to explain your measures to your customers and enforcement officers if they ask.

To help you decide what measures you will need to take you will need to carry out a COVID-19 risk assessment. This is no different from any other risk assessment, carry it out in the same way as you would for any other hazard in your workplace.

The measures contained within the guidance include;

1. Arrange seating and standing areas to maintain social distancing guidelines between customers of different households or support bubbles.

The current social distancing guidelines are 2m, or 1m with risk mitigation where 2m is not viable, is acceptable. This means that you should maintain 2m social distancing, wherever possible. If this is not possible this can be reduced to 1m+ but **ONLY** where risk mitigation is in place. Where 2m is not viable first consider whether the activity needs to be undertaken. Risk mitigation in these settings may differ according to your particular premise needs, for example there may not be 2m distance between your bar and your entrance door. In this case you can still use the entrance but must ensure it is an area to pass through quickly. Likewise you may wish to have more tables than a 2m distance will allow for economic reasons – this may be possible, provided you have risk assessed this and put in suitable mitigation to protect both staff and customers. You could mitigate in this situation by installing screens between the tables, or orientate them back-to-back provided this does not compromise customer escape in the event of an emergency. What you **cannot** do is arrange seating 1m apart with no mitigation simply to increase capacity.

2. Ensure customers are aware of, and comply, with limits on gatherings. Clarify this at the time of booking or arrival.

Indoors; from 4th July customers can sit indoors in groups of two households (or support bubbles). NB Groups comprising of more than one household must still be seated socially distanced at a table (2m, or reduced to greater than 1m if you have other risk mitigation in place at the table).

Outdoors; from 4th July gatherings should only be occurring in groups of up to two households (or support bubbles), or a group of, at most, six people from any number of households. Again anyone who is not from the same household must remain socially distanced from the rest of their group.

3. Gatherings of more than 30 are still prohibited except for specific exceptions which are yet to be set out in law. Please note that although 30 guests are now permitted at a wedding ceremonies, gatherings after the ceremony are still not permitted. If you do have enquiries relating to private bookings please refer to www.gov.uk for up to date information regarding gatherings. Attendees from different households will still need to maintain social distancing at any future gathering.
4. Ensure customers know what to expect at your premises before they come. This information can be provided on your website, social media pages, adverts, chalk boards, signage on site, over the phone while taking bookings and verbally when customers arrive.
5. Calculate your maximum capacity. Take into account poor weather – if it suddenly rains your customers cannot all come into your premise unless they can maintain social distancing.
6. Ensure that you have sufficient staff on duty to open safely – this includes door staff in accordance with your premises license (if applicable).
7. Ensure that your staff are briefed on how to remind customers of the need to maintain social distancing during their visit to your premise. You are responsible for ensuring social distancing

is maintained between everyone whilst at your premise. Ensure you have procedures to address any customers (and staff) who refuse to adhere to this requirement.

8. Consider whether a one way system could work to avoid customers and staff passing more often than absolutely necessary.
9. Encourage customers to use hand sanitiser as they enter your premises and staff to wash their hands on arrival.
10. Reduce the need for customers to queue. Consider introducing a booking system and ensure any queues do not conflict with queues for other neighbouring businesses. If queues are likely to form anywhere in your premise consider the use of floor markings to control the queue.
11. Keep doors (excluding fire doors) and windows open as far as possible, to reduce hand contact points and increase ventilation in all areas including toilets.
12. Ensure any air conditioning system is not recirculating air.
13. Increase the use of external areas for seating where possible (see Licensing section below). Be mindful of both your location and your neighbours if you are considering extending external consumption of food and / or drink. Even the sound of voices can be disturbing to neighbours. Equally having street furniture on the pavement may compromise the safety of those passing by and / or conflict with queues for neighbouring businesses. If you are considering changing the way that you operate please discuss your proposals with those people who may be impacted by your changes and try to agree a way forward.
14. Provide table service rather than ordering at the bar/till where possible.
15. Reduce the number of people that staff need to come into contact with – eg ensure the same staff member serves the same table, avoid serving staff coming into the kitchen – consider using a table to put completed orders on for collection.
16. Minimise contact between staff and customers – consider a drop off/collection table for food and drinks, contactless payments (or install screens at till points), clearing tables once the customer has left (not between courses), ask customers to leave glasses on their tables to be cleared when they leave etc.
17. Reduce self-service and where possible replace condiment bottles with disposable condiments, or clean condiments after every customer. Consider leaving tables bare until customers are seated.
18. Clean all touch surfaces between customers (this should include chairs as well as the tables). Use your regular cleaning products but make sure you use disposable paper towels/cloths.
19. Clean toilet facilities more often and ensure this includes hand touch points.
20. Provide paper towels for hand drying in the toilets and ensure there is a bin for disposal.
21. Restrict access to some facilities if social distancing cannot be maintained, e.g. consider closing urinals but keep access to cubicles.
22. Ensure any outside shelters are well ventilated, remove sides where possible.
23. If you are erecting other temporary structures ensure that you adhere to any planning requirements and that you use a reputable company to ensure safe erection of the structure. Make daily checks to ensure that temporary structures remain safe.

24. Minimise access to touch points in kitchens eg walk in fridges freezers/pantries.
25. Keep music / TV levels low so that there is no need for customers or staff to raise their voices. If you are showing the football on a big screen ensure your customers remain socially distanced when viewing.
26. Permit staff and customers to wear face coverings if they wish to do so (if this is the case you may prefer visors as they allow customers to see the faces of staff). Generally PPE should not be required in your settings. The risks should be controlled through social distancing, mitigation and short duration activities.
27. Avoid face to face meetings with staff, hold any meetings outside where possible and ensure social distancing guidelines are met.
28. As far as possible where contact is unavoidable try to ensure the staff remain in the same teams.
29. Ensure that staff comply with social distancing guidelines at all times including during breaks, changing areas and when travelling to work. If staff have to isolate for 14 days due to being a contact of a positive case this may have a huge impact on your ability to run your business.
30. To assist the 'Test and Trace' service
 - keep a record of your staff shift patterns for 21 days
 - Keep a record of the name and contact details of the group organiser for any bookings that you have had for 21 days. Consider keeping this information for all seated customers.
 - assist the service by providing requests for data if you are asked.

This could help to contain clusters or outbreaks of COVID-19.

Don't forget that before you re-open you need to assess all parts of your premise that have been closed for some time. Follow guidance for re-opening food businesses, manage legionella risks and ensure that you are pest free.

Unfortunately, for the time being live entertainment is not permitted in your premise. Please keep an eye on the COVID-19 pages of our website and www.gov.uk for further updates.

The above list is only a small snapshot of the measures that are included in the guidance and therefore it is vital that you have read it for yourself.

Licensing considerations

The new business and planning Bill 2020 published on 25 June 2020, proposes changes to streamline current processes with respect to placing tables and chairs on the highway and the sale of alcohol under the Licensing Act 2003. At the time of writing this letter the changes are not yet in place but are likely to be implemented imminently. A brief summary of the key changes are provided below.

Pavement Licences – Tables and Chairs

Businesses selling food and drink such as cafes, pubs and restaurants will be able to apply for a "pavement licence" through a new temporary fast track process, to place furniture such as tables and chairs on the pavement outside a premises. There is a flat fee of £100 for all pavement licence applications. Any subsequent licence granted will normally have an expiry date of the end of September 2021.

If you wish to apply for a pavement licence or require more information about the process please send an email to the licensing team at licensing@harlow.gov.uk.

Alcohol Licensing: off-sales extension

The measures included in the Bill modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It is designed to be a temporary measure with provisions lasting until the end of September 2021.

The measures will make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This will allow businesses to trade whilst keeping social distancing measures in place inside. The provisions remove the need for any application to be made, therefore no fee will need to be paid.

The Council's website will be updated as soon as the Bill is passed into law and this information can be found at www.harlow.gov.uk/business/licensing

We know that implementing these changes will be a challenge, and thank you for your cooperation and support in keeping our residents safe.

If you have any questions, our teams are here to help, guide and support you. Please contact environmental health in the first instance at env.health@harlow.gov.uk.

Yours faithfully,

Yours sincerely,



 Environmental Health Officer (Licensing)

Useful links:

Health & Safety Guidance www.hse.gov.uk search for COVID

Many different pages available including advice on;

Risk assessment bit.ly/hseriskassessment

Cleaning bit.ly/hsecleaning

Making a workplace COVID secure bit.ly/hsecovidsecure

Ventilation and advice on air conditioning during the pandemic bit.ly/hseventilation

Saturday 4 July 2020 – [REDACTED] OOH Licensing Patrol

Time	Premises	Observations	Follow Up Action
20.12	The Chequers	<p>OPEN Busy Door staff Recorded music from rear garden – could hear bass thumping standing outside Howart & Brooke 20.20 hours (also as we stood to front of pub across the road when we arrived earlier)</p> <p>[REDACTED] attempted to call DPS [REDACTED] [REDACTED] – no answer</p>	Follow up

Sunday 5 July 2020 – [REDACTED] OOH Licensing Patrol

Time	Premises	Observations	Follow Up Action
20:15	The Chequers	<p>OPEN –busy Busiest place we have visited during our observations so far. No Door staff – front doors left open – could see [REDACTED] sitting at one of the front tables to the left of the premises with a group of approx. 8 people. Another group sitting at the other table to the right of the premises approx. 6-8 people No PPE for staff members Customers leaning and standing at the bar Side entrance to the premises open with no control of entry. Shelves installed to the right of the rear side garden area customers standing, smoking with pints. Rear garden busy, low background music , customers giggling and talking fairly loud (customers louder than the music). Appears to be business as usual for these premises with lack of management of social distancing.</p>	Follow up –Licensing & EH

Environment and Licensing

Harlow Council
Civic Centre, Third Floor
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Date: 10 July 2020

██████████
The Chequers
2 Market Street
Harlow
Essex
CM17 0AH

**Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020
The Chequers Public House 2 Market Street Harlow**

Dear ██████████

It has come to my attention that a DJ was at the above mentioned premises over the weekend of 4th and 5th July 2020, that complaints have been received, and that you have acknowledged verbally to officers in my team that matters “got out of hand”. Advertisements for DJs at your business this weekend have however come to my attention.

I note that the Council had written to you in advance of partial lifting of restrictions with extensive guidance on compliance and the offer of assistance regarding any matters that were not clear.

I now write to make the Council’s position plain.

At no time since “lockdown” commenced has it been lawful to operate a discotheque. It is not lawful now. The restriction is at regulation 4 (1) and Schedule 2 of the above mentioned Regulations.

It is an offence to operate a disco.

The public health guidance with which as the operator of a responsible business you will be familiar and to which you are to adhere states:

*“...ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, **refraining from playing music** or broadcasts that may encourage shouting, including if played at a volume **that makes normal conversation difficult**...**prevent** other close contact activities, such as **communal dancing**.”*

It is wholly contrary to public health standards to play loud music or to encourage or permit communal dancing. Any background music should not inhibit conversation at normal levels.

The Council will take the presence of any JD or loud music at the premises as *prima facie* evidence of an offence. If it has evidence of an offence it will be bound to pursue the matter in accord with its enforcement policy. Any conviction may have adverse consequences for your status as a licensee.

To avoid the risk of such adverse consequences you should:

- Cease to play or permit loud music
- Prevent communal dancing
- Cancel any bookings that you have made for any DJ
- Make it clear through the same channels that you have used to advertise the presence of DJs that they have been cancelled and that there will be no musical entertainment

I trust that this clarifies the position.

Yours sincerely,

[Redacted signature block]



The Chequers Old Harlow

10 September at 15:06 · 🌐



FRIDAY & SATURDAY NIGHT

THE CHEQUERS

CHILLED OUT SOUNDS OF IBIZA

Alfresco Dining

• IN OUR NEW LOOK EXTENDED GARDEN •

2-4-1 ON ALL COCKTAILS

- PLUS -

NEW SELECTION OF CHAMPAGNE

★ **BOOK YOUR VIP TABLE TODAY** ★

2 MARKET ST, OLD HARLOW, CM17 0AH

👍 1

1 comment



The Chequers Old Harlow

28 August · 🌐



THE CHEQUERS

*Join us this Weekend at Essex's
Hottest Venue*

*Chill out to the
Sounds of Cafe Del
Mar Ibiza*



*Try our new Selection of
Champagne, Cocktails
and Gin*

2 Market Street,
Old Harlow,
Essex,
CM17 0AH

Contact us for table
bookings and VIP areas

Smart dress only

Doors close
early



Like



Comment



Share



The Chequers Old Harlow

14 August · 🌐



THE CHEQUERS

*Join us this Weekend at Essex's
Hottest Venue*

*Chill out to the
Sounds of Cafe Del
Mar Ibiza*



*Try our new Selection of
Champagne, Cocktails
and Gin*

2 Market Street,
Old Harlow,
Essex,
CM17 0AH

Contact us for table
bookings and VIP areas

Smart dress only

Doors close
early



The Chequers Old Harlow

29 July · 🌐



THE CHEQUERS

*Join us this weekend at Essex
hottest venue*

*Chill out to the sounds of Cafe
Mambo Ibiza*

*Try our new selection of
champagne, wines and cocktails*

Contact us for
table bookings

Smart dress only

Doors close early

2 Market Street
Old Harlow
Essex
CM170AH



The Chequers Old Harlow

16 July · 🌐



THIS FRIDAY & SATURDAY!!!

Book Your Tables Now To Avoid Disappointment

FRIDAY & SATURDAY NIGHT

THE CHEQUERS

CHILLED OUT SOUNDS OF IBIZA

Alfresco Dining

• IN OUR NEW LOOK EXTENDED GARDEN •

2-4-1 ON ALL COCKTAILS

- PLUS -

NEW SELECTION OF CHAMPAGNE

★ **BOOK YOUR VIP TABLE TODAY** ★

2 MARKET ST, OLD HARLOW, CM17 0AH

[REDACTED]
The Chequers
2 Market Street
Harlow
Essex
CM17 0AH

Environment and Planning

Harlow Council
Civic Centre
The Water Gardens
Harlow, Essex
CM20 1WG
www.harlow.gov.uk

Date: 14 August 2020

COMMUNITY PROTECTION NOTICE WARNING

Section 43 Anti-social Behaviour Crime and Policing Act 2014

To: [REDACTED]
Of: The Chequers 2 Market Street Harlow Essex

This letter is formal notification that Harlow District Council is satisfied that, under the provisions of the Section 43 Anti-social Behaviour Crime and Policing Act 2014:

Your persistent and continuing conduct is having a detrimental effect on the quality of life of those living in the locality and that your conduct is unreasonable

And is therefore issuing you with this Community Protection Notice Warning Letter.

The conduct to which this warning applies is:

Carrying on the business of operating a public house without implementing the measures set out in central Government guidance to prevent the transmission of the coronavirus that causes COVID-19 in the community

THIS WARNING HEREBY REQUIRES YOU TO STOP

Admitting customers to your premises in the absence of written approval from the Council to do so following implementation of effective measures to control transmission of COVID-19 as set out in central government guidance at <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery#takeaways-2-1> [hereinafter referred to as "the guidance"]

THIS WARNING HEREBY REQUIRES YOU TO

1. Within seven days read and consider every part of the relevant guidance <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery#takeaways-2-1> and any additional guidance to which it refers including <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

2. Within seven days carry out a full and thorough risk assessment recorded in writing addressing with specific mitigating measures appropriate to the premises each and every item set out in the guidance.
3. Within seven days or such other period as may be agreed in writing by the authorised officer of the Council at the Council's discretion effectively implement all measures identified in the risk assessment.
4. Within seven days provide in writing a copy of the risk assessment
5. Within seven days or such other period as may be agreed in writing by the authorised officer of the Council at the Council's discretion provide evidence to the Council's satisfaction of effective implementation of mitigating measures identified in the risk assessment
6. Within seven days implement regular review of the guidance by consulting the government website
7. Within seven days of any amendment to the guidance review the risk assessment and implement effective measures necessary to address amendments.

The matters to be risk assessed and for which suitable measures shall be in place shall include in particular but shall not be limited to the following:

- Devise implement and maintain a system of recording details of customers staff and visitors to the premises as set out in guidance
<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>
- Retain recorded information for 21 days from making a record
- Share records on demand as required with public health authorities
- Admit no customer without a booking. Bookings may be taken at the time of arrival, subject to their being sufficient capacity in the premises to admit them whilst maintaining compliance with all COVID precautions identified in thorough risk assessment in accordance with the guidance.
- Any queueing for admittance must be controlled and supervised to ensure appropriate behaviour and adherence to social distancing requirements.
- Take effective measures to ensure that any groups of people at the premises meet the following criteria
 - Indoors and outdoors: no group of any kind to exceed 30 persons
 - Indoors: no group larger than 2 households (including [support bubbles](#))
 - Outdoors: no group larger than 2 households (including [support bubbles](#)) **except** groups of no more than 6 people from any number of households
 - All groups must be separated by 2m distance or suitable barriers to prevent transmission.
 - Effective measures must be taken prevent people from different groups mixing
- Devise implement and maintain a system of recording numbers of people present on the premises to ensure that the maximum capacity of the premises, taking

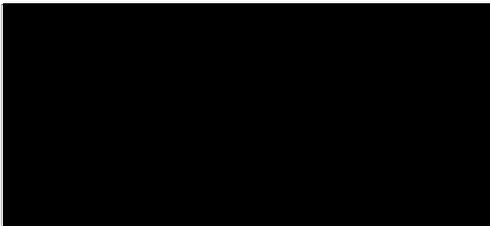
account of the requirement that groups of people be limited in size and separated as set out above is not exceeded.

For clarity any steps specified above to be carried out within seven days are to be completed by [Friday 21st August 2020](#). If you fail to comply with the above requirements then Harlow District Council will consider serving you with a Community Protection Notice and liaise with Essex County Council regarding exercise of specific Coronavirus related Public Health powers which could result in closure of your premises.

Community Protection Notices can include the requirement to stop specific behaviours and do specific things or take reasonable steps to avoid further conduct that has a detrimental effect on the quality of life of those living in the locality and is unreasonable.

Breach of a Community Protection Notice is a criminal offence which can result in a fixed penalty notice of up to £100 or a fine of up to level 4 (currently £2500) for individuals, or £20000 for businesses.

Signed:

A large black rectangular redaction box covering the signature of the authorized officer.

Dated: 14th August 2020

Four horizontal black rectangular redaction boxes covering contact information, likely a phone number and email address.

Being a duly authorised officer under Section 53 Anti-social Behaviour Crime and Policing Act 2014

Public Health, E3 Zone 1
County Hall
Market Road
Chelmsford
Essex
CM1 1QH



[REDACTED]
The Chequers
2 Market Street
Harlow
Essex
CM17 0AH

Ref: [REDACTED]/chequers/[REDACTED]
Date: 17 August 2020

Dear [REDACTED]

The Chequers 2 Market Street Harlow Essex CM17 0AH

As you will realise, it is important that all residents and businesses play their part in minimising the spread of the virus. Unless you ensure that effective social distancing is maintained then you are putting your staff and customers at risk. The threat of increasing cases of covid-19 in Harlow remains and I have been very concerned by what the Licensing department and Essex Police have seen at your premises.

We are aware of the Community Protection Warning issued by Harlow District Council. I am writing to say that I have asked Harlow Council to let me know about compliance with social distancing rules at your premises. If there is no improvement by the evening of 21st July 2020, then a formal legal direction under the Coronavirus regulations is likely to be made with respect to your premises to ensure that you effectively restrict the number of people in the premises. If we issue that direction and it is not complied with then a further direction closing the premises may be made.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Time	Premises	Observations	Follow Up Action
21:50	Old Harlow Patrols - The Chequers	<p>Patrols on foot in Old Harlow commenced @ 21:50 – Very loud pumping base/dance music and flashing light show in the `marquee` type structure, lights illuminated onto residents building opposite. Video recordings taken @ 21:52 and several other recordings during the evening, these were taken in Oakwood Mews, [REDACTED] and from the other side of the garden were people could clearly be heard singing along to various different songs, the music stopped at 23:16.</p> <p>Following patrols from the crown we went back to Oakwood Mews, loud voices could be heard from within the marquee video recording taken 23:31; there was no attempt to clear the garden and marquee. Officer informed the doorman (only 1 on the door at this time, not sure where the other doorman was) that the garden should be cleared by 23:20 and asked to speak to [REDACTED]. A very large group of people were then removed from the garden (including marquee, community CCTV camera could evidence this and no measures to encourage any social distancing), customers outpoured to the front of the pub, many with glasses and we heard one glass smash, no show from [REDACTED] this evening.</p> <p>We was unable to visually see inside the structure to witness any dancing or placement of a dance floor, however I would like to note the music being played was not background music, clearly hear shouting over the music and patrons singing along with the music, this was a DJ not live music performance.</p> <p>Concerns around managing social distancing when patrons are leaving the premises, no management of this or control by either DPS/staff or door staff, patrons left immediately outside the premises some with drinks/glasses in hand (as noted above heard one smashed outside the premises). Patrons waiting in the street for Taxis, this was at times dangerous for patrons with cars parked outside and along the street limiting the view. No attempts made to ask the patrons to leave quietly from what I heard or witnessed.</p> <p>Door staff did not appear to have the track and trace notebook or did I witness the door staff or any other member of staff request track and trace details upon entry. How and when was these details taken form members of the public? How does that work with the one way system around the pub? From what I can see, entry was via the side entrance/gate with 2 door staff on duty and exit was the main door of the premises (which was left open for the</p>	Follow up

Time	Premises	Observations	Follow Up Action
		majority of the time)? How do they know who in entering and re-enter? Is it also acceptable for patrons to purchase alcohol from inside at the bar, exit the premises from the front door and re-enter to the side entrance/gate all whilst holding drinks/glasses in hands? Is this a public safety risk (licensing objective)?	

Environmental Health Services

[REDACTED]
The Chequers Pub
2 Market Street
Harlow
Essex
CM17 0AH

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex
CM20 1WG
www.harlow.gov.uk

Ref: BNCA/20/01535

Date: 14 September 2020

Dear Sir/Madam,

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

RE: The Chequers Pub, 2 Market Street, Harlow, CM17 0AH

Further to my colleague, [REDACTED] letter dated 10th July 2020, I enclose a prohibition notice. This notice prevents you from playing music at a level that encourages people to dance.

During the evening of Saturday 12th September 2020, my colleagues were patrolling the area and reported hearing excessively loud music from your premises, along with disco lights within the temporary structure in the rear garden. They could hear people singing along to the music and shouting. Playing loud music is discouraged to prevent people from raising their voices. When people raise their voices, droplets of saliva travel a greater distance; this increases the transmission risk of COVID-19.

If officers witness loud music or dancing at your premises whilst the prohibition notice remains in force we will prosecute. We will be informing Essex County Council of our actions, they may serve a direction order on the business.

I am also concerned by the lack of measures in place to protect your employees from the risk of COVID-19. I briefly discussed this with you on Friday 11th September when I visited the business; I will address these issues in a separate letter.

