

# Licensing Committee Agenda

**HEARING TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE**

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

**25<sup>TH</sup> July at 11am**

**Remote Meeting**

**MEMBERS OF COMMITTEE INVITED TO ATTEND HEARING**

Councillor R. Lee (Chair)  
Councillor D. Clark (Vice Chair)

and Councillors A. Davidson and J. Frasca

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 Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 or email [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk).

# Licensing Committee

25<sup>th</sup> July 2023

## 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 meetings on 27 and 29 June 2023

### 4. Licensing Act 2003 – Application for a new Premises Licence – The Leather Bottle, The Street, Pleshey CM3 1HG

**MINUTES**

of the

**LICENSING COMMITTEE HEARING**

held on 27 June 2023 at 10am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark and P. Wilson

1. **Apologies for Absence**

No apologies for absence were received.

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.

3. **Minutes**

The minutes of the meeting on 31 March 2023 were confirmed as a correct record.

4. **Licensing Act 2003 – Application to review a Premises Licence – The Garrison, 3 High Street, Chelmsford, Essex, CM1 1BE**

The Committee considered an application for a summary review of the premises licence relating to The Garrison, 3 High 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 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 21<sup>st</sup> 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

Committee were reminded of the interim steps that had been imposed and the decision made after representations were made against them, these were detailed in the report. Members were also directed to the representations made by a member of public and the Licensing Authority, also detailed in the report, along with further evidence that had been submitted by Essex Police.

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

**Applicants**

Mr Ronan McManus and Mrs Rachel Savill (Essex Police)

**Licence Holder**

Mr Dadds – Legal Representative

**One member of the public who had made a representation**

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

The Chair invited Essex Police as the applicant to introduce their case. The Committee heard that Essex Police felt this was a straightforward case and reminded members of the CCTV footage that had been previously viewed. They detailed that it showed the use of violent restraint in what they felt was a physical attack by door staff. They informed the Committee that two off duty police officers were at home nearby and came to the scene to be informed by door staff that the patron had committed GBH inside the venue. It was noted that no allegation of GBH had since been made, but one of common assault had, but with the victim not willing to proceed with an investigation.

Essex Police highlighted their continued view of the serious nature of the event that had led to them bringing a summary review. They informed the Committee that, without intervention, the matter could have been very serious, and that the manager present did not attempt to take any part in controlling the three members of door staff. Essex Police felt compelled to submit a summary review after viewing the CCTV footage. They updated the Committee on progress with their investigation and noted that they would be speaking with the relevant door staff. They also informed the Committee that they had contacted SIA who had suspended the door staff pending investigations.

Essex Police informed the Committee that they had been in discussions with the premise's legal representative. They had reached agreement on a number of conditions to be applied to the licence, which they felt were proportionate to support the licensing objectives. It was noted however that there were two areas upon which they had not reached agreement. These related to a reduction in licensable hours on Sundays before a bank holiday and a condition on a specific element of SIA training for door staff.

At this point of the hearing, the Licence Holder's legal representative Mr Dadds was invited to address the Committee. They stated they would be conscious of the open investigation into the incident, but that they did not feel it was up to the Committee to determine what was reasonable force. The Committee were informed of serious concerns with the application made by police, which was felt to be overreaching,

inaccurate, included no primary evidence from any witnesses and highlighted serious failings by Essex Police. The Committee heard that agreement had been reached between the licence holder and the Police on a number of conditions but as indicated by the Police, there were two outstanding issues, relating to some SIA training and a reduction in hours on Sundays before bank holidays.

The Committee were taken through a wide number of concerns, held by the Licence Holder and their legal representative, relating to the initial application made and matters with the Police since the application had been made which included;

- Issues with application documents and relevant certificate
- The police investigation was still ongoing
- The role of the off-duty police officers arriving 14 minutes into the incident
- Emotive language used by Essex Police when describing the CCTV footage
- No medical evidence provided by Essex Police
- There being no history of similar issues or complaints at the premises
- The door staff were provided by an SIA approved external contractor
- No evidence had been provided of injuries, serious crime, arrests, charges, or police reference numbers

The Committee were informed that as previously detailed an agreement had been reached on conditions excluding two of them. The licence holder's legal representative stated that they were not happy with the reduction of hours on Sundays before bank holidays and saw no proportionate justification for the request. They highlighted that this had been a one-off incident and was not related to the act it was a bank holiday. They also did not see a feasible route to comply with the proposed condition 7 from the Police, relating to specific SIA training.

At this point of the hearing, the Committee resolved to go into private session, pursuant to Regulation 14 (2), of the 2005 Hearing Regulations to allow the licence holder to play a small section of the CCTV footage.

After resuming in open session, the Committee heard from the member of the public who had made representations in support of the application. They stated that their concerns related to the noise when walking past the premises, rather than the incident that brought the review, but would answer any questions from the Committee if required.

The Committee heard further points from both the applicant, Essex Police, and the Licence Holder's legal representative. These related to specific elements of the incident itself that had been previously detailed via CCTV footage to the Committee. The Committee also heard various disagreements between the two parties, who held differing views as to the reaction and actions of the premises door staff. The Committee were also informed that other premises in the City Centre had longer hours on Sundays prior to bank holidays.

The Committee also heard brief closing statements from the Police and the Licence Holder's legal representative. The Committee noted that these just reemphasised the views already expressed earlier in the hearing by both parties. Essex Police continued to feel that the CCTV footage spoke for itself and that the conditions sought at Appendix A of their further information would support the licensing objectives. The licence holder's legal representative, continued to feel that a

reduction in the Sunday before bank holiday hours was not necessary. They did not feel the CCTV presented the full picture and stated that they should not be penalised for employing an approved SIA contractor. They also felt the review had been brought prematurely for what was a safe city centre venue.

In response to a clarification sought by the Committee's legal advisor, it was noted that the concerns held by the Licence holder with the proposed condition 7, related to the difficulty of effectively imposing conditions on an external company. The Committee were also informed by Essex Police and the licence holder, that they would be content with the interim steps being modified to reflect the main decision made by the Committee.

At this point of the meeting, the Committee retired to deliberate. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

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

**RESOLVED that;**

**LICENSING ACT 2003 sections 53A – 53D**

**SUMMARY REVIEW DECISION NOTICE**

Decision of the Licensing Committee ('the Committee') of Chelmsford City Council following the holding of a hearing on 27 June 2023 to determine an application by the Chief Officer of Essex Police pursuant to section 53A (1) of the Licensing Act 2003 ('the 2003 Act') for a summary review of the premises licence relating to 'The Garrison' 3 High Street, Chelmsford, Essex CM1 1BE.

