

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

29 March 2022

6.30 - 8.50 pm

PRESENT

Committee Members

Councillor David Carter
Councillor Andrew Johnson
Councillor Nancy Watson

Officers

Rachel Crouch, Senior Licensing Officer - Temporary
Simon Hill, Director of Governance and Corporate Support
Adam Rees, Senior Governance Support Officer
Adam Sherwood, Principal Licensing Officer

Also Present

Steve Bushell, Regional Manager for EI Group
Denise Cavill
Councillor Joel Charles
Charlie Cochrane
Hakan Hayrettin, Designated Premises Supervisor for the Chequers
Gillian Howlett
Elaine Matthews
Anya Reid
Gillian Stevens
Richard Taylor, Applicant's Legal Representative

8. **APPOINTMENT OF CHAIR**

RESOLVED that Councillor Andrew Johnson was elected as Chair for the meeting.

9. **DECLARATIONS OF INTEREST**

None.

10. **APPLICATION FOR VARIATION OF PREMISES LICENCE - THE
CHEQUERS, 2 MARKET STREET, OLD HARLOW, ESSEX, CM17 0AH**

a) Procedure for the Meeting

RESOLVED that the procedure for the meeting was noted.

b) Application for Variation of Premises Licence - The Chequers, 2 Market Street, Old Harlow, Essex, CM17 0AH

The Sub Committee considered an application for a variation of the Premises Licence at the Chequers. The variation included the extension of the opening hours, the hours the premises can sell alcohol, to allow live music to be played inside the premises until 11pm, and to enable use of the garden until 10pm. This application had been referred to the Sub Committee following representations from residents.

Having carefully considered the evidence presented the Council's Licensing Officers, the applicant and his representatives, Councillor Joel Charles, and residents it was:

RESOLVED that:

- A** The hours for the sale and Supply of Alcohol, Playing of Recorded Music (indoors) and Provision of Entertainment or Similar (indoors) to remain the same as the current licence.
- B** The opening hours also to remain the same as the current licence.
- C** Condition 3.11 was varied as amended by the agreement between the Applicant and the Police on 25 February 2022.
- D** Conditions 3.13, 3.19 and 3.23 were varied as amended by the agreement between the Applicant and the Police on 25 February 2022.
- E** Condition 3.0 remains as per the current Licence.

CHAIR OF THE SUB-COMMITTEE

**DECISION OF THE LICENSING SUB COMMITTEE
OF HARLOW DISTRICT COUNCIL ON 29 MARCH 2022**

APPLICANT: Ei Group Limited

PREMISES: Chequers Public House, 2 Market Street, Old Harlow, Essex CM170AH

CONSTITUTION OF COMMITTEE:

Cllr Andrew Johnson (Chair)
Cllr David Carter
Cllr Nancy Watson

NAMES OF OTHERS PRESENT:

(1) FOR THE APPLICANT:

Richard Taylor (Representative for Ei Group Ltd)
Hakan Hayrettin (DPS)
Steven Bushell (Ei Group Ltd Area Manager)

(2) FOR THE OBJECTORS:

Cllr Joel Charles
Gillian Stevens
Charles Cochrane
Anya Reid
Denise Cavill
Gillian Howlett
Elaine Matthews

(3) FOR THE AUTHORITY:

Adam Sherwood (Principal Licensing Officer)
Rachel Crouch (Senior Licensing Officer)

(4) OTHERS:

Adam Rees (Clerk to Committee)
Simon Hill (Director of Governance and Corporate Support)

EVIDENCE:

- (1) Report from Authority
- (2) Application form
- (3) Oral and written representations from Applicant
- (4) Oral and written representations from the Objectors

**FINDINGS OF COMMITTEE ON QUESTIONS OF FACT MATERIAL TO THE DECISION
(I.E. RELEVANT FACTS ACCEPTED FROM THE EVIDENCE AVAILABLE)**

