



Chelmsford City Council Licensing Committee

Wednesday 22nd March 2023

APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE

THE BASSMENT, 16 WELLS STREET, CHELMSFORD, ESSEX, CM1 1HZ

Report by:

Director of Public Places

Officer Contact:

Daniel Winter, Lead Licensing Officer, Daniel.winter@chelmsford.gov.uk, 01245 606317

Purpose

The Committee is requested to consider an application made by Essex Police for a summary review of the said premises licence under section 53C of the Licensing Act 2003 and to have regard to the representations made during the consultation period that followed in line with the promotion of the licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Options

Full Review Hearing

Members are advised that they have the following options when determining this application.

- To Modify the conditions of the licence either permanently or for a period not exceeding three months
- To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months
- Remove the Designated Premises Supervisor
- To suspend the licence for up to three months
- Revoke the licence

An appeal against the final review decision may be made within 21 days of the notification of the decision by the licensing committee by the licence holder, Chief officer of police or any other person making relevant representation.

Interim Steps

Any decision taken by members today does not take effect until the end of the 21st day following receipt of the decision made in respect of this matter.

Therefore under s.53D of the licensing Act 2003 members are also required to formally review the interim steps previously imposed and consider whether it is appropriate and proportionate that they remain in place, modified or withdrawn. This review must take place immediately following the determination of this application, which should consider any relevant representations that are made. In carrying out that review members have all the options that were available at the initial interim hearing and that decision will also apply until the end of the 21st day referred to above (a) or following any appeal made against that decision (b) or the end of any period determined as relevant by the licensing authority (which may not be longer than the period of time for which such interim steps could apply under a) or b).

Any decision taken by members in respect of the interim steps may also be appealed to the Magistrates Court within 21 days of being notified and in the case of an appeal in respect of interim steps the appeal must be heard by the court within 28 days commencing the day the appeal is lodged.

1. Background

- 1.1 This premises is a city centre venue located on Wells Street, close to the railway station, leading away from the main High Street and is surrounded by commercial premises and residential properties within the vicinity of Duke Street and licensed by Chelmsford City Council under the Licensing Act 2003. A copy of the Premises Licence is attached at **Appendix A**.
- 1.2 On Tuesday 28th February 2023 at 12:36 an application by Essex Police for a Summary Review (Premises associated with serious crime or disorder) was received from Gary Burke, Senior Licensing Officer on behalf of the chief of police for Essex. A copy of the application is attached as **Appendix B** together

with a certificate signed by a Superintendent as required under s.53A(1)(b) in these circumstances and attached as **Appendix C**.

- 1.3 In response to that application; on the 1st March 2023 the Licensing Committee considered the application and determined appropriate interim steps in order to promote the licensing objectives in that the licence was immediately suspended. A copy of the interim decision notice is attached as **Appendix D**.
- 1.4 On Wednesday 8th March 2023 at 11:21 representations against the interim steps were received from the licence holder's representative in accordance with Section 53B(6) of the licensing act. This representation is attached as **Appendix E**.
- 1.5 As a response to the representations against interim steps, Essex Police provided 21 conditions preliminarily agreed with the premises licence holder. These conditions are attached as **Appendix F**.
- 1.6 In response to the representation against interim steps the Licensing Committee determined on the 9th March 2023, that it was appropriate for the promotion of the licensing objectives that the interim steps be modified. These modifications included the lifting of the suspension and agreed that twenty-one proposed conditions be added to the premises licence, pending determination of the review. This decision notice is attached as **Appendix G**.

2. Application

- 2.1 The application made by Essex Police that was first submitted on the 28th February 2023 has been properly made in accordance with The Licensing Act 2003 and all procedures have been correctly followed throughout. The public notice was properly displayed, and copies of the application served on the Premises Licence Holder – through their legal representative - and responsible authorities. The application for a summary review was also advertised via the Councils website.

3. Representations

- 3.1 No representations have been received from any other responsible authority nor any other interested party.

4. Conclusion

- 4.1 The relevant sections of the Statement of Licensing Policy are brought to the attention of members and are as follows:
- 4.2 (1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.

