

Licensing Committee Agenda

HEARING TO CONSIDER A REVIEW OF A PREMISES LICENCE

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

7 September at 5pm

Remote Meeting

**MEMBERS OF COMMITTEE INVITED TO ATTEND
HEARING**

Councillor L.A. Mascot (Chair)

and Councillors D.G. Jones, L.A. Millane and I.C. Roberts

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

Licensing Committee

7 September 2020

AGENDA

1. Apologies for Absence

2. Declaration of Interests

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

3. Minutes

To consider the minutes of the meeting held on 25 August 2020.

4. Licensing Act 2003 – Application for a review of a premises licence – Bay Horse, 189 Moulsham Street, Chelmsford, Essex, CM2 0LG

A report regarding this application is attached.

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 25 August 2020 at 11am

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, D.G. Jones, S. Rajesh and I.C. Roberts

1. Apologies for Absence and Substitutions

There were no apologies for absence.

2. Declaration of Interests

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

3. Minutes

The minutes of the meeting held on 3 July 2020 were agreed as a correct record and signed by the Chair.

4. Licensing Act 2003 – Application for a New Premises Licence – The White Hart, The Tye, Margaretting, Ingatestone, Essex, CM4 9JX

The Committee considered an application for a new premises licence relating to The White Hart, The Tye, Margaretting, Ingatestone, Essex, CM4 9JX, pursuant to section 17 of the Licensing Act 2003. The application was for the following licensable activities;

- *Provision of films: Monday to Sunday 08:00-00:00*
- *Provision of Live Music: Monday to Sunday 08:00-00:00*
- *Provision of Recorded Music: Monday to Sunday 08:00-01:00*
- *Provision for performances of dance: Monday to Sunday 08:00-01:00*
- *Late night refreshment: Monday to Sunday 23:00-01:00*
- *The sale of alcohol: Monday to Sunday 08:00-01:00*

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

1. Grant the application, on the terms and conditions applied for
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives,
3. Refuse the application in whole or in part.

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

Applicant

- Mr Dadds – Solicitor

Objectors

- Five Local residents

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Chair invited the applicant to introduce their application.

The solicitor for the applicant introduced their case and outlined why a new licence was being applied for. He firstly clarified that the current licence had not lapsed and was still in force. He stated that it was the intention of the owner for the business to continue as normal, predominantly as a restaurant/pub. It was highlighted that the business had been trading for a significant number of years without any concerns and no representations had been received against the application from the responsible authorities. The Committee heard that this demonstrated that none of the licensing objectives had been undermined in the past. It was noted that the new application almost mirrored the existing licence but would start at 8am rather than 10am to allow for possibly serving breakfasts. It was noted that the extension to the premises had created more space for covers alongside additional parking. The Committee heard that it was a food led business, which was family orientated and very quiet. The applicant's solicitor stated that everything had been in place pre Covid-19 and the premises had not been trading since March and that this was a significant investment in a local premises. The Committee heard that the applicant did recognise it as a rural location, but that sufficient parking was on site and there was no primary evidence available of any complaints being made to the Council about the premises in the past. He also highlighted that it was important to recognise that by living near a pub it should be expected that a balance needed to be struck. In summary, it was stated that the premises is well managed, and there was no evidence of any issues being caused in the past as a result of the licensable activities.

The local residents who had made objections and attended the remote hearing highlighted the following points:

- There had been significant parking issues since the last change of ownership at the premises.
- The current owner had been impolite and had not listened to concerns raised by residents.
- Grass verges had been damaged due to inconsiderate parking.
- If the licensable hours were to increase then the existing problems would be exacerbated.

- The live music part of the application was of significant concern, due to the close proximity of houses. It was noted that especially live or recorded music from a tent or marquee which was classed as being indoors was of particular concern.
- There was no proposed condition on the number of special events to be held in tents or marquees.
- The current curtilage of the application was just the main building, yet the new application covered the whole site.
- Live and recorded music had caused issues for residents in the past as on hot evenings windows have had to remain closed and the noise has continued on till the early hours.
- There had not been any problems with the previous owner of the premises, but recently it had felt that the premises was not part of the community and parking and noise issues were a greater concern.