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**Decision to exclude the public (including press) from part of the hearing**

In the course of the hearing the Committee resolved pursuant to regulation 14 (2) of the Licensing Act 2005 (Hearings) Regulations 2005 that the public (including press) be excluded from that part of the hearing where it fell to the Committee to view a short clip of CCTV footage of the incident. Other than for this short period of time the hearing took place in public, pursuant to regulation 14 (1) of the said 2015 Regulations.

**A. SECTION 53C DECISION (outcome of Summary Review)**

Pursuant to section 53C of the 2003 Act the Committee has determined as that -

**'The premises licence in respect of The Garrison', 3 High Street, Chelmsford, Essex CM1 1BE be modified so that (i) the opening hours are reduced and (ii) additional conditions are added to the licence; as set out in the First Schedule below.'**

## B. REASONS FOR DECISION

1. In reaching its decision the Committee had due regard to the certificate that accompanied the application by Essex Police on 01 June 2023 and the matters that had led it to take the interim step of suspending the premises licence on 02 June 2023 and modifying the interim steps on 08 June 2023.

The Committee also had regard to the additional material contained within the agenda report bundle and to the oral representations made by both Mr Dadds (representing the licence-holder) and Mr McManus (representing Essex Police) at the hearing.

In addition, the Committee had due regard to the relevant guidance issued by the Secretary of State pursuant to section 182 of the Licensing Act 2003.

2. The Committee wished to make it clear at the outset (and in order to avoid any misunderstanding) that its proper remit at this Summary Review hearing was to review the premises licence in accordance with the requirements of section 53C of the 2003 Act. After considering the application and all relevant representations it was required to take such steps mentioned in subsection (3) of section 53C (if any) as it considered appropriate for the promotion of the licensing objectives. In addition, it was required under section 53D of the same Act to review any interim steps that had been taken under section 53B that had effect at the date of the hearing. While decisions of the Committee had to be evidence based and proportionate, the Committee was not a criminal court or tribunal; it was not constrained or limited by the formal rules of evidence or procedure applicable to such forums. It was required to take into account all relevant evidential material before it, including CCTV footage and statements, irrespective of whether such statements were non-compliant with section 9 of the Criminal Justice Act 1967 etc or contained hearsay. The weight to give to any relevant material was a matter for the Committee to determine, subject only to judicial supervision (i.e. JR) on very narrow grounds, and the right of the parties to appeal any decision to the Magistrates' Court etc. It was not the role of the Committee to determine criminal guilt. The Committee, both at the interim steps stage and at the actual Summary Review hearing had to review the premises licence on the basis of the material then before it, irrespective of whether suspected serious crime or disorder had been fully investigated and charges brought or convictions obtained. This was implicit from the Licensing Act 2003 which required a Summary Review hearing to be carried out within 28 days after receipt of the chief officer's application.
3. The Committee had due regard to detailed critique by Mr Dadds of certain aspects of the Police evidence in support of their application for the Summary Review.  
The Committee accepted Mr Dadds' contention that two police officers (albeit off duty at the time) had arrived on the scene approximately 14 – 15 minutes after the first restraint by the door staff and had taken control. This

fact was inconsistent with paragraph 2.2 of the supplementary documentary information in support of summary review provided by the police, which made reference to a sustained assault by door staff on the patron which lasted approximately 30 minutes (page 38 of 65 of the agenda report bundle. The Committee also accepted that there were other factual inconsistencies or question marks contained within the police bundle. It was not, however, the role of the Committee to carry out a detailed forensic examination of the police evidence with a view to determining whether one or more criminal offences had been committed. This was a matter for the police, the CPS, and (if charges were brought) ultimately the criminal courts. The Committee was solely concerned with exercising its licensing functions. The Committee was satisfied, on a global view, that section 53A of the Licensing Act 2003 was engaged. Notwithstanding Mr Dadds' critique, the apparent conduct of the door staff both before the two off duty police officers arrived on the scene, and afterwards (in relation to an unidentified onlooker) compounded by the apparent failure of the premises management representative to take control / direct the door staff, gave cause for serious concern.

4. The Committee considered that the failure on the part of the management representative had now been addressed through compliance with the interim step requiring her to undertake refresher training on conflict management.
5. The Committee considered that it was appropriate for the promotion of the licensing objectives that it take the steps of (i) reducing the current opening hours and (ii) impose the conditions, as set out in the First Schedule. In reaching this decision the Committee gave weight to the fact that the door staff involved in the incident which had given rise to the Summary Review were supplied to the Garrison through a contractor; they were not employed in-house.
6. The Committee also took note of the fact that for the most part the licence holder and Essex Police had reached agreement on the proposed reduction of the opening hours and the imposition of the proposed conditions as set out by Essex Police at pages 58 – 60 of the agenda report bundle SAVE THAT the licence holder was opposed to -

(i) the proposed amendment of the current licensable activities so that on Sundays before May, Spring, and August Bank Holidays there is no extended hours of licensable activity – that is to say, on all Sundays licensable activity shall cease at 01:00 hour;

and

(ii) proposed condition 7 as further amended by Essex Police (email from Mr McManus dated 27 June 2023 sent 09:09) which reads -



*“All SIA registered door supervisors deployed at the premises must have been trained in accordance with the Security Industry Association (SIA) Conflict Management (knowledge and skills) specification that took effect from 1<sup>st</sup> April 2021 (or later requirement). In the event this condition cannot be immediately satisfied, all door supervisors deployed will meet this specification by 30<sup>th</sup> September 2023. Evidence of this qualification will be provided by the licence holder within 14 days of a written or electronic request by a police officer, police staff licensing officer or an authorised officer of the licensing authority”*

7. The Committee gave careful consideration to the request by Essex Police to cut back the May, Spring and August Bank Holiday Sunday extended hours, mindful of the requirement that any decision made by it had to be evidenced based and proportionate. On balance, the Committee was not satisfied that this could be made out. There was no demonstrable causal link between the incident that had given rise to this Summary Review and the Sunday Bank Holiday weekends in question. The Committee was not satisfied on the evidence that had been put before it that such reduction in hours would be proportionate.
8. The Committee noted that Mr Dadds in his list of proposed conditions (email from Louise Bailey dated 27 June 2023 sent 10:00) had put forward the following proposed condition -

*“On any Sunday preceding a Bank Holiday where the premises conducts licensable activities past 00:00 hours, at least 3 SIA licensed door supervisors must be on duty from 22:00 hours until at least 30 minutes after the premises closes.”*

Essex Police had put forward a proposed condition in wider terms, namely -

*“On any occasion where the premises conducts licensable activities past 00:00 hours, at least 3 SIA licensed door supervisors must be on duty from 22:00 hours until at least 30 minutes after the premises closes.”*

(Crucially, both of these proposed conditions had to be read in conjunction with existing condition 4 in Annex 5 to the Premises Licence.)

