

Licensing Committee Agenda

HEARING TO CONSIDER A REVIEW OF A PREMISES LICENCE

This meeting will consider only licensing matters delegated under the Licensing Act 2003

25 September at 11am

Remote Meeting

**MEMBERS OF COMMITTEE INVITED TO ATTEND
HEARING**

Councillor L.A. Mascot (Chair)

and Councillors D.G. Jones, R.J. Lee and S. Rajesh

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 or email daniel.bird@chelmsford.gov.uk.

Licensing Committee

25 September 2020

AGENDA

1. Apologies for Absence

2. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Minutes

To consider the minutes of the meeting held on 7 September 2020.

4. Licensing Act 2003 – Application for a review of a premises licence – The De Beauvoir Arms, Downham Road, Downham, Billericay, CM11 1QH

A report regarding this application is attached.

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 7 September 2020 at 5pm

Present:

Councillor D.G. Jones (Chair of Hearing)

Councillors, A.E Davidson and I.C. Roberts

1. Apologies for Absence and Substitutions

There were no apologies for absence.

2. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

3. Minutes

The minutes of the meeting held on 25 August 2020 were agreed as a correct record and signed by the Chair.

4. Licensing Act 2003 – Application for a Summary Review of a Premises Licence – The Bay Horse, 189 Moulsham Street, Chelmsford, Essex, CM2 0LG

The Committee considered an application for a summary review of the premises licence relating to The Bay Horse, 189 Moulsham Street, Chelmsford, Essex pursuant to section 53C of the Licensing Act 2003 made by Essex Police. The application was made on the grounds of serious crime and disorder and the failure to promote all four licensing objectives and was accompanied by the required certificate of a senior police officer.

It was noted by the Committee that there were five options namely;

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

It was also noted by the Committee that any decision taken would not take effect until the end of the 21st day following receipt of the decision. Therefore, the Committee noted that

under Section 53D of the Licensing Act 2003 they were also required to formally review the previously imposed interims steps and consider whether, it was appropriate and proportionate for them to stay in place.

The following parties attended the hearing and took part in it:

Applicant – Mr Gordon Ashford and Mrs Rachel Savill (Essex Police)

Licence holder legal representative – Mr Piers Warne

Leaseholder legal representative – Mr David Hook

Licensing Authority Representative – Mr Paul Brookes

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting.

The Chair invited Essex Police as the applicant to introduce their case. The officers from Essex Police referred the Committee to the serious incidents that took place on and around the 9th of August. It was noted that these led to the summary review and then the interim steps imposed by the Committee in August. It was noted that Greene King were essentially the landlords and licence holder but this created confusion as the actual operation of the premises was by Moulsham Properties who had passed this onto the Mannion group. They informed the Committee that this had led to a sorry state of affairs and if the licence was not revoked then Moulsham Properties could again devolve the business to another party. Essex Police felt that revocation was the most appropriate step but if not then hours should be reduced along with the conditions proposed in page 42 of their document. Essex Police also asked that the interim steps should mirror the overall decision. Essex Police provided the Committee with expanded detail from the events on 9th August. It was noted that four people were taken to hospital after a large-scale fight with glasses being used as weapons. Footage of this had been made available to the Committee which also showed underage drinking, with fingerprint evidence of this on glasses. Essex Police also reminded the Committee that their application had been supported by other responsible authorities and at the very least would request new hours and their proposed conditions for the premises.

Mr Warne who was representing the Licence holder then addressed the Committee. He stated that it was fairly common practice for the Licence holder to essentially be involved at arm's length as Greene King were in this situation. He stated that they had not opposed the interim steps and had agreed that they were proportionate at the time. The steps had allowed all parties to take a step back and assess what had happened. It was noted that Greene King have thousands of both managed and leased premises across the country. The Committee heard that the premises in question had been operated by Mr Webb since 2011 and Greene King always hold the premises licence before leasing to a tenant, in this case Mr Webb. Mr Warne highlighted to the Committee that Moulsham Properties allowed a separate party, the Mannion group to operate the premises and the problems had happened during this time. Mr Warne stated that Mr Webb acted swiftly once aware of the problems and closed the premises after removing the Mannion group. It was noted that this demonstrated the problems had been taken seriously and he had no concerns with the conditions being proposed by Essex Police.

At this point of the meeting, the Chair invited Mr Hook, the legal representative of the leaseholder, Mr Webb to introduce their case. Mr Hook informed the Committee that the

Webb Family had operated the premises since 2011, but had entered into a management agreement, not a lease, with the Mannion group in late 2019. This had been due to ill health that had left Mr Webb unable to operate the premises, it was noted that he had been a licence holder generally since 1982. The Committee heard that there had been no issues at the premises until June this year, when it was being operated by the Mannion group. The Committee heard that the management and operation of the premises went rapidly downhill, leading to the unacceptable events around the 9th of August. The Committee heard that the current review from the police asking for full revocation was not a fair appraisal and was a kneejerk reaction to the incidents that had taken place. Mr Hook stated that they could not apologise for the events as they were not operating the premises at the time but agreed that they were exceptional and unacceptable. Mr Hook highlighted that the DPS, Mr Webb's daughter, was not contacted at any point regarding the issues and had therefore not been able to act upon them. He stated that she had been working shifts there whilst the premises was operated by the Mannion group but was excluded by him from the premises and removed as the DPS. Mr Hook informed the Committee that from October 2019 up until the lockdown in March 2020, there had been no issues but after lockdown Mr Mannion had appeared to go rouge and this led to the closure of the premises.

Mr Hook informed the Committee that the track record of the Webb's as operators had no issues and as soon as they were aware of the issues at the premises they acted in removing Mr Mannion and securing the premises. Mr Hook also highlighted one of the conditions they had offered which would prevent Mr Mannion from any future involvement with the premises. The Committee also heard that if they were allowed to reopen they would need a few weeks to prepare the premises and therefore would have no objection to the interim steps staying in place for the meantime.

Mr Brookes who had made a representation on behalf of the Licensing Authority in support of the application from Essex Police then addressed the Committee. He stated that the DPS had not been contacted as the Council had been in contact with Mr Mannion who was running the premises and the DPS had been working under him. Mr Brookes stated there had been a blatant disregard for any regulatory advice by the premises, including Covid guidance and noise nuisances. The Committee heard that on one occasion, after agreeing to turn down volume levels, they were simply increased again afterwards. Mr Brookes also highlighted the request from his colleague in Environmental Health that there should be a reduction in opening times and no amplified music in external areas.

The Chair informed those present that the Committee would now retire to deliberate on the matter. It was noted that unlike previous meetings where everyone was present, this would be held remotely and a decision would be provided to the relevant parties via email within in a few days. The decision made is detailed below and was circulated to the relevant parties.

The Committee gave careful consideration to the relevant representations both written and made in the course of the remote hearing.

RESOLVED that the Director of Public Places be authorised to permanently modify the conditions of the licence as detailed below:

A. The Premises Licence

The Committee has decided not to revoke the licence but instead considers it appropriate for the promotion of the four licensing objectives that the following steps be taken:-

- 1) The imposition of the conditions proposed by Essex Police in their application for the summary review (Appendix C to the report before Committee) as set out at pages 43 – 48* of the application except for proposed conditions nos. 4; 10; 18; 25 and 26.

(These conditions are to replace the existing licence conditions which are set out in Annex 2 to the Premises Licence – “Conditions from Operating Schedule”.)

* pages 65 of 77 to 70 of 77 if using the Council’s Agenda pagination.

- 2) The imposition of a condition precluding the playing (at any time) of amplified music in external (i.e. outdoor) areas of the licensed premises.
- 3) The imposition of a condition to the effect that neither Mr Gary Mannion whether by himself, his servants agents or The Mannion Group Ltd nor any person associated with them shall be permitted to occupy manage direct or control or otherwise participate in any way in the running of the licenced premises.
- 4) The removal of the Designated Premises Supervisor (Mr Gary Mannion) from the licence.