Should you wish to discuss the matter further, please do not hesitate to contact me.

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Harlow Council

**The Health Protection (Coronavirus, Restrictions) (No. 2) (England)
Regulations 2020 (S.I. 2020: No.684), as amended¹**

PROHIBITION NOTICE

14 September 2020

Part A

To: [REDACTED]

At: 2 Market Street, Harlow, Essex, CM17 0AH

Of: Chequers Old Harlow Limited

Trading as: The Chequers Pub, 2 Market Street, Harlow, Essex, CM17 0AH

This Prohibition Notice is served under Regulation 7(2) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (the Regulations) and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, [REDACTED], designated as a relevant person for the purposes of the Regulations by Harlow Council, have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent continued contravention of the requirement.

Part B. Contravention of the restrictions

Regulation contravened: Regulation 4(1)

Particulars of the offence

You have failed, without reasonable excuse, to cease to carry on the business of a dance hall, discotheque or any other venue where music was provided, whether live or recorded, for dancing and this businesses being listed not to open during the emergency period in paragraph 2 of Schedule 2 to the Regulations, other than as permitted by Regulation 4(2) or 4(5).

¹ S.I. 2020/684, as amended by S.I. 2020/719, S.I. 2020/788, S.I. 2020/800, S.I. 2020/822, S.I. 2020/824 and S.I. 2020/828

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities giving rise to contravention of the Regulations. The activities must not resume before the end of the emergency period². The measures specified below must be taken to prevent continued contravention of the Regulations:

- Cease to carry on the business or provide the service listed in Part 2 of Schedule 2

Part D. Consequences of non-compliance

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Part E. Challenging this Prohibition Notice

There is no statutory right to appeal against this Prohibition Notice.

If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to Harlow Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Harlow Council's Complaint Procedure:

Contact: 01279446111

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Signed:

[Redacted Signature]

Date: 14 September 2020

Name in Capitals:

[Redacted Name]

Name and Address of Local Authority: Harlow Council, Civic Centre, Harlow, CM20 1WG

Telephone:

[Redacted Telephone]

[Redacted Telephone]

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

²The Secretary of State will publish a direction terminating the emergency period as soon as they consider the restrictions or requirements set out in the Regulations are no longer necessary

Public Health, E3 Zone 1
County Hall
Market Road
Chelmsford
Essex
CM1 1QH



Ref: chequersharlow/ [REDACTED]
Date: 17 September 2020

Dear Sir/Madam

The Chequers, 2 Market St, Harlow

I refer to my previous letter about the way your premises were being operated. Unfortunately, it continues to be the case that your premises are operating in a way that exposes your customers to the risk of infection and therefore an increased risk of community transmission of the virus. The number of confirmed cases of the virus is increasing in Essex and there is a significant risk that local lockdown measures may be needed to stop the disease spreading. It is disappointing that those concerned with the management of these premises have not responded to warnings from the district council and from me.

I now enclose, by way of service, a formal legal direction issued by Essex County Council under the Health Protection (Coronavirus, Restrictions) (No 3) (England) Regulations 2020 with respect to your premises. These restrict access to the premises so that your premises must remain closed unless you have proper measures in place to control numbers in the premises and have proper covid secure measures in place. It is important that you read the direction for full details of what you are required to do.

Failure to comply with the direction is a criminal offence. You have the right to appeal against the direction and/or make representations to the Secretary of State for Health and Adult Social care - but the direction remains in full force and effect until further notice – it is not suspended by any appeal or representations.

I must warn you that unless you respond immediately to the direction and start to operate your business in an appropriate way then it is likely that the County Council will issue a further direction closing your premises entirely. I do not want to be in a position where we have to do this but clearly, we have a responsibility for the health of the public in Essex.

This is a very serious matter and you may want to take your own independent legal advice on the direction.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]
Essex County Council

**Health Protection (Coronavirus, Restrictions)
(England) (No 3) Regulations 2020 ('the Regulations')**

Direction Relating to Premises - Regulation 4(1)

Essex County Council ('the Council'), having had regard to advice from its Director of Public Health, is satisfied that, in relation to the direction in this notice, the following conditions are met:

- that the direction responds to a serious and imminent threat to public health,
- that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
- that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

Direction:

In exercise of its power under regulation 4(1) of the Regulations Essex County Council ("the Council") hereby direct that the premises identified as: **The Chequers Pub** 2 Market Street Harlow Essex CM17 0AH ("the Premises") shall be subject to the restrictions set out in Paragraph 2

1. For the purpose of paragraph 1 the restrictions are that entry to the premises is restricted so that the no member of the public or any customer may enter or remain in the premises unless:
 - a. At all times the management of the premises is such that persons in the premises comply with provisions of a risk assessment relating to the premises which has been undertaken in accordance with the Management of Health and Safety at Work Regulations 1999.
 - b. At all times there are sufficient numbers of adequately trained and skilled staff present at the Premises who are ensuring that
 - i. all customers (other than those in the gardens) are seated at all times unless they are
 1. travelling to and from the bar, an external door to the premises or the toilet; or
 2. waiting at the bar
 - ii. customers are not dancing or singing, mingling with customers who are not in the same qualifying group
 - iii. no dancing takes place at the premises
 - iv. other requirements of this direction are being complied with.
 - c. No persons should sit, stand or congregate in the covered walkway at the Premises
 - d. There are no more than 26 persons indoors at the Premises
 - e. There are no more than 70 persons in the open air part of the Premises
 - f. There are not more than 30 persons in the temporary structure situated at the Premises.

- g. Any music played or being performed at the Premises is at played at a level so that no one in any part of the Premises has to raise their voice in order to hold a conversation with someone 2m away.
2. Any person who is the owner of the Premises or who is working at the Premises as an employee of the owner shall be disregarded for the purposes of paragraph 1 of this direction.
3. This direction imposes a requirement on the owner and occupier of the Premises and on any person, including the designated premises supervisor involved in managing entry into the Premises to ensure that the restriction is complied with.
4. This direction takes effect at 12:00 on 18 September 2020 and shall end at 2359 hours on 2 January 2021. When this direction ends it may be replaced by a further direction.
5. This direction shall be reviewed at least once every seven days to consider whether the conditions in regulation 2(1) of the Regulations continue to be met.

Authorised by: [REDACTED]

[REDACTED]

Date and time direction made: 17th September 2020 at 1746

Essex County Council, Market Road, Chelmsford CM1 1LX

Any email about this notice should be sent to : [REDACTED]

Right of Appeal

Regulation 4(9) of the Regulations provides a person on whom a direction under paragraph 4(1) imposes a prohibition, requirement or restriction may appeal against the direction to a Magistrates' court by way of complaint for an order and that the Magistrates' Courts Act 1980 applies to such proceedings. An appeal should be brought within seven days of receiving notice of the direction.

In addition, regulation 4(9) also provides that a person on whom a direction imposes a prohibition, requirement or restriction may make representations to the Secretary of State about the direction. Any such representations should be made by email to directionnotification@dhsc.gov.uk.

Any representations should include:

- details about the recipient of the direction and how they have been impacted; or
- demonstration of why the direction should not have been made and was not appropriate, based on the conditions set out in regulation 2(1)
- any supporting evidence
- what action they would like to be taken as a result

If you wish to appeal against the Direction Notice or make representations to the Secretary of State you should do so as soon as possible. **Please note that the Direction remains in force and that you must comply with the requirements less and until the appeal process is concluded or the Direction is revoked.**

Effect of Non-Compliance with the Direction

Regulation 13(1) of the Regulations states that a person commits an offence if, without reasonable excuse, the person contravenes a direction under regulation 4(1). An offence under this regulation is punishable on summary conviction by a fine.

A designated officer of Essex County Council may take reasonable steps to enforce the direction.

Time	Premises	Observations	Follow Up Action
22:00	Old Harlow Patrols - The Chequers	<p>We visited the chequers around 10pm. I could hear music whilst standing at the entrance, this was above background level in my opinion, however this was switched off before we entered. The contact tracing book had been completed; there was also a QR code on the wall. The security staff only had 1 'clicker'; the other was broken so they were not able to tell us exactly how many people were at the premises, only approximately 70. There wasn't anyone drinking or congregating in the covered walkway, I noted 1 small no smoking sign.</p> <p>Inside the temporary structure there were 47 chairs (30 on direction), whilst tables were spaced apart the people sitting at the tables were not spaced apart. I noted 1 ashtray on a table. I counted between 32-40 people sitting inside the temporary structure throughout the visit. In the open air part of the garden people were mainly sat at tables there were <70 people, however during the course of the visit more people were standing in the garden. The police noticed that 7 people were sat at tables, and some tables had a 7th empty chair. We noticed that people were mingling, usually 1 person standing talking to people at another table. I pointed this out to security and they asked the people to stop mingling. Generally in the open air part of the garden, groups were separated. [REDACTED] appears not to have understood the wording of the direction. I clarified this with him, including numbers. I asked him to remove 2 of the tables from the temporary structure because these were close to where people were walking through the structure to the garden. These were removed straight way. I mentioned that he could increase the numbers in this structure if he asks us/ECC and produces a RA, I advised him that if barriers were placed between tables this could be achieved. I noted that [REDACTED] was actively stopping people from mingling. We walked back through the bar. I noted 9 customers standing at the bar, the bar staff were approximately 50cm from customers with no protection. Numbers inside the pub were less than 26.</p>	Follow up

Public Health, E3 Zone 1
County Hall
Market Road
Chelmsford
Essex
CM1 1QH



Ref: chequerharlow/2 [REDACTED]
Date: 1 October 2020

Dear Sir/Madam,

**The Chequers, Harlow
Direction pursuant to Health Protection (Coronavirus, Restrictions) (England)
(No 3) Regulations 2020 ('the Regulations') Regulation 4(1) – 17th September
2020 ("the Direction")**

I am writing to follow up on the Direction that was made in relation to The Chequers, Harlow on 17th September 2020.

A review was undertaken of the Direction in place and it has been decided that it will remain in place.

As you are will no doubt be aware, the law has changed over the last week to further regulate the operation of the hospitality industry. In addition to the requirements of the direction, you are, by law, required to ensure that:

1. Unless exempt under the Law, all customers must wear face covering when they are not seated at a table to eat or drink.
2. Unless exempt under the Law, all staff must wear face coverings
3. You close by 10pm
4. Food and drink must be ordered from and served at a table. You are not permitted to allow customers to order food or drink from or remain at the bar area.
5. You undertake collection of customer details and display an official NHS QR issued with respect to your premises displayed for people to 'check in' via the app.
6. No more than six people are permitted in one table or group.
7. There is no dancing.
8. Music is limited in sound level to 85dB(A) at the noise source.

You are required to comply with the above laws AND the provisions of the direction as previously notified to you.

Any breach of the above legal requirements is a criminal offence for which you can, on conviction, be subject to fines of up to £10,000.

There will be a further review of the Direction in seven days and I will be in touch following this review.

Yours faithfully

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name.A long black rectangular redaction box covering the title.

Essex County Council

A handwritten signature in cursive script that reads "Danny Showler".

Extract from Amended Guidance issued under section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance>

Public nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

**PUBLIC NOTICE OF AN APPLICATION FOR THE REVIEW
OF A PREMISES LICENCE
LICENSING ACT 2003 - SECTION 51**

Notice is hereby given that an application was made to the **HARLOW DISTRICT COUNCIL** for **Review of a Premises Licence** under the Licensing Act 2003

Application made by: **Responsible Authority, Environmental Health**
For the premises at: **THE CHEQUERS**
2 Market Street
Old Harlow
Essex
CM17 0AH

Grounds of the review application are as follows: Public Nuisance - Environmental Health wish to seek the review on the grounds that the licence holder has failed to uphold the Licensing Objective of Prevention of Public Nuisance, repeatedly breaching the premise licence conditions in respect nuisance. Repeatedly failed to comply with formal COVID-19 guidance and restrictions this 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.

The full application can be viewed at the Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG by appointment only. Please call 01279 446005/446009 or email: licensing@harlow.gov.uk or visit the web site: www.harlow.gov.uk/licensing-notices

Any person who wishes to make a representation to this application must do so in writing to the Licensing Officer at the above address between the following dates:

9th October 2020 to 5th November 2020

Representations must be based on at least one or more of the licensing objectives and must relate to the premises within the application. It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application for premises licence. To do so could result in prosecution and a fine of any amount.

HARLOW COUNCIL
 ENVIRONMENTAL HEALTH
 0-9 NOV 2020
 RECEIVED

LICENSING ACT 2003

REPRESENTATION (OBJECTION FORM)

Section 1 - Objectors Details	
Full Name	[REDACTED]
Home Address	[REDACTED]
Business Address (if applicable)	
Daytime phone number	
Email	[REDACTED]
Fax number	

Section 2 - Application Details		
Name of premises you are making a representation about	The Cheques P.H.	
Address of the premises you are making representation about	2 Market St., Harlow CM17 0AH	
	(Tick as appropriate)	
Application for a:	Premises Licence	<input type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>
Application to vary an existing:	Premises Licence	<input checked="" type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent.

Organisation's name (if applicable)	
Please state nature of representation, for example, Residents' Association, Ward Councillor, MP or Trade Association	

You need to complete the next section as fully as possible. If you do not, the Sub-Committee may not understand why you are making representation. Try to be as specific as possible and give examples.

<p>Which of the four licensing objectives does your representation relate to? (Tick as appropriate)</p>	<p>(✓)</p>	<p>Please detail the evidence supporting your representation, or the reason for your representation.</p> <p>Please use separate sheets if necessary.</p>
<p>Prevention of crime and disorder</p>		<p>Late night opening increases likelihood of drunk/drug driving & related crime. Also increases anti-social behavior including public urination (usually against house doors & walls), criminal damage and fighting.</p>
<p>Public safety</p>		<p>Pat doors do not disperse & not moved on by Chequers security (as specified as a requirement in Harlow Council documentation). Many people block the road, including the junction, causing traffic to stop. Not helped by the number of patrons parked on the yellow lines. Also bottles & glasses are left on the pavement & get broken, causing damage to tyres & injury to pets.</p>
<p>Prevention of public nuisance</p>		<p>Whilst I accept there is a demand for pubs playing 'banger' Cheers' at their 'Isija Park' a residential area is <u>NOT</u> the place for this, especially given that the majority of the music is played in the garden. When it is played indoors the window rattle as the pub is not suitable for this level of music.</p>
<p>Protection of children from harm</p>		<p>As mentioned before there is - is a lot of broken glass - not good for children, and I'm sure they should also be protected from the coarse language screamed outside our houses on a regular basis</p>

(Tick as appropriate)	
<input type="checkbox"/>	I object to the application being granted at all
<input checked="" type="checkbox"/>	I object to the application being granted in its current form *
<ul style="list-style-type: none"> If you choose this option, remember to inform us in the next section what changes you would like to see. 	
<p>Are there any changes you would like to see which the applicant could take which would address your concerns?</p> <p>If yes, please give details.</p>	<p>MJCL earlier closing - around 12 midnight.</p> <p>No loud music, especially externally, and a noise limiter internally, and sound proofing to be added.</p>

If you make representation we will invite you to attend the Licensing Sub Committee hearing.

Please note: You should be aware that the applicant will normally be given a copy of all representations received and if a licensing application is to be considered by a Committee of the Council, any representation received will be made available in a publicly available report submitted to that Committee.

Signature	
Name	
Date	01/11/2020

Please return this form along with any additional sheets/supporting information to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG or email: licensing@harlow.gov.uk

You must return this form within the statutory period. You can find details of the statutory period deadline on the Council's website at <http://www.harlow.gov.uk/licensing-notice>

You may also check this with the Licensing Team on 01279 446005 or 446009.

LICENSING ACT 2003

REPRESENTATION (OBJECTION FORM)

Section 1 - Objectors Details	
Full Name	[REDACTED]
Home Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Business Address (if applicable)	N/A
Daytime phone number	[REDACTED]
Email	[REDACTED]
Fax number	N/A

Section 2 - Application Details		
Name of premises you are making a representation about	CHEQUERS PUBLIC HOUSE	
Address of the premises you are making representation about	MARKET STREET OLD HARLOW CM17	
	(Tick as appropriate) ✓	
Application for a:	Premises Licence	X
	Club Premises Certificate	X
Application to vary an existing:	Premises Licence	
	Club Premises Certificate	

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent.

Organisation's name (if applicable)	
Please state nature of representation, for example, Residents' Association, Ward Councillor, MP or Trade Association	

You need to complete the next section as fully as possible. If you do not, the Sub-Committee may not understand why you are making representation. Try to be as specific as possible and give examples.

Which of the four licensing objectives does your representation relate to? (Tick as appropriate)	✓	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary.
Prevention of crime and disorder	X	<p>Having had the misfortune of living in close proximity to the pub for the [REDACTED] years, I have been personally affected by the crime and disorder at the pub most weekends, and have reported incidents to Essex Police on a number of occasions and shared the same with the Council.</p> <p>The pub has marketed itself as a pseudo 'nightclub' rather than a community pub in the middle of a residential area and the late licence has meant it has attracted a young clientele. There are regular fights inside the pub and others that start in the pub and move to outside my home. I have recently sent video evidence of one example that happened outside my home.</p> <p>There are often people urinating and vomiting in our gardens and broken glasses and bottles are a common occurrence. I have had to contact police one weekend when a man was openly dealing drugs at the end of my garden path during one of the pub's 'Ibiza themed' parties.</p>
Public safety	x	<p>During the pandemic the landlord has acted with a complete disregard to public safety and evidence of this has been submitted to the Council. The pub has flouted social distancing rules and encouraged patrons to breach this by having loud music to encourage singing and dancing and appears to have made no attempt to stop this when it has been happening. Large groups of people have been mixing in the premises. Whilst I understand a Public Protection Order was issued, the landlord has continued to operate in defiance of this. From my home I have been able to witness multiple incidents of the outdoor structure remaining open after 10.00pm and people remaining drinking and socialising till after 10.30pm. There have been occasions where the pub has closed before 10.00pm where there are no</p>

		<p>customers, but too many examples where the deadline hadn't been complied with.</p> <p>I have provided the Council with video evidence of the pub having live music which was extremely loud and in breach of Covid recommendations.</p>
<p>Prevention of public nuisance</p>	<p>x</p>	<p>██████████ has been hell on earth. Whilst I fully accept living ██████████ pub I need to accept some disturbance and I am fine with this, the nuisance from the pub goes beyond what any reasonable person should be subjected to. Outside of the recent Covid restrictions, we would have to suffer loud music until 2.00am every Friday and Saturday night, the music at a level where it was audible over my TV. This made it difficult to sleep.</p> <p>The landlord has over the years built a succession of 'extensions'. I do not know if he would have been required to get planning permission but they have essentially extended the covered area by around 10m and this means that more customers are in the outside space all year round. This is without the erection of the current monstrosity that is currently in the Appeal process.</p> <p>There is nuisance caused by the noise, the loud music, the fighting, the vomit and urinating, the broken glass and general disregard to neighbours. The landlord is clearly not a fit to hold the licence as he repeatedly breaches any restrictions he is given.</p> <p>I regularly have to pick up the remnants of 'hippy crack' balloons that are thrown ██████████ garden – it is beyond the realms of possibility that the landlord doesn't know his customers are using drugs on his premises.</p> <p>More recently, the landlord has been placing a bouncer on Station Road as opposed to on Market Street. This person ██████████ with a walkie talkie and whilst I cannot evidence it, I would suggest that his role is to alert the pub staff if any police are coming. There is no other feasible reason for this, the fact the pub needs so much security is further evidence of the clientele the pub want to attract.</p>
<p>Protection of children from harm</p>		

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(Tick as appropriate)	
<input checked="" type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	I object to the application being granted in its current form *
<ul style="list-style-type: none"> If you choose this option, remember to inform us in the next section what changes you would like to see. 	
<p>Are there any changes you would like to see which the applicant could take which would address your concerns?</p> <p>If yes, please give details.</p>	<p>I understand that the incumbent landlord may have given notice to leave which is welcomed, however, it is likely that any new landlord will seek a licence replicating that in place. I would like the licensing committee to consider whether it is appropriate to award late licences to pubs in the middle of residential areas, particularly where the premises are surrounded by homes with no space in between. Some local authorities when considering the impact of this on the local residents have applied conditions such as not allowing use of the outside area after 8.00pm, not allowing live or recorded music outside and robust measures to ensure there is no 'building creep' as has happened in the Chequers with the large covered area to the side. There is no sound proofing to this area and it has grown in size over the years.</p> <p>When the landlord erected the huge marquee in the rear garden without permission, residents requested that the Council consider pursuing an injunction preventing use of the</p>

	structure pending the Appeal as it was obvious that the landlord would use this loophole to ensure he kept the structure up for many months in clear defiance to the Council. Given that he has not removed the structure and continues to advertise it and take bookings on social media, I would formally ask again that the Council considers what action can be taken as Covid regulations continue to be flouted in the structure.
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If you make representation we will invite you to attend the Licensing Sub Committee hearing.

Please note: You should be aware that the applicant will normally be given a copy of all representations received and if a licensing application is to be considered by a Committee of the Council, any representation received will be made available in a publicly available report submitted to that Committee.

Signature	██████████
Name	██████████
Date	01/11/20

Please return this form along with any additional sheets/supporting information to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG or email: licensing@harlow.gov.uk

You must return this form within the statutory period. You can find details of the statutory period deadline on the Council's website at <http://www.harlow.gov.uk/licensing-notices>

You may also check this with the Licensing Team on 01279 446005 or 446009.

04 NOV 2020

RECEIVED

LICENSING ACT 2003

REPRESENTATION (OBJECTION FORM)

Section 1 - Objectors Details	
Full Name	[REDACTED]
Home Address	[REDACTED]
Business Address (if applicable)	
Daytime phone number	[REDACTED]
Email	
Fax number	

Section 2 - Application Details		
Name of premises you are making a representation about	THE CHEQUERS PUB MARKET STREET, OLD HARLOW	
Address of the premises you are making representation about		
	(Tick as appropriate)	
Application for a:	Premises Licence	<input type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>
Application to vary an existing:	Premises Licence	<input checked="" type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent.

Organisation's name (if applicable)	
Please state nature of representation, for example, Residents' Association, Ward Councillor, MP or Trade Association	

You need to complete the next section as fully as possible. If you do not, the Sub-Committee may not understand why you are making representation. Try to be as specific as possible and give examples.

