

Licensing Team

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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