The Committee considered that it was appropriate for the promotion of the licensing objectives – in particular, the prevention of crime and disorder – that the requirement to have a minimum of three SIA licensed door supervisors on duty from 22:00 hours until 30 minutes after closing where licensable activities were to take place after 00:00 hours should be applicable on all days of the week, rather than just Bank Holiday Sundays. The Committee did not feel that it was possible to draw a significant distinction (in terms of the risk of crime or disorder occurring) between Bank Holiday Sundays and other days of the week (including ordinary weekends) when the premises were conducting licensable activities after 00:00.

The Committee also considered that in the interests of clarity it made sense to reword / modify condition 4 in Annex 5 to the existing Premises Licence so as to incorporate within the wording of that condition the minimum number requirement for SIA licensed door supervisors on duty after 00:00

hours.

9. The Committee also gave careful consideration to proposed condition 7. However, the Committee took on board Mr Dadds' submission that the imposition of such a condition would be problematic for the licence holder given their reliance on using an independent contractor to supply SIA door staff. They did not have control over the training of staff who were on the contractor's books. The Committee was not satisfied that this condition was necessary or proportionate.
10. The Committee also noted the written representations of a member of the public (at page 34 of 65 in the agenda report bundle) and his oral representation at the hearing, regarding the playing of music at the Garrison.

## First Schedule

### (Reduction of opening hours)

The opening hours of the premises (currently 24/7) be reduced to 10.00 hours until 30 minutes after the terminal hour of alcohol sales and regulated entertainment.

### (Additional conditions)

1.	After 00:00 hours every day there shall be a personal licence holder on duty on the premises when alcohol is offered for sale.
2.	<p>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 possible and in any case within 4 hours of the occurrence and shall record the following:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received concerning crime and disorder</li> <li>(d) any incidents of disorder</li> <li>(e) all seizures of drugs or offensive weapons</li> <li>(f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.</li> </ul>
3.	Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:

	<p>i. The day and date when door supervisors were deployed;</p> <p>ii. The name and SIA registration number of each door supervisor on duty at the premises; and</p> <p>iii. The start and finish time of each door supervisor's worked duty period.</p> <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>
4.	<p>(1) SIA licensed door supervisors shall be employed from 20:30 hours until 30 minutes after the end of trading on -</p> <p>(a) <b>Friday, Saturday, and Bank Holiday Sundays</b> if the premises intends to trade <i>after</i> 23:00 hours; and</p> <p>(b) <b>Sunday to Thursday</b> if the premises intends to trade <i>after</i> 00:00 hours or if any organised event is held on any one of these days after 23:00 hours.</p> <p>(2) Furthermore, (i.e. in addition and without prejudice to the general requirement to employ SIA licensed door supervisors during the times referred to in (1) above), it is a requirement that on any occasion where licensable activities are to take place on the premises <i>after</i> 00:00 hours <u>a minimum of three SIA licensed door supervisors</u> must be on duty from 22:00 hours until at least 30 minutes after the end of trading.</p> <p><b>Note:</b> This condition is to replace condition 4 in Annex 5 to the Premises Licence.</p>
5.	<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. This policy shall specifically include but not be limited to:</p> <p>i. Searching practices upon entry;</p> <p>ii. Dealing with patrons suspected of using drugs on the premises;</p> <p>iii. Scrutiny of spaces including toilets or outside areas;</p> <p>iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);</p> <p>v. Staff training regarding identification of suspicious activity and what action to take;</p> <p>vi. The handling of items suspected to be illegal drugs or psychoactive substances</p> <p>vii. Steps taken to discourage and disrupt drug use on the premises</p> <p>viii. Steps to be taken to inform patrons of the premises drug policy/practices</p> <p>A copy of this policy document shall be lodged with the police {and licensing authority}.</p>

6.	A qualified first aider shall be on the premises after 23:00 hours each day when the premises is open for the sale of alcohol. The first aider must have a valid (non-expired) qualification in Emergency First Aid at Work or higher.
7.	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.
8.	At least 2 door supervisors present at the premises 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. Door supervisors will be required to activate the recording function of such devices under the following conditions:

### **C. SECTION 53D DECISION (interim steps pending the above-mentioned Decision coming into effect)**

Pursuant to section 53D of the 2003 Act, the Committee has determined that it is appropriate that the interim steps conditions which were imposed by it at the hearing on 08 June 2023 be modified as set out in the Second Schedule below and shall remain in place until (i) the end of the 21 days given for appealing the decision made under section 53C, or (ii) if an appeal is made, the time the appeal is disposed of.

#### **Reasons for decision**

The interim steps as modified mirror the steps which are imposed by the Committee as a modification to the premises licence under section 53C. The Committee considers that if one or more of the interim steps conditions was not in place pending the section 53C decision coming into effect then there is a risk that the prevention of crime and disorder licensing objective could be undermined.

Note: At the hearing, the licence holder and Essex Police signified that they were in agreement with this modification of the interim steps pending the Decision coming into force.

### **Second Schedule**

The modified interim steps shall mirror the steps (Reduction of Opening Hours & Imposition of Additional Conditions) which are set out in the First Schedule above.

### **D. RIGHT OF APPEAL**

All parties have a right of appeal to the Magistrates' Court, against this decision. An appeal must be commenced by giving notice of appeal to Essex Magistrates'

Court, Osprey House, Hedgegrows Business Park, Colchester Road, Springfield, Essex, CM2 5PF, within the period of 21 days beginning with the date of this decision notice.

The meeting closed at 12.50pm

Chair

**MINUTES**

of the

**LICENSING COMMITTEE HEARING**

held on 29 June 2023 at 11am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark and A. Davidson

1. [Apologies for Absence](#)

No apologies for absence were received.

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.

3. [Licensing Act 2003 – Application to review a Premises Licence – Wood Grill Restaurant, 8 Baddow Road, Chelmsford, Essex, CM2 0DG](#)

The Committee considered an application for a review of the premises licence relating to Wood Grill Restaurant, 8 Baddow Road, Chelmsford, Essex, CM2 0DG pursuant to section 51 of the Licensing Act 2003 made by the Home Office. The application was made on the grounds of the prevention of crime and disorder and the protection of children from harm.