Which of the four licensing objectives does your representation relate to? (Tick as appropriate)	(✓)	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary.
Prevention of crime and disorder	✓	WE ENDURE SO MUCH ANTS SOCIAL BEHAVIOUR. MOST WEEKENDS IN THE SUMMER, RESIDENTS HAVE TO PHONE THE POLICE BECAUSE OF FIGHTS. WE ALSO SEE NITROUS OXIDE CANISTERS INHALED & ON THE ROADS.
Public safety	✓	THE PUB, REOPENING WITH COVID, TOOK NO NOTICE OF THE GOVERNMENT GUIDELINES. NO SOCIAL DISTANCING, LIVE OR LOUD MUSIC. PUTTING CUSTOMERS AND THE COMMUNITY AT RISK.
Prevention of public nuisance	✓	THE LATE HOURS & THE LEVEL OF MUSIC PLAYING IS UNBEARABLE. THEN THERE IS THE SOUND OF SHOUTING, TAXI'S, CARS BEEPING IN THE EARLY MORN, DISTURBING OUR SLEEP & PEACE. THIS IS EVERY WEEKEND & OFTEN IN THE SUMMER. WE ALSO HAVE URINATION & BROKEN GLASS WE WERE ALSO VERY SHOCKED THAT HE HAD NO REGARD FOR COVID RULES - DJ IN THE GARDEN & SO MANY PEOPLE.
Protection of children from harm	✓	CHILDREN HAVE TO AVOID ALL THE BROKEN GLASS, AS WELL AS LISTEN TO ALL THE SHOUTING FROM THE PUB, LATE.

(Tick as appropriate)	
<input type="checkbox"/>	I object to the application being granted at all
<input checked="" type="checkbox"/>	I object to the application being granted in its current form *
<ul style="list-style-type: none"> If you choose this option, remember to inform us in the next section what changes you would like to see. 	
<p>Are there any changes you would like to see which the applicant could take which would address your concerns?</p> <p>If yes, please give details.</p>	<p>AS RESIDENTS, WE HAVE HAD ENOUGH OF THIS PUB, AND HOW IT NEGATIVELY EFFECTS US. WE WOULD LIKE CHANGE.</p> <p>NO MUSIC IN THE GARDEN, EVER.</p> <p>GARDEN CLOSE AT APPROX 11pm.</p> <p>PUB CLOSE EARLIER - 11.30pm 12am.</p> <p>NO LIVE BANDS, EVER!</p> <p>THE LANDLORD CLEAN UP HIS AREA FROM GLASS EVERY WEEKEND, OR STOP PEOPLE LEAVING WITH GLASS.</p>

If you make representation we will invite you to attend the Licensing Sub Committee hearing.

Please note: You should be aware that the applicant will normally be given a copy of all representations received and if a licensing application is to be considered by a Committee of the Council, any representation received will be made available in a publicly available report submitted to that Committee.

Signature	[REDACTED]
Name	[REDACTED]
Date	26 Oct 2020 / 26 Oct 2020

Please return this form along with any additional sheets/supporting information to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG or email: licensing@harlow.gov.uk

You must return this form within the statutory period. You can find details of the statutory period deadline on the Council's website at <http://www.harlow.gov.uk/licensing-notice>

You may also check this with the Licensing Team on 01279 446005 or 446009.

LICENSING ACT 2003

REPRESENTATION (OBJECTION FORM)

Section 1 - Objectors Details	
Full Name	[REDACTED]
Home Address	[REDACTED]
Business Address (if applicable)	
Daytime phone number	[REDACTED]
Email	[REDACTED]
Fax number	

Section 2 - Application Details		
Name of premises you are making a representation about	THE CHEQUERS PUB	
Address of the premises you are making representation about	MARKET STREET, OLD HARLOW	
	(Tick as appropriate)	
Application for a:	Premises Licence	<input type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>
Application to vary an existing:	Premises Licence	<input checked="" type="checkbox"/>
	Club Premises Certificate	<input type="checkbox"/>

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent.

Organisation's name (if applicable)	
Please state nature of representation, for example, Residents' Association, Ward Councillor, MP or Trade Association	

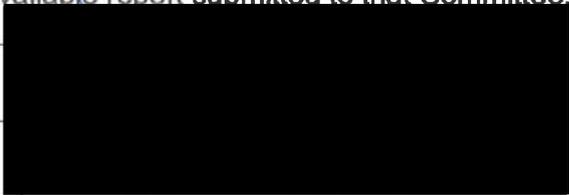
You need to complete the next section as fully as possible. If you do not, the Sub-Committee may not understand why you are making representation. Try to be as specific as possible and give examples.

<p>Which of the four licensing objectives does your representation relate to? (Tick as appropriate)</p>	<p>(✓)</p>	<p>Please detail the evidence supporting your representation, or the reason for your representation.</p> <p>Please use separate sheets if necessary.</p>
<p>Prevention of crime and disorder</p>	<p>✓</p>	<p>THE FIGHTS & DRUG USE AT THIS PUB IS STUPID. RESIDENTS HAVE TO CALL THE POLICE A LOT. BOUNCERS DO NOTHING.</p>
<p>Public safety</p>	<p>✓</p>	<p>NOT SURPRISED THAT THIS LANDLORD IGNORED THE COVID REQS. HE HAS SHOWN LITTLE REGARD FOR ANY RULES AT ANYTIME. COVID - MARQUEE, PACKING NUMBERS IN. HE IS UNFIT AS A LANDLORD IN THIS CURRENT CLIMATE.</p>
<p>Prevention of public nuisance</p>	<p>✓</p>	<p>WHERE TO BEGIN? FOR YEARS HE HAS SHOWN ZERO RESPECT TO LOCAL RESIDENTS. THE NOISE EVERY WEEKEND IS UNBEARABLE. LIVE DJ'S ARE TOTALLY UNSUITABLE FOR A RESIDENTIAL AREA & LIVE DJ'S & BANDS IN THE GARDEN IS INSANE. IT CAN BE HEARD SO FAR AWAY & AS A RESIDENT WHO LIVES NEAR, IT'S IMPOSSIBLE TO BLOCK IT. I WISH FOR RAIN EVERY WEEKEND! WE ALSO PUT UP WITH BROKEN GLASS, LATE NIGHT CARS / SHOUTING / TAXI'S. URINATION & NOBODY AT PUB MOVES EM ON QUICKLY / QUIETLY. TOO LATE A LICENSE IN A RESIDENTIAL AREA - WE DO NOT</p>
<p>Protection of children from harm</p>	<p>✓</p>	<p>NEED A PUB THAT THINKS IT'S A NIGHT CLUB HERE!</p> <p>CHILDREN ARE WOKEN UP REGULARLY. ALSO, DRUG USE (CANNISTERS EVERYWHERE), BROKEN GLASS</p>

(Tick as appropriate)	
<input type="checkbox"/>	I object to the application being granted at all
<input checked="" type="checkbox"/>	I object to the application being granted in its current form *
<ul style="list-style-type: none"> If you choose this option, remember to inform us in the next section what changes you would like to see. 	
<p>Are there any changes you would like to see which the applicant could take which would address your concerns?</p> <p>If yes, please give details.</p>	<p>PUB SHUT EARLIER. NO MUSIC IN GARDEN - EVER. NO LIVE DJ'S - THIS IS A PUB, NOT A BIZA NIGHTCLUB. NO MUSIC IN ANY FORM AFTER 11PM NO GLASS ALLOWED TO LEAVE PREMISES. NOBODY IN GARDEN, OR COVERED WAY AFTER 11PM. MINIMUM ALLOWANCE OF 'TEN'S ALLOWED. TOO MANY AS IT STANDS. SHOULD JUST BE FOR XMAS/NEW YEAR & QUEEN'S BIRTHDAY !!</p>

If you make representation we will invite you to attend the Licensing Sub Committee hearing.

Please note: You should be aware that the applicant will normally be given a copy of all representations received and if a licensing application is to be considered by a Committee of the Council, any representation received will be made available in a publicly available report submitted to that Committee.

Signature	
Name	
Date	1ST NOV 2020.

Please return this form along with any additional sheets/supporting information to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG or email: licensing@harlow.gov.uk

You must return this form within the statutory period. You can find details of the statutory period deadline on the Council's website at <http://www.harlow.gov.uk/licensing-notice>

You may also check this with the Licensing Team on 01279 446005 or 446009.

0.9 NOV 2020

RECEIVED

LICENSING ACT 2003

REPRESENTATION (OBJECTION FORM)

Section 1 - Objectors Details	
Full Name	
Home Address	
Business Address (if applicable)	
Daytime phone number	
Email	
Fax number	

Section 2 - Application Details		
Name of premises you are making a representation about	cheques Pub	
Address of the premises you are making representation about	Market Street Old Harlow ESSEX	
	(Tick as appropriate)	
Application for a:	Premises Licence	
	Club Premises Certificate	
Application to vary an existing:	Premises Licence	✓
	Club Premises Certificate	

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent.

Organisation's name (if applicable)	
Please state nature of representation, for example, Residents' Association, Ward Councillor, MP or Trade Association	

You need to complete the next section as fully as possible. If you do not, the Sub-Committee may not understand why you are making representation. Try to be as specific as possible and give examples.

<p>Which of the four licensing objectives does your representation relate to? (Tick as appropriate)</p>	<p>(✓)</p>	<p>Please detail the evidence supporting your representation, or the reason for your representation.</p> <p>Please use separate sheets if necessary.</p>
<p>Prevention of crime and disorder</p>		<p>fights happen regular at least once a week, we have also had a stabbing, and one resident nearby badly beaten up for asking a pub goer to be quiet.</p>
<p>Public safety</p>		<p>when the pub does close, we then have large groups walking by, some even urinating on gardens, and many leaving glasses by the garden fences, after smashed.</p>
<p>Prevention of public nuisance</p>		<p>The pub is in the middle of a residential area with the long garden running in the middle of a number of houses. The landlord advertises this pub as Essex biggest Rave, he plays extremely loud music commencing early afternoon to late at night, which prevents residents enjoying their garden and even watch TV in their homes with doors and windows open</p>
<p>Protection of children from harm</p>		

PTO

Getting to sleep is also very disruptive due to the loud music and noise, and if you work weekends, this is mentally very draining to work a full day on a few hours sleep.

Every week there are easily over 100 people in the pub and garden, shouting, screaming, swearing and fighting fuelled on my alcohol and no doubt drugs. The landlord at no time considers his neighbours and does nothing to prevent anti-social behaviour. This is definitely not a pub, it has turned into a night club, with people travelling distances to visit.

Throughout the summer the landlord was constantly breaking covid rules, he had several warnings and choose not to follow any of them. This shows he has no care for his employees or local residents, its all about money. He put a large marquee up without planning permission, which is an eyesore for local residents, and when told to take it down, took it to the appeal stage.

(Tick as appropriate)	
<input checked="" type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	I object to the application being granted in its current form *
<ul style="list-style-type: none"> If you choose this option, remember to inform us in the next section what changes you would like to see. 	
<p>Are there any changes you would like to see which the applicant could take which would address your concerns?</p> <p>If yes, please give details.</p>	<p>No loud Music in Garden Earlier closing time More police present throughout evenings To be monitored that it is a pub, not a night club which it has become. Any rules that were put in place would not be followed as he does exactly what he like and doesn't care</p>

If you make representation we will invite you to attend the Licensing Sub Committee hearing.

Please note: You should be aware that the applicant will normally be given a copy of all representations received and if a licensing application is to be considered by a Committee of the Council, any representation received will be made available in a publicly available report submitted to that Committee.

Signature	
Name	
Date	

Please return this form along with any additional sheets/supporting information to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG or email: licensing@harlow.gov.uk

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You may also check this with the Licensing Team on 01279 446005 or 446009.

GOSSCHALKS

BY EMAIL AND FIRST CLASS POST
Licensing Team
Harlow Council
Civic Centre
The Water Gardens
HARLOW Essex CM20 1WG

Please ask for: [REDACTED]
Direct Tel: [REDACTED]
Email: [REDACTED]
Our ref: [REDACTED]
Your ref: [REDACTED]
Date: 23 October 2020

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings
Chequers, 2 Market Street, Old Harlow CM17 0AH**

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence issued on behalf of the Environmental Health Department.

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd to that review.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. Chequers is the subject of a lease in favour of Harvard Lounge Bars Ltd, the sole director being the premises licence holder, Bradley Reeve.

Please note we take a wholly neutral stance with regards to the allegations made given that our client has no operational responsibility for the operation of the premises.

It appears that the cause/causes of review are noise caused by the playing of live/recorded music in the garden area and noise escape from music played within the premises.

Our representation is that the licensing objectives would be promoted by the imposition of conditions under Section 177A (3) and (4) Licensing Act 2003. These subsections specifically apply to conditions relating to live and recorded music being imposed on review. If the licence was to contain a statement that conditions which precluded the provision of live/recorded music in the garden area and which required that amplified sound within the premises be played through a noise limiting device set in conjunction with the Environmental Health Officer were imposed under s177A (s3) and (4) then these conditions would have effect at all times (rather than them being suspended under deregulation until 2300) and prevent the issues that have given rise to the

review from recurring. Such conditions allied to a S177A (3) and (4) statement would constitute an appropriate and proportionate response in these circumstances.

At this stage, we would be grateful if you could acknowledge receipt of this representation. It may be that our client may wish to expand upon this representation in due course. It may do so either in writing or by appearing before the Committee at the review hearing.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS

BY EMAIL

Licensing Team
Harlow Council
Civic Centre
The Water Gardens
HARLOW Essex CM20 1WG

Please ask for:

Direct Tel:

Email:

Our ref:

#GS3460261

Your ref:

Date: 20th November 2020

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings
Chequers, 2 Market Street, Old Harlow CM17 0AH**

We write further to our letter of representation dated 23rd October 2020 and the subsequent telephone conversations between our Richard Taylor and your Senior Licensing Officer, Rachel Crouch.

The purpose of this letter is to expand upon matters raised within our original letter of representation and to update the Licensing Committee with regard to the current situation at these premises.

These premises are currently the subject of a five year lease agreement which commenced in 2018. The tenant is Harvard Lounge Bars Limited whose sole director is the premises licence holder, Bradley Reeve.

Mr Reeve has given notice to Ei Group Ltd that he wishes to surrender his tenancy at these premises. That notice has been accepted and arrangements are being made for Mr Reeve to leave these premises. It is unlikely that Mr Reeve will leave these premises by the time this matter is considered by the Licensing Sub Committee, however, it is expected that he will vacate the premises before Christmas.

Once Ei Group Ltd recovers possession of the premises from Mr Reeve/Harvard Lounge Bars Limited, an application to transfer the premises licence to Ei Group Ltd will be made.

Ei Group Ltd is currently negotiating with potential tenants for these premises. Once a potential tenant is identified, then an application to vary the premises licence to specify the new tenant as designated premises supervisor will be made.

The purpose of this letter, therefore, is to advise the Licensing Sub-Committee dealing with the review that Mr Reeve's tenure at these premises is very shortly to come to an end. In the circumstances, the Committee is requested to determine the application on the basis of the

conditions relating to live and recorded music being imposed under Section 177 A(3) and (4) Licensing Act 2003.

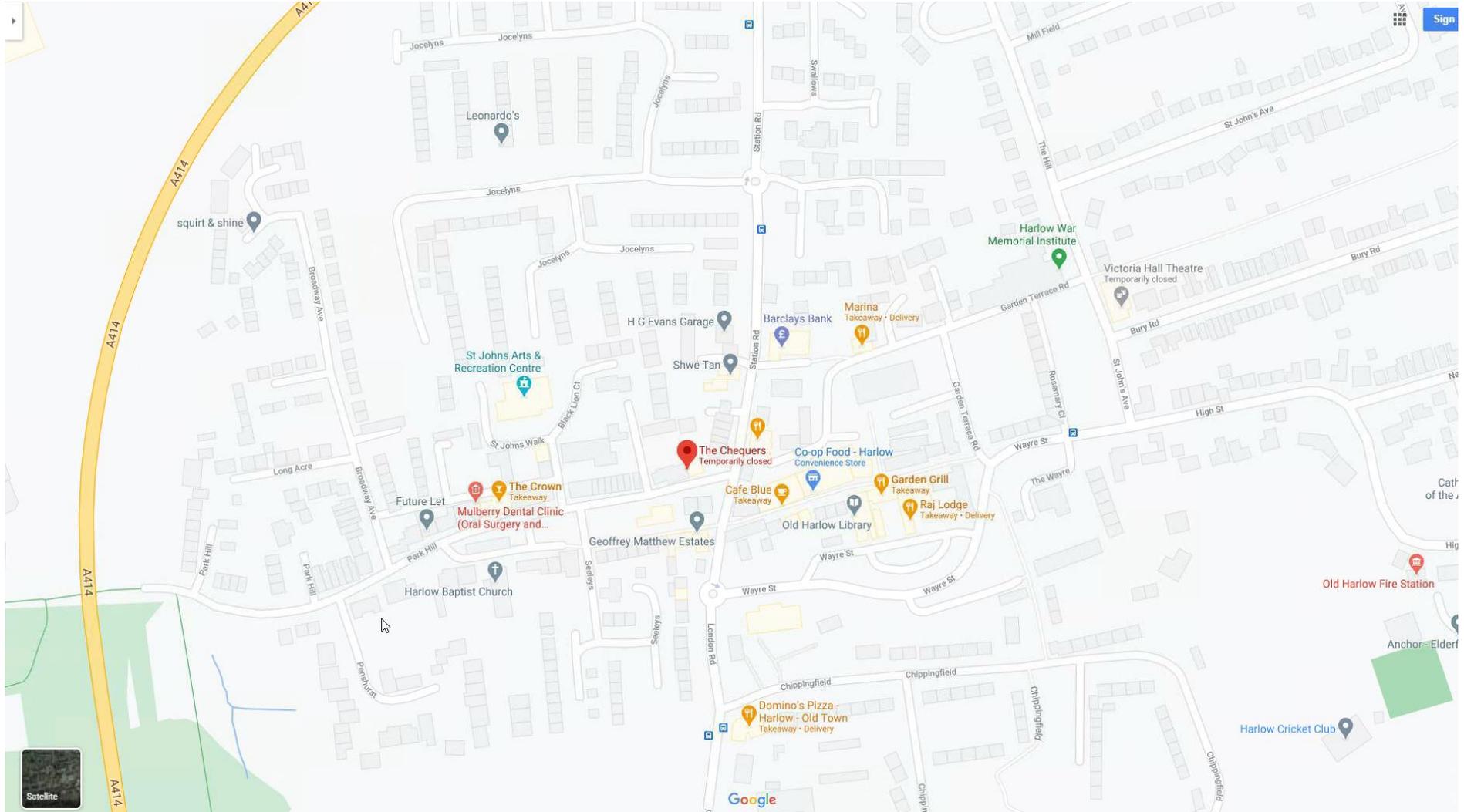
We will arrange for a senior representative of Ei Group Ltd to attend the hearing should the Committee have any questions with regard to the intentions of the company as far as these premises are concerned.

Yours faithfully



GOSSCHALKS

Appendix D



Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow
Essex
CM20 1WG



Premises Licence Harlow Council

Premises Licence Number

HARLOW/PREM/0012

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Chequers Public House
2 Market Street
Old Harlow
Essex
CM17 0AH

Telephone number N/A

Where the licence is time limited the dates

Not applicable

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
Friday and Saturday	11:00 to 01:00
Sunday	11:00 to 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Indoor Sporting Events

Monday to Thursday	11:00 - 00:30
Friday and Saturday	11:00 - 01:00
Sunday	11:00 - 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 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
Friday and Saturday	11:00 - 00:30
Sunday	11:00 - 00:00

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Provision of entertainment or similar (Indoors)

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

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Sale or Supply of Alcohol – Consumption On and Off Premises

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

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

The opening hours of the premises

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 00:30

Unlimited

Non-Standard opening hours of the premises

24th December	from: 11:00 hours to: 01:30 hours
26th December	from: 11:00 hours to: 01:30 hours
31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 00:00 hours
2ns January	from: 00:00 hours to: 01:30 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:30 hours.

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Bradley David Reeve



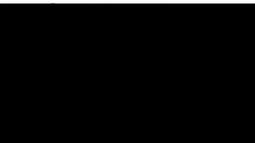
Telephone Number: N/A **Email:** N/A

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Bradley David Reeve



Telephone Number: [Redacted]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: CP/PLO229
Issuing Authority: Castle Point Borough Council

Signed
Michael Pitt
Environment and Licensing Manager

A handwritten signature in blue ink, appearing to read 'M Pitt', with a long horizontal line extending to the right.

Dated: 15 July 2005 (Original grant date)
Re Issued: 10 September 2019

Issued by: Harlow Council, Licensing Team, Civic Centre, The Water Gardens,
Harlow, Essex, CM20 1WG

Licence reissued following an application for transfer of premises licence

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS FOR ON-LICENSED PREMISES

Annex 1 – Mandatory conditions

- 1.1 1. No supply of alcohol may be made under the premise Licence –
- (a) at a time when there is not designated premise supervisor in respect of the premise licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition – Permitted Price – with effect from: 28 May 2014

- 1.2 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;
 - (b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
 - (i) P is the permitted price
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of 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 premise licence
 - (ii) the delegated premise 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 premise 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.

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 the 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.

Mandatory Condition -Irresponsible Promotions – with effect from 1 October 2014

- 1.3 1. The responsible person must ensure that staff on relevant premises do not carry or, 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 –
 - (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 characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which

carries a significant risk of undermining a licensing objective.

(d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition – Potable Water – with effect from 1 October 2014

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

Mandatory Condition – Age Verification Policy -with effect from 1 October 2014

- 1.5
1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premise in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 3. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark or
 - (b) an ultraviolet feature

Mandatory Condition – Small Measures – with effect from 1 October 2014

- 1.6 The responsible person shall ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premise (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 measure -
 - (i) beer or cider, ½ pint;
 - (ii) gin, rum, vodka or whiskey; 25ml or 35ml; and
 - (iii) still wine in a glass; 125ml; and

- (b) there measures are displayed in a menu, price list or other printed material which is available to customers on the premises ; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

Mandatory Condition – Exhibition of Film

- 1.7
1. The admission of children to the exhibition of any film is to be restricted in accordance with this section.
 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
 3. Where -
 - (a) the film classification body is not specified in the licence or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
 4. In this section –
“children” means persons aged under 18; and
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determined suitability of video works for classification).

Mandatory Condition – Door Staff

- 1.8
- Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

- 2.1 The licenced capacity of the premises is: 80
- 2.2 Any film shown must be under BBFC classification and will be suitable for the audience.
- 2.3 AWP must be in full view of the bar.
- 2.4 The outside drinking area will be restricted to:
 - 23.20hrs Monday to Saturday
 - 22.30hrs Sunday
- 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.
- 2.6 External doors and windows facing residential premises must be kept closed when regulated entertainment is taking place.
- 2.7 Subject to the standard conditions for places of Public Entertainment Licensed by Harlow Council - see Appendix 1.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Premises Licence Summary Harlow Council

Premises Licence Number

HARLOW/PREM/0012

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Chequers Public House
2 Market Street
Old Harlow
Essex
CM17 0AH

Telephone number N/A

Where the licence is time limited the dates

Not applicable

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
Friday and Saturday	11:00 to 01:00
Sunday	11:00 to 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Indoor Sporting Events

Monday to Thursday	11:00 - 00:30
Friday and Saturday	11:00 - 01:00
Sunday	11:00 - 00:30

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Live Music (Indoors)

Monday to Sunday	11:00 - 23:30
------------------	---------------

Recorded Music (Indoors)

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

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
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On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Provision of entertainment or similar (Indoors)

Monday to Thursday	11:00 - 00:00
Friday and Saturday	11:00 - 00:30
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Non-Standard Timings:

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26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

Sale or Supply of Alcohol – Consumption On and Off Premises

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

Non-Standard Timings:

31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 23:00 hours
24th December	from: 11:00 hours to: 01:00 hours
26th December	from: 11:00 hours to: 01:00 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:00 hours.