- 4.3 This application has been correctly submitted.
- 4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended.

[List of appendices:](#)

- Appendix A – Copy of the Premises Licence
- Appendix B – Application for Summary review
- Appendix C – Superintendents Certificate
- Appendix D – Summary review interim steps decision notice
- Appendix E – Representations against interim steps
- Appendix F – Essex Police agreed conditions
- Appendix G – Decision notice after representations against interim steps.

[Background papers:](#)

Application file held by Licensing Authority

[Corporate Implications:](#)

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management:

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of Licensing Policy

APPENDIX A



Licensing Act 2003 Schedule 12 - Part A Regulation 33,34

Premises Licence

Premises Licence Number

05/00869/LAPRE

Part 1 – Premises Details

The Basement 16 Wells Street Chelmsford Essex CM1 1HZ		
Telephone number	01245 358480	
Where the licence is time limited the dates are Not applicable		
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are		
Sale or supply of Alcohol	Monday to Thursday	12:00 - 03:00
Sale or supply of Alcohol	Friday and Saturday	12:00 - 04:00
Sale or supply of Alcohol	Sunday	12:00 - 01:00
Sale or supply of Alcohol	Thursday to Monday (Easter Weekend)	12:00 - 04:30
Sale or supply of Alcohol	Friday-Mon (May Day Weekend)	12:00 - 04:00
Sale or supply of Alcohol	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Sale or supply of Alcohol	Friday-Mon (August Bank Holiday)	12:00 - 04:00
In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day		
Exhibition of a Film	Monday to Thursday	12:00 - 03:00
Exhibition of a Film	Friday and Saturday	12:00 - 04:00
Exhibition of a Film	Sunday	12:00 - 01:00
Exhibition of a Film	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Exhibition of a Film	Friday-Mon (May Day Weekend)	12:00 - 04:00
Exhibition of a Film	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Exhibition of a Film	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Performance of Live Music	Monday to Thursday	12:00 - 03:00
Performance of Live Music	Friday and Saturday	12:00 - 04:00
Performance of Live Music	Sunday	12:00 - 01:00
Performance of Live Music	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Performance of Live Music	Friday-Mon (May Day Weekend)	12:00 - 04:00
Performance of Live Music	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Performance of Live Music	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Playing of Recorded Music	At any time	-
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Indoor Sporting Event	Monday to Thursday	12:00 - 03:00
Indoor Sporting Event	Friday and Saturday	12:00 - 04:00
Indoor Sporting Event	Sunday	12:00 - 01:00
Indoor Sporting Event	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Indoor Sporting Event	Friday-Mon (May Day Weekend)	12:00 - 04:00
Indoor Sporting Event	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Indoor Sporting Event	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Performance of Dance	Monday to Thursday	12:00 - 03:00
Performance of Dance	Friday and Saturday	12:00 - 04:00
Performance of Dance	Sunday	12:00 - 01:00
Performance of Dance	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Performance of Dance	Friday-Mon (May Day Weekend)	12:00 - 04:00
Performance of Dance	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Performance of Dance	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Provision anything of similar nature	Monday to Thursday	12:00 - 03:00
Provision anything of similar nature	Friday and Saturday	12:00 - 04:00
Provision anything of similar nature	Sunday	12:00 - 01:00
Provision anything of similar nature	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Provision anything of similar nature	Friday-Mon (May Day Weekend)	12:00 - 04:00
Provision anything of similar nature	Friday-Mon (Spring Bank Holiday Weekend)	12:00 - 04:00
Provision anything of similar nature	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Provision for making music	Monday to Thursday	12:00 - 03:00
Provision for making music	Friday and Saturday	12:00 - 04:00
Provision for making music	Sunday	12:00 - 01:00
Provision for making music	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Provision for making music	Friday-Mon (May Day Weekend)	12:00 - 04:00
Provision for making music	Friday-Mon (Spring Bank Hol Weekend)	12:00 - 04:00
Provision for making music	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Provision for dancing	Monday to Thursday	12:00 - 03:00
Provision for dancing	Friday and Saturday	12:00 - 04:00
Provision for dancing	Sunday	12:00 - 01:00
Provision for dancing	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Provision for dancing	Friday-Mon (May Day Weekend)	12:00 - 04:00
Provision for dancing	Friday-Mon (Spring Bank Hol Weekend)	12:00 - 04:00
Provision for dancing	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Provision entertainment similar nature	Monday to Thursday	12:00 - 03:00
Provision entertainment similar nature	Friday and Saturday	12:00 - 04:00
Provision entertainment similar nature	Sunday	12:00 - 01:00
Provision entertainment similar nature	Thursday to Monday (Easter Weekend)	12:00 - 04:00
Provision entertainment similar nature	Friday-Mon (May Day Weekend)	12:00 - 04:00
Provision entertainment similar nature	Friday-Mon (Spring Bank Hol Weekend)	12:00 - 04:00
Provision entertainment similar nature	Friday-Mon (August Bank Holiday)	12:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Late Night Refreshment	Monday to Thursday	23:00 - 03:30
Late Night Refreshment	Friday and Saturday	23:00 - 04:30
Late Night Refreshment	Sunday	23:00 - 01:30
Late Night Refreshment	Thursday to Monday (Easter Weekend)	23:00 - 04:00
Late Night Refreshment	Friday-Mon (May Day Weekend)	23:00 - 04:00
Late Night Refreshment	Friday-Mon (Spring Bank Hol Weekend)	23:00 - 04:00
Late Night Refreshment	Friday-Mon (August Bank Holiday)	23:00 - 04:00