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

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

**Applicants**

**Home Office** Mr Mahesh Mehmi and Mr Raj Hundal

**Licence Holder**

Mr Benabid

Mr Denny (Legal representative)

**Supporting Application**

**Essex Police:** Gordon Ashford, Rachel Savill, and Gary Burke,

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

The Chair invited the Home Office, who had applied for the review to present their case to the Committee. They informed the Committee that they visited the premises on 4<sup>th</sup> April 2023, after receiving intelligence of illegal working taking place. They encountered two foreign nationals who had expired visit visas and who advised immigration officers that they had not presented any documents when applying to work at the premises. Immigration officers also found a 17 year old female working behind the bar who was responsible for managing the business, they were not questioned further due to being a minor. Immigration officers interviewed the two foreign nationals, who admitted to working at the premises, whilst having no right to remain or work in the UK. They also informed officers that they were paid £70 per day.

The Committee also heard that if as claimed by the licence holder, that immigration officers had been aggressive, then this would be proved by CCTV. The Committee were also informed that the photos of Irish passport cards provided by the Licence holder on the day of the hearing, could not be verified and had not been presented on the day of the immigration visit or in between then and the hearing.

The Committee were informed that revocation of the premises licence had been sought to prevent illegal working taking place in licensed premises and to protect children from harm. The Home Office officers stated that the guidance detailed that in a case such as this, revocation should be considered.

Essex Police who had supported the application, informed the Committee that they would have also requested a review if the Home Office had not done so and supported the request for a revocation.

The Chair invited the licence holder and their legal representative to address the Committee. They provided a summary of the business, which consisted of two other nearby restaurants and that the Chelmsford branch had closed in April for commercial reasons. The Committee heard that each restaurant had robust evidence checks for new employees and copies of these were on site on the day of the immigration visit. They also stated that the initial warrant had been for a member of staff who had already left employment from the restaurant. They informed the Committee that the rules had not been overlooked and management had exercised them to the best of their ability. It was also noted that the quoted £70 days' pay was for a shift rather than a full day. They also referred the Committee to the photos of Irish passport cards that had been provided, just prior to the hearing and stated that checks had been carried out on the documents correctly and they were valid at the time. They stated that management knew the rules well for hiring staff and carrying out the required right to work checks.

They also stated that the 17 year old female who was on the premises at the time of the visit was the trainee assistant manager, but primarily a waitress. The two customers seen drinking by immigration officers, were (they claimed) friends who had been served a soft drink with the permission of the owner, therefore no alcohol

had been sold by a minor. Furthermore, an older member of staff, who held a personal licence, was on the premises at the time and would have authorised the sale of alcohol if required.

The Committee heard that the review had come as a shock to the premises management, and they wished to defend themselves against the serious allegations.

In response to a question from the Committee, the Home Office confirmed that they had received the photos of the Irish passport cards just prior to the hearing, but stated they were not fully legible and had not been presented at any other time. They stated that at the time of the immigration visit, neither of the two foreign nationals arrested, claimed to be Irish. It was also noted that a follow up house visit, did not reveal any evidence that they were Irish. (It was accepted that had the two individuals in question been Irish nationals then they would have been entitled to reside and work within the UK.)

In response to a question from the Committee's legal advisor, the Licence Holder stated that they relied on the fact that in their view they had carried out all the necessary checks before employing the two individuals and had no reason to believe the documents were fraudulent. This being the case, they were at a loss as to what else they could be expected to do to verify eligibility to work.

The Licence Holder questioned the Home Office, as to whether any checks for Irish or UK national right to work documents existed, such as the share code option for non-UK or Irish residents. The Home Office representative stated that details on how to accurately check right to work documents were widely available online. The Licence Holder also stated that on the phone to immigration officers, whilst the visit took place, they advised where documentation (records) confirming the carrying out of right to work checks could be found (i.e., on the restaurant premises) but this was not looked at. The Home Office representative did not seek to refute or otherwise comment on the Licence Holder's assertion that the immigration officers had not taken up the invitation to inspect the records

The Home Office representative also answered a further question from the Committee's legal advisor and stated that the full guidance on how to carry out a right to work check was available on their website and best practice was to carry out all checks of physical copies and seek proof of address. They also stated that neither of the foreign nationals, presented any Irish documents on the day of the visit or claimed to be Irish nationals. The Licence Holder also stated that both workers had UK bank accounts, so the passport cards must have been used to open those accounts as well. They confirmed, however, that where Irish nationals were concerned there was not the share code option available to check nationality, as compared with the position where nationals of other Countries were concerned. They conceded that if, on the face of it, the Irish passports cards appeared genuine then whilst it might be possible for the business owner to carry out further checks by contacting the Irish Government, the actual guidance did not require this to be done. At this point of the meeting, the Committee retired to deliberate. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

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



**RESOLVED** that having regard to all the circumstances including the evidence before it, the Committee did not on balance consider it appropriate for the promotion of the relevant licensing objectives (in this case, the prevention of crime and disorder and the protection of children) that the Premises Licence be revoked on this occasion.

### **Reasons for Decision**

#### **Employment of Illegal workers**

1) The Committee was satisfied, on the balance of probabilities, that the two foreign nationals found on the premises at the time of the visit by officers from the Home Office Immigration Compliance and Enforcement team were illegal workers. The Home Office evidence was compelling. The Committee was satisfied on the evidence before it that the Irish passport cards were, in fact, forgeries. The prevention of crime and disorder licensing objective was engaged.

2) The Committee viewed the employment of illegal workers as an extremely serious matter indeed and was mindful of the guidance contained within paragraph 11.24 – 11.28 of the revised Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (to which the Committee was required to have regard to when determining Review applications). An incident involving the employment of illegal workers on licensed premises would normally result in revocation of the Premises Licence.

3) The Committee had taken into account the fact that in this particular case the Licence Holder had been adamant that he had exercised all due diligence in carrying out the requisite right to work checks before taking on the two individuals as employees and that they had produced what appeared to be genuine Irish passport cards. (Had the two individuals concerned been Irish nationals then they would have had the right to reside and work within the UK.) The Home Office representative had confirmed that where Irish nationals were concerned the share code option was not available to business owners to check nationality. The Home Office representative had further conceded that if, on the face of it, the Irish passports appeared genuine then due diligence did not require further checks to be carried out to establish nationality. (The Home Office representative was unable, at the hearing, to point to any guidance requiring prospective employers to undertake further checks in such circumstances.)

4) The Licence Holder claimed that he had kept a record of these right to work checks (including copies of the documentation) on the restaurant premises and that the immigration officers had been invited to inspect the same when they visited the premises but had not taken up that invitation. The Committee had taken note of the fact that at the hearing the Home Office representative had not sought to refute or otherwise comment on the Licence Holder's assertion that immigration officers had not taken up the invitation to inspect these records.

