

**REPORT TO:** LICENSING SUBCOMMITTEE

**DATE:** 14 JULY 2022

**TITLE:** SUMMARY REVIEW FULL HEARING – THE  
CLOCK HOUSE, 11-15 ADAMS HOUSE,  
HARLOW, CM20 1BE

**LEAD OFFICER:** MICHAEL PITT, ASSISTANT DIRECTOR  
ENVIRONMENT (01279) 446114

**CONTRIBUTING OFFICERS:** ADAM SHERWOOD, PRINCIPAL LICENSING  
OFFICER (01279) 446561

RACHEL CROUCH, SENIOR LICENSING  
OFFICER (01279) 446015

**RECOMMENDED that:**

- A** Members of the Sub Committee consider the application for summary review and any relevant representations in respect of the premises licence for **The Clock House, 11-15 Adams House, The High, Harlow, Essex, CM20 1BE** and consider what steps are appropriate for the promotion of the licensing objectives.
- B** This is the full hearing to review the premises licence and shall also consider the current interim step to suspend the licence on 24 June 2022.

**BACKGROUND**

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

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

- b) Decide if the interim step to suspend the premises licence on 24 June 2022 will cease to have effect.
2. Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the

2003 Act, allows interim conditions to be attached to a licence and a fast track licence review.

3. Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps.
4. If the licensing authority decides to take steps at the initial interim stage:
  - a) The decision takes effect immediately, or as soon after it as the licensing authority directs; but
  - b) The licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application.
5. On 22 June 2022 at 15:11hrs, an application for a summary review was received from Kelsey Dott Licensing Officer, on behalf of the Chief Officer for Essex Police with attached the superintendents certificate. A full copy of the application and certificate is set out in Appendix C to the report.
6. On 24 June 2022, a Licensing Sub Committee was convened to consider an application for Summary Review of the Premises Licence under Section 53A of the Licensing Act 2003.
7. The Sub Committee members determined to suspend the premises licence with immediate effect until the full review hearing.
8. A copy of the decision notice is set out in Appendix E to the report.
9. This hearing is the full review of the premises licence which must take place within 28 days of the date of receipt of the application. There can be no adjournment of this hearing or delay in reaching a determination beyond the 28-day period, which for this application will end on 20 July 2022.
10. A copy of the premises licence for The Clock House, 11-15 Adams House, The High, Harlow, Essex, CM20 1BE is set out in Appendix A to the report and an area plan at Appendix B to the report.
11. The premises licence holder is Stonegate Pub Company Ltd.

## **ISSUES/PROPOSALS**

### **The Application**

12. On 30 June 2022, a further submission from the Chief Officer of Police was submitted as part of the Police full representation. A copy of the Supplementary Information is set out in Appendix D to the report.

13. The grounds of the Summary Review application is that in the opinion of a Senior Police Officer, the premises are associated with serious crime and serious disorder.
14. The grounds of the Summary Review application is that in the opinion of a Police Licensing Officer, the premises are associated with numerous reports of both serious crime and serious disorder. The frequency and seriousness of these incidents have also been increasing for more than 6 months now, particularly around closing time.
15. The application states that the crime and disorder, public safety and public nuisance licensing objectives have been undermined.
16. Other issues raised in the application, but not exhaustive, include:
  - a) Effectiveness of management and door supervisors in controlling the venue
  - b) Alleged that the venue's doors are locked after patrons are ejected and door staff not taking active measures to peacefully disperse patrons.
  - c) The levels of intoxication permitted and how staff deal with intoxicated persons
  - d) To deal with rising concerns, in November and December 2021, an Action Plan was agreed following engagement between Essex Police, premises management and the licence holder. The Action Plan was reviewed in March 2022 to further assist with dispersal, training on intoxication and door supervisors remaining on duty 30 minutes after the venue had closed. Undertakings given to mitigate the risks identified were not followed through.
17. The Supplementary Information also provides that following the interim steps hearing, the Premises Licence Holder has fully engaged with Essex Police with a view to agreeing a way forward.
18. Essex Police does not seek revocation or further suspension of the premises licence, but to further promote the licensing objectives, Essex Police has drawn up a list of modified conditions and opening/licensable activity hours that can be seen at para 3.11 to the Supplementary Information as set out in Appendix D to the report.
19. Following consultation on the summary review application, no representations were received from any of the other responsible authorities. However, two representations were received from interested parties/members of the public in support of the premises. A copy of the representations are set out in Appendix F to the report.

### **Reasons for Recommendation**

20. The following steps that the licensing authority can take are, as considered appropriate for the promotion of the licensing objectives:

- a) the modification of the conditions of the premises licence;
- b) the exclusion of a licensable activity from the scope of the licence;
- c) the removal of the designated premises supervisor from the licence;
- d) the suspension of the licence for a period not exceeding 3 months; and
- e) the revocation of the licence.

21. Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
22. To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any steps that it has taken that are in place at the time of this hearing, and consider whether it is appropriate for the promotion of the licensing objectives any steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps (suspension) should take place immediately after the determination of this review has been reached.

### **Consultation**

23. The application made has been subject to the expedited procedure. A notice of the application has been displayed/published allowing a period of ten working days from the application date for relevant representations to be made. These may be from responsible authorities or other persons, and may be 'positive' (i.e. supportive of the premises licence holder) as well as those which raise concerns in relating to promotion of licensing objectives.

### **Statement of Licensing Policy**

24. There are no specific parts of the policy that is relevant to this hearing.

### **Relevant Section of the Secretary of State's Guidance**

25. Section 12 relates to Summary Reviews.

### **Legal Considerations**

26. There is a right of appeal for all parties against the review decision within 21 days of notification.
27. There is also a right of appeal against the review of the interim steps for both the licence holder and the Police.

### **Appendices**

Appendix A - Premises Licence (A1) and Plan (A2)

Appendix B - Area Location Plan

Appendix C - Police Application for Summary Review & Certificate

Appendix D - Police Supplementary Information in Support of Summary Review

Appendix E - Copy of Licensing Sub Committee interim steps decision notice 24 June 2022

Appendix F - Interested party representations

## **Implications**

### **Strategic Growth and Regeneration**

As set out in the report.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

None specific.

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

### **Housing**

As outlined in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

As outlined in the report.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance and Corporate Services**

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

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Background Papers**

[Licensing Act 2003](#)

[Licensing Act 2003 Councillor's Handbook](#)

[Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003](#)

## **Glossary of terms/abbreviations used**

None.