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

The opening hours of the premises are

Opening hours	Monday to Thursday	06:00 - 03:30
Opening hours	Friday and Saturday	06:00 - 04:30
Opening hours	Sunday	07:00 - 01:30
Opening hours	Thursday to Monday (Easter Weekend)	06:00 - 04:30
Opening hours	Friday-Mon (May Day Weekend)	06:00 - 04:30
Opening hours	Friday-Mon (Spring Bank Holiday Weekend)	06:00 - 04:30
Opening hours	Friday-Mon (August Bank Holiday)	06:00 - 04:30

In respect of New Year's Eve, continuous opening from the end of the normal permitted hours detailed above to the commencement of the normal permitted hour the following day

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Gaitens Group Mgmt Ltd
3 High Street
Chelmsford
CM1 1BE

Registered number of holder, for example company number, charity number (where applicable)

13571490

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Kristian Daniels
26 Attwood Court
Burgess Springs
Chelmsford
CM1 1HR

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

19/00468/LAPER – Chelmsford City Council

Signed:
On behalf of the Licensing Authority



Dated: 14th September 2005

Issued 20th December 2021 following a transfer

Annex 1 – Mandatory conditions

- 1 Where premises authorise the supply of alcohol no supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 2 Where the film body has specified in the licence, admission of children (aged under 18) must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by the licensing authority.
- 3 Where a premises licence includes a condition that at specified times individuals must be at the premises to carry out a security activity(s) each individual must, be licensed by the Security Industry Authority.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or

- (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 8. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures

Annex 2 – Conditions from operating schedule

- 1. Closed Circuit Television & Video Recording
 - a) A CCTV system incorporating recording will operate throughout the whole of each period the premises are trading.
 - b) The system will include coverage of all public entrances and exits from the premises and any other area agreed with the Police.
 - c) The system will provide for recording of all cameras simultaneously and recordings will be made for the whole of each period of trading.
 - d) The recordings will be kept for a minimum period of 31 days before over recording and will be provided to the Police upon request

Proof of age will be required in the form of Passport, Photo driving licence, or accredited scheme by anyone who appears to be under the age of 18

No admittance to anyone under the age of 18 whilst the premises is open to the public.

No bottles or glasses are to leave the premises.

SIA licensed door staff must be employed on the premises when any licensable activity takes place.

Customers are encouraged to wait inside the premises when waiting for taxis.

Consistently noisy or unruly customers will be barred from using the premises. This would normally be determined at the discretion of the management.