B. Review of the Interim Steps

The Committee considers that it is appropriate for the promotion of the licensing objectives that the interim steps previously imposed be modified as follows: -

- 1) The suspension of the licence be lifted.
- 2) Removal of the Designated Premises Supervisor (Mr Gary Mannion) to remain in place.
- 3) The imposition of the conditions proposed by Essex Police in their application for the summary review (Appendix C to the report before Committee) as are set out at pages 43 – 48* of the application except for proposed conditions nos. 4; 10; 18; 25 and 26.

(These conditions to take the place of the existing licence conditions which are set out in Annex 2 to the Premises Licence – “Conditions from Operating Schedule”.)

* pages 65 of 77 to 70 of 77 if using the Council's Agenda pagination.

- 4) The imposition of a condition precluding the playing (at any time) of amplified music in external (i.e. outdoor) areas of the licensed premises.
- 5) The imposition of a condition to the effect that neither Mr Gary Mannion whether by himself his servants or agents or The Mannion Group Ltd nor any person associated with them shall permitted to occupy manage direct or control or otherwise participate in any way in the running of the licenced premises.

Reasons for Decision

A. The Premises Licence

1. The Committee considered the incidents which gave rise to the application by Essex Police for a summary review to be appalling and disturbing in nature. All four of the licensing objectives had been engaged and undermined. There had been an outbreak in violence necessitating a major police response with, among other things, people sustaining serious injuries and needing to be hospitalised. There was also evidence of underage drinking. In addition, noise nuisance had been experienced by local residents and there had been a failure to implement Covid-19 social distancing measures.
2. It was clear to the Committee that the outbreak of violence and disorder was, in part, attributable to the poor and deteriorating management of the premises. The management (including door staff) had lost control. There had also been a disregard by the management in relation to requests by the Council's Out of Hours Noise Officer to reduce the volume of music emanating from the premises which was causing a statutory nuisance to a nearby local resident. In addition, there had been a failure to engage with the Council's Public Health and Protection Service in relation to the carrying out and implementation of a covid-19 secure plan. Public Health and Protection had been compelled to issue an Improvement Notice. Furthermore, it had been necessary to serve a noise abatement notice.
3. The Committee had given careful consideration and weight to to Essex Police's submission that the appropriate step for the Committee to take in this review was to revoke the licence and that if the premises were allowed to continue to operate with a licence they (Essex Police) believed that further incidents would occur. The Committee was mindful of and had due regard to the statutory licensing Guidance issued pursuant to section 182 of the Licensing Act 2003 - and in particular to paragraphs 2.1; 2.5; 2.23; 2.29; 9.43;

11.22; 11.23; 11.26; and 2.27 of such guidance. Furthermore, the Committee took into account the case law to which Essex Police had made reference at paragraph 4.6 of their application.

4. The Committee also had regard to the fact that the outbreak of violence and disorder and other issues giving rise to the request for the review had taken place in the period from late June to early August 2020 while the premises were being managed by The Mannion Group Limited / Mr Gary Mannion – pursuant to a management agreement entered into in October 2019 between the leaseholder of the licensed premises Moulsham Properties Limited (owned / controlled by the Webb family) and the Mannion Group Limited. The Committee took into account the fact that Mr Mannion had managed the premises without complaint from October 2019 and that it was only after the re-opening of premises (after lifting of lockdown) that (for whatever reason) the management had deteriorated and things started to “go off the rails”. There was evidence that Mr Mannion had excluded the Designated Premises Supervisor from the premises and that both she and the other members of the Webb family had been unaware of the serious deterioration in the management of the premises and the problems that were building up until things came to a sudden head on the weekend of the 8th /9th August 2020 (the incident of the outbreak of violence and serious disorder etc). The Committee was bound to note and have due regard to the fact that upon becoming aware of the incident the Webb family immediately sought to take action by terminating the management agreement and removing Mr Mannion from the premises. Furthermore, they had sought to liaise and co-operate with the police and the Council’s Licensing Section. The Committee was also bound to have regard to the Webb family’s track record of managing the premises without complaint or issues during the 9 years or so preceding the bringing in The Mannion Group Ltd/ Mr Mannion to manage the premises. It was not disputed that the Webb family had unblemished records when it came to managing licensed premises themselves.
5. The decision whether it was appropriate for the promotion of the licensing objective to revoke the licence was a very finely balanced one in this particular case. Having regard to all the circumstances, however, the Committee was of the view that with (i) the imposition of the conditions set out above, (ii) the removal of Mr Mannion as the Designated Premises Supervisor, and (iii) the Webb family’s assurance that they would take back the direct management of the premises, a recurrence of the incidents which had triggered the review was unlikely. Due weight had to be given to the concerns expressed by Essex Police that a recurrence of the kind of appalling and completely unacceptable incidents that had triggered the review was

likely if the licence remained in place. However, Essex Police's concerns were, at least to some extent, based on the assumption that The Mannion Group Ltd/Mr Mannion would once again operate the premises. However, The Mannion Group Ltd / Mr Mannion would not be able to do this.

6. The Committee did not consider that it would be appropriate for the promotion of the licensing objectives to affix to the licence conditions nos. 4; 10; 18; 25 and 26 which had been proposed by Essex Police. The Committee's rationale for imposing conditions had to be evidence-based and proportionate to what was intended to be achieved. In the Committee's view, proposed conditions nos. 4; 10; 18; 25 and 26 would be disproportionate in their effect. (Insofar as these five proposed conditions were concerned, the Committee agreed with the submissions put forward in the "Details of Representation on behalf of Moulsham Properties Limited" document which it had before it at the hearing.)

Nor did the Committee consider that it would be appropriate to cut back on the opening hours.

7. If there were any further incidents of concern emanating from the operation of the premises, then the licence could be brought back to Committee for review.

B. The review / modification of Interim Steps

1. The Committee considers that it is appropriate to lift the suspension of the premises licence, given that it has decided on the final review not to revoke the licence.
2. The Committee considers that it is appropriate to mirror the imposition of the conditions imposed by it as part of the final review decision and to ensure removal of the Designated Premises Supervisor remains in place. This is because the Committee wishes to ensure that there are appropriate and proportionate safeguards in place at all times until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.

5. Application to vary the Designated Premises Supervisor

Essex Police withdrew their objection to this application and the item was therefore not considered.

The meeting closed at 6.18pm.

Chair

Chelmsford City Council Licensing Committee

Licensing Act 2003 – Application for review of a premises licence of the De Beauvoir Arms, Downham Road, Downham, Billericay, CM11 1QH

Report by:

Director of Public Places

Officer Contact:

Licensing Officer, Catie Higgins, Email: catie.higgins@chelmsford.gov.uk Tel: 01245 606511

Purpose

The Committee is requested to consider an application made by Essex Police to Review the said premises licence under Section 51 of the Licensing Act 2003 and have regard to representations made during the consultation period that followed in line with the promotion of the licensing objectives, namely:

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

Options

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

- To modify the conditions of the licence so as to add, amend or remove any of them
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for up to three months
- Revoke the licence

An appeal against the 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.

1. Background or Introduction

- 1.1. The premises is a Restaurant and Bar located within a small village on the outskirts of Billericay but within the jurisdiction of Chelmsford City Council. It is surrounded by residential properties and is licensed by the Licensing Authority. A copy of the Premises Licence is attached as **Appendix A**.