5) The Committee was satisfied, on the balance of probabilities, that in this particular case the Licence Holder had carried out the right to work checks required of him and that on the face of it there was no evidence to indicate that he had reason to believe that the Irish passport cards were not genuine. In short, the Committee did not consider the Licence Holder / the business to be culpable in this matter. It did not necessarily follow, however, that this finding of non-culpability on the part of the Licence Holder meant that the Premises Licence should not be revoked. The Committee's role when determining a Review was not to establish the guilt or innocence of any individual. The Committee was required to take steps with a view to the promotion of the licensing objectives (including the prevention of illegal working) in the interests of the wider community and not those of the individual licence holder. On balance, however, the Committee was of the view that *in this particular instance* revocation of the Premises Licence (or the taking of a lesser step) was not a proportionate step that was required to be taken in order to prevent further

illegal working taking place at the premises.

#### Failure to pay minimum wage / modern slavery

6) The Committee was not satisfied, on the balance of probabilities, that the evidence demonstrated a failure to pay the two workers in question the minimum wage or that modern slavery was taking place in relation to the two workers. The Licence Holder was adamant that the two workers had each been paid £70 per shift, rather than £70 per day, and that the wages were compliant with the national minimum wage requirement. There was no financial evidence (e.g. records of payments made by the business to the individuals in question) produced to contradict this assertion. The Committee also noted that there was no evidence produced to indicate that the two workers were not free to come and go. Indeed, the Committee noted that one of the photographs of record of transactions / payments shown on the individuals' mobile phones indicated a Pure Gym Ltd subscription.

#### Contravention of section 153 of the Licensing Act 2003

7) The Committee likewise viewed any contravention of section 153 of the 2003 Act as very serious and likely to result in revocation of the Premises licence. The Committee was not, however, satisfied, on the balance of probabilities, that there had been a contravention of section 153 of the 2003 Act in this particular case. The Licence Holder was adamant that the 17-year-old female trainee manager / waitress who was behind the bar at the time of the visit by immigration officers had not sold alcoholic drinks to the two customers sitting at the bar. The Licence Holder maintained that the drinks were soft drinks. There was no evidence to rebut this assertion. The Home Office readily accepted that it was not known whether the guests were drinking alcohol or not. They had sought to make the point in their evidence that if the guests had asked for an alcoholic drink then the 17-year-old employee was the only person who would be able to serve them. However, this assertion was conjecture and concerned with a future possibility. It was, in fact, perfectly legal for a 17-year-old female to be employed on the restaurant premises. Furthermore, it was legal for such employee to sell / supply alcohol to guests on the premises provided that the alcohol was either for consumption by persons with a table meal at a restaurant or the sale was specifically approved by a 'responsible person' (as defined within section 153(4) the 2003 Act).

#### Informative

*The Committee was not in a position to offer a view on whether the use of forged Irish passport cards by illegal workers was prevalent within the UK and seen as an easier way to secure unlawful employment. However, the Committee was bound to advise the Licence Holder that a recurrence of illegal working at the premises would almost certainly result in revocation of the Premises Licence, irrespective of whether there was culpability or not on the part of the business. It followed, therefore, that the Licence Holder would be well advised to exercise caution in relation to the production of Irish passport cards as evidence of nationality / right to work and to seek advice from the Home Office if in any doubt.*

The meeting closed at 11.58am

Chair



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## Chelmsford City Council Licensing Committee

Date: 25<sup>th</sup> July 2023

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Licensing Act 2003 – Application for a new Premises Licence:  
The Leather Bottle, The Street, Pleshey CM3 1HG

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Report by: Director of Public Places

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### Officer Contact:

Lacey Latimer, Licensing Officer, [lacey.latimer@chelmsford.gov.uk](mailto:lacey.latimer@chelmsford.gov.uk), 01245 606204

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### Purpose

The purpose of this report is for members to consider an application for a new Premises Licence made by Kathryn Kilpin, under section 17 of the Licensing Act 2003 in respect of The Leather Bottle, The Street, Pleshey CM3 1HG. Having regard to representations received and the requirement to promote the four licensing objectives. These are:

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

## Recommendations

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

- Grant the application, on the terms and conditions applied for
- Grant the application on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, or any other person making relevant representation.

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### 1. Application

1.1 The application was received on 9<sup>th</sup> June 2023 and has been properly made in accordance with The Licensing Act 2003, with all procedures correctly followed. Blue public notices were on display at the premises, publication in a local newspaper and details of the application were on Chelmsford City Council's website. The completed application including plans is attached as **Appendix A**.

1.2 On the application form, the applicant has applied for the below licensable activities:

The Provision of Live Music: Friday and Saturday 12:00 till 00:00  
The Provision of Live Music: Sunday 12:00 till 23:00

The Provision of Recorded Music: Monday to Thursday 11:00 till 23:00  
The Provision of Recorded Music: Friday and Saturday 11:00 till 00:00  
The Provision of Recorded Music: Sunday 11:00 till 23:00

The Sale of Alcohol: Monday to Thursday 11:00 till 23:00  
The Sale of Alcohol: Friday and Saturday 11:00 till 01:00  
The Sale of Alcohol: Sunday 11:00 till 23:00

1.3 The proposed Designated Premises Supervisor is Kathryn Kilpin. The Personal Licence was issued by Chelmsford City Council. Personal Licence reference number is 23/00251\LAPER.

## 2. Representations

2.1 During the course of the application, Chelmsford City Council in line with the Act, sent a copy of the application to all responsible authorities.

2.2 During the consultation period, representations we've received from 18 members of the public. These representations are attached as **Appendix B**. At the time of publishing this report, 7 representations have been withdrawn due to the applicant clarifying / agreeing to amend the application.

2.3 As a responsible authority, Essex Police agreed conditions with the applicant and therefore, did not raise any representations. The agreed conditions are attached as **Appendix C**.

## 3. Conclusion

3.1 The Statement of Licensing Policy is brought to the attention of members and is as follows:

Section 13 (Licensing Committee). Nothing in the section affects this application.