Signs will be displayed asking customers to leave the premises quietly.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached

Application for summary licence review



Chelmsford City Council
Civic Centre, Duke St, Chelmsford, CM1 1JE

Licensing Authority premises licence number (optional): 05/00869/LAPRE

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Martin Knights, on behalf of the chief officer of police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:	
Postal address of premises, or if none or not known, ordnance survey map reference or description:	
BASSMENT NIGHTCLUB 16 WELLS STREET	
Post town: CHELMSFORD	Post code (if known): CM1 1HZ

2. Premises licence details:	
Name of premises licence holder (if known):	GAITENS GROUP MGMT LIMITED
Number of premises licence holder (if known):	05/00869/LAPRE

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:
I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.
(Please tick the box to confirm) <input checked="" type="checkbox"/>

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4. Details of association of the above premises with serious crime, serious disorder or both
[Please read guidance note 2]

Please see overleaf.

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On the behalf of the Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock, I submit this application for a 'summary review' because the crime prevention objective has been undermined by the premises.

In the early hours of Saturday 25th February 2023 police were called to reports of disturbances immediately outside the premises. The disturbance was caught on council CCTV and CCTV operated by the premises.

Two patrons were forcibly ejected from the premises (being pushed through a rope barrier and into the road) and two others followed them out quite quickly whereupon the two groups began an [REDACTED] fight. CCTV shows 3 door supervisors standing outside the premises, just yards away, watching the fight. [REDACTED]

At no point did these door supervisors seek to intervene or attempt to render first aid. [REDACTED]

Staff at the venue did not call the emergency services and it was only the actions of council CCTV staff that initiated the emergency services response.

This most recent incident is just the latest relating to door supervisor actions. In December 2022 a victim alleged they had been violently ejected from the venue, the same month a victim alleged he had been strangled by a door supervisor, in November an assault at the venue was reported, in September 2022 a female victim alleged she was sexually assaulted by a door supervisor and then ejected, in May 2022 a victim alleged the use of excessive force by a door supervisor and a review of CCTV shows the door supervisor taking the victim around his neck/chest area with his left forearm and forced the suspect backwards without supporting him and in April 2022 a victim alleged they had been assaulted by door staff.

The actions of the door supervisors have been subject to a number of adverse reports and during this most recent incident, 3 door supervisors used excessive force to eject a patron and subsequently failed to take any action to uphold the crime prevention and public safety objectives. This is despite concerns being raised with management of the premises in December 2022 regarding the allegations against door staff.

Though the premises management state they have sacked those door supervisors involved, it is of deep concern that the management of the premises directly employ door staff rather than having a contract with an outside contractor.

At this time there is a fundamental requirement to have the venue closed whilst management take adequate steps to protect their patrons – this may require a complete overhaul of door staff provision, how they are briefed and supervised; a requirement to have staff trained in emergency first aid, training for staff on intoxication and a reduction in the terminal hour of all licensable activity. This incident can be considered a 'near miss'. [REDACTED]

It is the belief of Essex Police that an immediate suspension of the premises licence is required to prevent harm to persons frequenting the Chelmsford night time economy and act as a wake up call to

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other licensed premises that they are responsible for the safety of their patrons and upholding the licensing objectives.

It is considered that the submission of a summary review application, with a request that the licensing authority imposes interim steps, is the most appropriate procedure to follow in relation to this premises because of the speed at which those steps can be implemented to prevent further offences.

As 'interim steps' Essex Police seeks that:

The premises licence is immediately suspended pending a full hearing.

Discussions will be taking place with the premises regarding the incidents mentioned above and potential preventative measures, ahead of the full hearing.

The Chief Officer of Police will submit further material and representations to support his initial representation (above) during the statutory consultation period and his representation will be amplified at the subsequent review hearing.

The Chief Officer of Police confirms that he or his representative will 'attend' any hearing held in regards this application.

IT IS REQUESTED THAT PARTS OF THE HEARING FOLLOWING THIS REVIEW APPLICATION IS HELD IN 'CAMERA' (In accordance with Regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2005) – as at the hearing matters not yet heard by a criminal court will be presented and thus may compromise criminal proceedings if disclosed publicly. For similar reasons, subsequent supplementary material may not be suitable for publication on the Authority's website.