2. Application

- 2.1. On the 12th August 2020, Chelmsford City Council received an application from Essex Police for a Review of the Premises Licence at the De Beauvoir Arms on the grounds of crime and disorder, public safety and the prevention of nuisance. A copy of the application for the review of a premises licence is attached as **Appendix B**.
- 2.2. The application has been properly made in accordance with The Licensing Act 2003 and all procedures correctly followed. The public notice was properly displayed, and copies of the application served on the Premises Licence Holder and Responsible Authorities. The application was also advertised on the Councils website.

3. Representations

- 3.1. During the consultation period the authority received further representation from Environmental Protection Services on the grounds of Public Nuisance. A copy of that representation is attached at **Appendix C**.
- 3.2. On the 24th August the licensing authority received notification of a representation from a resident local to the premises. This is attached as **Appendix D**.
- 3.3. On the 4th September 2020 I received two further statements from officers that attended the premises. Their statements are attached as **Appendix E**.
- 3.4. No other representations have been received from any other responsible authority nor interested party.

3.5. The premises licence authorises the following licensable activities;

Sale of Alcohol:

Monday to Saturday 08:00 - 01:00

Sunday 08:00 - 00:00

Playing of Recorded Music

Monday to Saturday 08:00 - 01:00

Sunday 08:00 – 00:00

Late Night Refreshment

Monday to Saturday 23:00 – 01:00

Sunday 23:00 – 00:00

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 the conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.

4.3. s. 182 guidance (9.43) The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

4.4. This application has been correctly submitted.

4.5. At the conclusion of this hearing, members are advised to consider the options previously recommended.

List of appendices:

- Appendix A – Copy of the Premises Licence
- Appendix B – Copy of the Review Application
- Appendix C – Environmental Protection Representation
- Appendix D – Member of Public Representation.
- Appendix E – Redacted Police Officer Statements

- Appendix F – Map detailing location of the premises

Background papers: None

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: None

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



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

Premises Licence

Premises Licence Number

07/00559/LAPRE

Part I – Premises Details

De Beauvoir Arms Downham Road Downham Billericay Essex CM11 1QH		
Telephone number	Not supplied	
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 - Saturday	08:00 - 01:00
Sale or supply of Alcohol	Sunday	08:00 - 00:00
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25 th January (Burns Night), 14 th February (Valentines Day), 29 th February, 31 st October (Halloween), 31 st November (St Andrew's Day), 24 th December (Christmas Eve), 27 th and 28 th December, the finish time shall be 01:00.		
Playing of Recorded Music	Monday - Saturday	08:00 - 01:00
Playing of Recorded Music	Sunday	08:00 - 00:00
Late Night Refreshment	Monday - Saturday	23:00 - 01:00
Late Night Refreshment	Sunday	23:00 - 00:00
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25 th January (Burns Night), 14 th February (Valentines Day), 29 th February, 31 st October (Halloween), 31 st November (St Andrew's Day), 24 th December (Christmas Eve), 27 th and 28 th December, the finish time shall be extended for one hour		

The opening hours of the premises are

Opening hours Monday to Sunday 08:00 - 01:30
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25th January (Burns Night), 14th February (Valentines Day), 29th February, 31st October (Halloween), 31st November (St Andrew's Day), 24th December (Christmas Eve), 27th and 28th December, the finish time shall be extended for one hour.

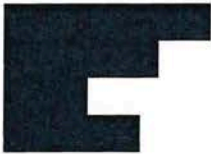
Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and Off the Premises

Part 2

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

Mr Ali Mumin



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

Not Applicable

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

Mr Abdul Azir



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

11464 Tower Hamlets

Signed:

p p Director of Strategic Housing and the Environment

Issued on the 10th February 2015 following a Minor Variation

Dated:7th November 2007

Annex I – 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 must 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—

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)..

5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6 (1) ~~The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.~~

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7 The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions from the Operating Schedule:

1. The exterior of the premises is to be checked regularly to collect glasses
2. In respect of the bar area (highlighted in red on the premises plan accompanying this Licence) proof of age will be required from customer who appear to be under the age of 25 in the form of a passport, driving licence or other approved pass document.
3. Signs will be displayed on the premises requiring customers to leave quietly and in an orderly fashion having regard for neighbours.
4. There will be no admission to the Bar area (highlighted in red on the premises plan accompanying this Licence) after 23.00 hours
5. Children under the age of 14 will not be allowed in the restaurant area (highlighted in blue on the premises plan accompanying this Licence) unless accompanied by an adult.
6. Children under the age of 16 will not be allowed in the bar area (highlighted in red on the premises plan accompanying this Licence) unless accompanied by an adult.

Conditions agreed with Essex Police:

Closed Circuit Television & Video Recording

- a) A CCTV system incorporating recording will operate throughout the whole of each period the premises are open.
- b) The system will include coverage of all public entrances and exits from the premises, the outside terraced area and other areas agreed with the Police.
- c) The system will provide for recording of all cameras simultaneously.
- d) And records will be made for the whole of each period of trading.

- e) The recording will be kept for a period of thirty one days and will be provided to the police upon request.
- f) If tapes are used, they will be used for a maximum period of six months.

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

Not applicable

Annex 4 – Plans

See attached

Licensing Act 2003
Part B Premises Licence Summary

Premises Licence Number

07/00559/LAPRE

Premises Details

De Beauvoir Arms
 Downham Road
 Downham
 Billericay
 Essex
 CM11 1QH

Telephone number Not supplied

Where the licence is time limited the dates

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 - Saturday	08:00 - 01:00
Sale or supply of Alcohol	Sunday	08:00 - 00:00
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25 th January (Burns Night), 14 th February (Valentines Day), 29 th February, 31 st October (Halloween), 31 st November (St Andrew's Day), 24 th December (Christmas Eve), 27 th and 28 th December, the finish time shall be 01:00		
Playing of Recorded Music	Monday - Saturday	08:00 - 01:00
Playing of Recorded Music	Sunday	08:00 - 00:00
Late Night Refreshment	Monday - Saturday	23:00 - 01:00
Late Night Refreshment	Sunday	23:00 - 00:00
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25 th January (Burns Night), 14 th February (Valentines Day), 29 th February, 31 st October (Halloween), 31 st November (St Andrew's Day), 24 th December (Christmas Eve), 27 th and 28 th December, the finish time shall be extended for one hour		

The opening hours of the premises are

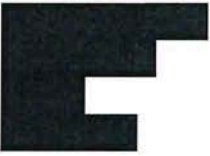
Opening hours Monday to Sunday 08:00 - 01:30
Maundy Thursday, the Thursday, Friday, Saturday and Sunday preceding all public and bank holidays (except Good Friday), 25th January (Burns Night), 14th February (Valentines Day), 29th February, 31st October (Halloween), 31st November (St Andrew's Day), 24th December (Christmas Eve), 27th and 28th December, the finish time shall be extended for one hour

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

On and Off the Premise

Name, (registered) address of holder of premises licence

Mr Ali Mumin



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

Not Applicable

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr. Abdul Azir

State whether access to the premises by children is restricted or prohibited

Children Permitted

Signed:

p p Director of Strategic Housing and the Environment

Issued on the 10th February 2015 following a minor variation

Dated:7th November 2007

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 Rachel Savill 76871 Licensing Officer, Essex Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 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	
De Beauvoir Arms Stoneham Road Stoneham	
Post town Billericay	Post code (if known) CM111QH

Name of premises licence holder or club holding club premises certificate (if known) Mr Ali Mumin

Number of premises licence or club premises certificate (if known) 07/00559

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

on behalf of the Chief Officer of Police Essex Police Licensing Department Braintree Police Station Blyths Meadow Braintree CM7 3DJ
Telephone number (if any) 01245 452035
E-mail address (optional) Licensing.Applications@essex.pnn.police.uk

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 grounds for review are that the crime and disorder objective of the Licensing Act 2003 has been undermined in that a unlicensed event was knowingly allowed resulting in public nuisance and risk to public safety.