1. An application was received on the 2 February 2022 from Ei Group Ltd, the Licence Holder of the Chequers Public House, 2 Market Street, Old Harlow, Essex CM17 0AH to vary the premises licence as follows:
 - a. to extend the hours for alcohol sales, the provision of recorded music and entertainment of a similar description from 11:00am to 00:30 on Fridays and Saturdays,
 - b. to extend the opening hours on Fridays and Saturdays from 11:00am to 01:00,
 - c. to delete condition 3.11 to allow the use of glassware in the garden
 - d. to amend condition 3.13 to allow the use of the garden until 22.30
 - e. to amend condition 3.19 to allow the use of tables and chairs in the garden until 22.30
 - f. to delete condition 3.0 to allow the performance of live music indoors

- g. to amend condition 3.23 to allow the outside bar to operate until 22.00
- 2. Following the required consultation period 15 objections were received from local residents in relation to the prevention of public nuisance objective and in relation to the crime and disorder objective.
- 3. Essex Police in their capacity as a responsible authority did not make any formal representations, however in conjunction with the applicant the following conditions were agreed on 25 February 2022 and are considered amended on the variation application:
 - a. Condition 3.11 amended to no drinks in glass containers will be allowed outside the front of the premises, people who wish to take their drinks outside the front of the premises should have their drinks decanted into plastic/polycarbonate containers
 - b. Condition 3.13 amended to the beer garden and all external areas including the covered areas to the right-hand side of the main public house (as viewed from Market Street) building and the covered areas at the rear of the main building shall only be open to customers from 11.00am until 10pm. Adequate signage will be displayed to convey this information. The licensee shall make appropriate managements arrangements to ensure that patrons do not occupy these areas at any other time
 - c. Condition 3:19 amended to There shall be a documented smoking policy that is compliant with the Health Act 2006 and implemented at the premises. Notices shall be prominently displayed at any designated area used for smoking, requesting patrons to respect the needs of local residents. Staff will monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance. Outside tables and chairs (in the beer garden) shall be rendered unusable by 22:00 hours each day. Patron permitted to temporarily leave then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
 - d. Condition 3:23 amended to that the external bar servery shown on the plan attached to the premises licence shall be closed by 21:30 every day.
- 4. Environmental health, in their capacity as a responsible authority did not make any formal representations, however in conjunction with the applicant the following conditions were agreed on the 25 February 2022 and are considered amended on the variation application:
 - a. Whilst in agreement to delete condition 3.0 (to allow the performance of live music indoors), it has also been agreed between the parties that no objection would be made for live music until 11.30pm on Fridays and Saturdays. Under the Live Music Act 2012 any condition regarding music before 11pm may only be kept or removed from the licence, it does not allow the option to add or amend the current condition.

HEARING

Members of the licencing team presented their report to the Members of the Licencing subcommittee and provided the following background:

- 5. The Members of the committee are asked to consider an application for the variation of a premises licence pursuant to Section 35 of the Licensing Act 2003. This matter has been referred to the Members for determination following receipt of relevant representations from local residents.