3.2 The application has been correctly submitted.

3.3 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

### List of appendices:

- Appendix A – Full application form
- Appendix B – Representations received
- Appendix C – Conditions agreed with Essex Police

### Background papers:

Application held by Licensing Authority

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## 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

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: none

Digital: none

Other: none

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### Consultees:

As per that required by legislation

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### Relevant Policies and Strategies:

Statement of Licensing Policy

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**Chelmsford City Council**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)  
 Telephone: 01245 606727

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference		This is the unique reference for this application generated by the system.
Your reference	katy kilpin	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	kathryn	
* Family name	kilpin	
* E-mail		
Main telephone number		Include country code.
Other telephone number		

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?       Yes       No

Business name		If your business is registered, use its registered name.	
VAT number	-	none	Put "none" if you are not registered for VAT.
Legal status	Sole Trader		

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth     
dd mm yyyy

\* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK  
Right to work share code if not submitting scanned documents

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises has 2 entrance doors and 1 rear door, a small kitchen, ladies and gents toilets. It has 2 wood burners 1 either side of the bar. Roughly 8 tables with 4 seats round each table, a darts board. It also has a garden with a small childrens play equipment and 10 garden tables with benches. A small car park to hold 5 cars. 2 rooms upstairs which will be used for staff rooms. It is situated in small a village and goes back to 15th century.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Section 6 of 21

##### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes  No

#### Section 7 of 21

##### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes  No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes  No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes  No

#### Section 10 of 21

##### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

#### Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not  
exclusively) whether or not music will be amplified or unamplified.

we may have bands playing instruments and singing. which could be amplified or unamplified music

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

music played all day will not be amplified will just be through a speaker

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes       No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes       No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises  Off the premises  Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth     
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application



Continued from previous page...

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

A gambling machine may be in the pub. we will make sure only over 18's are using it.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

#### Section 18 of 21

#### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

I will make sure that anybody working will fulfill the licensing objectives with the correct training in place and up to date. strict challenge 25 policy.

b) The prevention of crime and disorder

To prevent crime and disorder all staff will have the correct training is provided to staff to ensure no sale of alcohol is sold to anybody under the influence of drugs or is drunk or anybody under age. Also any crimes will be reported to the police and we will work with any authorities needs to prevent crime on the premises.

c) Public safety

To ensure public safety is in place we will ensure we have the correct fire extinguishers and fire blanket, numerous smoke detectors. We will make sure all fire exits are kept clear and are visible. Also all electrical appliances will be tested annually. We will have first aid boxes; staff will be first aid trained. An accident book will be behind the bar too.

d) The prevention of public nuisance

We will have signs up politely asking customers to leave quietly. We will keep music and noise to a reasonable level during opening hours.

*Continued from previous page...*

e) The protection of children from harm

We will ask anybody who looks under 25 for ID. Children will not be allowed to play on gambling machines.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

### Section 21 of 21

#### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

\* Fee amount (£)

190.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

#### DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory



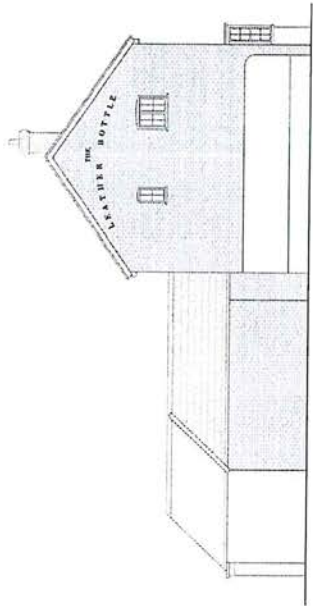
**Continued from previous page...**

Once you're finished you need to do the following:

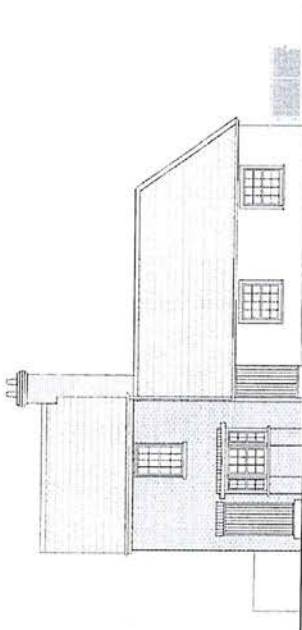
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/premises-licence/apply-for-a-new-premises-licence/> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

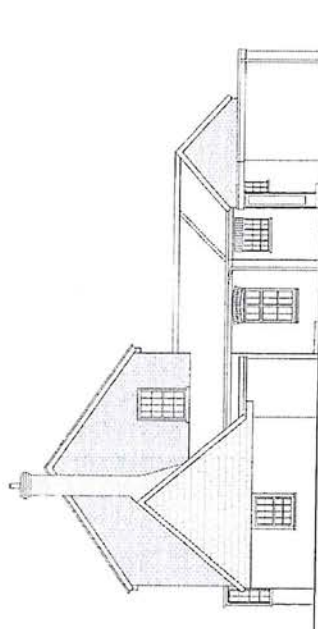
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



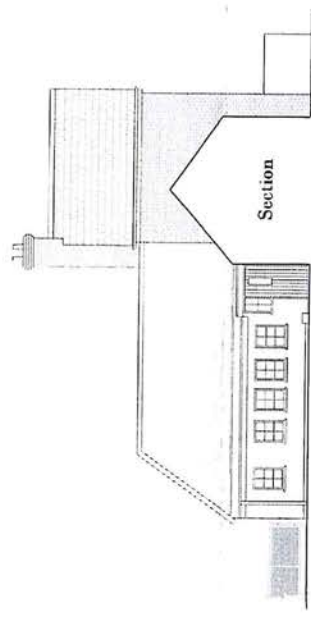
Side Elevation Scale 1:100



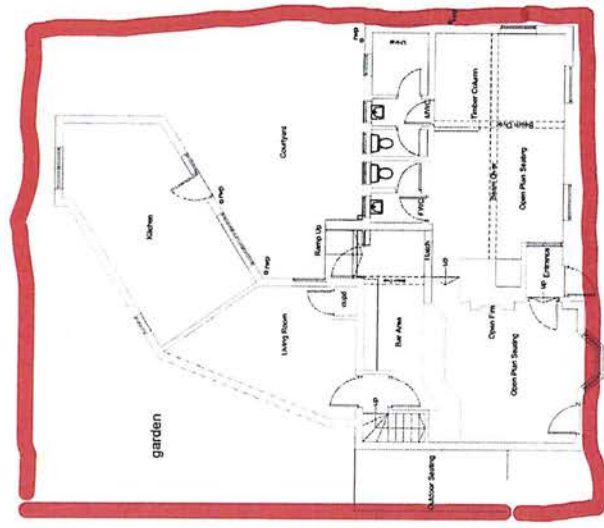
Front Elevation Scale 1:100



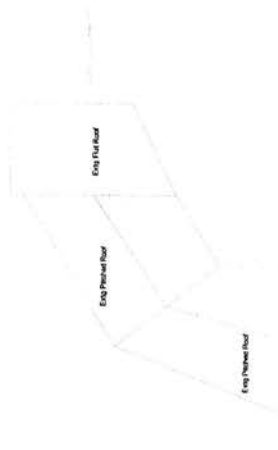
Courtyard Elevation scale 1:100



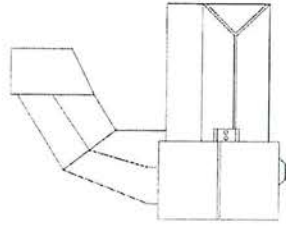
Section  
Courtyard Elevation scale 1:100