Please provide as much information as possible to support the application (please read guidance note 3)

On the 2nd August 2020 Essex police received Numerous calls from concerned residents regarding a party at the De Beauvoir Arms. Police officers attended the premises where a large Marquee was set up in the grounds.

The Marquee was set up for an organised event with 600 persons expected to be attending. This event was carried out in an unlicensed area, and no prior application was received to allow this event to go ahead.

The above activities resulted in obstructions to residents' driveways, anti-social behaviour from attendees and breaches of Covid regulations.

Due to complaints regarding noise nuisance the council out of hours attended who stated that the music was excessively loud.

Promises were made to police officers by the organisers of the event to not allow any more persons into the party and to shut down at 2000hrs. The event was continued up until 2230hrs with attendees still arriving. The event organiser was very obstructive and gave officers false details.

Organisers, staff and attendees were witnessed to be in possession of cannabis and people were seen jumping a picket fence to gain entry into the Marquee. This shows the lack of control that the organisers had and a complete disregard for the law.

It is the contention of the Police that a review of the licence is necessary as the crime and disorder objective has been undermined.

The licensing authority may wish to consider restricting any outdoor activity with no use of a Marquee for future events and to only allow alcohol for consumption on the premises.

Essex Police will produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing.

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.**

Have you made an application for review relating to the premises before **Please tick ✓ yes**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them



**Premises Licence Review
De Beauvoir Arms
Downham, Billericay**

Premises Licence No. 07/00559/LAPRE

**PUBLIC REDACTED
VERSION**

Supplementary documentary information in support of review.

CONTENTS

1.0 Background Details	Page 3
2.0 Outline of Circumstances Leading to Review	Page 3-4
3.0 Reason for review	Page 4
4.0 Outcome Sought	Page 4-6
5.0 Case Law	Page 6-8
Document 1 – Statement from PC [REDACTED]	Page 9-11
Document 2 – Press article re incident	Page 12-13
Document 3 – Plan of licenced area and land registry	Page 14-16
Document 4 – Drone images	Page 17-20
Document 5 – Revised conditions	Page 20-24

1.0 Background Details

1.1 - The De Beauvoir Arms is a licensed premise located at Downham Road, Billericay CM11 1QH.

The premises are the holder of a Premises Licence No. 07/00559/LAPRE issued by Chelmsford City Council. The Premises Licence holder is M [REDACTED]. The premises are licensed for the sale of alcohol for consumption on and off the premises, Late night refreshment and Regulated entertainment.

1.2 - The Designated Premises Supervisor (DPS) at the time of writing is Mr [REDACTED] personal licence number 11464

2.0 Outline of circumstances leading to the Summary Review application.

2.1 - On Sunday the 2nd August 2020 Essex police received 16 calls from concerned residents regarding a party at the De Beauvoir Arms. Police officers attended the location and discovered a large Marquee had been erected in the grounds.

2.2 The Marquee was set up for an organised event with 600 persons expected to be attending. This event was carried out in an unlicensed area, and no prior application was received to allow this event to go ahead.

2.3 The event was advertised on Social media as “Yellow & White Soiree” organised by Purelife Entertainment operating from 1pm to 10pm. Tickets were sold through Eventbrite website.

2.4 The premises manager reported that he was expecting 200 people to attend, there were unconfirmed reports that 2000-3000 people in attendance. Worryingly many party goers avoided security by stepping over a small picket fence to gain entry to the event. Giving clear evidence that the DPS and promoters did not have any control over how many people attended and how they conducted themselves at this event. There were widespread reports of event staff and patrons using cannabis throughout this event.

2.5 The volume of people attending this unlicensed event resulted in obstructions to residents’ going about their normal business, anti-social behaviour from attendees and breaches of Covid regulations.

2.6 Chelmsford City Council environmental health attended due to complaints regarding noise nuisance the council out of hours attended who stated that the music was excessively loud.

2.7 Due to the ever-increasing numbers of people arriving officers on scene met with the event organiser and agreed that the music would be turned off at 8pm and would shut the party down by 9pm without letting any more attendees inside. This was then disregarded by the organisers with more attendees turning up and being allowed access to the Marquee and continued with the music event until the advertised 10pm finish.

2.8 There were several residents verbally abused when challenging patrons about inconsiderate parking. One resident had a drink thrown in her face by a female attending the event. Community tension increased as a result of this event.

2.9 Essex Police feel a review of the licence is necessary as the crime and disorder and public nuisance objectives have been undermined.

2.10 This incident demonstrates that the licensing objectives are being severely undermined and that it is necessary to protect the public by taking the premises licence to review.

3.0 Reasons for Review

3.1 - This incident resulted in large scale disorder, with Essex Police requiring a Force redeployment to respond to this event, The event was unlicensed and no prior application was received by Essex police.

The De Beauvoir arms rented part of their land to the event organiser knowing that a large event was intended. A large marquee had been set up prior to the event which had the capacity for up to 500 people.

3.2 - Attendance and subsequent events were captured on Body Worn Video (BWV) cameras worn by the police officers. Should it be possible in the timescales to do so, Essex Police will seek to show some of this evidence at the hearing. (see Exhibit RS/1)

3.4 - On Tuesday 4th August – Community Police team and Essex police licensing attended the premises. Police found staff obstructive with staff refusing their details when requested. Further discussion held with the manager Mr [REDACTED]. When Police requested to speak to the DPS [REDACTED] reported that the previous DPS is no longer employed. Licensing officer instructed the manager to submit an application for a DPS variation. To date no application has been received.

3.5 - Essex police also have concerns that an incident similar will occur again without the correct conditions and controls in place.

4.0 Review Outcome Sought

4.1 In order to mitigate the risk of further disorder the police would request that the below conditions are put in place. The current licence has 8 conditions which do little to support the licensing objectives.

A strong suite of conditions is required to support all 4 of the licensing objectives (under which the review is brought) and particularly that relating to public safety.

4.2 Essex Police proposes the following as essential conditions which are appropriate to support the licensing objectives including the existing licence conditions.

1. Between (21:00) and (01:00) no sales of alcohol for consumption off the premises may take place.

2. An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.

3. There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).

4. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.

5. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.

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:

(a) {all crimes reported to the venue}

(b) {all ejections of patrons}

(c) {any complaints received concerning crime and disorder}

(d) {any incidents of disorder}

(e) {all seizures of drugs or offensive weapons}

(f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence}

6. The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least {12} months from the date of the last entry.

7. Service of alcohol shall be by waiter/waitress only to patrons seated at a table and who have or intend to have a substantial meal.

8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least {12} months from the date of the last entry.

9. 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. 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.

10. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. {These signs shall be a minimum size of 200mm x 148 mm}.

11. Outside tables and chairs shall be rendered unusable and immovable by (21:00) hours each day.

12. {At all times/after (21:00) hours} no persons shall be permitted to take bottles, glasses or drinking vessels {from the premises/into the outside seating area. Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.

13. No music, nor late night refreshment, shall be provided to external areas {at any time/after (21:00) hours}.

14. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises {at all times/up to (01:00) hours}.

15. Section 177A (2) of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment. This condition specifically exempts the premises from the deregulation of music. There shall be no playing of recorded music, other than as incidental background music.

16. 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 **and** is either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or

Ministry of Defence Identity Card.

17. The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

At the point of sale, such signs shall be a minimum size of 200mm x 148mm.

4.3 – An application is requested to vary the Designated Premises Supervisor (DPS) as requested on the 4th August. The designated premises supervisor is the key person who should be in day to day management of the premises, as the current DPS is no longer employed by the premises a suitable person needs to be nominated.

5.0 Case Law

This view is supported by the Statutory Guidance issued under the Act, viz

5.1 Paragraph 11.26

It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

5.2 Paragraph 11.23

(...) However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence (our emphasis).