The opening hours of the premises

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 01:00
Saturday	11:00 - 01:00
Sunday	11:00 - 00:30
Unlimited	

Non-Standard opening hours of the premises

24th December	from: 11:00 hours to: 01:30 hours
26th December	from: 11:00 hours to: 01:30 hours
31st December	from: 11:00 hours to: 00:00 hours
1st January	from: 00:00 hours to: 00:00 hours
2ns January	from: 00:00 hours to: 01:30 hours

On Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends: from 11:00 hours to 01:30 hours.

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

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Mr Bradley David Reeve

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Bradley David Reeve

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

Not applicable

Signed
Michael Pitt
Environment and Licensing Manager



Dated: 15 July 2005 (Original grant date)
Re Issued: 10 September 2019

Issued by: Harlow Council, Licensing Team, Civic Centre, The Water Gardens,
Harlow, Essex, CM20 1WG

Licence reissued following an application for transfer of premises licence



Mr Bradley Reeve



Licensing Team
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: HARLOW/PREM/0012
Your Ref:
Date: 14 September 2020

Dear Mr Bradley Reeve,

Licensing Act 2003 – Breach of conditions in respect of Premise Licence
Premises Address: The Chequers 2 Market Street Old Harlow Essex CM17 0AH
Premises Licence Number: HARLOW/PREM/0012

During the evening of Saturday 12th September 2020, council officers were patrolling the area and witnessed excessively loud music from your premises, along with disco lights within the temporary structure in the rear garden. During our patrols we could hear people singing along to the music and shouting.

I understand that you are aware the playing of loud music is discouraged to prevent people from raising their voices. When people raise their voices, droplets of saliva travel a greater distance; this increases the transmission risk of COVID-19.

The Licensing service has been notified by Andrew Bramidge, Head of Environment and Planning of the Community Protection Warning issued on the 14th August under Section 43 Anti-Social Behaviour Crime and Policing Act 2014, this was served on you because the Council were satisfied that the precautions necessary to control the spread of COVID-19 were not being taken at the premises.

We also understand from our Environmental Health colleagues that a prohibition notice was issued on the 14th September under the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in respect of the premises above. I understand that if officers witness loud music or dancing at your premises whilst the prohibition notice remains in force the Council will prosecute.

Whilst the Government has issued new guidance in respect of operating and managing your premises during the current pandemic, you must still actively ensure compliance in respect of your premise licence issued under the Licensing Act 2003 and fulfil your obligations as a premises licence holder in respect of the Licensing Objectives which are, the Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children From Harm and Public Safety.

The council has recently received complaints from local residents in respect of alleged noise nuisance and crime and disorder associated with your premises.

On the 10th July a letter was sent by Michael Pitt, Environment and Licensing Manager advising you of the complaints received and a request was made to;

- Cease to play or permit loud music
- Prevent communal dancing
- Cancel any bookings that you have made for any DJ
- Make it clear through the same channels that you have used to advertise the presence of DJs that they have been cancelled and that there will be no musical entertainment

As a result of recent patrols carried out by officers, we believe that the noise from licensable activities carried out at the premises may cause nuisance to local residents, particularly when providing entertainment from the temporary structure that has recently been built in the rear garden.

Music was being played particularly loud on 12th September which finished at 23:16hrs. I should be grateful if you would advise the council whether noise levels were monitored in accordance with your licence conditions on 12th September and whether your assessment indicated that the noise was likely to cause nuisance. Where your activities are likely to cause nuisance it is essential that you take action to reduce the noise to an acceptable level by turning down the volume.

On the 12th September officers witnessed the outside area to the side of the premises was open to members of the public beyond 23:20hrs, this is contrary to the premises licence condition which requires the outside area to be closed at 23:20hrs. The doorman working and positioned at the entrance to the outside area was advised at 23:30hrs that the area was to be closed at 23:20hrs. The doorman advised officers that he was unaware of this and confirmed you was at the premises that evening. Officers did request to speak with you, however after waiting for some time you did not present yourself.

Once officers advised the doorman that the outside area was to be closed by 23:20hrs, attempts were made by the doorman asking customers to leave the outside area to the side of the premises, this resulted in a large number of customers to stand outside the front of the premises and in the road with limited social distancing taking place, this causing an obstruction to on coming vehicles and other members of the public wishing to use the pavement immediately outside the premises. Customers were permitted to take glasses outside of the premises onto the street, which resulted in glass being smashed onto the pavement, this also witnessed by officers.

The outside licensed area includes the covered space to the right of the main building and the remaining garden area to the rear. The rear areas are very close to neighbouring residential premises which will likely be sensitive to noise. Given the very close proximity of residential buildings, it is essential that licence conditions regarding operating times and the provisions for monitoring of noise be fully observed in accordance with Annex 2 of the licence. As you have previously been made aware the covered area to the right of the main building is substantially enclosed and therefore not permitted for a designated smoking area or does it meet the smoke free regulations.

Careful consideration should be given to the siting of smoking areas, gardens and play areas intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. Noise from outside areas, usually shouting or loud voices is likely to be especially noticeable at night, when noise levels outside are relatively low.

In reviewing your premises licence please be advised that you are only 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, we understand that you do not currently have planning permission for this structure and advise that this structure is not detailed within the plan attached to the premises licence.

Please can you confirm in writing your intentions with this structure and make the necessary arrangements to review and update the plan by way of an application to vary your premises licence. Failure to keep the plan updated in respect of your premises licence will result in licensable activities taking place whilst not in accordance with the premises licence currently issued.

You should also be aware that there is a duty to prevent statutory nuisance under the Environmental Protection Act 1990 and the Anti-Social Behaviour Act 2003, irrespective of the licensing regime. Failure to do so can lead to action being taken by Environmental Health officers under the above legislation i.e. service of Notices requiring works and/or legal proceedings being taken.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence and also ensure that the conditions attached to your licence are adhered to.

Looking at our records I can see that a number of meetings have taken place with the Licensing service and you, inclusive of a multi-agency meeting held on 17th December 2018 and a documented list of letters which have been sent to the premises licence holders dated 31st July 2015, 13th August 2015, 15th September 2015, 3rd May 2016, 9th June 2016 and 4th June 2018.

I note that whilst the premises licence has been transferred to different licence holders during the period of the licence, you have remained the DPS and active director in all the companies which have held the premises licence, therefore officers are satisfied that you have previously been made aware and given ample warning of premises licence breaches, public nuisance and crime and disorder concerns associated with this premises.

Please be aware that persons carrying out licensable activities other than in accordance with licence conditions may face enforcement action including prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

It is clear from reviewing the history in respect of these premises that the council has made attempts to work with you to avoid taking formal enforcement action, please be aware that we will not hesitate to take action where it is considered necessary to protect any of the licensing objectives.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a licensing officer please contact us by email at licensing@harlow.gov.uk or by calling 01279 446655.

Yours sincerely


Senior Licensing Officer


Yours sincerely

[Redacted]

Licensing Officer

Tel: 01279 446561 Fax: 01279 446548

e-mail: licensing@harlow.gov.uk

Alternative contacts: [Redacted]

c.c.

Enterprise Inns plc

[Redacted]

Bradley Reeve
Chequers Old Harlow Ltd
2 Market Street
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Essex
CM17 0AH

Licensing Team

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: ENV/15/02011
Your Ref:
Date: 13th August 2015

Dear Sir

**Licensing Act 2003
The Chequers Public House**

Thank you for taking the time to meet with [REDACTED] and me on 6th August to discuss recent complaints from residents in the area. I thought it may be useful to record the main points of our discussion.

In circumstances where local residents become concerned about noise and other potential nuisance issues, it is often worthwhile for the licence holder to open discussions with the residents at an early stage in order to better understand their concerns and look for ways in which the issues may be resolved. Similarly, the council will always try to resolve any issues informally but may resort to legal methods where necessary and appropriate.

Recent Complaints: The council has recently received a petition from local residents regarding alleged noise nuisance from your premises. It would appear their main concern is regarding noise from patrons using the garden and when leaving the premises and, from amplified music. The council has provided the petitioners with detailed advice on the Licensing Act and how they may call for a review.

The outside licensed area includes the covered space to the right of the main building and the remaining garden area to the rear. The rear areas are very close to neighbouring residential premises which will likely be sensitive to noise. I note that you have subdivided these areas and understand that the grassed area does not generally get used. The painted concrete area is voluntarily closed after 22.30. The remaining cobbled concrete areas are closed in accordance with licence conditions at 23.20 or 22.20 on Sundays. Given the very close proximity of residential buildings, it is essential that licence conditions regarding operating times and the provisions for monitoring of noise be fully observed in accordance with Annex 2 of the licence. Please be aware that the covered area to the right of the main building is substantially enclosed and therefore smoking is not permitted in that area. The council will monitor the use of the premises to ensure that licensing conditions are observed in accordance with our enforcement policy.

Opening discussions with local residents may lessen the likelihood of complaints being escalated. You may also wish to further restrict your activities to lessen any impact on your neighbours where necessary. Any voluntary action taken by you is not a requirement of Harlow Council.

Local authorities may deal with noise and disturbance from licensed premises by making use of a number of provisions. Central to these are nuisance legislation and licensing provisions.

Nuisance: My colleagues in the Environmental Health Department enforce the Environmental Protection Act 1990 (EPA) which has a number of sections dealing with 'nuisance'. These sections place a duty on the local authority to investigate nuisance and to take action where a 'statutory nuisance' exists or is likely to occur or recur. The law is too complex to discuss in detail here, however, it generally involves 3 stages; a warning, issue of formal Notice and then legal action where a breach of notice occurs. In all cases, however, the environmental health department will be able to advise you on the steps that may be taken to avoid legal action being taken.

Licensing: The Licensing Act 2003 represents a departure from earlier legislative provisions. The Act is 'permissive' and offers businesses greater flexibility regarding their operating schedule and operating times. Subject to certain restrictions, conditions placed on the licence will mirror the initial application unless the council receives representations from an interested party in which case the council may choose to restrict the times when licensable activities may be carried out and/or place further conditions on the licence. Licences are subject to variation or review in accordance with the Act which allows changes to be made.

Licence Review: Under the provisions of the Licensing Act, interested persons may call for a review of your licence. This is a formal process where the matter is placed before the licencing subcommittee. Interested parties may make representations to the committee. Similarly, the licence holder may vary the conditions of the licence via the variation procedure.

Enforcement: where the council has evidence that the existing licence conditions are not being observed, the council may take enforcement action in accordance with our enforcement policies. We would prefer to work with you to avoid enforcement action and would be happy to meet with you again should you consider this would be helpful.

I trust this is helpful to you. Please do not hesitate to contact me should you wish to discuss this matter further.

Yours faithfully


Principal Environmental Health Officer (Licensing)
Tel: 01279 446105


Bradley Reeve
Chequers Old Harlow Ltd
2 Market Street
Old Harlow
Essex
CM17 0AH

Licensing Team

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: KCOMP/16/02333
Your Ref:
Date: 3rd May 2016

Dear Sir

Licensing Act 2003 - The Chequers Public House

Further to our earlier correspondence and discussions, I regret that the Council has continued to receive complaints regarding noise and anti-social behaviour associated with The Chequers public house. The Council has monitored the premises to determine whether, in the opinion of the Council, the premises are giving rise to anti-social behaviour and being operated in accordance with licence conditions.

On Saturday 30th April 2016/ Sunday 1st May 2016 officers observed a number of incidents which give cause for concern. These are;

- Drunk persons leaving the premises barely able to stand,
- Persons urinating in bushes close to licensed premises,
- Persons shouting and singing in the road immediately outside the premises and on the hardstanding opposite,
- Persons drinking from pint glasses outside the premises after the premises has closed,
- Inadequate supervision of persons leaving the premises after closing time.

I should be grateful if you would kindly visit Council offices on Wednesday 11th May 2016 at 2pm to discuss this matter with members of the licensing team. If this date and time is inconvenient, please contact me to arrange a mutually suitable date and time. Please advise me should you decide not to attend.

Yours faithfully

[REDACTED]
Principal Environmental Health Officer (Licensing)
[REDACTED]

Appendix H

Licensing & Environmental Health – Complaints History The Chequers (last 11 years)

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
1	24.04.2009	Local resident	Complaint of noise/music from pub at 11:30pm	Officer telephone call – Noise stopped not long after complainant phone to report
2	24.08.2010	Local resident	Loud music, shouting and ASB	<p>07.09.10 – Licensing Officer sent letter sent to licence holder re routine surveillance 28.08 checks. Loud music witnessed from nearby residential premises emanating from the premises. 01:20 hours no music audible, doors still open crowd of people on each occasion outside shouting and causing a nuisance. Advice given re front door open whilst door staff on duty. Reminder given to keep door closed and be more considerate to residents in the area.</p> <p>Telephone call - Action by Licence holder – assurance was given to EH that the door staff takes more control of the door being left open, and that particular night advised they had karaoke. Re positioning of karaoke to the back of the pub.</p>
3	23.08.2012	Local resident	Loud noise from patrons 01:00hrs from the premises – nuisance a regular occurrence most weekends, Friday and Saturday nights early into the morning customers leave, often heard screaming, shouting, falling over drunk and the occasional fight. Damage to property -outside plant pots smashed, and several beer glasses and bottles left on my windowsill and around the front of the house.	<p>Contact with complainant - Advice and request to keep noise diary and incident log.</p> <p>26.10.2012 - Officer Notes - Walked passed at approx 22.40 as part of routine observational exercise. Door person and a few people at the front of the premises and music audible. Some noise from beer garden to the side.</p> <p>Follow up with resident – 05.11.2012 Response back from resident to advise quiet so case closed.</p>
4	01.07.2013	Local resident	Loud music on a Friday night which finishes at 01.00 Saturday morning, has been a problem for the last 4 weeks	<p>Letter sent 03.07.2013 to Mr Bradley Reeve advised of complaints and advice given</p> <p>Letter sent to Regional Manager Ei Group 22.07.2013 advice given re noise complaints 31.07.2013 advised Ei formal warnings sent to premises (DPS) Mr Bradley Reeve re further complaints received</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				03.02.2014 -Letter sent to resident no further complaints received complaint case closed
5	19.07.2013	Local resident	Complaint of noise coming from the garden of the Chequers public house	02.08.13 – Ack letter to resident and request for diary and incident logs 20.08.13 – Further request for diary log within 7 days – none received case closed.
6	01.08.2013	Local resident	Complaint of noise/disturbance emanating from the premises - report of regularly disturbed, broken glass is left everywhere and personal property is smashed. Woken up just gone 1am to find a man on my doorstep, lying on the ground who had been hit twice with a garden chair, belonging to the Marquis of Grandby. His friends were screaming in panic. People still pouring out of The Chequers pub. The police had been called but took a long time to arrive.	01.08.2013 – letter sent to Mr B Reeve advise of resident complaint and reminder/advice given re premises licence conditions. Copy of letter also sent to regional manager Ei group.
7	26.08.2013	Local resident	Complaint of noise/disturbance - noise from the chequers is getting unbearable, the LIVE music can often go on until 12-1am, people are still in the beer garden until 12am most weekends. (bank holiday Sunday) the noise coming from the pub ended up waking my 2year daughter AGAIN way past 12am, whistle blowing and people Laughing and shouting by crowds of people. Never hear noise from the crown, the marquis do stop people sitting out on their terrace at a certain time and music is off before 11pm, but the chequers gets louder and louder, they often have a dj playing on Friday nights he playing until after 1am some Fridays and I know that the music licence only allowed them to play until 11:30pm	27.08.2013- Letter sent to Mr B Reeve re further complaint in respect of exceeding terminal hours and DJ/music 00:00 – 01:00 29.08.2013 – Telephone call received from Mr Reeve, @ 11.45 tenant of the pub. He has received letter regarding noise nuisance complaint and advised the following: Music always stops at 12.00. Music DJ/ recorded music Friday & Sat. Live music Wednesday finishes 8.00 He regularly goes outside to see if it's too loud. Recent hot weather has meant doors left open. Asked how the complainant knew it was the Chequers as there are 3 other bars/pubs near with music.

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
8	31.08.2013	Local resident	Complaint received of loud music and people hanging around outside the Chequers PH. Tenant advised that the noise had woken him from his sleep and he expressed concern about the sheltered housing complex having to deal with the noise.	N/A
9	20.09.2013	Local resident	Complaint of noise from persons hanging around outside the Chequers at approx 1.30am on a Friday/Saturday and Saturday/Sunday.	Licensing Officer spoke with Mr Reeve who advises he requests persons to leave. Music usually finishes by 12.30am but had had doors open.
10	27.09.2013	Local resident	Complaint - Noise from the chequers in Old Harlow.	Resident advised of Out of Hours service and diary sheets given – no further contact received
11	22.10.2013	Local resident	Complaint regarding the Chequers - fight outside front door whereby police called, noise from music and endless stream of people leaving that are very drunk.	24.10.2013 – Ack letter sent and complaint sent to Licensing Enforcement
12	22.10.2013	Local resident	Complaint of noise and disruption of three pubs in Harlow. Resident still left in a position where at weekends sleep is regularly disturbed, broken glass is left everywhere and personal property is smashed. I am tired. Tired of living here, tired of the Council letting a pub have a late license in a built up area, tired of lock ins and just tired of the noise, broken glass and disruption to my life here, in the name of profit. Why can't people just have a good night and leave at 11.30pm? What are you going to do about this?	04.11.2013 – Ack Letter sent to resident and diary sheets logged 07.11.2013 – Letter sent to resident to advise – officer has visited the premises to follow up complaint