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Signature of applicant: G Burke

Date: 28/02/2023

Capacity: SENIOR LICENSING OFFICER

5. Contact details for matters concerning this application:

Address: ESSEX POLICE LICENSING DEPARTMENT
BLYTH'S MEADOW, BRAINTREE, CM7 3DJ

Telephone number(s): 01245 452035

Email: Licensing.Applications@essex.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

APPENDIX C

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Summary Review – Superintendent's certification



Certificate under Section 53A (1)(b) of the Licensing Act 2003

Certifying officers name: STUART WEAVER	
Rank & PIN: SUPERINTENDENT 813262	Signature: [REDACTED]
Stationed at: NORTH LPA	Date: 27.02.23 Time: 16 14

I hereby certify that in my opinion the premises described below are associated with serious crime (*see note below) / ~~serious disorder~~ / ~~both serious crime and serious disorder~~ (delete as applicable)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are in appropriate because:

This certificate relates to the Bassment which is a night club situated in central Chelmsford. In the early hours of Saturday 25th February 2023 police were called to reports of disturbances immediately outside the premises. The disturbance was caught on council CCTV and CCTV operated by the premises.

Two patrons were forcibly ejected from the premises (being pushed through a rope barrier and into the road) and two others followed them out quite quickly whereupon the two groups began [REDACTED] CCTV shows 3 door supervisors standing outside the premises, just yards away, watching the fight. [REDACTED]

At no point did these door supervisors seek to intervene or attempt to render first aid. [REDACTED]

Staff at the venue did not call the emergency services and it was only the actions of council CCTV staff that initiated the emergency services response.

In December 2022 a victim alleged they had been violently ejected from the venue, the same month a victim alleged he had been strangled by a door supervisor, in November an assault at the venue was reported, in September 2022 a female victim alleged she was sexually assaulted by a door supervisor and then ejected, in May 2022 a victim alleged the use of excessive force by a door supervisor and a review of CCTV shows the door supervisor taking the victim around his neck/chest area with his left forearm and forced the suspect backwards without supporting him and in April 2022 a victim alleged they had been assaulted by door staff.

The actions of the door supervisors have been subject to a number of adverse reports and at this weekend 3 door supervisors used excessive force to eject a patron and subsequently failed to take any action to uphold the crime prevention and public safety objectives. This is despite concerns being raised with management of the premises in December regarding the allegations against door staff.

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Though the premises management state they have sacked those door supervisors involved it is of deep concern that the management of the premises directly employ door staff rather than having a contract with an outside contractor.

At this time there is a fundamental requirement to have the venue closed whilst management take adequate steps to protect their patrons – this may require a complete overhaul of door staff provision, how they are briefed and supervised; a requirement to have staff trained in emergency first aid, training for staff on intoxication and a reduction in the terminal hour of all licensable activity.

In my opinion this was a 'near miss'

I believe that an immediate suspension of the premises licence is required to prevent harm to persons frequenting the Chelmsford night time economy and act as a wake up call to other licensed premises that they are responsible for the safety of their patrons and upholding the licensing objectives.

A brief description of why standard review processes are inappropriate e.g. degree of seriousness of the crime/disorder, past history of non-compliance etc. may be helpful but this is not a legal necessity for the issue of a certificate and will be outlined within any application for review, should one subsequently be applied for. Applications are usually sought when 'interim steps' are considered necessary before a review hearing takes place.

There is no requirement to list all occurrences or provide the detail of each occurrence; the sole requirement is that an honest opinion is held that the premise is associated with serious crime/disorder. A single incident may be the trigger for a certificate if it is serious enough. The issue of a certificate does not mean the police MUST apply for a review.

**NOTE: Serious crime includes any criminal conduct that involves the use of violence; serious disorder is not defined and should be given its ordinary meaning.*

Premises Name: THE BASEMENT

Name of Designated Premises Supervisor: KRISTIAN DANIELS

Premises address: 16 WELLS STREET
CHELMSFORD
ESSEX
CM1 1HZ

Premises Licence No. if known

05/00869/LAPRE

LICENSING ACT 2003 section 53B (5) (b)**DECISION NOTICE**

Interim steps decision of the Licensing Committee ('the Committee') of Chelmsford City Council following receipt on 28 February 2023 (at 12:36) of an application by Essex Police under s.53A of the Licensing Act 2003 for a Summary Review of the premises licence relating to 'The Basement' (also known as "The Bassment"), 16 Wells Street, Chelmsford, Essex CM1 1HZ.