5.3 In the case of *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* (2011) EWCA Civ 312, 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."

5.4 In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)*(2016) Mr Justice Jay said:

The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

5.5 In the case of R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350, Mr Justice Slade

“On the determination under s 52 Licensing Act 2003 of an application for review of a premises licence in circumstances involving criminal conduct connected with the licensed premises, consideration must be given to what was necessary to promote the objective of crime prevention, and to the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holders” (para 32.1).

“(…)wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State” (para 32.1)

“However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable” (para 33.1).

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN


--	--	--	--

Statement of: 

Age if under 18: over (if over 18 insert 'over 18') Occupation: Acting Police Sergeant 77428

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:.....  (witness) Date: 15/08/2020

At 18:12hours on SUNDAY 2nd AUGUST 2020 I was on duty in CHELMSFORD as call sign NR201 in the company of PS 73790 

I attended the DE BEAUVOIR ARMS pubic house, DOWNHAM ROAD, DOWNHAM to reports of a large gathering at the venue, incident EP-20200802-1186.

Upon my attendance I could see cars parked all the way down DOWNHAM ROAD which was only allowing traffic to pass in one direction at a time, causing local residents and other cars arriving, issues with moving through the village.

There was obvious loud dance music been played that was coming from a large marquee area to the rear of the pub garden. There was private security that were present at the pub car park entrance and a second security entrance point for guests within the beer garden. My initial observations were that the attendees were not socially distancing when queuing to get into the fenced off area. There was no attempt to distance the queue and one of the security men had a hand-held thermometer he was pointing at peoples heads, however, he was not socially distancing himself from the guests.

I could smell cannabis in the air and could see people smoking cannabis joints in the street as they arrived as well as within the party area.

Signature: 

Signature witnessed by:

PS [redacted] and I sought to speak with the owner of the pub and asked security to locate him. I observed inside the party area what I would estimate as a few hundred people but my view inside the marquee was mostly obstructed. I spoke with the manager who identified himself as [redacted]. He stated he had a booking for 200 people and that his marquee could hold 500 people and that would allow reasonable social distancing. He was advised that current regulations did not allow for that number of people to gather in one place. ALI stated that the event was ticketed and that he was told only 200 tickets were sold.

I asked to speak with the event organiser who identified himself to me as [redacted] who then gave a phone number and address. I realised that the date he had given would have meant it was his birthday on that day and I asked him whether it was his birthday and he stated no. I later received information that all the information he gave was false and it was suspected he was a male known to be [redacted]. He was dressed in a white T-shirt with the letters P and L on it. He stated they stood for 'PURE LIFE PROMOTIONS'.

People were continually arriving ignoring any social distancing.

I walked down the road to view the marquee area and could see a male wearing a PL logo T-shirt which indicated he was event staff, smoking cannabis.

The cars were parked all the way down DOWNHAM ROAD and residents were all concerned that parked vehicles were not allowing them full access to their driveways.

I witnessed people jumping over the small fence into the arena to continue to gain access. Numbers continually grew and there was a continual smell of cannabis. People were drinking alcohol that was being served from within the marquee. Throughout the incident people that had arrived were displaying a QR code on their mobile phones that door staff were not paying much attention to. They appeared to just let anyone in that arrived initially.

PS [redacted] and I advised [redacted] that he shouldn't be allowing anymore people in and this was passed to security as well. We were told by security that they wouldn't let anyone else in but this continued to happen for the next hour. After some liaison with security they did stop letting people into the party putting a barrier across the front driveway. Guests were trying to enter still and people were seen to run through the pub bypassing security.

Signature: [redacted]

Signature witnessed by:

I spoke with numerous attendees who had all mostly travelled from outside of ESSEX to come to the party. During this incident I viewed drone footage which showed a lack of social distancing between the party attendees.

The music volume was very loud and had bass levels that could be heard from a far. Residents were passing-by making comments that the music levels and crowd levels were unacceptable. They were angry that an event could be allowed at the pub.

I was joined by an environmental health noise officer who stated the volume and bass were of a level that he would give a notice to turn it off.

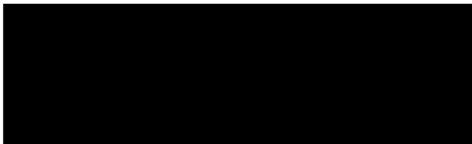
Initial discussions with the manager and security had a mutual agreement the party would be stopped by 2100hours with guests expected to leave by that time. Security liaised with the DJ who initially turned music down to a level that the environmental officer was happy with, but this soon got turned back up to an unacceptable level.

A further agreement was made that the music would end with a view to the party finishing at 2200hours, this was all agreed mutually between the security, manager and DJ. The music did go off around 2200 hours and people did start to leave as expected with police withdrawing at 23:00hours.

I inspected the marquee after the party and could see a bar that was set up as well as a speaker system. The bar was serving bottles of champagne and was been loaded on to trolleys. The marquee smelt strongly of cannabis.

Throughout the incident I have engaged with those attending the party and they remained in good spirits throughout. The incident breached covid-19 distancing regulations and there was clear and obvious drug taking. It caused unrest amongst the local community.

These are my original notes made at CHELMSFORD POLICE OFFICE.

Signature: 

Signature witnessed by:



Neighbours fury as over 600 guests unexpectedly arrive at 'out of control soiree'

29 comments

HUNDREDS of people unexpectedly turned up for an “out-of-control soiree” at a well-known Billericay restaurant.

Bosses at the Beauvoir Arms, who held the promoted event, have now apologised for the bash getting out-of-hand. Police and the council were alerted to the party which happened between 1pm and 10pm Sunday.

One witness, who wished to remain anonymous, was outraged at the number of people on Downham Road.

The 40-year-old woman, who lives on Dowsetts Lane, Ramsden Heath, said: “There was more than 600 people and the traffic flow was unbelievable.

“People were parking on driveways, there was double parking, it was completely rammed.

“It makes me so angry. There shouldn’t have even been 100 people attending, but we had people from London coming down and bringing with them the potential risk of Covid, even when our town is full of vulnerable elderly people. Nobody was wearing masks.

"It's disgusting, and they re-opened the next day when I doubt they would've had time to deep clean. I don't know how they'll come back from this."

Ashraph Ali, manager at the Beauvoir Arms, isn't happy. He said: "We planned this as a soiree style evening, and thought it would be just a garden party."

ADVERTISING

[Ads by Teads](#)

"We said no more than 200 people, but the marquee was big enough for about 500. There's lots of space in the garden and we set it out to keep things socially distanced."

"Sadly we had around 300 to 350 arrive - there was no way we agreed to that many. I think word must've got out about it."

ADVERTISING

"We organised the correct facilities for the number we was expecting and made provisions for 50 to 60 cars in the car park."

"It was never our intention to have so many parking on the road."

"Unfortunately it got out of hand, but we worked with the police and council to get everyone out safely, which was my main concern."

"I'd like to apologise for any upset caused and understand resident concerns."

"The whole event including portable toilets were outside, which meant we could sanitise and clean up and still was able to re-open the restaurant the next day."

A spokesperson from Essex Police, said: "We were called to reports of a large gathering at a licensed premises in Downham Road, Downham on the evening of Sunday August 2."

"We liaised with the event organisers and negotiated its end. Licensing officers will carry out a review of the incident."