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>Ack of Council response and the time sheets received. Last weekend, other than the normal shouting of people leaving pubs, The Chequers had loud music until nearly 1am and a lot of people outside chanting and singing - I am guessing in the beer garden. My neighbour told me that you guys at the council had already given them a warning about this - something they clearly are not concerned about. We also had a bunch of middle aged people who thought it would be funny to rattle our post boxes, ring our doorbells at 1.30am, who had come from the Chequers pub and then one man fell over outside our house and his friends scream for 10 mins to get him up, before one so-called friend urinated on him.</p> <p>It is wonderful here. Please can you pass on this information to licensing.</p>	
13	24.03.2014	Local resident	<p>Pub re-opened this weekend following a refurb - Friday night and Saturday night customers were still in the garden at 01.30 hours shouting etc, although it is believed that the pub had shut at this time.</p>	<p>24.03.2014 - Officer telephone call with resident - Advised that EH would write to the DPS bringing the complaint to his attention, and send her diaries for completion. Resident wanted to know why the previous case had been closed. Officer advised that the Council had not substantiated a SN, and that neighbours had not called when allegedly disturbed by noise. Advised that officers completed several OOH visits along with Licensing & Police and no nuisance established. Resident asked why they were not given the OOH number, officer reminded that resident failed to return diaries despite reminders being sent out.</p> <p>25.03.2014 – Letter sent to Mr B Reeve advising of complaint received and reminder id respect of noise compliance</p> <p>25.03.2014 – Letter sent to resident re advice, incident and diary logs sent</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
14	20.10.2014	Local resident	Continuous problems with loud music, screaming, shouting and general noise whilst pub in use.	<p>20.10.2014 – Officer telephone call with resident</p> <p>Discussion with resident re incident. Police and Ambulance were not attending the PH. Resident advised things remained the same with noise, especially late at night. Loud music, Patrons departing and the use of the garden. Officer advised that EH had been monitoring this over the last few months and as yet had not substantiated a SN, and had not received any further complaints.</p> <p>Advised would make contact with the PH again.</p> <p>22.10.2014 – Letter sent to Mr B Reeve and a copy sent to Chequers Old Harlow Ltd advising of compliant investigation Loud music/Shouting in the garden/ Noise from patrons leaving the premises</p> <p>03.02.2015 – Letter to resident closing case within 7 days no diary/incident log returned</p>
15	07.04.2015	Local residents	Resident living with constant noise and ASB. Whilst I accept a degree of this living where we genuinely want people to enjoy themselves, this is tested when the pub has a 'lock in' till 5.00am or when I am cleaning vomit from my garden or car. I note that the pub has this weekend opened up an additional 'bar' in the rear garden, is this included in the current licence or is that just for the premises themselves? Did they not need planning permission to construct another building? I hope that you will be able to look into these issues for me, particularly the new garden bar as this is likely to impact on my right to quiet enjoyment for the Spring and Summer months.	<p>08.04.2015 – Cllr Ack email response sent to resident</p> <p>Essex Police - BENISON inspection in completed in Jan 2015, request for APRIL inspections.</p> <p>14.04.2015 – Officer enquires re outside bar</p> <p>15.04.2015 – Essex Police update – Visit under taken and discussions with the Manager. NO BAR in the area to the rear of the premises. They have built a BBQ for when they have functions/events during the summer months. The Manager ensures everybody is in the pub by 23:00hours (which is part of his Licence) to assist with any noise that may emanate to the residential properties. Manger confirms never had any lockins and never would but they do leave certain lights on in the premises for security and do clear up the premises before retiring. Manager advises customers to leave quietly and not cause a disturbance. The rear of the premises is secure with a six foot wall/fencing around its perimeter. Comments of customers being sick over the complainant's vehicle, aware that there is also two other public houses nearby and a late night restaurant which all have customers leaving their premises</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<p>late. Is there photographic evidence of customers leaving the premises and being sick as the Manager informed me he would deal with if a result of this premises. The Premises Licence times are Monday to Thursday 11:00 until 00:30 hours also Sunday but Friday and Saturday they are 11:00 hours until 01:00 hours. On Friday, Saturday, Sundays and Mondays of Bank Holiday week-ends the hours are 11:00 until 01:30 hours. Manager concerned by these allegations as he has not had any complaints directed to them directly.</p> <p>16.04.2015 – Email response sent to MP enquiry – Advised Council has investigated and monitored the situation, the Council did not establish Statutory Nuisance or a breach of licence conditions. Updated given in respect of diary/log sheets not been provided by resident. The Council with the police will during 2015/16 continue with a programme of unannounced visits to licensed premises to support licensees efforts to prevent use of illegal drugs, and the Chequers is among the premises that will be cooperating in this programme. The licensing team will be making a number of out of office hours visits to licensed premises to support compliance with license conditions, and will be pleased to include the Chequers on their schedule.</p> <p>22.07.2015 – EH made aware of residents intention to holding a residents meeting. EH informed the purpose of the meeting is establish the extent of the problem, advise residents how to report incidents of ASB and who to report incidents to, we will be asking residents to maintain diaries for a period of 2 weeks where we can then look at the type of nuisance experienced so that we can get an action plan together as to what avenue we and residents need to explore next. Outcome maybe a licencing issue/police issue /ASB issue or stat nuisance.</p> <p>17.08.2015 – Email request by Community Safety for multi-agency meeting on Friday 21st August following receipt of completed diaries from residents in respect of The Chequers. Regarding the content of the diaries and look to see if we can draft an action plan to deal with issues residents raise, please could you confirm your attendance.</p> <p>21.08.2015 – Licensing Officer Email to Cllr, advice given in respect of premises licence review process</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<p>23.09.2015 – Licensing Officer provided Licensing team's position. Where the licensee is found to be operating outside the licence conditions, the Licensing Team will look to take appropriate and proportionate enforcement action. We are happy to co-ordinate this work with Community Safety and the Police.</p> <p>The reports mention all 3 licensed premises and numerous issues on and off licensed premises including; person urinating, persons vomiting, glasses being left around the streets, doors being banged, car engines left running, noise from Karaoke, amplified music, shouting, swearing, bad parking, noise from car radios etc. It would appear that the problems are exacerbated by the cumulative impact of 3 licensed premises in one area, the density of the built environment and the lack of defensible space between buildings and public spaces. We can and will hold licensee's responsible for observing their current licence conditions but where it is considered by the complainants that these conditions are too permissive, they may bring about a review of the licence. We've already written to a number of persons to offer them assistance on how they may bring about a review. The matter may then be heard by the Licensing Subcommittee. The subcommittee can will listen to representations from all parties including the licensee. If it's considered that the concentration of licensed premises gives rise to problems, then members may wish to consider a cumulative impact policy. We have visited The Chequers, spoken with the proprietor and subsequently written to him about the issues. We have asked that he open discussions with his neighbours so that he can better understand their concerns.</p> <p>23.09.2015 – Licensing Officer updated Community Safety Team - Licensing Team has carried out some late night visits to the Old Harlow area and we have noted one of the 3 pubs to be operating not in accordance with their licence conditions. We have written to them and will look to take appropriate enforcement action. We propose to undertake more checks in the period up to the New Year. We are of course happy to coordinate our enforcement action with your team as per my earlier email.</p> <p>EH - forwarded videos, still images and ASB diaries that you have collected from local residents. Licensing Officer reviewed videos and one appears to show persons outside the Chequers drinking and being very loud. We will take this up with the licensee. Most of the remaining video footage was taken at</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<p>night and it's very difficult to identify where it was taken. Still images which show bottles and glasses left on the pavement, the images are taken close up, there are few clues to where the image was taken, we have no information as to date and time and, there is no information as to who left the glasses or bottles. We can't presume these bottles came from any of the 3 licensed premises but I do appreciate how this will be of concern to residents.</p> <p>It's clear from the diaries that some residents are concerned about the noise and other issues from the Chequers but none of these residents have complained to the Licensing Team other than via the petition. Licensing Team wrote to all persons on the petition earlier in the summer and provided them with detailed information on how they may call for a review. No residents have called for a review or enquired with the licensing team about the procedure. The Licensing team have been advised by EH that none of the 7 householders on the out of hours service have contacted EHS OOH when they are being bothered by noise.</p> <p>25.09.2015 – Licensing Officer email sent to resident with notes of detailed discussion on the 25.09.2015 – Acknowledgement that the Licensing Team are aware that residents in Market Street and the surrounding roads are concerned about nuisance issues associated with the 3 public houses; Marquis of Granby, The Chequers and Crown. There are 3 separate sections within the council that may offer assistance regarding these issues, advice given in respect of premises licence, obligations, enforcement and procedures under the Licensing Act 2003. Noted that resident does not wish to use the EHS out of hours (OOH) service. Your complaint relates to activities in the street and not to nuisance created on licensed premises. Officer encouraged residents to use the OOH service which will enable the council to make use of powers available under EPA. Advised residents to report their concerns in order that we can help them. Noted that seven households were put on the OOH service in early August in relation to The Chequers and none have to date used the service. Officer noted from conversation that residents are reluctant to call for a review because they fear reprisals and intimidation. Advice given in respect of this and specific mention of the Guidance made under the Act and advised to report to the Police.</p> <p>29.09.2015 – Licensing Officer request to Essex Police for update - Residents</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<p>in Market Street have expressed various concerns to community safety about the pubs in Old Harlow. Noted that officers have observed the street late at night and early morning and found it to be fairly busy with groups of people standing outside the pubs, loads of taxi movements, person vomiting, person shouting and laughing etc.</p> <p>02.10.2015 – Essex Police update - Essex Police have received NO complaints or Intelligence from residents within Market Street/Fore Street or surroundings areas.</p>
16	15.06.2015	Local resident	<p>Complaint of ridiculously loud music coming from the pub this evening. Can't hear my own TV for the thumping bass and noise disturbance from the pub music. This is a residential area. Live music excessively loud. Can hear every word. Ridiculous noise level.</p> <p>18.06.2015 - Loud music coming from the pub again. 22.44</p>	<p>18.06.2015 - Officer ack letter sent and diary/incident log sheets sent</p> <p>07.07.2015 – Officer follow letter, no diary/log book received case closed within 7 days</p>
17	06.07.2015	Local resident	Resident complaint about noise; music and shouting in beer garden	06.07.2015 - Officer ack letter sent with diary/incident logs sheets
18	26.03.2016	Local resident	<p>Complaint sent to Community Safety – resident had no sleep over the Easter weekend. The chequers on Thursday had something going on that was very loud. This is beyond bearable. What are the next steps you intend to take as summer is near? Please get something underway regarding the Noise.</p> <p>29.03.2016 - Live and disco plus people</p>	<p>27.03.2016 – Officer Ack semail sent to resident</p> <p>30.03.2016 - Officer Ack semail sent to resident details of complaint sent to Licensing Team</p> <p>30.03.2016 – EH Officer update – Letters sent to Mr B Reeve and Manager of premises to advise of complaints.</p> <p>30.03.2016 – Essex Police update – Ack of letters, informed of an incident rang in from the MOP on the 27th March 2016 at 02:10 about a female shouting</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>outside swearing, singing and shouting. Doors and windows not being closed while entertainment is on. Fighting of course</p> <p>28.05.2016 - Very loud music being played, their licence agreement is only up until 23.30, ongoing issue reported previously.</p>	<p>outside the pub. Police Officers got her into a cab and she was taken home. The male who rang the Police was from St. John's Avenue, no phone number given. I have input this incident onto our BACCHUS Licensing system.</p> <p>13.04.2016 – Essex Police update following Pubwatch meeting 12th April 2016, advised licence holder of the Chequers of complaints received by Council and expressed very upset about it. Licence holder reiterated that they always request customers to leave the area quietly and door staff always ensures they do. Informed they always close on time and when an incident with a noisy drunk female sitting on the pavement between Chequers and Marquis they both said they had been closed for well over an hour and the female had not been in their premises at all that night. Licence holder also said that people come past their premises from Old Harlow shopping precinct from restaurant etc., but the pubs are always blamed. All the three pubs have said they do everything by the book. They advised they wished that the complainants talked with them.</p> <p>30.04.2016 – Licensing Team routine observation notes. Officers arrive in Old Harlow at approximately 00.15 and walked around the area whilst making observations.</p> <p>The Chequers was open. Recorded music could be heard but not at a volume likely to cause nuisance. The noise ceased prior to 00.30. Officers continued to observe the premises from Market Street, Station Road and Fore Street. The following issues were noted;</p> <p>At 00.15 - A group of persons were milling around outside the Chequers, talking and laughing,</p> <p>At 00.25 - A person was seen to urinate in Bushes on Fore Street behind The Marquis of Granby. The person was clearly intoxicated and had a fixed stare as he left the area. We could not verify whether the person had been drinking in one of the local pubs</p> <p>At 00.50 - 2 men were seen on Station Road just around the corner from The Chequers. One man could barely stand or hold a conversation. He was being helped by a second man who was trying to persuade him to go home. The</p>

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				<p>other man resisted his requests and was largely uncommunicative. The second man asked one of the officers whether he could order a cab for them. Officer rang can company and ordered a car for member of the public to go home. Just before the car arrived, the men staggered off in the direction of Chippingfield along High Street.</p> <p>At approximately 01.00 a man approached Officers on the corner of High Street and Station Road. The man was displaying signs of being drunk by his uninhibited behaviour. He began by pointing out house prices in the estate agent window and then started talking about having sex with women and holding her hair as he pumped hard. He smelled of alcohol and was very loud. He shouted to friends across the road outside The Chequers to urge them to go with him.</p> <p>Between 00.45 and 01.30 patrons were seen leaving The Chequers. This resulted in a constant stream of PH vehicles and taxis arriving outside The Chequers. A group of persons were sitting on the bench and congregating in the road and on hard standing outside the skin care centre. The patrons were constantly changing places as persons came out of the premises. Most patrons appeared to have left the premises by 01.00 but some persons were seen leaving as late as 01.30. Door supervisors wearing their identification on their sleeve were present up to around 01.00 but appeared to have left the premises shortly after and were not available to supervise patron's departure. Between 01.00 and 01.30 a group of middle aged men congregated on the hard standing outside the skincare centre and linked arms to sing '2 little boys' at the top of their voices. One man held a pint glass aloft which was half full of beer. The group were clearly affected by differing levels of intoxication and would likely have disturbed local residents with their noise. One thick set grey haired man used the vehicle barrier posts to stay upright and could do little more than stagger around. The atmosphere was friendly with little signs of aggression but very noisy and likely to be seemed intimidating by residents. No employees were seen to supervise persons leaving the premises after 01.00 and no attempts were made to ask patrons to move away quietly.</p> <p>Summary: Persons drunk Loud noise when leaving the premises, shouting and singing,</p>

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				<p>Congestion caused by PH vehicles, Likely breach of licence conditions - serving drunk persons, Little or no supervision of persons leaving the premises.</p> <p>01.05.2016 - Licensing Evening Enforcement - Officer notes</p> <p>21.45-22.00 - Chequers, Market Street Reasonable noise noted, however no major issues at this time; No door staff seen; Patrons milling around the street and outside the premises.</p> <p>22.40-23.00 - Chequers Large amount of cigarette butts seen around the entrance to the premises; Still no door staff seen; Patrons still milling around the entrance of the premises (approx. 10-15 at any one time); Music clearly audible.</p> <p>23.20 - Chequers Door Staff (x1) seen at entrance to premises; Music appeared to have stopped.</p> <p>23.37 - Chequers Patrons still in beer garden; Music was still playing but may have been turned down slightly, clearly audible when door open.</p> <p>23.43 - Chequers Man seen leaving the Chequers with a glass from the premises and proceeded to the car park located to the left of the entrance to Seeleys. The man urinated against the wall behind the parked cars, left the glass on the kerb and the man drove off with others.</p> <p>23.50 - Chequers Patrons still in beer garden.</p>

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				<p>00.01 - Chequers Man leaves the Chequers and urinates on the other side of the street when at the same time another man smashes a glass noted to be from the premises on the kerb.</p> <p>00.15 – Chequers The majority of patrons had left by this point only leaving a small number of people present with some outside the entrance to the premises awaiting a vehicle to retrieve them. The beer garden was empty at the time we left however officer returned for a final check of the area.</p> <p>00.30 - Chequers Returned to the area several people at the front and still exiting in the premises but no noise.</p> <p>04.05.2016 – Licensing Team - Premises monitored following complaints from local residents regarding anti-social behaviour in Market Street.</p> <p>03.05.2016 – Licensing Officer sent letter to Mr B Reeve regarding out of hour observations and request for attendance to meeting on the 11.05.2016.</p> <p>04.05.2016 – Licensing officer advised EH of intention of request for meeting with licence holder.</p> <p>04.06.2016 – Email received from resident – Details contained within the letters advised officer of expression of disappointment to Council's actions.</p> <p>03.06.2016 – Officers meeting, it was agreed that we would not be able to further the case from a SN point unless the complaints engaged with the Service. Licensing will continue to do visits.</p> <p>08.06.2016 – Resident letter received in respect of extension of hours due to Queen's Birthday celebrations. Officer sent details of government announcement and blanket extension. In a separate email officer advised resident to reach out to licence holder to discuss concerns and refusal to an invitation for attendance to residents meeting earlier that year was noted.</p>

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				<p>09.06.2016 – Officer email to resident to advise resident of no complaints received following officer visiting premises 10th and 11th June therefore no visits have been scheduled for this weekend.</p> <p>10.06.2016 - Discussions with Senior Managers, agreement Out of Hours service offered to residents, dependant on availability.</p> <p>10.06.2016 – Resident advised the Council not interest on supporting he out of hours service along, request made that other neighbours are given the opportunity to take park.</p> <p>15.06.2016 – Officers hand delivered OOH letters to residents.</p> <p>15.06.2016 – Officer sent an invitation to resident and requested any persons wishing to discuss any concerns to call the Licensing Team.</p>
19	02.09.2016	Local resident	<p>Resident reported concerns about stabbing at Chequers - resident made aware of a stabbing which occurred at The Chequers PH and expressed concerns about how the establishment was being operated and asked that action be taken by the Licensing Team to prevent further ASB and to allow local residents to live with peace of mind. Resident could not say what action she wanted the Licensing Team to take but expressed they are unhappy with 'the situation'. Reference to intimidation by the owner of the premises and wanted HDC to take action.</p>	<p>02.09.2016 - Licensing Officer advised that he would obtain details of the stabbing from Essex Police but that we are reliant on members of the public to make use of the structures and provisions in the Licensing Act to bring about a review of the licence and/or, to work with EHS to secure action being taken under EPA.</p> <p>05.09.2016 – Essex Police reported no incident reported and investigate and see what if anything has been reported.</p> <p>06.09.2016 – Licensing Officer letter sent to resident – Ack of alleged stabbing, advice given in respect of partnership working and details given in respect of the role of the Police in respect of responsible authority and duty under the Licensing Act in terms of Crime and Disorder. Essex Licensing Officer details provided for resident to contact to discuss this matter. In addition advice given in respect of the review process and interested parties involvement, and Home Office Guidance papers enclosed.</p> <p>06.09.2016 – Officer email to Essex Police advise of resident contact and raise concerns the resident has with the premises and a request made for contact</p>

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				<p>between Police and resident in respect of Crime and Disorder.</p> <p>06.09.2016 – Essex Police advise Licensing Officer - findings to investigation to alleged 'stabbing' and the Police are not aware of this and no incident has been reported, so we are to assume it did not happen. Reports that it could be hearsay, nothing on the Police records. Police advise of frustrated Licensees in respect of accusations and reported to the papers. The Police have not had any complaints concerning this pub recently.</p>
20	29.01.2017	Local resident	Resident concerns following a fire at Licensed Premises – resident report of nuisance – lots of fighting (as usual), hear people shouting someone had a knife. This died down and a little while later woken by smoke and noise as the outbuildings were on fire. This was about 1.45am. Video submitted by resident, advised of extensions being built in the garden and cannot understand why there are no building control concerns.	<p>31.01.2017 – Licensing Officer reports by email residents' concerns to Planning/Building Controls</p> <p>31.01.2017 – Licensing Officer Ack email sent to resident in respect of reporting of planning concerns.</p>
21	31.10.2017	Local resident	Concerning Smoking Shelter - is it substantially enclosed?	<p>24.10.2017 - Environmental Health Officer site visit with manager. Inspected smoking shelter. Officer notes - It is a large under cover outdoor space. Two parallel walls, external wall of building and boundary wall with a plastic roof on. Manger advised he had been informed it must not be located within 1ft of the external wall. Officer explained the 50%rule and that any roof would not be compliant. For immediate action- removal of ash trays and no smoking signs and he could install a smoking shelter in garden. Officer left advice documents.</p> <p>25.10.2017 - Environmental Health Officer letter sent Chequers Old Harlow Ltd to confirm details discussed during site visits 24.10. Advice given in respect of regulations and details in respect of fines due to non-compliance.</p>
22	27.05.2018	Cllr Complaint	Complaint regarding noise from the Chequers PH.	27.05.2018 - Cllr Email received in respect of 21:04 in respect of emergency noise service, Cllr advised several residents have contacted the Cllr about the excessive noise emanating from the Chequers pub. Music is being played in the pub garden at a very high volume. Cllr personally visited the pub and the

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				<p>music volume is excessive. Residents also report to have seen drug dealers openly selling drugs nearby. Cllr request to Officer to look into matter urgently.</p> <p>Officer Notes - Received a number of calls (noise service) from HTS who had been contacted by residents and Cllr about an event being held at The Chequers PH. The complainants had said that the noise started early afternoon and was continuing at 9pm.</p> <p>Officer spoke with Cllr who advise that he had been down to the Chequers after being contacted by local residents and that the noise was loud and a matter for concern. Officer agreed to visit.</p> <p>Officer visited the area at 22.40 and listened from Oakwood Mews and Black Lion Court. Faint music could be heard and loud voices, shouting, laughter and giggling from (presumably at this stage) the garden area of The Chequers.</p> <p>Officer spoke with a doorman at the front of the premises and asked to speak with Bradley Reeve. Patrons were milling around at the front of the pub in the road. The entrance doors were open and music could clearly be heard from the street. Bradley Reeve came out and spoke with Officer. He expressed surprise that there was any concern from residents and said that they only hold these events twice a year. Officer went into the garden which was full of patrons and very loud such as to interfere with the discussion being held with Bradley Reeve. Officer advised that the noise was excessive and likely to be causing disturbance to local residents. Bradley Reeve disputed this statement and did not consider the noise to be excessive. Officer suggested that it would be necessary for the Council to discuss this matter with them further during the week. A local resident was seen videoing the front of the premises. Officer left the area at 23.45.</p> <p>29.05.2018 - Officer email confirmed visit to the premises and disclosed discussions Officer had with the owner of The Chequers. Advised intention to discuss the impact of The Chequers business activities with colleagues in Licencing and Environmental Health. Officer requested details of how many complaints the Cllr received and at what time.</p>

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				29.05.2018 – Licensing Officer email sent to Environmental Health to advise of out of hours visit and expressed in their opinion believe there are grounds for concerns which need our attention.
23	27.05.2018	Local resident	Concern expressed by local resident and Councillor in respect of noise from the public house on 27th May 2018	<p>Joint Agency site visit – Harlow District Council Licensing Officer and Essex Police, Licensing Officer visited the Chequers to meet with Bradley Reeve, DPS. Officer notes - Events of 27th May were discussed and of the alleged effect that the premises had had on neighbours.</p> <p>Bradley Reeve advised he had no intention of causing disturbance to his neighbours and was always available to speak with them. He stated that he runs an orderly pub and that Police records will not show any link with elevated crime statistics.</p> <p>There was a discussion around the cumulative impact of 3 premises within a short distance and to the fact that all pubs opened directly onto the road.</p> <p>Essex Police Licensing Officer checked crime statistics and agreed that there was no association between a recent stabbing in the High Road which had earlier been reported to the Chequers. Officer also stated that he had no major concerns at this time although he was aware of heightened resident concerns.</p> <p>Discussion about the use of the outside areas. Bradley Reeve advised that he was running a successful business and that the outside area was integral to their success however, he no longer uses the far end of the garden because it is opposite nearby homes. Bradley Reeve was reminded of his obligations regarding the need to close the garden in accordance with his licence conditions.</p> <p>Bradley Reeve advised that he would look at any reasonable measures to reduce noise impact on local residents but that he is a businessman trying to conduct his business and that some noise from licensed premises is inevitable. The meeting lasted just short of 1 hour.</p>

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24	07.06.2018	Local resident	Complaint in respect of noise from Pub Garden - email received 31.05.2018 – Report noise from The Chequers garden party, even with my doors and windows shut in the heat.	<p>11.06.2018 – Email sent to resident by Environmental Health to advise investigation to music noise from the garden in the Chequers, other matters to be dealt with by licensing. Noise App details provided to replace the use of diaries.</p> <p>Resident requested details why resident would need to be risked assessed to use the noise app. Officer advised this is not what is required. The risk assessment is for OOH service. Resident was asked by Officer to inform if they would like to use the noise app or paper diaries, no confirmation was given.</p> <p>22.08.2018 – Environmental Officer provided advice in respect of concerns and what is required in order for an alleged complaint of noise to be progressed.</p> <p>29.11.2018 – Multi agency meeting, in attendance Essex Police, Licensing Team, Environmental Health – Summary notes taken by officer –</p> <ul style="list-style-type: none"> • Concerns Raised by residents via complaints; ASB in Market Street linked to alcohol consumption and the association with 3 pubs; Chequers, Marquis and Crown. Urination, shouting, smashed glass, criminal damage, assaults, GBH etc. • Complaints since April 2018; Essex Police have 20 complaints reported complaints, 7 after midnight; alleged anti-social behaviour, assault, stabbing, fights, drug dealing, sexual assault, GBH. • HDC licensing have received complaints from 4 households; noise, violence, intimidation, glass, drugs, urination, criminal damage. • HDC EHS have not received any engagement from householders and are unable to investigate further unless complainants are willing to allow officers to visit their homes. • Cllrs have received complaints from residents <p>Measures/actions discussed; Review. This is conditional on;</p> <ul style="list-style-type: none"> • Application from an interested party or, • Application by a responsible authority • Not frivolous or vexatious • Evidence based <p>Police will keep this option under consideration and call for a review if evidence</p>

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				<p>is assessed as being sufficient.</p> <p>EMRO – early morning restriction order</p> <ul style="list-style-type: none"> • Licensing led intervention • Ban on alcohol after midnight • Evidence based • Requires Committee approval • Could be achieved fairly quickly • Additional visits to pubs and area • Consideration of further enforcement of licence conditions <p>Dispersal order</p> <ul style="list-style-type: none"> • Police led intervention • Not likely to be used frequently • Allows persons to be excluded from an area – moved on • 48 hour max <p>Engagement with licence holders</p> <ul style="list-style-type: none"> • Police and licensing led intervention • Reopen discussions with licence holders • Provision of advice on their responsibilities • Point out what may happen should problems not be addressed <p>Enforcement and presence in the area</p> <ul style="list-style-type: none"> • Police and Licensing led interventions • Additional patrols • Camera surveillance • Note of licence breaches and feed back to licensing <p>Noise nuisance</p> <ul style="list-style-type: none"> • EHS to redouble efforts to engage with residents • Undertake enforcement where evidence becomes available <p>CCTV</p> <ul style="list-style-type: none"> • Community Safety intervention • There is a system in Old Harlow but this does not cover Market Street • Current system in need of upgrade • At least 6 months to implement <p>Anti-social Behaviour Act 2014 interventions</p> <ul style="list-style-type: none"> • Community Safety led intervention • May include Community Protection Order

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				<ul style="list-style-type: none"> • Can result in premises closure <p>Further actions Police and Licensing to visit premises 29th November Licensing to undertake additional inspections/visits.</p> <p>17.12.2018 Meeting with licensed trade representatives from Market Street, Old Harlow - regarding reported problems in the vicinity of Market Street, Old Harlow Present, Essex Police, Harlow Council -Community Safety Team Manager, Licensing Team, HDC Principal EHO, The Chequers PH Bradley Reeve, The Crown PH - BDM Greene King, Marquis Lounge - No attendance</p> <p>Summary Notes - Measures/actions discussed;</p> <p>Essex Police</p> <ul style="list-style-type: none"> • Brief outline of earlier anti-social behaviour in Market Street which had led to heightened resident concerns • Calls to Police appear to have escalated since April 2018 • Police have recently had a high profile presence in Market Street but this can only be sustained in the short term • Police and Council wish to work with the licensed trade to identify measures to reduce tensions and lessen the likelihood of further problems. • Noted that most of the problems occurred on Friday, Saturday and Sunday evenings • All 3 pubic houses close at different times. The Marquis closes first followed by The Crown and The Chequers • Police favour staggered closing to aid dispersal • Residents have raised concerns about drug dealing in the area • Earlier reported violence remains under investigation <p>Licensing</p> <ul style="list-style-type: none"> • The Council had received complaints from 4 households during 2018 mainly regarding concerns about anti-social behaviour in the street • In April, many residents had indicated that they would keep diaries and make these available towards the end of the summer • One diary had been received to date.

