



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