6. The variation application submitted relates to premises known as the Chequers Public House situated at 2 Market Street, Old Harlow, Essex.
7. A PREMISES LICENCE prem2/21/00115 ISSUED UNDER THE LICENSING Act 2003 is held for the Chequers, 2 Market Street, Old Harlow, Essex CM17 0AH by Ei Group Ltd (Premises Licence Hold (PLH)). Ei Group Ltd is the freeholder of the property, Mr Hayrettin is a tenant at the premises and was appointed Designated Premises Supervisor (DPS) for the premises licence on 1 April 2021
8. Members were informed that the current premises licence was subject to conditions imposed following a review hearing on 2 December 2020.
9. Members were advised that when considering this application, they must seek to promote the Licensing objectives, which are as follows:
 - a) The Prevention of Crime and Disorder
 - b) Public Safety
 - c) The Prevention of Public Nuisance
 - d) The Protection of Children from Harm
10. The Members were further advised that the following options were available to them in determining this application:
 - a) Grant the Premises Licence variation as applied for
 - b) Grant the Premises Licence variation as applied for along with any additional conditions considered appropriate to promote one or more of the licencing objectives on which relevant representation have been received. This may include attaching different conditions to different parts of the premises or to different licensable activities.
 - c) Grant the premises Licence variation but reduce the hours being sought during which the licensable activities may take place
 - d) Reject the whole or part of the Premises Licence variation application.
11. Richard Taylor representing Ei Group Ltd then presented their case to the members. Mr Taylor explained that Ei Group Ltd owns the premises and leases it out to the DPS. He stated that the premises licence had been the subject of a review in December 2020 which had resulted in the previous tenant being removed and that the new tenant was Mr Hayrettin who had taken over the premises during the pandemic. Mr Taylor explained to the Members that the new DPS had been in place for 9 months now and had adhered to the conditions placed on the Licence after the review hearing. It was felt that the time had come to seek a relaxation of those conditions and to restore longer hours on a Friday and Saturday night and for the garden area to open later and to also allow glasses to be taken into the garden.
12. Mr Taylor said that Mr Hayrettin wanted to do things the right way and to engage with the community and had sent a letter to the residents to invite them to a meeting at the pub on the 26 January 2022. None of the residents attended on the day.
13. Mr Taylor further stated that after making the application to vary the licence no objections had been received from Essex Police or the Council's Environmental Health team. Mr Hayrettin had engaged with both the Police and Environmental Health and had agreed to amendments suggested by both parties.
14. Mr Taylor refuted that as stated in some of the objections received from the residents that there was ASB at the premises and that the Police were always being called out to the premises. Mr Taylor further stated that surely if that was the case the Police would be in attendance at the committee hearing.

15. Mr Taylor further stated that the residents did not want to go back to the bad old days and neither does Mr Hayrettin. Perimeter checks are carried out and they don't allow drinks to be taken out the front. Mr Hayrettin wants to be a benefit to the community.
16. Cllr Joel Charles then spoke on behalf of some of the objectors present at the meeting. Cllr Charles stated that there is constant noise from the premises which causes anxiety to the residents. If there is a backwards step and the variation is allowed in full it will put pressure on the community. Problems are still being documented by the residents particularly glasses at the front of the premises, smoking at the front of the premises and noise and Anti-Social behaviour is the biggest cause of concern to the residents.
17. Gillian Stevens who had made a representation then addressed the Members and stated that the Police don't come to Market Street anymore. The applicant makes it all sound so reasonable, but we live with the constant noise, it echoes down the street. Ms Stevens further stated that they had attended the Chequers at 5pm on a Saturday and witnessed 4 lads come in bought some drinks and were allowed to walk with them and go the Crown PH. Ms Stevens also stated that they had witnessed drug selling in the street. Ms Stevens advised the Members that she had lived there for 47 years and did not want it to go back to the bad old days, she was also concerned that if the Chequers extended their hours, then other premises would follow suite.
18. Mr Cochrane then put his case to the Members. He stated that he had lived there for 43 years and was aware of the problems and that there had been good and bad times over the years. Promises had been made and have seen different landlords over the years. Mr Cochrane stated that he was grateful for the letter from the applicant but was not a must that they attend. Mr Cochrane then explained that they like to go to bed at 11pm, they then get woken up a couple of hours later with fights and doors banging. Fridays and Saturday nights are so disruptive to residents. Pubs used to close at 10.30pm, to grant the variation would be an encroachment into our lives.
19. Anya Reid then addressed the Members. Ms Reid stated that the front door had been kicked off its hinges because she had asked someone to stop urinating against it. Ms Reid stated that it has been better but had concerns that if the premises was allowed to open until 1.00am the patrons would hang around for hours afterwards. Ms Reid expressed concerns that if live music was allowed it cannot be turned down. Ms Reid also questioned whether if the new Landlord was so responsible, why are there still fights etc. at the premises.
20. Ms Reid had also made a late submission of recorded footage as evidence. The footage presented to the committee was to demonstrate what is it like to live near the Chequers pub. The short clips showed people outside the premises of an evening. The footage had no date or time, and no breach of licensing condition was seen. It was raised by the Applicant's representative they had not seen this evidence and was offered the opportunity by the Chair of the Committee for the applicant and his representatives to view the footage in private first, which was declined.
21. Denise Cavill then addressed the Members with concerns regarding the loudness of music even with windows shut. Ms Cavill also expressed concerns that if the premises was allowed to open later it would attract younger persons again and that the style of premises was that of a nightclub.
22. Gillian Howlett advised the members that visitors to her property comment on how loud people are outside her property. Ms Howlett also advised the Members that she had received abuse a few weeks ago and was told that she lived in the worst street in Harlow. Ms Howlett explained she can't have windows open due to the noise. Ms Howlett requested that the hours are kept as there are now, later hours would give the patrons more time to drink and be more abusive and louder.
23. Elaine Matthews then addressed the Members and stated that she agreed with her neighbours' comments. Ms Matthews further stated that Market Street is a conservation area and that there is not room for a nightclub. Extended hours will make matters worse.