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				<p>Bradley Reeve – The Chequers</p> <ul style="list-style-type: none"> • Noted that flats were built after the PH. • Many locals drink in the pub • Residents in Oakwood Mews don't generally complain • The Chequers does not have any substantial problems inside the premises • Chequers do not allow glass to be taken outside • Close-by residents have BR's mobile number. Action - BR will speak with residents further down the street • They work well with The Crown and have a different clientele • Intend to update their current CCTV next year • Consider they have good procedures in place and dependable door staff • Following a recent fracas, their CCTV was inspected and no problems inside the premises were reported. <p>The Crown BDM</p> <ul style="list-style-type: none"> • The Crown does not contribute to the problems • They have music which could possibly give rise to complaints • They have a public right of way at the front and rear • They manage the premises correctly • GK are happy to work to find a solution • Asked that note of the meeting be made available
25	06.08.2019	Local resident	<p>Noise nuisance reported from Chequers Pub - Increasing noise, nuisance and lack of regard to the licensing conditions, seeing that the Council have taken pro-active action other premises where a noise abatement notice has been served. I am hoping that the portfolio holder has a commitment to residents to deal with noise nuisance and at long last we may get some help.</p> <p>On Thursday, Friday and Saturday last week, large numbers of people were still in the Chequers garden after 1.00am, the landlord</p>	<p>16.08.2018 – Customer adviser sent notice that the Officer the resident contacted is longer an employee.</p> <p>16.08.2019 – Officer email sent to resident to ack of initial email sent on the 06.08.2019. Confirmation of officer to contact going forward in respect of any further complaints. Advised resident of transfer application status and confirmed current premises licence holder is Harvard Lounge Bars Ltd. Update in respect of complaints or concerns in respect of this premises; the licensing team has received no further complaints in respect of the Chequers and noise, no further communication or diaries in respect of further reported noise nuisance. Premises license compliance (conditions) – Advice in respect of the premises licence conditions requirement for licensing team to investigate and</p>

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			<p>has absolutely no respect for residents that surround the garden. The police had to attend a fight on Friday around 1.00am and as usual there was vomit, urine and glasses scattered around the area the following mornings. I understand that the pub is planning another 'Ibiza event' on August Bank Holiday weekend and you are aware from the past, as is the Cllr how much disturbance this causes. Request for info from the Licensing Team</p>	<p>take any enforcement action required, in accordance with the Council's Enforcement Policy and in conjunction with our powers under the Licensing Act 2003.</p> <p>17.08.2019 – FOI request received from resident to provide information. All correspondence between Harlow Council and Essex Police regarding the public houses and ASB in Market Street between April 2017 to date.</p> <p>Minutes from meetings held between officers from Harlow Council and/or its elected Members and residents of Old Harlow to discuss the three public houses in Market St from April 2017 to date.</p> <p>Copies of any complaints relating to the public houses/ASB in Market Street from April 2017 to date (names and addresses of complainants can be redacted).</p> <p>Copies of internal emails between Council departments discussing issues relating to the public houses /ASB in Market Street from April 2017 to date.</p> <p>Copies of all emails to and from Council depts from Robert Halfon MP relating to public houses/ASB in Market Street from April 2017 to date.</p> <p>Copies of the specific license relating to the Chequers Pub confirming hours in which outdoor entertainment is permitted.</p> <p>All correspondence to members of the public advising them that they have been placed on an out of hours list and the corresponding paperwork to your Out of Hours provider confirming this as when residents tried to access this support we were advised the provider had not been informed of this.</p> <p>22.08.2019 – Approval given to resident to use Noise App 24.08.2019 – resident sent via noise app: 24.8.19 - 23.43 - Loud voices 25.08.2019 – resident sent via noise app: 25.8.19 - 4.36 - Loud music 25.08.2019 – resident sent via noise app; 25.8.19 - 18.43 - loud music & voices 25.08.2019 – resident sent via noise app; 25.8.19 - 21.01- unable to specify noise</p>

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				<p>25.08.2019 - sent via noise app; 25.8.19 - 23.00 Music and voices</p> <p>28.08.2019 - Noiseapp recordings from resident deemed loud enough for EH to send warning letter to pub.</p> <p>28.08.2019 – Email received from resident – report of noise and other issues are experienced every Friday and Saturday night so would welcome a Council Officer to attend at these times. The garden of the pub generally has people in until around 1.00am at weekends and residents have to listen to the staff putting all the bottles into the bins in the early hours. Advice requested for what needs to be done to do the risk assessment for visit.</p> <p>28.08.2019 – Email sent to resident, officer advised time spent to listen to the recordings and as a result sent a written warning regarding loud amplified music and loud voices to the Proprietor of the Chequers Pub Old Harlow. Officer sent invitation to consider for out of hours service. Instructions given how to set up and request from officer for further use of the noise app.</p> <p>29.08.2019 – Officer email sent to resident for request to access for risk assessment</p> <p>02.09.2019 – Officer email to resident advised listened to recent noise app recordings and as a result an invitation was sent to undertake a risk assessment visit as per email sent on the 28/8/19 and is the same information that officer related to you on the 19/6/18. Officer advised such a visit can only take place during office hours the earliest being 7.30am. Alternatively, resident was advised a noise nuisance recorder can be installed, again during office hours. If evidence shows a statutory nuisance to be in existence then an abatement notice would be served.</p> <p>07.09.2019 – resident noise app recordings received of voices</p> <p>14.09.2019 – resident noise app recording submitted @ 22.26 hours raised voices</p> <p>15.09.2019 – resident noise recording submitted @ 00.13 hours raised voices</p> <p>16.09.2019 – resident noise recording submitted @ 22.26 hours raised voices</p> <p>02.12.2019 - Discussion with other residents to have permissions to be removed from app.</p>

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26	21.08.2019	Local resident	Nuisance Complaint in respect of The Chequers - Resident reports an understanding it is a pub, but to have people outside in the garden after 11 pm shouting, swearing, fighting is not acceptable, they are supposed to be called in at 11 pm but this never happens, and now another bank holiday festival where the music is so loud we can't even watch tv.	EH Officer sent letter 22.08.2019 to resident to provide details and advice in respect of noise app and reporting.
27	05.07.2020	Local resident	Resident reports - Chequers pub reopening with a live DJ in the pub garden. This is not allowed re: advice with the government and Covid-19.	EH Officer sent email to Covid-19 EH Officers to respond. Council staff carried out licensed premises observations and noted loud music with thumping base from the garden of The Chequers.
28	06.07.2020	Local resident	Resident reports - Patrons outside and leaving the chequers pub old Harlow pre covid and now post covid continue to scream and shout during and past opening hours. This continues down the old Harlow high street and can go on anywhere from 10pm to at least 1am.	Council sent acknowledgement to resident and investigation to Covid-19 breach open.
29	07.07.2020	Several local residents	Complaints about DJ, no social distancing - Resident reports - Last Saturday they had a live and very very loud DJ in the garden, breaking the reopening rules. The pub was packed and no social distancing due to many a customer being very drunk. We heard so much shouting and screaming as well as other antisocial behaviour. I am sure the pub advertising 2 for 1 cocktails all day wouldn't have helped. Resident warned to Council and the police that this was going to happen as it was advertised, resident received a response from Harlow Council to advise that Environmental Health will be informed.	10.07.2020 – Letter sent to Mr Bradley Reeve noted that the Council has prior to re-opening advised the premises of the new Covid regulations and provided advice. Formal warning issued and request to cease activities not permitted by Environment and Licensing Manager.

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			<p>On the day of event, the live and loud music started early afternoon and didn't stop until 11pm. In that time, several hours, resident telephoned Essex police 3 times (and resident believes that other neighbours phoned) and nobody seemed to come out to stop this music or to even check on a pub that was breaking the reopening rules. Resident telephone Environmental Health to be met with a voicemail telling me that they were not answering calls due to Covid, leaving us residents again with no support.</p> <p>Residents reports a problem due to nobody responding, to the best of their knowledge, no one has come out to ensure the pub is running within the rules, they are advertising on their social media that they will be having a live DJ every Friday and every Saturday in the garden, starting this weekend. As you must realise this isn't even remotely the quiet ambient music that is part of the rules.</p> <p>Resident is frustrated that while so many of us people have sacrificed so much during this time to ensure the safety of all that a landlord is allowed to do whatever he likes. I think that it's quite frankly, appalling that the police, the council or Environmental Health are not playing their part in keeping us, customers, staff safe, even when it's very important to do so. Please, can someone please look into this? Nobody is responding to residents' concerns, a pattern that has happened over several years.</p>	

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
30	20.07.2020	Local resident	Chequers pub... non-stop noise, cars & music all week, but mainly at the weekend..... so many people, social distancing guidelines are impossible!!	15.09.2020 – Letter sent to resident and request for recordings to be logged via diary sheets Covid-19 breach investigation open and ongoing.
31	11.08.2020	Local resident	<p>It's with desperation that I am writing again, despite previously being told that there is no problem observed by your department, regarding the Chequers pub when it opened. Nor any powers to do anything about it.</p> <p>The pub is clearly ignoring any social distancing rules or trying to keep shouting down. The pub seems to be packed full, especially in the garden and there is so much shouting that I can hear it from my house. It seems nothing has changed, despite being in the midst of a pandemic and the pub is still run like a nightclub, encouraging as many people in and letting people get so drunk they fight and can barely stand up. It's only been a month and there have been 3 fights already, it's crazy.</p> <p>Also, because of the covid, the pub garden is full until closing time, gone midnight, with no regard for residents around and people are not leaving the area in a quick manner. Last Saturday, we had people outside our homes until past 2am, then cars/motorbikes roaring back and forth at 3am. It s just crazy living here and while I know that it s an opportunity for residents to review the license, I do not think that this is acceptable to leave this responsibility to residents considering the</p>	<p>11.08.2020 –Acknowledgement email sent to resident and request for resident to download noise app.</p> <p>14.08.2020 - CPN Warning letter sent to Mr Reeve in respect of recent activity and Covid-19 breaches</p> <p>15.08.2020 - Officer out of hours visit to premises – approx. 22:10 and officer witnessed the premises heaving with people. A number of people lining the front of the premises and could see a heavy crowd of people to the side opening. From the rear of the premise they could hear very loud voices, not one voice in particular but the sound of many voice mixed together. There was very low level music that could barely hear above the people. From the private car park at Oakwood Mews a noise app recording was taken that should give the noise of a large gathering of loud people. In officers opinion there was no social distancing in the rear garden.</p> <p>16.08.2020 - Officer out of hours visit to premises conducted - approx. 12.50pm. Premises completely empty, no one in the bar area, down the side or in the rear garden. Officer witnessed no one enter or leave the premises. Officer unable to hear or smell anything from the Garden in respect of smoke nuisance. It was dry when I arrived & left.</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>strange times we are currently living in.</p> <p>The general view here, while bumping into neighbours is disbelief. Disbelief that the landlords don't care about their punters, don't seem to care about their neighbourhood.</p>	
32	19.08.2020	Local resident	<p>Chequers Pub Old Harlow - Large gathering of people in pub garden backing in between private houses, people shouting, screaming swearing all night into early hours of morning, I cannot have my patio doors open as it is so loud, every weekend have problems sleeping due to the noise level carrying on well after midnight. Fights and glass breakage all the time with the last 2 weeks police and ambulance being involved. Last weekend I had smashed beer bottles all over my patio, throw over from the pub.</p>	<p>Ack email sent to resident, Covid-19 breach investigation open</p> <p>14.08.2020 - CPN Warning letter sent to Mr Reeve in respect of recent activity and Covid-19 breaches.</p> <p>18.08.2020 – Officer telephoned Mr Bradley Reeve of the Chequers PH Harlow. Officer provided advice and confirmed that an Officer from EH had witnessed non-compliance with the CPN warning on Saturday evening. Mr Reeve confirmed that he received the email from Mr Pitt with the attached CPN warning on Friday evening about 8pm but read it the following Saturday morning. Officer arranged a visit to the Chequers 19.08.2020 at 4pm with a colleague to discuss with Mr Reeve & offer advice on complying with the CPN warning. Officer made Mr Reeve aware that the Council would be following up on the warning this coming weekend both on the Friday & Saturday evenings.</p> <p>20.08.2020 – Officer emailed Mr Reeve following site visit with another on the 19.08.2020 acknowledgment and record made in respect of the site visit with reference to Covid-19 guidance and attention to premise licence conditions discussed during visit. Noted that CPN expires 21.08.2020.</p> <p>20.08.2020 – Email from Mr Reeve received giving details of measure the premises has in place;</p> <ul style="list-style-type: none"> • A wall mounted temperature scanner has been ordered delivery due 3/9/20 • We are asking customers to leave our premises quickly and quietly in an orderly manner and not to congregate in groups outside the premises • We have increased our door security to 3 people to monitor activity inside and outside

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<ul style="list-style-type: none"> Our aim is to create a friendly and safe environment for local residents and visiting customers. <p>21.08.2020 – Officer Ack Mr Reeve email and further detailed advice given.</p> <p>21.08.2020 – Email to resident to advise of investigation.</p> <p>22.08.2020 – Email to Mr Reeve following site visit, noted no RA was available for inspection. FB not aware of a RA. Highlighted RA advice give on the 14.08,</p> <p>22.08.2020 – Mr Reeve email received, advised he had been away from the premises. Mr Reeve advised that advice taken on board and will be implementing new suggested points upon return to the premises.</p>
33	22.08.2020	Local resident	Resident advised another bad night with screaming, shouting, and no social distancing, making it another difficult night sleeping, he has no respect for any of his neighbours.	22.08.2020 - Email ack sent to resident.
34	23.08.2020	Local resident	Resident reported another bad night with shouting and screaming, and I could see again people standing in the far corner, something was kicking of at about 11.45, and I heard sirens, but not sure if they were going to pub.	Ack email sent to resident, Covid-19 breach investigation open
35	23.08.2020	Local resident	Resident reporting noise - recordings sent of noise and fight from previous Wednesday, details given. Fight was at 11.30pm and on Wednesday night it was 7.00pm. Police called - when bottles started being broken as was genuinely fearful someone would be seriously hurt.	<p>23.08.2020 – Email ack sent to resident and request for details in respect of recordings (confirm what times and location)</p> <p>Officer advised of site visit planned for 23.08.20.</p> <p>Officer visited 23.08.20 – Officer notes – Officer spoke to FBO who said he was in control of the restaurant. Not yet registered. He advised he was covering & helping Mr Reeve in his absence to look after the bar. FBO advised Mr Reeve is still away. Advised of the importance of Mr Reeve completing the RA as we had not received this yet & the required date for complying with CPN</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
				<p>warning was Friday night. Officer informed FBO that an email was sent to Mr Reeve again last night following visit yesterday & had no reply.</p> <p>Officer discussed their booking system both on line & those who turn up on the night. Notebook was available with names & mobile numbers. Advice given on how this could be improved to include, No of persons in each booking/times of arrival /length of time of booking & where possible when persons left, also the use of a clicker may help in keeping track of numbers.</p> <p>FBO advised he stopped persons coming into the premises after 9.50pm as all tables were booked then, about 129 persons on the premises.</p> <p>There was a table of 5 young lads who RBO said were drunk, they kept making noise all evening & did not stop when approached by staff.</p> <p>FBO advised that they left the premises before the fight started @ 11.30pm to the front of the pub.</p> <p>23.08.2020 – Mr Reeve email with attached completed risk assessment as per request.</p> <p>24.08.2020 - Enquires made with Essex Police. Essex Police confirm - three calls regarding a large fight at the Chequers, 20+ people fighting reported by door staff at around 23:30. Police attendance at 22:30 and advice given to Door staff.</p> <p>24.08.2020 – Email sent to Mr Reeve – acknowledgement of RA and request to confirm capacity indoors and outdoors.</p> <p>26.08.2020 – Multiagency meeting arranged to review complaints at The Chequers and Covi-19 breaches</p> <p>28.08.2020 – Essex Police update of premises visit 28.08 at 22:20 notes - spoke to land lord, approx 70 customers quite nicely distributed throughout social distancing as best they can. One way in and out being used, book for check and trace being completed, couldn't see any issues</p>
36	29.08.2020	Local resident	Resident request update in respect of investigation and advised the pub is advertising that it will be having music on this weekend, resident concerned.	<p>Ack email sent to resident, Covid-19 breach investigation open.</p> <p>29.08.2020 - Officer advised - Police Officers visited the premises last night @ approximately 10.20pm. Council have been informed that there were no issues at the time of this visit. Officer also been briefed this morning that there were</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>29.08.2020 – Further email from resident - last night was fine, but it was pouring with rain. Q asked - can you please confirm if the playing of music is now allowed as I understood that it wasn't and have not seen any changes to the statutory instrument.</p>	<p>no reported Police incidents last night in Harlow. Request for details of experienced any problems last night. Advised Police/HDC Licensing, Environmental Health & Community Safety teams are working together to resolve this & other issues in Harlow.</p> <p>29.08.2020 – Officer advised from the Police report that there were about 70 persons inside & outside the premises last night @ 10.20pm as Social Distancing has to be maintained. Advice given in respect of music.</p>
37	30.08.2020	Local resident	<p>Resident sent recordings of notice and advised Police called.</p> <p>Resident is of the understanding CPN issued and expressed disappointment that Council, Council's licensing team and Police have let residents down. Reports neighbours have constantly told you all that this pub is a trouble pub, noise, drugs and so many fights.</p> <p>Reports of music played from the Chequers pub garden can be heard in resident's garden/kitchen. It started off a bit lower, but is being cranked up and advised that they have to either shut kitchen door/windows or put on my own radio to block it out.</p> <p>31.08.2020- Residents update - downloaded the noise app a couple of years ago and sent some recordings, heard nothing. When the Chequers did their bank holiday DJ event, I tried to use it again to find I could no longer. I'd been taken off the list without warning when I needed it the most.</p> <p>Reported neighbours did diaries, handed in by resident to the council building and they were 'lost'. The moral of the neighbours hit</p>	Ack email sent to resident, Covid-19 breach investigation open and advice given re Noise App.

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>rock bottom then and advise nobody wanted to go through that again.</p> <p>Expressed it is very hard to get neighbours to change their minds now to sort out things because of two reasons, no support from the council so there is apathy, and the second is because people have to be named to the pub when the pub. Reports of threatening behaviour from the landlord when approached previously and puts people off going forward. The fact that neighbours don't do these things doesn't mean they find the pub acceptable, far from it.</p> <p>Resident expressed Harlow council doesn't seem to want to do anything in respect of these premises. Sympathy with council cuts, and expressed it is frustrating that the council still receives so many complaints and nothing is ever initiated by the council themselves.</p>	
38	30.08.2020	Local resident	<p>Reports there is a rave going on in the pub garden, loud Music , shouting and screaming, Cars abandoned all over Market Street. We Thought there was an epidemic and this is extremely dangerous at these times. All the neighbours can't believe it.</p> <p>Resident confirms - definitely not back ground music, it's 6.45 and the shouting had already started as well, once more our night will again be hell. This place is advertised as Essex Hottest Venue, a pub in the middle of a residential area.</p>	<p>Ack email sent to resident, Covid-19 breach investigation open.</p> <p>30.08.2020 - Officer request for info from Essex Police Chequers overnight 29th /30th August. Police confirm there have been no reports to Essex Police .</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			31.08.2020 – Resident advised this situation has gone on for years and we are all tired of no action being taken, like other residents I was asked to keep diaries and use the noise app, which I did, but nothing changed.	
39	02.09.2020	Local resident	<p>Resident report to Council departments in Respect of planning matter- concerned that the chequers pub are currently building a very large marquee in their garden without planning permission.</p> <p>04.09.2020 – Report of loud music being played at The Chequers, video sent in.</p> <p>08.09.2020 – Resident reports, under the marquee in the tent, they have ashtrays in the photos published online. It is clear that people are allowed to smoke in the new structure.</p> <p>09.09.2020 – Resident reports after 5 hours of live music since 3pm, we are now being subjected to the pub customers singing in the garden, it is hard to see how encouraging all the people in the pub to sing 'Sweet Caroline' and similar tunes, comply in any way. The country is on the verge of a second wave of the pandemic and this complete disregard to the safety of others is disgraceful.</p> <p>09.09.2020 - I can't even sit in my house with doors closed I can still hear the music</p> <p>12.09.2020 – Resident report to customer service of noise complaint from Chequers Pub Old Harlow with live music in garden,</p>	<p>Ack email sent to resident, Covid-19 breach investigation open.</p> <p>02.09.2020 – Officer observation from out of hours notes on 04.09.2020</p> <ul style="list-style-type: none"> • Track and Trace details taken on arrival and no tables available. • No PPE worn by staff • No screening between the tables. • No Table service in outside seating area • No social distancing barring the table layout, multiple bubbles mixing throughout which staff seemed to ignore. • The bar was as if covid never happened, at least 4 customers waiting to be served and then 4 or 5 staff members behind the bar despite it being quite small. • No one-way system to the bar but not from the bar. We had to cross over in the same walkway with people going in and out to get drinks. • There wasn't dancing or singing as such but lots of shouting/ loud conversations. Half of the customers were at their tables whilst the other half were floating about mixing with other people. • Capacity inside and outside were fine. • At least 5 customers and a staff member smoking inside entrance and a few more drinkers grouped around the smokers. • Some customers drunk and loud; music was a reasonable volume. • Lots of people not adhering to social distancing when greeting and interacting e.g. hugging, kissing. • General chit chat audible from outside but nothing unreasonable. • Advertised live music taking place on the premises on Sundays, this is advertised near the side entrance. • The toilet signage no more than two people in the toilets at any one time. This was not respected by the customers. • Hand sanitizer was available by the entrance.