A. Decision

Pursuant to section 53B (3) of the Licensing Act 2003 the Committee has considered whether it is necessary to take any 'interim steps' (as defined within section 53B (3) of the 2003 Act) pending the determination of the review of the premises licence.

The Committee has decided that the following interim step be taken:

The premises licence in respect of 'The Basement' (also known as "The Bassment"), 16 Wells Street, Chelmsford, Essex CM1 1HZ be immediately suspended pending the determination of the review applied for.

B. Reasons for decision

1. In reaching its decision the Committee has had due regard to the application submitted by Essex Police on 28 February 2023 and representations made by Essex Police at the hearing held on 01 March 2023 (starting at 16:30). The Committee also took into account the material contained within the bundle of documents submitted by the licence-holder's legal representative, Mr Dadds, and the proposed conditions put forward by him, as well as the representations made by Mr Dadds, Mr Studd, and the licence-holder at the hearing.

At the hearing, the Committee (and all parties) viewed the CCTV footage of the incident.

In addition, the Committee has had due regard to the relevant guidance contained within the Revised Guidance issued by the Secretary of State under section 182 of the 2003 Act – in particular that at Part 12 ('Summary Reviews').

2. Although Essex Police have made reference in their application to incidents relating to the actions of door supervisors in May 2022, September 2022, November 2022, and December 2022, it would appear from the clarification given by Essex Police at the hearing that no written notice of these incidents / police concern was given to the licence-holder, who claims to have been unaware for the most part of these incidents. Furthermore, it would appear that no formal action (e.g. prosecutions) resulted from these incidents. (These are, perhaps, matters for Essex Police / the licence-holder to explore and provide further detail on at the full review hearing.)
3. The Committee considers, however, that the single incident that took place in the early hours of Saturday 25 February 2023 and which has triggered the police request for a summary review, was extremely serious indeed. The incident involved the carrying out, by disruptive and intoxicated patrons who had been ejected from the licensed premises, of a ferocious and sustained act of criminal physical violence. This had resulted in the victim suffering serious injuries which required hospitalisation. The abject failure of the door supervisors employed at the licensed premises to intervene, attempt to render first aid, or at the very least call the emergency services, was appalling. It is reasonable to assume that, were it not for the intervention of a passer-by, further serious injuries would have been sustained by the victim which could have resulted in a fatality.
4. Although the Committee has noted that the licence-holder has since dismissed the door supervisors and is now in the process of using the Stanbridge Group to provide SIA door supervisors, the incident that occurred on 25 February 2023 is of such a serious and disturbing nature as to give the Committee cause for concern regarding the licence-holder's judgment and management / control of the licensed premises and nightclub business thereon. The Committee is of the view that it is necessary at this particular point in time for the premises licence to be suspended pending determination of the review. Although this was a single incident and the Committee is especially mindful of the guidance contained within paras 12.2 and 12.7 of the Section 182 Revised Guidance, the Committee is of the view that what took place on 25 February was so serious and disturbing in nature as to justify its current lack of confidence in the licence-holder's management of the business and to warrant the taking of this particular interim step.
5. To the extent that they might go to the issue of 'proportionality' the Committee took into account Mr Dadds' representations as to the financial pressures on the licence-holder's business and the economic harm (including the possibility of the business having to permanently close and jobs being lost) that could ensue if the premises licence were to be suspended pending review. However, the prevention of crime and disorder licensing objective is paramount and given its serious concerns regarding the incident on 25 February 2023 the Committee did not consider that the financial considerations should (or could) outweigh the promotion of this objective. The

Committee was satisfied, on the evidence before it, that suspension of the licence was proportionate.

The Committee considered that the other three interim steps available to it - and in particular gave careful consideration to the proposed conditions that Mr Dadds had put forward. However, the Committee noted that these proposed conditions had not been agreed by Essex Police and in all the circumstances the Committee was not satisfied at this particular point in time that the imposition of such conditions - or the taking of other interim steps falling short of suspension – would amount to adequate steps to prevent further serious crime or disorder occurring at the premises.