H.M. LAND REGISTRY

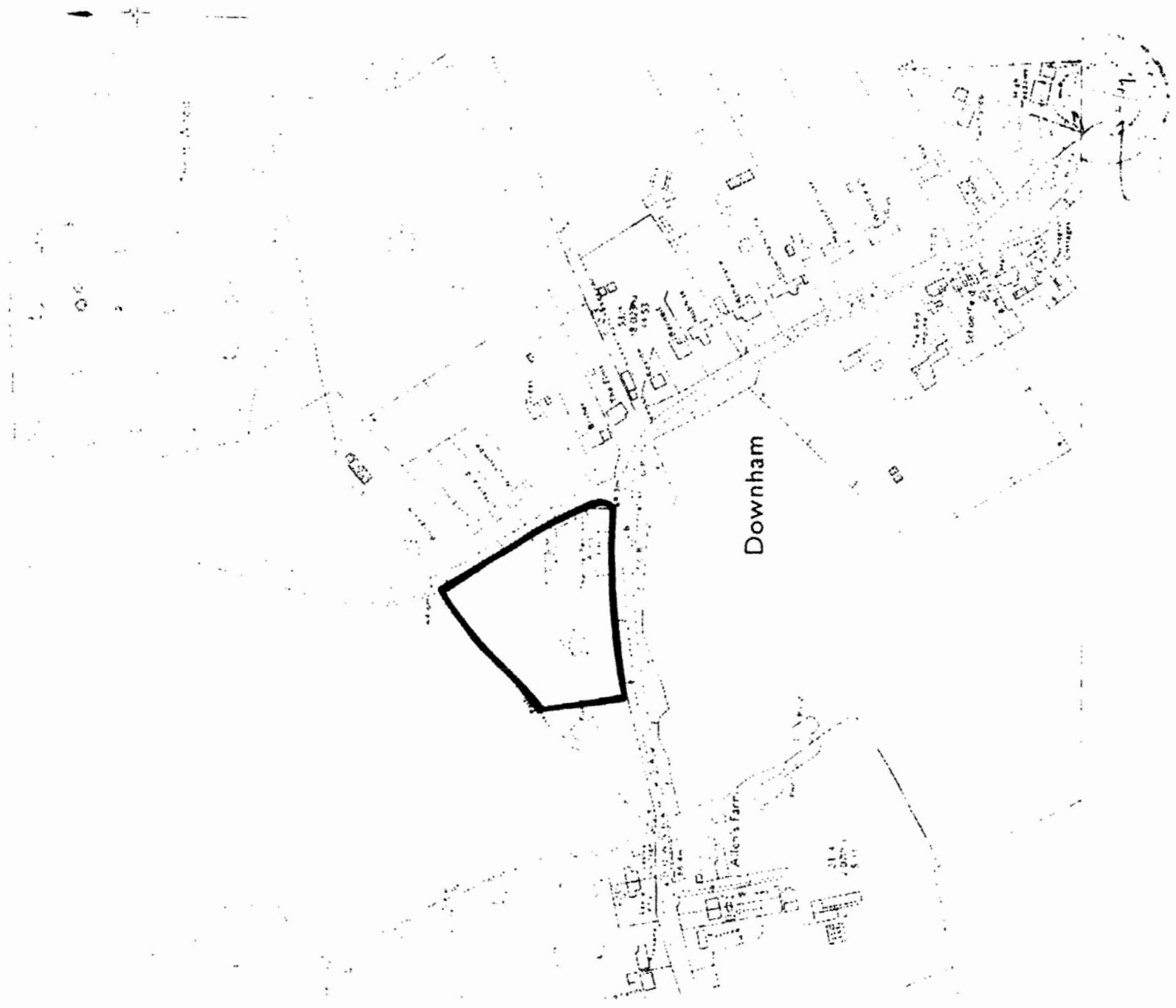
EX616446

ORDNANCE SURVEY
PLAN REFERENCE

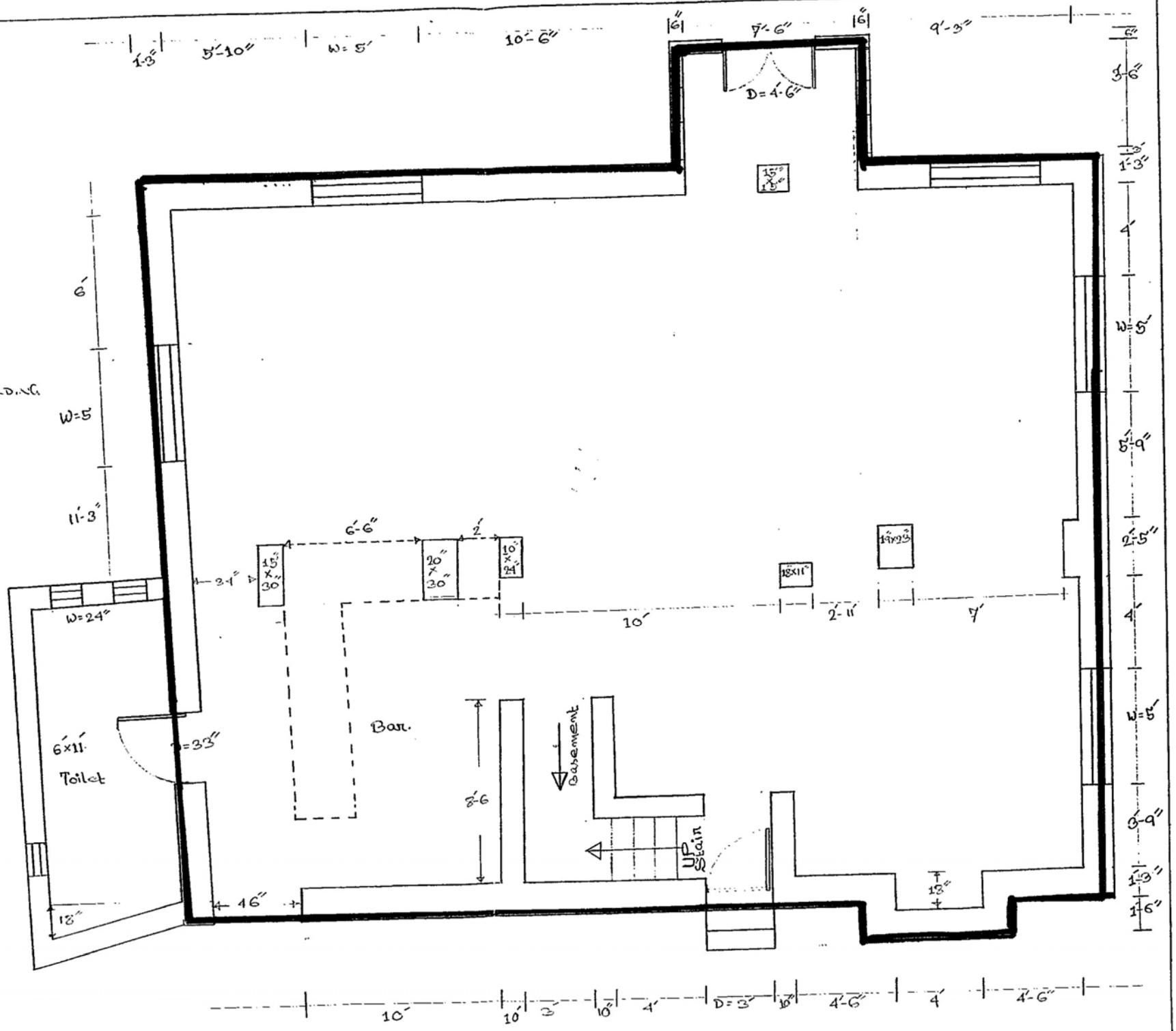
TQ 7296

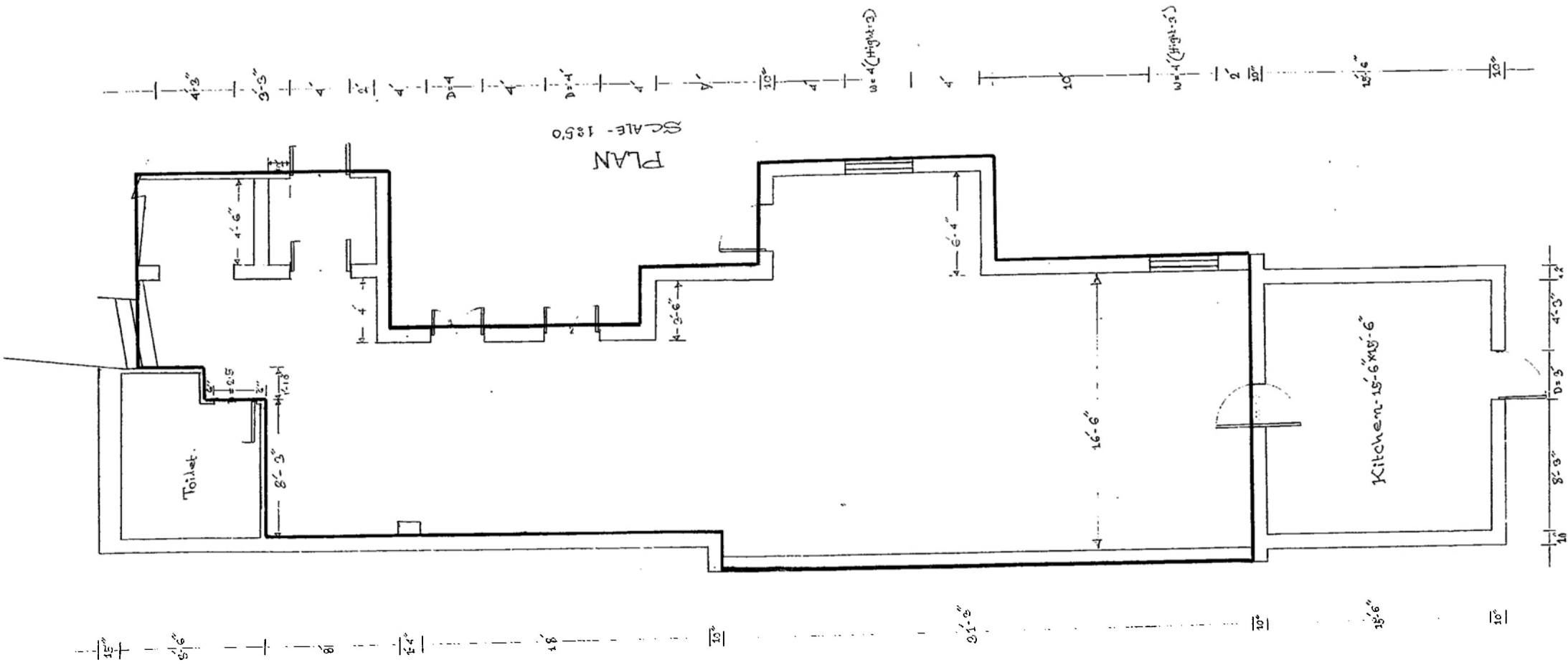
COUNTY: ESSEX

DISTRICT: BELVEDERE



PLAN OF MAIN BUILDING
SCALE 1:50





POLICE SUGGESTED REVISED CONDITIONS

In order to mitigate the risk of further disorder the police would request that the below conditions are put in place. The current licence has 8 conditions which do little to support the licensing conditions.

A strong suite of conditions is required to support all 4 of the licensing objectives (under which the review is brought) and particularly that relating to public safety.

Essex Police proposes the following as essential conditions which are appropriate to support the licensing objectives including the existing licence conditions.

1	Between (21:00) and (01:00) no sales of alcohol for consumption off the premises may take place.
2	An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.
3	There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).
4	In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.
5	<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 venue}(b) {all ejections of patrons}(c) {any complaints received concerning crime and disorder}(d) {any incidents of disorder}(e) {all seizures of drugs or offensive weapons}(f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence}

	The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least {12} months from the date of the last entry.
--	--

6	Service of alcohol shall be by waiter/waitress only to patrons seated at a table and who have or intend to have a substantial meal.
---	---

7	<p>A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.</p> <p>All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p> <p>The refusals record shall be either electronic or maintained in a bound document and retained for at least {12} months from the date of the last entry.</p>
---	--

8	<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>
---	--

9	<p>Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.</p> <p>{These signs shall be a minimum size of 200mm x 148 mm}.</p>
---	---

10	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. {These signs shall be a minimum size of 200mm x 148 mm}.
----	--

11	Outside tables and chairs shall be rendered unusable and immovable by (21:00) hours each day.
----	---

12	{At all times/after (21:00) hours} no persons shall be permitted to take bottles, glasses or drinking vessels {from the premises/into the outside seating area. Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.
----	---

13	No music, nor late night refreshment, shall be provided to external areas {at any time/after (21:00) hours}.
----	--

14	Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises {at all times/up to (01:00hours}.
----	---

15	Section 177A (2) of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment. This condition specifically exempts the premises from the deregulation of music. There shall be no playing of recorded music, other than as incidental background music.
----	---

17	<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 and is either a:</p> <ul style="list-style-type: none">• Proof of age card bearing the PASS Hologram;• Photocard driving licence;• Passport; or <p>Ministry of Defence Identity Card.</p>
