

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

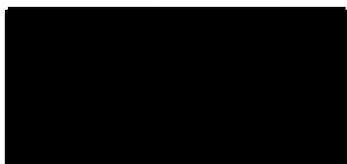
Postal address of premises or, if none, ordnance survey map reference or description

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			
□	□	□	□	□	□	□	□

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]

[REDACTED]

[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

[REDACTED]

[REDACTED]

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]

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

Environmental Health

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)

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

██████████
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: ██████████
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

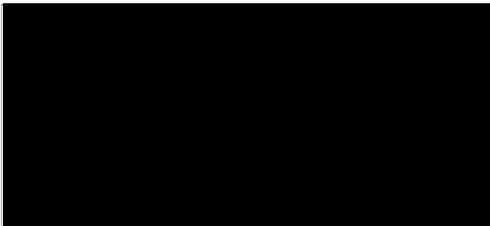
account of the requirement that groups of people be limited in size and separated as set out above is not exceeded.

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 area.

Dated: 14th August 2020

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

Notice of Direction issued by Essex County Council in accordance with Regulation 2 (1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020,

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 a line of text.A long black rectangular redaction box covering a line of text.

Essex County Council

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.