The full review will take place before **28th March 2023** .

Cllr Linda Mascott
Chair, Licensing Committee
01 March 2023

Daniel Winter – Lead Licensing Officer
Chelmsford City Council
Duke Street
CHELMSFORD, Essex
CM1 1JE

Our Ref: dd/lb/GAI001-8/1716

Your Ref:

8th March 2023

Email only: Daniel.Winter@chelmsford.gov.uk

Dear Mr Winter,

Re: Bassment, 16 Wells Street, Chelmsford, Essex, CM1 1BE
Representation against Interim Steps

We have been instructed to act on behalf of David Stewart, Licensing Agent for the above premises.

We understand an expedited review under S53A has been made in respect of the above premises and the Licensing Sub-Committee has made the decision to suspend the Premises Licence.

We wish to make application against interim steps made under S.53A. Please accept this letter as formal notice of representation under S.53B(6). Please confirm safe receipt.

We look forward to hearing from you and would be grateful if you could advise the date and time of the hearing.

Yours sincerely

David Dadds

DADDS LLP

Dadds Solicitors

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BASSMENT SUMMARY REVIEW

CONDITIONS AND AMENDMENT DISCUSSION DOCUMENT

PROPOSED POLICE CONDITIONS

Subject to being in place ahead of any re-opening.

1	A Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and have their details recorded on the system.
2	<p>The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements:</p> <ul style="list-style-type: none">i. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;ii. CCTV cameras shall cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place;iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;iv. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;v. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;vi. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.
3	Signs must be displayed at all entrances {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.
4	<p>An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.</p> <p>The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:</p> <ul style="list-style-type: none">a) all crimes reported to the venueb) all ejections of patronsc) any complaints received concerning crime and disorderd) any incidents of disordere) all seizures of drugs or offensive weaponsf) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

	<p>The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 6 months from the date of the last entry.</p>
5	<p>Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:</p> <ul style="list-style-type: none"> a) The day and date when door supervisors were deployed; b) The name and SIA registration number of each door supervisor on duty at the premises; and c) The start and finish time of each door supervisor's worked duty period. <p>This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.</p>
6	<p>On any occasion where the premises conducts licensable activities past 23:00 hours, at least 4 SIA licensed door supervisors must be on duty from 22:00 hours until at least 30 minutes after the premises closes.</p>
7	<p>All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility jackets or vests.</p>
8	<p>The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.</p> <p>This policy shall specifically include but not be limited to:</p> <ul style="list-style-type: none"> a) Searching practices upon entry; b) Dealing with patrons suspected of using drugs on the premises; c) Scrutiny of spaces including toilets or outside areas; d) Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors); e) Staff training regarding identification of suspicious activity and what action to take; f) The handling of items suspected to be illegal drugs or psychoactive substances g) Steps taken to discourage and disrupt drug use on the premises h) Steps to be taken to inform patrons of the premises drug policy/practices <p>A copy of this policy document shall be lodged with the police and licensing authority.</p>
9	<p>A suitable drugs safe/cabinet shall be fitted, and any seized items shall be deposited in it. The safe shall be installed in a location agreed upon with the police and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.</p>

10	<p>At all times no persons shall be permitted to take bottles, glasses or drinking vessels away from the curtilage of the premises.</p> <p>Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.</p>
11	<p>A qualified first aider shall be on the premises after 22:00 hours each day when the premises is open for the sale of alcohol.</p> <p>The first aider must have a valid (non-expired) qualification in Emergency First Aid at Work or higher, proof of which must be shown to police or licensing authority staff upon reasonable request.</p>
12	<p>Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly.</p>
13	<p>A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:</p> <ul style="list-style-type: none"> · Proof of age card bearing the PASS Hologram; · Photocard driving licence; · Passport; or · Ministry of Defence Identity Card.
14	<p>All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.</p> <p>Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p>
15	<p>Persons under the age of 18 years shall not be allowed entry to the premises save on occasions when either:</p> <ul style="list-style-type: none"> · An 'under 18' event is held without the sale or supply of alcohol, or · The premises are exclusively used for a private function, for example wedding reception, engagement party employers Christmas party etc. and any person under 18 is accompanied by a responsible adult.
16	<p>At all times, at least 2 door supervisors will wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the licensing authority upon reasonable request.</p>