Existing Ground Floor Plan Scale 1:100



Existing First Floor Plan Scale 1:100



Existing Roof Plan Scale 1:200



Site Location plan Scale 1:750

The Leather Bottle, The St. Plechey, Chelmsford CM3 1HG  
**EXISTING PLAND & ELEVATIONS**  
 Scale 1:100 @ a2

## Appendix B

### Representations received in relation to a New Premises Licence for the Leather Bottle, The Street, Pleshey, Chelmsford, CM3 1HG

#### Representation 1

##### Your enquiry

Re: Application- Leather Bottle, Pleshey

Hello

We welcome a new land lady looking to make a success of any pub, but I'd like to respectfully lodge my concerns regarding the licensing application at the Leather Bottle, and in particular, the request for extended opening hours and music on the following grounds:

1. There are a significant number of regulars who already drink and drive home at the end of an evening and extending the opening hours will only put people at greater risk as more alcohol is consumed. The most recent scenario included a drink driver hitting a car outside the pub before travelling two miles.

2. No one is opposed to live music, but previous occasions have meant closing doors and windows or for some to leave the village for the day while music is on. We understand that this is a great revenue generator and want the new occupants to succeed. However, introducing music more permanently will coax people from further afield, increasing traffic and the number of drunk drivers on the road, posing a risk to the high volume of cyclists who ride past the pub daily. It will also cause parking issues and impact the entire village on a greater scale.

3. Adding music and extended hours will prolong the amount of time with people (and music) making noise outside the pub. I enjoy the Leather Bottle and welcome our new tenant, but as a father with two small children who will be sleeping 50m away from the pub, I'd like to minimise their exposure to foul language and music at night.

4. The car park can only hold 5 cars and around 40 people, meaning applications for live music will mean audiences will need to spill outside, causing a disturbance.

I should add that any new landlord will be more than welcome in the village and will have the support of anyone who wants to make a go of the Leather Bottle. I am confident that once Ms Kilpin gets to know the village, she'll see there are even more profitable means of running the Leather Bottle in harmony with its neighbors and we look forward to meeting her.

## Representation 2

*This representation has been withdrawn*

## Representation 3

To: Licensing <[Licensing@chelmsford.gov.uk](mailto:Licensing@chelmsford.gov.uk)>  
Subject: Leather Bottle Pleshey Application

I object to the application to play live music any Friday- Saturday and Also any Sundays. I have no objection to live music being played inside the pub on those days but not outside the pub.  
I do not have any objection to live music outside the pub on public holidays or national celebrations.

## Representation 4

*This representation has been withdrawn*

## Representation 5

To: Licensing <[Licensing@chelmsford.gov.uk](mailto:Licensing@chelmsford.gov.uk)>  
Subject: Objection

I live opposite the Leather Bottle pub and object strongly to allowing music. This is a quiet village and the pub is surrounded by dwellings. No objection to the alcohol licence but, please, no music.

## Representation 6

To: [licensing@chelmsfordgov.uk](mailto:licensing@chelmsfordgov.uk)  
Subject: **Pleshey Conservation Village**

Dear Sir or Madam

I would like to object to the application for a licence to play music live and recorded at the Leather Bottle Pleshey.. I have lived in Pleshey for 55 years, the pub is a small country Pub in a conservation area, our cottage is listed over 500 years old and is situated right opposite the Pub, Moat Cottage. The car park at the leather bottle only accommodates five cars, there is no possibility of using the existing garden there for parking as the garden and the Pub are listed. I really object to our country Village Pub in one of the most beautiful picturest villages in Essex turning into a loud public building spoiling the peaceful area in a built up area of Villagers homes. we are a village of just over 200 people. Thank you for considering my objection to live and recorded music.

Yours sincerely  
Representation 7

**To:** Licensing <[Licensing@chelmsford.gov.uk](mailto:Licensing@chelmsford.gov.uk)>

**Subject:** Leather bottle. Pleshey. Cm3 1hg

I have no disagreement with the licensing hours proposed by Kathryn Kipling .

I see no reason why they should be altered as small village public houses need to earn extra income in these times.

Kind regards

## Representation 8

### yourenquiry

Representation regarding an application for a Pub Licence:

The Leather Bottle, Pleshey

Applicant: Ms Katelyn Kilpin

Deadline for representation: 7th July.

Please see attached letter.

I advise amending the Licence to include:

- \* no opening beyond 11pm
- \* no amplified music events apart from ad hoc events for which permission can be granted when required.

## Representation 9

**To:** Licensing <[Licensing@chelmsford.gov.uk](mailto:Licensing@chelmsford.gov.uk)>

**Subject:** LEATHER BOTTLE - LICENCE UNDER SECTIONS 17 OF THE ACT

Sirs,

I am writing to register major objections to the Licensing application by Ms Katherine Kilpin for the Leather Bottle, The Street, Pleshey, CM3 1HJ. My objections to the Licensing Application are as follows:

The four Licensing Objectives, which are as follows:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance; and
4. The protection of children of harm

1. Opening hours

The Leather Bottle is classified as a community asset for the benefit of the residents of Pleshey – it does not need to be open after 10pm on any day of the week or weekends.

Opening hours beyond 10pm with the sale of alcohol will encourage people from outside of the village who are attracted to extended opening hours and music to visit the Leather Bottle, with the attendant street parking in narrow streets, which will cause potential safety issues (the pub has just 5 parking spaces) – people have to walk in the road to get past vehicles. Also, the noise issue – there are many very young children (5 years and under) living very near to the Leather Bottle who need to be in bed by the latest 7.00pm – they would have trouble sleeping with the noise of vehicles' doors, music and talking.

2. Sale of Alcohol – until Midnight on Fridays and Saturdays is horrendous the Leather Bottle is a small village pub – not a pub in a large town or city.

There would be the parking issues again, in the narrow streets and side roads – safety and public nuisance – with the added potential of the extended licensing hours.

Plus the increased noise at night – causing a public nuisance for all concerned. This is a small village.

3. Live and Recorded Music

Live music at anytime during the week and particularly on Fridays, Saturdays and Sundays, taking place in the beer garden should not be permitted at any time – as it will cause considerable public nuisance to residents both those close to the pub and also those living further away.

Also, as I have said in notes 1. And 2. Above, live music combined with extended opening hours, with the sale of alcohol – all of which will encourage visitors who are attracted to the combination of music and extended licensing hours creating street parking difficulties, public nuisance and the potential for disorder.