----	---

18	<p>The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.</p> <p>At the point of sale, such signs shall be a minimum size of 200mm x 148mm.</p>
----	--

From: Environment Protection <Environment.Protection@chelmsford.gov.uk>

Sent: 03 September 2020 11:50

To: Licensing <Licensing.Email@chelmsford.gov.uk>

Subject: Application to Review Premises Licence - De Beauvoir Arms, Downham Road, Ramsden Heath

Environmental Protection are in receipt of the Review application from Essex Police in relation to the above premises.

Environmental Protection support the review made by Essex Police on the grounds of the insufficient measures that were in place to support the licensing objective of the prevention of public nuisance.

This Service received a number of noise and anti-social behaviour complaints about the event on 2nd August 2020. A visit was made by the duty officer for the Council's Out of Hours Noise Service on this date in response to complaints. The officer confirmed that noise levels in the area were excessive. The officer liaised with Essex Police officers at the site while they attempted to get the event to cease. The Premises Licence Holder was unable to gain control of the event reduce, or stop, the noise.

Following contact with the premises it seems that the event had got out of control and despite the intentions of the Premises Licence Holder they could not regain control of their premises.

To prevent further such incidents, and if members are minded to vary the licence, I would recommend that a condition be imposed that prohibits the use of the outdoor area for licensable activities.

Regards,

Lewis Mould
Operations Manager
Public Health & Protection Services
Directorate of Public Places
Chelmsford City Council

Catie HIGGINS

From: Licensing
Sent: 25 August 2020 07:49
To: Catie HIGGINS
Subject: FW: De Beauvoir Arms Downham Rd Downham Billericay - Review of Premises License

From: !
Sent: 24 August 2020 16:11
To: Licensing <Licensing.Email@chelmsford.gov.uk>
Subject: De Beauvoir Arms Downham Rd Downham Billericay - Review of Premises License

With Regard to the review of the license for the De Beauvoir Arms as requested due to an Event at the property I would like my opinion, as a local homeowner, taken in to account when this review takes place.

I have owned my property in Ramsden Heath, approximately 1 mile from the De Beauvoir Arms (DBA), for over 30 years and feel I am qualified to present my opinion of the issue. The DBA has been through a few changes over the years but for the last 8-10 years has been in the present ownership and has been successfully trading as a fine dining restaurant with Bar. This local business has been very successful and has had a lot of good reviews not only from the local community but also from people in the surrounding area and even further afield.

The Event, that has raised the request by the police for the license review, was a one off that was a big mistake and did cause disruption in the area. I do not condone this and believe that the owners may have been duped by the event organisers and were not in full control of the events of that day.