	<p>Door supervisors will be required to activate the recording function of such devices under the following conditions:</p> <ol style="list-style-type: none"> 1. Any use of force situations; 2. When it may be reasonably supposed a use of force situation is imminent; 3. When conducting a non-intimate consensual search as a condition of entry; 4. When dealing with an individual who is making threats of violence toward any other person; or 5. Initial scene capture where a criminal offence appears to have taken place.
17	<p>On commencement of initial employment at the venue, each door supervisor shall be briefed by both a head doorman and a management representative which covers use of force, the tone to be set etc. and a record made of who delivered the briefing and to whom. This briefing will be refreshed every six months and similarly recorded.</p> <p>These Briefing records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police or licensing authority staff upon reasonable request.</p>
18	<p>After 22:00 on Fridays and Saturdays there shall be a personal licence holder on duty on the premises when alcohol is offered for sale</p>
19	<p>The premises licence holder shall not directly employ door supervisors. A third-party contractor who has the appropriate SIA licence to employ door supervisors shall instead provide door supervisors.</p> <p>For the avoidance of doubt, that contractor is not required to be a member of the SIA "Approved Contractor" Scheme.</p>
20	<p>At least one door supervisor supervising the entrance to the premises will wear Body Worn Video Cameras (BWV).</p> <p>To be read with/incorporated into condition 16 (i.e., still a minimum of 2 SIA Door Supervisors to wear BWV).</p>

LICENSING ACT 2003 section 53B (6) & (8)**DECISION NOTICE**

Decision of the Licensing Committee ('the Committee') of Chelmsford City Council following the holding of a hearing on 09 March 2023 to consider representations made by holder of the premises licence relating to 'The Basement' (also known as 'The Bassment') , 16 Wells Street, Chelmsford, Essex CM1 1HZ, in respect of the interim step (suspension of licence pending determination of review) taken by the Committee on 01 March 2023.

A. Decision

Pursuant to section 53B (8) – (9) of the Licensing Act 2003 the Committee has considered whether the interim step taken by it on 01 March 2023 namely, that

'The premises licence in respect of 'The Basement', 16 Wells Street, Chelmsford, Essex CM1 1HZ be immediately suspended pending the determination of the review applied for.'

should be withdrawn or modified.

The Committee has determined that it is appropriate for the promotion of the licensing objectives that this interim step be modified as follows -

1) The suspension of the licence be lifted with immediate effect.

2) In its place, the twenty-one proposed conditions which have been agreed between the licence holder and Essex Police (and which are set out at pages 2 – 5 of hearing Bundle submitted by the licence holder's legal representative, Mr Dadds) be added to the premises licence, pending determination of the review.

B. Reasons for decision

1. In reaching its decision the Committee has had due regard to the certificate that accompanied the application by Essex Police on 28 February 2023 and the matters that had led to it take the interim step of suspending the premises licence on 01 March 2023 (starting at 16:30). The Committee also took into account the material contained within the hearing bundle submitted by the licence-holder's legal representative, Mr Dadds, including the proposed twenty-one conditions put forward by him (and which the Police confirmed were agreed by them for the time

being), as well as the representations made by both Mr Dadds and Mr Ashford at the actual hearing.

2. The Committee noted that since 01 March there had been constructive discussion between the licence holder and Essex Police and gave due weight to the fact that Essex Police had signified their agreement at the hearing to the imposition of the twenty-one proposed conditions as in interim step in place of the suspension, pending determination of the review.
3. The Committee was satisfied that it was appropriate for the promotion of the licensing objectives to lift the suspension provided that the comprehensive twenty-one conditions proposed by the licence holder and agreed with the Police were in place and rigorously adhered to.

The full review hearing will take place on **22 March 2023** .

Cllr Linda Mascott
Chair, Licensing Committee
09 March 2023