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>audible from inside my bedroom at 10pm with my window closed.</p> <p>12.09.2020 Trying to sleep, I have 10 hours at work tomorrow, there is definitely a very large gathering in the marquee and you can see shadows of people standing and moving about, you don't make that much noise in groups around a table, and the music definitely wasn't background, as I could hear it, especially the base.</p> <p>12.09.2020 – resident reports, it's 20.13 on Saturday and the music once again is blaring out of the Chequers, people already shouting and singing, and we have video proof of this. This is a respectable neighbourhood which is tarnished and brought down dramatically by this pub, our lives are hell at the weekend, residents complaining about the racket and anti-social behaviour from this pub, but no one will intervene and get it sorted, this is turning quickly into a nightclub, with drugs also included and dealings going on in the street, I cannot understand as local councillors how you can allow this to happen in your area, has someone got to be killed before action is taken, we have fights every weekend with police being called, but you demand we the residents put our self at risk.</p> <p>15.09.2020 – resident report, ack of letter received from Council, noted Council worker witnessed this but requested to keep a noise reference log.</p>	<p>06.09.2020 – Officer email to Essex Police to advise of complaints Noise level from last night - First report approx 10 ish trying to sleep and Second report at 11.45 woke resident up with a big argument.</p> <p>06.09.2020 – Officer emailed resident with ack of incident log</p> <p>07.09.2020 – Essex Police Advise - initial call was a report of a fight that could be heard in the garden of the pub. Police attend and speak with a female who disclosed a verbal argument with another girl, later the victim was identified and assault was recorded - she alleged she was punched. Initial call was made at 19:20 – Police Licensing Officer reported, Police called to a fight in the beer garden, 2 x females had an altercation resulting in the suspect punching the victim in the face. Suspect ejected by door staff and the victim refused details.</p> <p>10.09.2020 – Officer site visit 09.09.2020 @ 5.45 and 6.10pm Summary officer notes - Entered the premises & spoke with Mr Reeve.</p> <p>At the time of this unannounced visit, a wedding party of 30 persons including children was taking place. Almost everyone was seated at tables which were in compliance with Guidance/Regs published previous day. 1 Live singer elevated on a stage with distance between the tables, which were set out underneath the structure in the garden; No smoking underneath the structure, however 2 men smoking to the side of the premises to the front of pub by the gate; No masks worn by any of the patrons or by members of staff; No dance floor or was dancing taking place. In terms of the premises licence no breaches witnessed during this visit. Mr Reeve confirmed CCTV was in place and working however Mr Reeve advised this did not cover the entire Garden at this stage and currently being held for 7 days. Mr Reeve confirmed door staff are keeping an incident log book and advised they haven't had many incidents at the premises to record. Officer advice given and outlined any music provided should be at low level. Officer referred to our colleagues in Essex with my observations. Key concern on this visit was the musician. Mr Reeve advised that he would stop singing/playing by 8pm, understand this did not happen.</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>19.09.2020 – resident report, now 11.10pm, and noise audible. I have called the police. The 'tent' is packed, the music is still at an unbearable level, people shouting and singing- it's clear there is no social distancing, and yet nothing can be done. I've called the Council out of hours.</p>	<p>09.09.2020 - Further officers visited Oakwood mews car park at about 7pm on & could clearly hear the musician from the rear garden.</p> <p>11.09.2020 – Essex Police advise of site visit planned for 15.09.2020 at 9am with Harlow Council Licensing and Mr Reeve</p> <p>12.09.2020 – Out of hour's officer patrols Old Harlow, summary notes - The Chequers - Visit - Very loud pumping base music and flashing light show in the 'marquee' type structure. NoiseApp recordings taken are attached; 21:56 was taken in Oakwood Mews car park, Recording 22:32 was taken from the other side of the garden where people could clearly be heard singing along, the music stopped at 23:16. Following patrols from the crown we went back to Oakwood Mew's car park, loud voices could be heard from within the marquee (recording 23:30) there was no attempt to clear the garden and marquee. Officer informed the doorman that the garden should be cleared by 23:20 and asked to speak to Bradley Reeve. A very large group of people were then removed from the garden (including marquee) and outpoured to the front of the pub, many with glassed and we heard one glass smash, no show from Mr Reeve.</p> <p>16.09.2020 – EH officers update Essex County Council/Public Health England of Covid-19 breach investigation.</p> <p>17.09.2020 – Essex County Council issue Direction Order, copy sent by email to Mr Reeve</p> <p>18.09.2020 – Council Officer advised resident by email of Direction Order Issued</p>
	17.09.2020	Local resident	<p>Resident submitted complaint and advised they live nearby to the chequers and have had many years blighted by anti-social behaviour, noise and nuisance, in common with many residents in the locality. At various times we have been assured that the matters are either being dealt with or the Council has apportioned the lack of action to other</p>	<p>Ack email sent to resident, Covid-19 breach investigation open.</p>

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			<p>agencies such as the Police or Essex County Council. However, the situation has got much worse recently residents have needed to involve officers from Environmental Health, and an elected member, we understand that the pub was issued with a Community Protection Order. Unfortunately this has had little effect and the noise and ASB has continued but with the added issue of disregard to the Covid provisions. The pub has not been compliant with social distancing, and has flouted the regulations on music. Only this weekend have we provided evidence of these issues Environmental Health. I appreciate that the Council needs to go through the correct processes before any action can be taken but the situation is unbearable. Today, the landlord has erected huge scaffolding which I understand is to be used to increase the capacity of the public. Unfortunately, I need to request that this is dealt with as a formal complaint.</p>	
40	18.09.2020	Local resident	<p>Customer Service advises of resident contact and they wish to report they live in Old Harlow. Wanted to say "Thank you" as there seems to be an improvement in the Chequers when its open in regard to noise.</p>	19.09.2020 – Essex Police report of Covid 19 Breach
41	19.09.2020	Local resident	<p>Resident reports, music may not be as loud as last week but the customers are still shouting and singing the landlord clearly thinks he is untouchable. I have made a COVID report to the police tonight under the reference no below: With regards to the</p>	Ack email sent to resident, Covid-19 breach investigation open.

No.	Date Received	Complainant From	Details Logged	Enforcement Action Taken
			Chequers, the music may not be loud, but people are still shouting at each other and the Noise level is just as loud as other weekends, so I'm pretty certain there is no social distancing going on.	
42	22.09.2020	Local resident	Noise diaries received from resident.	Ack email sent to resident, Covid-19 breach investigation open.
43	06.10.2020	Local resident	Resident report, The Chequers at 21.32 was pouring outside, the noise level which has increased vastly from the previous 2 weeks, they think indicates that there were a fair more people then allowed in the marquee, and also note the shadows of people, very few were sitting. It was also pouring with rain, so no one was in the garden.	Ack email sent to resident, Covid-19 breach investigation open.
44	06.10.2020	Planning	In respect of outside structure, Planning advised The Chequers. Mr Reeve has been in contact and informed that he has the support of some residents for this. Referred to Planning Inspector.	Ack email sent to resident, Covid-19 breach investigation open.
45	09.10.2020	Local resident	Reports, people were not seated in the Marquee, and that they also reported it to Essex Police at the weekend. We knew after a few weeks that this would happen, and action really needs to be taken.	<p>11.09.2020 – Council Officer updated resident by email</p> <p>22.10.2020 – Essex County Email to EH Officers in respect of reviewing the direction for Chequers. Request made for update.</p> <p>22.10.2020 – Council Officer advise Essex County Council in respect of reviewing the direction for Chequers. Mr Reeve has not yet contacted us with an attempt to discuss how he could alter his business to comply with the COVID regulations. Request for direction to remain in place.</p> <p>23.10.2020 – Essex County Council acknowledges and confirms the Direction will be kept under review.</p>

Harlow Council Statement of Licensing Policy

Made under Section 5 of the
Licensing Act 2003

Published 8th February 2019

To be reviewed by 7 February 2024

Should you require further information please contact the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG.
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HARLOW COUNCIL LICENSING POLICY

1.0 INTRODUCTION

Introduction

- 1.1 Harlow Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District of Harlow in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Since it initially came into effect, the Licensing Act 2003 has been subject to a number of amendments. All references to the Licensing Act 2003 contained within this policy relate to the Licensing Act 2003 (as amended).
- 1.2 When assessing applications, the Council must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. **Bold type** refers to matters that the Council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Council is seeking to achieve, the factors that influence the achievement of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.3 This policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, educational establishments and community centres, as well as shops and off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

The Licensing Objectives

- 1.4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the four licensing objectives. These are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children From Harm

These are the only four matters to which the Local Authority can have regard

- 1.5 **Applicants will have to set out details within their operating schedule measures which are of the right kind and go far enough to meet each of the four licensing objectives. Applicants will need to provide evidence that these measures will be put in place and maintained. The applicant will in the same way also have to set out support with evidence any**

measures needed to deal with any special event or promotion, which is likely to attract more customers than usual.

Statement of Licensing Policy

- 1.6 The 2003 Act further requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.7 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It was originally drafted in partnership with the Essex Joint Licensing Officers' Forum and the Harlow Crime and Disorder Reduction Partnership (Safer Harlow Partnership) and is underpinned by partnership work with the Essex Joint Licensing Officers' Forum and the Harlow Crime and Disorder Reduction Partnership (Safer Harlow Partnership). These partnerships provide links to the Essex Chief Executives' Association's Crime and Disorder Steering Group, who will maintain a strategic overview of issues associated with permissions issued under the Licensing Act 2003.
- 1.8 This Policy Statement takes effect on 8th February 2019 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to February 2024.
- 1.9 From time to time the Government may update the Regulations and Guidance made under the Licensing Act 2003. Interim review of this policy may be necessary as a result of such changes.
- 1.10 Supplementary information contained in the appendices is available to support this Policy Statement. It is intended that this will provide local information which may be helpful to applicants. It should not be interpreted as legal advice.

Consultation

- 1.11 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.12 In developing this Policy Statement, the Council consulted with statutory consultees (Responsible Authorities), existing licence holders, businesses, voluntary groups, residents and relevant Harlow Council Services.

Links to other Strategies

- 1.13 In preparing this statement of licensing policy, the Council has consulted with and has considered the responses of those involved in its local strategies on crime prevention, planning, public transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these

policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.

- 1.14 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be apprised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.15 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 1.16 The Council recognises its responsibilities under the Equality Act 2010. The impact of this policy on equality issues will be kept under review and the policy amended where appropriate.
- 1.17 Having regard to the Council's Health and Wellbeing Strategy, a diverse provision of cultural activities is welcomed for the benefit of communities. The Council will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. where these remain licensable activities, to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Council will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from the Council's Arts Development Officer.

Applications

- 1.18 When considering applications etc. the Council will have regard to:
- The Licensing Act 2003 and the licensing objectives,
 - Government guidance issued under Section 182 of the Licensing Act 2003,
 - Any supporting regulations
 - This statement of licensing policy
- 1.19 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.
- 1.20 When the Council 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. **However, applications for**

premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)

- 1.21 When one part of the Council seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example by local residents or the police the committee will consider them impartially and objectively.
- 1.22 In all cases, applicants and those making representation in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.
- 1.23 Appendix E provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures.

Representations

- 1.24 Essex Police, Essex County Fire and Rescue Service, Essex Trading Standards, the Enforcing Authority for Health and Safety purposes, the local Planning Authority, the Environmental Health Housing and Pollution Section, the Licensing Authority as a Responsible Authority in its own right, the local health body, and the Essex County Council Child Protection are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 1.25 Any person or their representatives are 'interested persons' and may raise relevant representations. A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.
- 1.26 It is only when well founded relevant representations are received, that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose additional conditions to any which may already be included in the operating schedule, with a view to promoting the objectives.
- 1.27 Where no representations are received, the application will be granted on the terms sought by the applicant where the application is made in accordance with the Act.

Conditions

- 1.28 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 Council will make objective judgements as to whether it should attach conditions to a licence 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. The conditions will cover matters that are within the control of individual licensees.
- 1.29 Licensing powers cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be used, where appropriate, to tackle any unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence. These include:
- Planning controls
 - Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
 - The provision of CCTV surveillance in town centres, sufficient taxi ranks, street cleaning and litter patrols
 - Powers of local authorities to put in place 'public space protection orders' to control undesirable activities or activities that cause anti-social behaviour including drinking in the street
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - The confiscation of alcohol from children and adults in protected areas
 - Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
 - The power of the police, other responsible authorities or other interested party to seek a review of the licence or certificate in question
 - Hackney carriage and private hire licensing arrangements
 - The effective licensing of tables and chairs (facilities) outside of licensed premises
- 1.30 If an applicant for a licence volunteers a prohibition or restriction in their operating schedule because it has been identified as being necessary as a result of their own risk assessment, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable.
- 1.31 All applications will be considered on an individual basis. In order to avoid the imposition of disproportionate or burdensome conditions, any conditions

attached to a licence will be tailored to the individual 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.

Delegation of Functions

- 1.32 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation so that decisions are made quickly and efficiently. A table setting out how the licensing authority intends to approach its various functions is attached at Appendix A. The Licensing Committee will receive regular reports regarding licences determined by Officers under delegated powers, in order to maintain a general overview.

The Need for Licensed Premises

- 1.33 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub, off licence, restaurant or hotel etc. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Cumulative Impact of a Concentration of Licensed Premises

- 1.34 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. This is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 1.35 The Council acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure, which may not be attributable to any individual premises.
- 1.36 The Council will only adopt a special policy on cumulative impact if there is evidence that such a policy is necessary to prevent unacceptable anti-social behaviour and crime impacts.
- 1.37** The licensing team will have regard to current and emerging evidence when making an assessment as to whether it will recommend to the Licensing Committee that a cumulative impact assessment should be made in relation to a particular area. The assessment will be based on the promotion of the licensing objectives.
- 1.38 The cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, would lead to an unacceptable

saturation in an area. The onus will be on the person or body making the representation to provide suitable evidence to warrant a consideration of whether cumulative impact exists.

Late Night Levy

- 1.39 The Licensing Authority has at its disposal, the power to implement a Late Night levy. This power has been available since October 2012.
- 1.40 The Levy is a means of raising funds from businesses which are licensed to open after midnight in order to help police the negative impact of the late night economy. The money raised by the Levy is shared with the Police on a 70%/30% split after Local Authority costs have been deducted.
- 1.41 The Local Authority's 30% share must be spent on managing the effects of the night time economy.
- 1.42 The Late Night Levy is a discretionary power and can be implemented by the Licensing Committee should it be deemed appropriate to do so.
- 1.43 The Levy covers the whole district and affects all businesses which hold a licence to open during the hours adopted by the Levy irrespective of whether the business chooses to open during those hours or not.
- 1.44 In making such a decision, the Licensing Committee will take into account evidence from any of the Responsible Authorities about negative impact of the night time economy and consult with affected businesses as well as publishing its intention to implement a Levy for general public perusal and comment.

Early Morning Alcohol Restriction Order

- 1.45 Licensing Authority's may implement an Early Morning Alcohol Restriction Order (EMRO) if it so chooses.
- 1.46 An EMRO allows the Licensing Authority to require businesses to stop serving alcohol between the hours specified by the Order.
- 1.47 The EMRO can apply to part of the district as opposed the Late Night Levy which must apply to the whole district.
- 1.48 The Licensing Authority must be satisfied that there is enough evidence of a negative impact of the night time economy in the area to which the EMRO will apply.
- 1.49 Before applying the EMRO, the Licensing Authority will consult with Responsible Authorities, local businesses, particularly those to be affected by the Order and publish its intention to implement an Order for general public perusal and comment.

Advice and Guidance

- 1.50 Harlow Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders.
- 1.51 Pre-application discussions with Harlow Council, Essex Police and other responsible authorities will be encouraged to assist applicants to develop their operating schedule. Essex Police have developed a suite of 'model conditions' which may be used or be modified for use by applicants or licence holders when framing their operating schedule.
- 1.52 The licensing team will, where resources permit, liaise with applicants and interested parties who may intend to make representations to achieve a satisfactory outcome for all involved prior to submission of a formal licence application. Where an applicant considers that liaison may be beneficial, we recommend the applicant discusses their proposal with the licensing team and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 1.53 Appendices C and D provide details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises/event.

Reviews

- 1.54 Where appropriate any Responsible Authority will likely give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.55 Responsible authorities or other interested persons may trigger a review of a premises licence. The application for review must be supported with evidence.
- 1.56 No more than one review from an interested person will be normally permitted within a 12-month period on similar grounds except in exceptional and compelling circumstances. Each application will be considered on its own merits.

Enforcement

- 1.57 The Council recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. Progressive and proportionate action will be taken against those who commit offences or consistently break the law. The Council has set clear standards of service and

performance that the public and businesses can expect. In particular, it has adopted a Licensing Enforcement Policy that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be followed. This policy is freely available from the Licensing Department and can also be viewed on the Council's website: www.harlow.gov.uk

1.58 The Enforcement Policy is based on the principles that businesses should:

- Receive clear assistance from the licensing team on the action they are required to take and the timescale
- Be given, where appropriate, opportunity to resolve differences before enforcement action is taken
- Receive an explanation of their rights of appeal

1.59 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and Essex County Council Trading Standards. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

2.0 LICENSING OBJECTIVES

2.1 The following sections set out the Council's Policy relating specifically to the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 In each section relating to the objectives, the Council has defined its intended outcome **in bold type**. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

2.3 To assist applicants, a list of possible control measures is provided. The list is not exhaustive. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule. To further assist licence holders and applicants, Essex Police have developed a comprehensive list of control measures which may be incorporated or adapted for use by the licence holder or applicant in their operating schedule.

- 2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Council cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice. It will be a useful tool in the instruction and training of staff, as well as a sound basis in the event of making an application for a variation or in response to changing circumstances/conditions at the premises.
- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned. These occasions can often attract larger audiences and/or audiences of a different nature, and this can have a significant impact on the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to *promote* the licensing objectives.**
- 2.6 The Council considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises).

The Council will expect the issue of occupancy capacity to be considered within the applicant's operating schedule and fire risk assessment.

- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:
- The nature of the premises or event
 - The nature of the licensable activities being provided
 - The provision or removal of temporary structures, such as a stage, or furniture
 - The number of staff available to supervise customers both ordinarily and in the event of an emergency
 - The age of the customers
 - The attendance by customers with disabilities, or whose first language is not English
 - Availability of suitable and sufficient sanitary accommodation
 - Nature and provision of facilities for ventilation

- 2.9 The agreed premises capacity for premises or events may not always require that permanent monitoring arrangements such as door supervisors, attendance clickers or maintenance of attendance records are required. The Council recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**
- 2.10 The licensing authority will process applications for minor variations to premises licences when satisfied that the variation will not adversely impact on the licensing objectives. The licensing authority will consult with responsible authorities whom they deem necessary to make such assessment.

3.0 PREVENTION OF CRIME AND DISORDER

- 3.1 Harlow Council is committed to further improving the quality of life for the people of the District of Harlow by continuing to reduce crime and the fear of crime.
- 3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Harlow Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Anti-Social Behaviour, Crime and Policing Act 2014 provides for additional enforcement actions and sanctions which may be used by the Council and Police to deal with crime and anti-social behaviour.
- 3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures to reduce or prevent crime and disorder on and in the vicinity of their premises have been identified and will be implemented and maintained. The measures will be relevant to the individual style and characteristics of their premises and events.

- 3.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors, which impact on crime and disorder, have been considered. These may include:
- Underage drinking
 - Drunkenness on premises
 - Public drunkenness
 - Drugs
 - Violent behaviour
 - Anti-social behaviour

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Effective and responsible management of premises
- Documented staff training
- Supervision of staff
- Number of personal licence holders present
- Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports
- Adoption of a 'Challenge 25' policy. An approved ID must be provided to prove that they are over 18 years of age.
- Provision of effective CCTV in and around premises with the retention of images for a suitable period in accordance with Home Office Best Practice Guidance.
- Design and seating layout
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations
- Prohibition on glass bottles being served to customers.

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

3.6 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Council will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder and so would expect the DPS be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of any regulated entertainment provided and the capacity of the premises.

3.7 A licence is not needed for certain temporary events but the Temporary Event Notice procedure can be used to notify the Council, Essex Police and Environmental Health Services. Certain events not needing a premises licence can, however, have serious implications on all four licence objectives. Organisers of these events are encouraged to submit their notification as

soon as reasonably practicable to enable the Police, Environmental Health Services and the Council to work with them to identify and reduce the risk to the licensing objectives.

4.0 PUBLIC SAFETY

4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures to ensure public safety have been identified and will be implemented and maintained. These will be relevant to the individual style and characteristics of their premises and events.

4.2 When addressing public safety, an applicant must demonstrate factors which impact on public safety have been considered. These may include:

- The occupancy capacity of the premises
- The age, design and layout of the premises, evacuation procedures, and fire resistance of materials and furnishings
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- Hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- Customer profile (e.g. age, disability)
- Use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- Automatic fire detection systems and emergency lighting.

4.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Employment of Security Industry Authority licensed door staff
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures

- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises may have a significant potential to adverse impact on communities due to public nuisances that arise from their operation. The Council wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Council intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Council will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated effective measures planned to prevent public nuisance are in place, may be suitable for longer opening hours.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures to prevent public nuisance have been identified and will be implemented and maintained. These will be relevant to the individual style and characteristics of their premises and events.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors, which impact on the likelihood of public nuisance, have been considered. These may include:
- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - The hours of opening, particularly between 23.00 and 07.00.
 - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - The design and layout of premises and in particular the presence of noise limiting features e.g. noise limiter, sealed thresholds, air cooling

- Provision of facilities for smokers in line with Health Act 2006
- The occupancy capacity of the premises
- The availability of local public transport including hackney carriages and private hire vehicles
- 'Wind down period' between the end of the licensable activities and closure of the premises
- Last admission time

5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter including smoking-related litter
- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

6.0 PROTECTION OF CHILDREN FROM HARM

6.1 The protection of children from harm is a high priority. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a critical consideration when determining applications.

6.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is recognised that parents and others accompanying children also have responsibilities.

- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, the unpredictability of their age and the lack of understanding of danger. Premises which are licensed as sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982 will be subject to additional regulation to protect children from harm.
- 6.4 For premises that sell or supply alcohol one of the main issues in respect of the protection of children from harm is in preventing the unauthorised access to it by underage persons.
- 6.5 The Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and, where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures to protect children from harm have been identified and will be implemented and maintained. These will be relevant to the individual style and characteristics of their premises and events.**
- 6.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises, and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.8 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed door staff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol (eg 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

6.9 **With regard to film exhibitions. The Council will expect licence and certificate holders, and those who have given notice of a temporary event within the terms of the 2003 Act, to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the Council will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

6.10 If considered appropriate, the licensing authority may require that adult supervisors be checked for suitability to work with children.