#### 4. Recorded Music

Recorded music should only be used within the Leather Bottle premises – any music of whatever nature will cause disturbance to children and those living around and nearby.

The licensing application is more for a large town or city, not a small rural pub. Also, the licensing application is totally inappropriate for a Conservation area, like Pleshey.

A recent survey of village residents, when asked what they would like from their village pub, found that there was no support for music, either live or recorded.

### Representation 10

To the licensing committee

Representation by Pleshey Parish council.

Pleshey parish council wholly supports a pub being in the village and we would wish to see the reopening of the leather bottle being expedited, it is a popular venue providing refreshment and food to parish residents and the many visitors.

Summer trade is essential to the viability of the premises.

At the most recent meeting of the parish council on the 14th June a considerable number of local residents attended the public participation item to make representation that the parish council should seek amendments to the terms of the proposed licence.

They inform us of concerns about the current application in so far as previous licence holders have had loud music events held in the garden over numerous summer weekends and there have been many issues with late night noise, customers using inappropriate language in the garden, significant nuisance and safety risks caused by inconsiderate parking on the pavements opposite the venue.

The village is a small rural village and a number of properties back onto or are adjacent to the premises, some of these residents have young children. We are not a city centre venue nor is there a need for supporting late night businesses with extended hours.

The views expressed to us by the residents are that the below conditions should be imposed on the licence:

The sale of alcohol should not be permitted past 11pm.

That amplified music in the gardens should only be permitted on 4 occasions per year.

That recorded or live music should cease no later than 11pm

That a volume level for music be agreed and be strictly imposed so as not to create a nuisance.

That the operators of the pub shall actively manage car parking arrangements so as not to allow pub customers to block residents doorways or park on the pavement opposite the premises.

The parish council wishes to support the licence application but requests that the licence be issued with the revisions and conditions as expressed above.

## Representation 11

### **yourenquiry**

Dear Sir/Madame.

I am objecting to The Leather Bottle in Pleshey, Re their new licence application for serving alcohol until 1am, also a very strong NO to any type of music live or recorded.

The Leather Bottle pub is a very small community public house with only car parking for five cars, therefore when car park is full customers would be forced to park on the pavement and would be a danger for any one walking with a pushchair or walking a dog as they are forced to walk in the road.

Yours Faithfully

## Representation 12

*This representation has been withdrawn*

## Representation 13

*This representation has been withdrawn*

## Representation 14

*This representation has been withdrawn*

## Representation 15

*This representation has been withdrawn*

## Representation 16

*This representation has been withdrawn*



## Representation 17

To: Licensing <[Licensing@chelmsford.gov.uk](mailto:Licensing@chelmsford.gov.uk)>

Subject: Licence application for The Leather Bottle, Pleshey

I wish to oppose the application as it stands.

Whilst I would be delighted to see the village pub open once more, I would not like the hours proposed. The village is very small and very quiet, especially at night. Loud music, live or not, allowable every night of the week, really is not acceptable.

Opening hours - should be restricted to 23.00 on all nights of the week.

Sale of alcohol - should be restricted to 23.00 any night of the week.

Live and recorded music - should be restricted to 22.00 Friday to Saturday and 18.00 on Sundays.

This is a small village pub, not a central Chelmsford pub, with residents that do not want noise disturbances, or drink infused inappropriate behaviour. It may be advantageous for the officer in charge of licensing to come and visit the village to realise what it does and does not need.

Many thanks

## Representation 18

Licensing Section, Chelmsford City Council, Civic Centre,

Duke Street, Chelmsford, Essex, CMI 1JE

26th July 2023 Dear Sirs,

I am writing to register objections to the licensing application by Ms Kathrine Kilpin for the Leather Bottle, The Street, Pleshey, Chelmsford, CM3 1HJ. My objections to the licensing application relate to:

1. Opening hours for Fridays and Saturdays until 1.00 am.
2. The sale of alcohol on Fridays and Saturdays until midnight.
3. Live music on Fridays and Saturdays until midnight each day and Sundays until 23.00.
4. Recorded music Sunday to Thursday until 23.00 and Fridays and Saturdays until midnight each day.

My home backs on to the Leather Bottle and its beer garden, and thus I am a close neighbour to the pub and would be adversely impacted to a significant extent if this licencing application were granted without substantial changes to it.

My objections, in detail, using the above numbering are as follows:

1. Opening hours.

The Leather Bottle, classified as a community asset for the benefit of the residents of Pleshey, does not need to be open after 23.00 on Fridays and Saturdays.

Opening hours beyond 23.00, with the sale of alcohol and live music (see Notes 2 and 3) will encourage people from outside the village who are attracted to extended opening hours and music to visit the Leather Bottle, with the attendant increase in street parking in a narrow street, causing potential safety issues and additional noise creating a public nuisance. In addition, late opening hours with the sale of alcohol brings the possibility of public disorder.

The opening hours on Fridays and Saturdays should be restricted to 23.00 as for all other days of the week.

2. The sale of alcohol until midnight on Fridays and Saturdays is inconsistent with the Leather Bottle's role as a small village pub.

It will attract visitors into the village who are attracted by extended licencing hours and live music which will create:

- Parking issues in the narrow main street and side roads - a safety and public nuisance issue, with the potential for disorder often associated with extended licencing hours.
- Increased noise late at night causing a public nuisance to close neighbours.

The sale of alcohol should be restricted to 23.00 for all days of the week.

### 3. Live music.

Live music, particularly amplified live music at anytime during the week, but particularly on Fridays, Saturdays and Sundays, and taking place in the beer garden should not be permitted at any time as it will cause considerable public nuisance to residents both close to the pub and those sited further away.

In addition, as mentioned in Notes 1 and 2, live music combined with extended opening hours with the sale of alcohol will encourage visitors who are attracted to the combination of music and extended licencing hours, creating street parking difficulties, public nuisance and the potential for disorder.

### 4. Recorded music.

This should only be permitted within the Leather Bottle during normal opening hours of 11.00 am to 23.00.

The licencing application is more suited to a city/town centre location, not a small rural pub. Additionally, the licencing application is also totally inappropriate for a conservation area like Pleshey.

A recent survey of village residents regarding what they would like from their village pub found almost no support for music, either live or recorded.

I look forward to hearing from you.

## APPENDIX C

1. 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.

2. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force and be of minimum size of 200mm x 148mm.

3. 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}

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.

4. A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:

- How patrons leaving the premises shall be directed away from the premises;

- How patrons will be informed of the services of taxi and private hire operators;
- What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
- Any 'wind' down periods;
- Methods to prevent re-entry to the premises;

How bottles and glasses will be prevented from being removed from the premises at closing time.

5. 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.

6. 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.