24. Cllr Charles then summed up on behalf on the objectors and stated that a genuine consultation had not been made and that the application should be thrown out.
25. Anya Reid also addressed the Members and stated that it was difficult to change a licence once issued.
26. Mr Taylor then summed for the applicant and stated a Licensing Act determination should be evidence based and quoted Justice Black that a decision must be based on real evidence not emotion and requested that the Members look at the evidence and apply to each limb of the application. Mr Taylor further stated that there had been no objections from the Police in respect of the crime and disorder objective. Also, the Licensing Authority had no objections.
27. Mr Taylor stated that things are better, however people are concerned about what might happen, the Members need to make their decision on evidence not concerns. Mr Hayrettin does not wish to be tarred by the reputation of the previous landlord. There is no evidence that the extension of hours will cause a nuisance.

DECISION

- 1.The hours for the sale and Supply of Alcohol, Playing of Recorded Music (indoors) and Provision of Entertainment or Similar (indoors) to remain the same as the current licence
- 2.The opening hours also to remain the same as the current licence.
- 3.Condition 3.11 was varied as amended by the agreement between the Applicant and the Police on 25 February 2022
- 4.Conditions 3.13, 3.19 and 3.23 were varied as amended by the agreement between the Applicant and the Police on 25 February 2022.
- 5.Condition 3.0 remains as per the current Licence.

REASONS FOR DECISION

1. The Licensing Sub Committee noted the extended history of the site and considered all of the evidence before it in light of the Council's Licensing Policy Statement, the Licensing Act 2003 and the guidance promulgated pursuant to section 182 of that Act.
2. In making their decision regarding the variation of the opening hours for the premises and for the Sale and Supply of Alcohol, Playing of Recorded Music (indoors) and Provision of Entertainment or Similar (indoors) and the Sub Committee had regard to Section 5.6 of the Council's Licensing Policy and considered that the current conditions had worked in terms of preventing public nuisance.
3. In respect of condition 3.11 the Members noted the concerns raised by residents at the meeting in regard to glasses at the front of the premises, not the garden. The Members felt there was no evidence to show the variation to the licence would cause public nuisance.
4. In respect of the variations to conditions 3.13, 3.19 and 3.23, the Members felt that the variations weren't incompatible with the existing hours and there wasn't evidence to show that the variations would lead to an increase in public nuisance.
5. In respect of Condition 3.00 the members had noted that it could only delete or retain the condition, the condition could not be modified. The Members took regard of

Section 5.6 of the Council's Licensing policy and the limiting features of the premises. These included where live music acts would be placed (next to the door) and that the venue was single glazed. There was a lack of noise protection and the applicant had not shown how noise levels would be controlled. The Members felt that in allowing live music in the premises could result in an increase in public nuisance.

6. The Members understood that neither the applicant nor the objectors would be completely happy with the decision, but the decision had been made on the evidence they had been provided with at the hearing.

Grant of the application arising from the licensing objectives:

- (1) Prevention of Crime and Disorder

No relevant representation received.

- (2) Public Safety

No relevant representation received.

- (3) Prevention of public nuisance

The Licensing Sub Committee was satisfied that with the conditions already contained within the operating schedule, this licensing objective has been met.

- (4) Protection of children from harm

No relevant representations received.



Chairperson's signature..... Date ...6 April 2022...