6.11 The Council will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

List of Appendices

- A. *Delegation of Powers***
- B. *Relevant Authorities: Contact Details***
- C. *Useful Addresses***
- D. *References to Best Practice Guides***
- E. *The Application Process***
- F. *Objections/Representations/Reviews and Appeals***

HARLOW COUNCIL – STATEMENT OF LICENSING POLICY

APPENDIX A – LICENSING ACT 2003 - DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Council	Subcommittee of Licensing Cttee	Environment & Licensing Manager
Final approval of five year licensing policy	All cases	Recommendation to Council	
Dealing with Policy Issues	All cases	Recommendation to Council	
Matters of Cumulative Impact	When referred by Licensing Committee	All cases except when referred to Council	
Application for personal Licence		If a police objection and not withdrawn	If no objection made or objection withdrawn
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made/representations have been withdrawn
Application for provisional statement		If a relevant representation made	If no relevant representation made/representations have been withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made/representations have been withdrawn
Application for minor variation premises licence/club premises			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the		All cases	

relevant authority considering the application			
Determination to a temporary event notice where a valid objection received and then withdrawn		If referred	All cases unless referred including application of relevant licence conditions
Determination of a police objection to a temporary event notice which an objection notice was made and not withdrawn		Standard TEN	Late TEN
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

HARLOW COUNCIL – STATEMENT OF LICENSING POLICY

APPENDIX B – RELEVANT AUTHORITIES: CONTACT DETAILS

	Organisation	Contact Address	Telephone/Fax /E:mail
1	Licensing Authority	Harlow Council Licensing Team Civic Centre The Water Gardens Harlow Essex CM20 1WG	Tel: 01279 446148 Tel: 01279 446561 Tel: 01279 446005 Fax: 01279 446639 Email: licensing@harlow.gov.uk
2	Essex Police (Responsible Authority)	The Chief Officer of Police Licensing Department (Alcohol) Essex Police Licensing Team Braintree Police Station Blyths Meadow Braintree Essex CM7 3DJ	E-Mail: licensing.applications@essex.pnn.police.uk Tel: 01245 452035 www.essex.police.uk/licensing
3	Planning Services (Responsible Authority)	Head of Planning Services Harlow Council Civic Centre The Water Gardens Harlow Essex CM20 1WG	Tel: 01279 4466595 Fax: 01279 446598
4	Children's Safeguarding Service (Responsible Authority)	Licensing Applications Head of Child Protection Children's Safeguarding Service 70 Duke Street County Hall Chelmsford, CM1 1JP	Tel: 03330139797 or 01245 430 430 Email: licenceapplications@essex.gov.uk
5	Essex County Fire and Rescue Service (Responsible Authority)	Essex Fire and Rescue Service Harlow and Epping Community Command (Licensing) Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU	Tel: 01279 420841 he.command@essex-fire.gov.uk
6	Essex Trading Standards (Responsible Authority)	Information and Business Support Team Essex Trading Standards CG32 County Hall, Market Road Chelmsford CM1 1Q	Tel: 0345 758 430 or 01245 430 430 Email: ESHbsnewdukesway@essex.gov.uk

7	Environmental Health Services (Housing and Pollution) (Responsible Authority)	Environmental Health Manager Harlow Council Housing and Pollution Section Civic Centre The Water Gardens Harlow Essex CM20 1WG	Tel: 01279 446111 Fax: 01279 446639 env.health@harlow.gov.uk
8	Environmental Health Services (Commercial Section – Health and Safety) (Responsible Authority)	Environmental Health Manager Harlow Council Commercial Section Civic Centre The Water Gardens Harlow Essex CM20 1WG	Tel: 01279 446111 Fax: 01279 446639 env.health@harlow.gov.uk
9	Health and Safety Executive (Responsible Authority)	The Health and Safety Executive Wren House Hedgerows Business Park Colchester Road Chelmsford Essex CM2 5PF	Tel: 01245 706200 Fax: 01245 706222
10	Health Authority (Responsible Authority)	Licensing Officer Public Health Team E2 County Hall Chelmsford Essex CM1 1LX	Tel: 0345 758 430 or 01245 430 430 Email: ESHbsnewdukesway@essex.gov.uk
11	Licensing Authority (Responsible Authority)	Environment and Licensing Manager Harlow Council Civic Centre The Water Gardens Harlow Essex CM20 1WG	Tel: 01279 446111 Fax: 01279 446639 licensing@harlow.gov.uk

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APPENDIX C – USEFUL ADDRESSES

Alcohol Change UK 27 Swinton Street London WC1X 9NW	Tel: 0203 9078480 Web: www.alcoholchange.org.uk Email: contact@alcoholchange.org.uk
Arts Council England Bloomsbury Street Bloomsbury London WC1B 3HF	Tel: 0845 300 6200 Email: www.artscouncil.org.uk
Association of Convenience Stores Ltd Federation House 17 Farnborough Street Farnborough GU14 8AG	Tel: 01252 515001 Email: acs@acs.org.uk Web: www.acs.org.uk
UK Hospitality 10 Bloomsbury Way London WC1A 2SL	Tel: 02074047744 Email: info@almr.org.uk Web: www.ukhospitality.org.uk Email: info@ukhospitality.org.uk
British Beer and Pub Association Ground Floor Brewers Hall Aldermanbury Square London EC2V 7HR	Tel: 020 7627 9199 Email: contact@beerandpub.com Web: www.beerandpub.com
British Board of Film Classification 3 Soho Square London W1D 3HD	Tel: 020 7440 1570 Email: helpline@bbfc.co.uk Web: www.bbfc.co.uk
British Institute of Innkeeping (BII) Infor House 1 Lakeside Road Farnborough Road Hampshire GU14 6Xp	Tel: 01276 684449 Email: enquiries@bii.org Web: www.bii.org
British Retail Consortium (BRC) 2 London Bridge London SE1 9RA	Tel: 0207 8548900 Web: www.brc.org.uk/default.asp Email: info@brc.org.uk
Campaign for Real Ale 230 Hatfield Road St Albans Herts AL1 4LW	Tel: 01727 867201 Web: cwebaccess@camra.org.uk Email: www.camra.org.uk
Civic Trust	Tel: 020 7170 4299

Winchester House 259-269 Old Marylebone Road London NW1 5RA	Web: www.civictrust.org.uk
Department for Culture, Media and Sport 2-4 Cockspur Street London SW1Y 5DH	Tel: 020 7211 6200 Web: www.culture.gov.uk
Equity Guild House Upper Martins Lane London WC2H 9EG	Tel: 020 7379 6000 Email: info@equity.org.uk Web: www.equity.org.uk
Essex Chamber of Commerce 8/9 St Peters Court Colchester Essex CO1 1WD	Tel: 01206 765277 Email: enquiries@essexchambers.co.uk Web: www.essexchambers.co.uk
Essex Racial Equality Council 12 Northlands Pavement Basildon SS13 3DU	Tel: 01268 465068 Email: Erec.Southend@btconnect.com Web: www.cre.gov.uk
Harlow & District Chamber of Commerce Civic Centre The Water Gardens Harlow CM20 1WG	Tel: 01279 271104
Independent Street Arts Network (ISAN) 54 Charlton Street London NW1 1HS	Tel: 020 7388 9767 Web: www.streetartsnetwork.org.uk
Institute of Acoustics Silbury Court 406 Silbury Boulevard Milton Keynes MK9 2AF	Tel: 03009999675 Email: ioa@ioa.org.uk Web: www.ioa.org.uk
Institute of Licensing Ridgeway Upper Milton Wells Somerset BA5 3AH	Tel: 0845 2871347 Web: www.instituteoflicensing.org
Musicians' Union MU East & South East England 1A Fentiman Road London	Tel: 020 7840 5537 Web: www.musiciansunion.org.uk

SW8 1LD	
National Federation of Retail Newsagents Yeoman House Sekforde Street London EC1R 0HF	Tel: 0800 1216376 Email: connect@nfrnonline.com Web: www.nfrn.org.uk
Security Industry Authority PO Box 74957 London E14 1UG	Tel: 0844 892 1025 web: www.the-sia.homeoffice.gov.uk
The Portman Group 4 TH Floor 20 Conduit Street London W1S 2XW	Tel: 020 7290 1460 Email: info@portmangroup.org.uk Web: www.portmangroup.org.uk
Valuation Office London House New London Road Chelmsford Essex CM2 0QL	Tel: 01245 541200 Web: www.voa.gov.uk

HARLOW COUNCIL – STATEMENT OF LICENSING POLICY

APPENDIX D – REFERENCES TO BEST PRACTICE GUIDES

Guidance issued under Section 182 of the Licensing Act 2003
Home Office

Safer Clubbing Guide
www.drugs.gov.uk

The Event Safety Guide – A guide to health, safety and welfare at music and similar events
(HSE1999)(“The Purple Book”) ISBN 978 0 7176 2453 9

Managing Crowds Safely
(HSE 2000) ISBN 978 0 7176 1834 7

The Guide to Safety at Sports Grounds
(“The Green Guide”) ISBN 978 1 9164583 0 7

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances
www.streetartsnetwork.org.uk/pages/publications.htm

The National Alcohol Harm Reduction strategy Toolkit
www.hmsso.gov.uk

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
www.portman.group.org.uk

Licensed Property: Noise
Drugs and Pubs
Safety in Pubs
Security in Design
www.beerandpub.com

Guide to fire Precautions in Existing Places of Entertainment and Like Premises (The Primrose Guide)
www.hmsso.gov.uk

Good Practice Guide on the Control of Noise from Pubs and Clubs
Institute of Acoustics

HARLOW COUNCIL – STATEMENT OF LICENSING POLICY

APPENDIX E – THE APPLICATION PROCESS

PERSONAL LICENCE

To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and be made to the authority for the area in which the applicant is normally resident. You should note that the forms are prescribed forms issued by the Government.

The application must be accompanied by:

- the prescribed fee,
- two passport photos (one which must be certified as a true likeness, by a solicitor, notary, a person of standing in the community (this includes a bank or building society official, police officer, civil servant or a minister of religion) or any individual with a professional qualification),
- the original of the applicant's licensing qualification,
- a Criminal Conviction Certificate or a Criminal Record Certificate or the results of a subject access search of the police national computer by the National Intelligence Service.
- A declaration by the applicant that either they have not been convicted of a relevant offence or a foreign relevant offence or that they have been convicted of a relevant offence or a foreign relevant offence accompanied by details of the nature of the conviction and any sentence imposed on them in respect of it.
- The criminal checks must not be more than one month old when your application is received.

Include a proof of right to work in the United Kingdom

The Licensing Authority must reject the application where the applicant is under 18 years of age, does not possess the prescribed licensing qualification or has had a personal licence forfeited within the preceding 5 years.

Where an applicant has been convicted of a relevant offence or foreign offence the Licensing Authority must give notice to that effect to the police who may object to the application. The police objection has to be made within 14 days of receiving the notice from the Licensing Authority, following which a hearing must be held to determine the application.

Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017. Applicants must submit one of the documents listed in Annex x. For applications made after April 2017, where the applicants immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires.

The Deregulation Act 2015 removed the requirement to renew a personal licence with effect from 1 April 2015.

PREMISES LICENCE

To apply for the grant of a Premises Licence, applicants must be over 18 years of age and complete an approved application form, which must be sent to the Licensing Authority together with: -

- (a) a plan of the premises drawn to the scale of 1:100,
- (b) a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor, if the licensable activities to which the application relates include the supply of alcohol,
- (c) the relevant fee . Please note, the Premises Licence/Club Certificate is payable annually on the anniversary of the grant of the licence. Non-payment of this fee will be treated by the local authority as a serious matter and will result in the licence being suspended until payment is received.

Entitlement to work in the UK.

Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. Applicants must submit one of the documents listed in Annex x

The plan shall show: -

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from sub-paragraph (3)(b), the location of escape routes from the premises;
- (d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;

- (h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to in paragraph above are sufficiently illustrated by the use of symbols on the plan.

A copy of the application, plan and DPS consent form (where applicable) must be given to the Responsible Authorities (Appendix B) at the same time of giving the application to the Licensing Authority.

A notice, on blue paper sized A4 or larger, must also be displayed at or on the premises to which the application relates for a period of not less than 28 consecutive days from the day following the day the application was given to the Licensing Authority, where it can be conveniently read from the exterior of the premises.

Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.

The notice must state: -

- details of the relevant licensable activities that it is proposed will be carried on or from the premises, or in the case of an application to vary the licence, a brief description of the proposed variation,
- the name of the applicant,
- the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- the postal address and (where applicable) the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected,
- the date by which any persons who live or are involved in a business in the relevant Licensing Authority area or responsible authority may make representations to the relevant licensing authority and that representations should be made in writing,
- that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

The notice, containing the same details, must be published in a local newspaper or similar document on at least one occasion during the period of 10 working days following the day after giving the application to the Licensing Authority.

VARIATION OF PREMISES LICENCE

To apply for variation to a premises licence, the same procedure must be adopted as for the original application plus both parts of the original licence must be returned to the Licensing Authority, or the application must include an explanation why the licence has not been returned.

An application to vary the licence may not be made to extend the period for which a licence has effect, e.g. a seasonal licence or one that is limited to certain days/dates.

Applications to vary the licence may be made to affect the licensable activities provided, the times during which they may be provided or where the premises are to undergo structural alterations.

However an application to vary a licence may not be made to vary substantially the premises to which it relates. As this is a matter of degree, applicants are advised to contact the Licensing Unit to discuss the extent of the alterations to decide if an application for a new licence must be made.

Where the application to vary the licence arises from structural alterations, a new plan showing the proposed alterations must also be submitted.

The fee for a variation is the same as for a new licence and is set in accordance with the Non-domestic Rateable Value of the premises.

VARIATION OF PREMISES LICENCE (DESIGNATED PREMISES SUPERVISOR)

An application to vary a premises licence, where there has been a change of the designated premises supervisor, must be in the prescribed form and accompanied by

- the premises licence,
- a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
- the fee

A copy of the application and all accompanying documents must also be sent to the police (Appendix B).

TRANSFER OF PREMISES LICENCE

An application to transfer a premises licence, where there has been a change of the premises licence holder, must be in the prescribed form and accompanied by

- the premises licence,

- a form of consent in the prescribed form given by the existing premises licence holder'
- the fee

A copy of the application and all accompanying documents must also be sent to the police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment.(Appendix B).

CLUB PREMISES CERTIFICATE

The process of applying for the grant or variation of a Club Premises Certificate is similar to that for a Premises Licence.

There are two exceptions: -

- there must be a declaration for qualifying club status in respect of an application for grant of a new club premises certificate, and
- neither a Designated Premises Supervisor nor a Personal Licence Holder is required because the 'supply' of alcohol that is managed by or on behalf of the club is not regarded as a 'sale' of alcohol.

ADVERTISEMENT OF APPLICATIONS BY THE LICENSING AUTHORITY

The Licensing Act 2003 (Premises Licence and Club Premises Certificate)(Amendment) Regulations 2012, which came into effect on 25th April 2012 introduced a requirement for the licensing authority to advertise, by way of a notice on its website; all applications for premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

PROVISIONAL STATEMENT

Where premises are being, or are about to be constructed for the purpose of being used for one or more of those activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) an application may be made by any person for the grant of a Provisional Statement.

'Person' in this instance also includes a business (e.g. the applicant could be a firm or architects, or a construction firm or even a financier).

To apply for a Provisional Statement, the same procedure must be adopted as that described above for the grant of a premises licence.

A provisional statement does not have a limited duration. However with the potential for there to be a material change over time, the longer the delay before a premises licence is applied for the greater the potential that representations, at the later application, may be allowed.

Responsible authorities and interested parties will be able to make representations against the application. If there are no representations the application will be granted. If there are representations a hearing will be held before the Licensing Sub Committee.

The Licensing Act 2003 does not empower a licensing authority to refuse a provisional statement. Following consideration of relevant representations the Licensing Committee may only indicate (as part of the issued statement) that it would consider certain steps to be necessary for the promotion of the licensing objectives when, and if, an application was made for a premises licence or club premises certificate following the issue of the provisional statement.

MINOR VARIATIONS TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

The Licensing Act 2003 has been amended by the insertion of sections 41A to 41C relating to minor variations. These sections were commenced on 29 July 2009. Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular or copy it to responsible authorities.

However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

On receipt of an application for a minor variation, the licensing officer for the licensing authority will consider whether the variation could impact adversely on the licensing objectives. In considering the application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.

The licensing authority will also consider any relevant representations received from interested parties within the time limit referred to below. Representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives.

For minor variations, there is no right to a hearing (as for a full variation or new application), but the licensing authority will take any representations into account in arriving at a decision. Persons who live or are involved in a business in the relevant Licensing Authority area have ten working days from the 'initial day', i.e., the day after the application is received by the licensing authority, to submit representations.

The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that:

- the minor variation is granted; or,
- the application is refused.

If the licensing authority fails to respond to the applicant within 15 working days the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

Club Premises Certificates

The arrangements for applying for or seeking to vary club premises certificates are the same as those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these will have no adverse impact on the licensing objectives.

TEMPORARY EVENT NOTICES

Temporary Event Notices (TEN's) do not have to be applied for, they are issued by the 'Premises User'. Any person can be a 'Premises User' and can issue a TEN in respect of any premises or area of land. A 'Premises User' does not have to hold a Personal Licence to authorise the supply of alcohol in conjunction with a TEN.

However, it should be noted that TENS are subject to certain limitations: -

- the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used, and
- the number of notices that may be given are limited to 50 in one year for a Personal Licence holder and 5 times in one year for any other person.
- The maximum duration of an event is 168 hours (7 days).
- the maximum number of persons (being less than 500) it is proposed will be allowed on the premises during those times

The notice must be given to the Licensing Authority at least 10 working days before the event is held and must contain details of: -

- the proposed licensable activities,
- the period (not exceeding 168 hours) during which it is proposed to use the premises,

- the times during that period when it is proposed for those licensable activities to take place, ,
- where alcohol is to be supplied, whether it is for consumption on or off the premises, or both,
- the fee

A copy of the notice must be also given to the police and Environmental Health at the same time and must be received at least 10 working days prior to the event.

An Objection Notice may be issued by the police or Environmental Health where they are satisfied that the proposed use of the premises would undermine the crime prevention licensing objective. The police or Environmental Health must make their objection to both the Licensing Authority and applicant no later than the 3rd working day of receiving the TEN, giving their reasons for doing so.

Where an Objection Notice is given, the Licensing Authority must hold a hearing to consider the objection, unless the police or Environmental Health agree that it is unnecessary, and give a Counter Notice if it considers it necessary for the promotion of the crime prevention objective. Where a hearing is held, it must be at least 24hrs before the start of the event.

Licensing Authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Essex Police or the Council's Environmental Health Service.

The Licensing Authority must issue a Counter Notice where the limits are exceeded.

Late Temporary Event Notices

Provision has been made to allow for 'late TEN' applications. The following applies:

- A personal licence holder can submit up to 10 Late TENS in a calendar year; non-personal licence holder may submit a maximum of 2.
- Late TENS are included in the maximum allowance for the premises.
- The notice must be submitted to the Licensing Authority, Police and Environmental Health 5-9 days before the date of the event.
- There needs to be exceptional circumstance why the Late TEN process is being used as opposed to the standard TEN.
- The Licensing Authority will issue a counter notice prohibiting any licensable activity if an objection is received from either the Police or environmental health.

IF YOU ARE IN ANY DOUBT WITH REGARD TO THE ABOVE, PLEASE CONTACT THE LICENSING SECTION FOR ADVICE.

HARLOW COUNCIL – STATEMENT OF LICENSING POLICY

APPENDIX F– OBJECTIONS/REPRESENTATIONS/REVIEWS AND APPEALS

Who can object (make representations) about an application for a premises licence or ask for a review of the licence:

‘Any Person’ and ‘Responsible Authorities’ may make ‘relevant representations’ in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

‘Any Person’ is defined as:-

- Any person
- A body (e.g. a residents association) representing any persons
- A person involved in any business.
- A body (e.g. a trade association) representing any person involved in any businesses.
- Members of the Licensing Authority.

‘Responsible Authority’ is defined as any of the following: -

- the Chief Officer of Police for the area in which the premises are situated
- the Fire Authority for the area in which the premises are situated
- the enforcing authority for Health and Safety at Work for the area in which the premises are situated
- the local planning authority for the area in which the premises are situated
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- a navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel
- Essex Trading Standards - weights and measures.
- The Licensing Authority
- Local Health Board

(for a list of Responsible Authorities in Harlow District, see Appendix B)

What are relevant representations?

'Relevant representations' is the term used for comments and objections that:-

- are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives,
- are made by any person or 'Responsible Authority' within the prescribed period and have not been withdrawn,
- in the opinion of the Licensing Authority, are not frivolous or vexatious,

What does frivolous, vexatious or repetitious mean?

Frivolous or vexatious will bear their ordinary meaning. The licensing authority must form a view as to whether a reasonable person would consider the observations frivolous or vexatious.

In the case of a review of a premises licence or certificate, a representation will be repetitious if:

a) it is identical or substantially similar to:-

- grounds in an earlier application for review made in respect of the same premises and already determined, or
- representations considered by the Licensing Authority in granting the premises licence or certificate, or
- representations which would have been considered except they were excluded representations following a provisional statement, and

b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

Time Limits on Representations

The table below lists those provisions about which representations may be made, the timescales within which and by whom they may be made.

Provision under which hearing is held.	Period of time within which representations must be made.	Persons who may make representations.
Application for premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person or business

Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person or business
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person or business
Application to vary premises supervisor (DPS)	14 days of receipt of application.	Chief of Police
Application for transfer of premises licence	14 days of receipt of application.	Chief of police
Cancellation of interim authority notice	48 hours of receipt of application.	Chief of police
Application for review of premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person
Application for club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person
Application to vary club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person
Application for review of club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person
Counter notice following police objection to temporary event notice*	3 working days of receipt of application.	Chief of police Environmental Health
Application for grant of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Application for renewal of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police

Convictions coming to light after grant/renewal of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Review of premises licence following closure order	7 days beginning on the day after the day the licensing authority receives notice given by relevant magistrates' court	Responsible authorities Any person
Minor Variation	10 working days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person
Summary Review	10 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Any person

* It should be noted that the Licensing Authority must issue a counter notice where the Temporary Event Notice exceeds the permitted limits, which are: -

- 50 per year if the premises user is the holder of a Personal Licence,
- 5 per year if the premises user is not the holder of a Personal Licence, and
- 12 per year in respect of the same premises covering no more than 15 days in total.

Reviews

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- representations are made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence or certificate on one or more of the licensing objectives, or
- a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

- (a) it is identical or substantially similar to: -
- grounds in an earlier application for review made in respect of the same premises and already determined, or

- representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice or in respect of an application for review of a premises licence or club premises certificate.

Notices must be sent to each party informing them of the date of hearing: -

- (a) at least 2 working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection;
- (b) at least 5 working days before the day of the hearing for review of a premises licence following a closure order;
- (c) at least 10 working days before the day of the hearing in respect of all other applications.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

The table below lists the provisions, the timescales within which hearings have to be held and the persons to whom notices must be given.

Provision under which hearing is held.	Period of time in which hearing must be held.	Persons to whom notices must be sent.
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.

Application to vary premises licence to change the premises supervisor	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police Proposed premises supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Holder of premises licence. Persons who have made relevant representations.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant. The club. Persons who have made relevant representations.
Counter notice following police/environmental health objection to temporary event notice	7 working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police

Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the licensing authority receives the court notice.	Holder of licence. Chief of police

Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.