I do think that restriction of events in the Gardens could be implemented as a penalty but I do think that any restriction on the restaurant license would have a detrimental effect on the local community as we would lose a valuable local business. Up until this event the gardens had only been used to support the normal business and was used respectfully by customers of the bar and restaurant alike. The loss of this facility would have a detrimental affect on both the business and the local community, especially during the summer months.

I believe that the proprietors of the DBA made a big mistake allowing this event but this should not overshadow the years of good service to the community and should, in my opinion, be reviewed as such.

To conclude I would agree that if sanctions were imposed it should be on the use of the gardens and not on the general license for the restaurant and bar.

Regards

OFFICIAL

MG11 (Interactive)

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18: over (if over 18 insert 'over 18') Occupation: Police Constable 77428

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 30/08/2020

I am providing this statement as a further statement to one provided on 13th AUGUST 2020 in relation to an incident that I attended on SUNDAY 2nd AUGUST 2020 at DE BEAUVOIR ARMS, DOWNHAM.

Whilst at scene I took photographs of the screen displayed by the Essex Police drone that was flying above the DE BEAUVOIR ARMS and the marquee within the grounds.

As such I can exhibit the still images as my exhibit TKM/01.

These are my original notes made at CHELMSFORD POLICE OFFICE at 06:30hours [REDACTED]

Signature [REDACTED]

Signature witnessed by:

OFFICIAL

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: [Redacted]

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Redacted] (witness) Date: 6/9/20

At 18:15hrs on 2nd August 2020, I was on duty in full uniform in company with Acting Police Sergeant 77428 [Redacted] when we asked to attend De Beauvoir Arms on Downham Road, Downham to reports of a possible unlicensed music event whereby multiple people were seen gathering in a marquee and music was heard by disgruntled neighbours.

On arrival I met with a black male who I did not take details of. He seemed to be the head of security and was wearing all black clothing, I think this male's name was [Redacted] I asked him to get the owner of the public house to come out and see me. I then immediately activated by Body Worn Video which I can produce the recording as exhibit RW/1.

I was approached by a male who stated that it was a promoter's event that was a soiree with a marquee, 200 people and 2 gardens which he stated allowed them to maintain social distancing. They have stated the music was not too loud, they had one complaint about the music but stated that they couldn't turn it any lower. The music was very loud at this point and he stated that the end was going to be around 9-10pm. As I was standing talking to the owner, I could smell the pungent smell of cannabis being smoked. A/PS 77428 [Redacted] turned to me and said that he also could smell cannabis. He then questioned whether they were searching for drugs.

Signature [Redacted]

Signature witnessed by: [Signature]

The owner gave his details to A/PS 77428 [redacted] as [redacted] I then informed [redacted] that under 'current Covid guidelines' this event was in breach of those guidelines. He stated that they were all inside the event sat 6 to a table and all eating food in and out of a marquee.

It was clear that nobody was showing tickets as they entered the event and they were all standing far too close and not wearing any face coverings. As we were stood discussing the matter, more and more people were arriving and parking their vehicles along the road, on pavements and in discourteous areas for other road users making it difficult for cars to pass each other all down Downham Road.

At 18:33hrs I was approached by a male wearing a T-Shirt with PL on it, he stated that he was the promoter and that it was a gathering, not an event. The male gave his name as [redacted] and stated that his birthday was [redacted] He gave his mobile number as he was clearly counting the numbers and making up his address as he went. A/PS [redacted] said to [redacted] "ITS YOUR BIRTHDAY TODAY" to which he replied "NO" this clearly makes me believe that [redacted] gave false details to police.

[redacted] stated that the PL stood for Pure Life and that they do promotions for all types of events across London and Essex. They stated that this was the first event they had run since Lockdown.

I walked up the side of the beer garden area where everyone was queueing to enter the event and could see that none of the guests were social distancing or wearing face coverings. Neither were any of the door staff who were using a handheld laser to test temperatures but were not wearing any PPE.

At this point I made note of the series of repeated bass beats that were emanating from the marquee area where I could see around 200 people who were drinking their own alcohol that they brought into the event with them. I began to walk back towards the pub itself and as I did a member of the public approached and questioned whether it was allowed with social distancing not being obeyed. I then made it back to the pub and a blue BMW Mini passed me and a female

Signature [redacted]

Signature witnessed by: [handwritten signature]

yelled out at me "YOU MIGHT WANT TO DO SOMETHING ABOUT THIS" I replied that we were trying to.

At 18:59hrs I spoke again to the owner and I asked for the event to be finished by 8pm and everyone is gone by 9pm. I informed the owner that we would be referring the matter to licensing and the owner agreed that they would abide by that. As such I passed on all the information that I had gathered around how social distancing was not being obeyed and he accepted the earlier closing time for the event.

5 minutes later a local resident approached me angry about drones flying around and that too many people were turning up. This male was very angry at how the event is going on, he kept saying it was "TOO FAR". This resident was also angry of people parking on the curbs and on the grass in the road. They called it repeatedly an "ABSOLUTE JOKE"

At this point I ceased recording as myself and A/PS [redacted] decided to bring each other up to speed with what we had witnessed and evidence we had gathered. 10 minutes later I began recording again and can produce this second lot of footage as my exhibit RW/2.

I began speaking to another male wearing a 'PL' T-Shirt who was riding an electric scooter. I informed him of the current legislation around electric scooters and that he couldn't ride it on the road, he continued to ride off on it and he rode it down the road a little while later. I approached [redacted] and requested that they no longer allow people into the premises and they started turning people away.

I was approached by a member of the public who stated that he was a resident nearby and that people has been parking over his drive also on his drive and they had struggled to force them to move. At 19:36hrs I was approached by another resident who was complaining about parking issues when one of the people who had come to attend started to argue with the resident saying "THERE IS NOBODY PARKING OVER YOUR DRIVE NOW SO WHY ARE YOU MAKING A COMPLAINT THEN"

At 19:39hrs I was approached by a member of Chelmsford City Council Environmental Health I briefed him as to what was going on and he informed me that they had a complaint from a

Signature [redacted]

Signature witnessed by: [Signature]

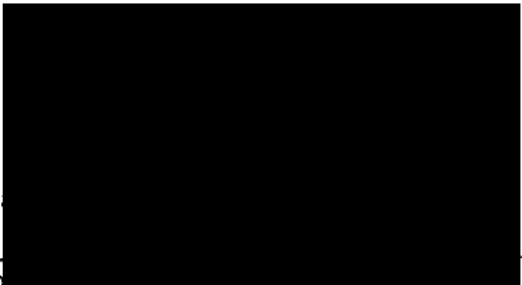
resident as well as police. He has stated that the music needed to be turned down and we decided that we would have a discussion with the landlord. I approached [redacted] and we eventually went to a private area out the back area of the pub. The people inside the pub were not obeying social distance or wearing masks. There was a big discussion between me, [redacted] and the Environmental Health Officer where [redacted] has stated that he intended to do parties and weddings in the future. [redacted] stated that he had hired generators, but the organisers said that they weren't powerful enough, so they allowed them to run a power supply straight from the pub.

Another male, named [redacted] approached us and stated that he would speak to the DJ to turn the music down. He has then asked for at 9pm people would start to be dispersed. Pushing the end time back further. It was agreed that they would make an announcement that everyone would start leaving at 9pm. The discussion then continued until the male from earlier re-approached us at 20:12hrs after the bass had been turned down to tell us he had made an announcement and immediately it had been turned back up again he walked off again to tell them to turn them down again.

I then deactivated my body worn video as I remained on scene, out of the way until 9:30pm when Insp [redacted] arrived, and I returned to Chelmsford Police Station to complete a handover to the next shift. These are my original notes made at 05:17hrs on 4th September 2020 while the events were still fresh in my memory



Sign



Signature witnessed by: *[Handwritten signature]*



Beauvoir Arms
Takeaway · Delivery



1st Select Limousines



Google