In response to the points raised by local residents, the applicant's solicitor stated that:

- Responsible parking had been and would continue to be encouraged by the premises.
- Twenty new parking spaces would be added and when required for special events permission could be sought from the farm owner nearby for additional spaces.
- Barriers had been put in place at the premises whilst it was closed to prevent any illegal encampments.
- The premises normally closes at 00:00 and music was not played after this time.
- A tent or marquee was classed as indoors under the Licensing act but in any event was only used a few times a year and the music had always stopped by 23:00. It was clarified that this would continue to be the case.
- The current licence allowed a set number of events and there was no intention to suddenly have weekly or more regular events outside.
- Noise levels had clearly been managed sufficiently in the past, as there was no record of any complaint being made to the Council.
- The future of the premises could not be second guessed, but it was the applicant's intention to continue to invest in the premises as it was his livelihood and to run a successful business.
- It was believed that the premises had been and would continue to be a community asset.
- The operational hours were only being extended in the morning, not later into the night and planning permission for the extension had already been received.

In response to a question from the Committee, the applicant's solicitor stated that they would be happy for a condition on the use of the marquee for no regulated entertainment after 23:00. It was noted that before 23:00 this was deregulated anyway, but it had been applied for to cover any future legislative changes. In response to a further question it was noted that the late-night refreshment aspect of the application was to provide hot drinks for example.

The Chair informed those present that the Committee would now retire to deliberate on the matter. It was noted that unlike previous meetings where everyone was present, this

would be held remotely and a decision would be provided to the relevant parties via email within in a few days. The decision made is detailed below and was circulated to the relevant parties.

The Committee gave careful consideration to the relevant representations both written and made in the course of the remote hearing. The Committee agreed that the application was acceptable when taking into account the condition offered, to not have regulated entertainment in any marquee style buildings after 23:00.

RESOLVED that the Director of Public Places be authorised to grant the application as applied for with the proposed conditions by the applicant and with the following additional condition,

- No regulated entertainment after 23:00 in marquee style buildings.

Reasons for Decision

1. *In reaching its decision, the Committee took account of all representations made and was satisfied with the steps that the applicant proposed to promote the licensing objectives.*
2. *The Committee had carefully considered the objections to the application, received from local residents. However, it was established law that any decision to refuse the grant of a premises licence had to be evidenced based. Having regard to all the material before it, the Committee did not consider there to be evidence that if the licence were granted (in accordance with the application and the imposition of the condition referred to in 3 below) the likely affect would be that one or more of the licensing objectives would be undermined. In particular, the Committee was required to (and did) give weight to the following matters:-*
 - (i) *The application almost mirrored the existing (current) premises licence, save that the applicant wanted the hours to start at 8.00 am rather than (as was the case with current licence) 10.00 am. With the exception of late night refreshment and supply of alcohol the licensable activities would all take place indoors, although "indoors" would also encompass a marquee style building or structure outside. The premises had operated under the current licence for some period of time and there was no record of the Council having previously received complaints from local residents about noise nuisance, disorder etc. emanating from the premises.*
 - (ii) *None of the responsible authorities (e.g. Essex Police, Essex County Fire and Rescue, Environmental Protection) had raised concerns about the application.*
 - (iii) *Although the local residents had raised concerns relating to adequacy of parking for patrons and the suitability of Swan Lane to accommodate traffic volumes generated by the premises, by law (the Licensing Act 2003 regime) the Committee was limited in its remit to consider these. It could only have legitimate regard to these issues in the context of the immediate vicinity of the premises and the relevant licensing objectives – namely, public safety and the prevention of public nuisance. Furthermore, the Committee had to proceed on the assumption that patrons of the premises would drive responsibly in accordance with road traffic legislation and only park on the road where it was lawful to do so. Any failure on the part of patrons to adhere to these requirements fell to be dealt with by Essex*

police or other appropriate enforcement authority under road traffic / highway / parking legislation. The premises had in any event on-site parking provision and 20 new parking spaces would become available as a result of the expansion / improvement works carried out to the premises. Furthermore, the applicant had indicated that if additional off street parking were required to accommodate occasional large scale special events then this could be provided by arrangement with the farm owner nearby. Neither Essex Police nor Essex Fire and Rescue had raised concerns regarding access arrangements and public safety.

3. *The Committee did, however, consider that it was appropriate for the promotion of the relevant licensing objective – namely, the prevention of public nuisance to impose a condition precluding regulated entertainment taking place in marquee style buildings or structures after 23:00 hours.* The applicant had accepted at the hearing that it was likely that, depending on the circumstances, noise from the marquee could be audible from the road and by local residents closest to the marquee. The Committee considered that such restriction on hours was necessary to prevent the likelihood of public nuisance in the form of noise.*

** The applicant (through its solicitor, Mr Dadds) had volunteered this condition in the course of the hearing after listening to objectors' concerns.*

4. *If subsequently, there was evidence of noise nuisance, anti-social behaviour, public safety issues etc. arising from the use of the premises for the licensable activities then it was open to any person (including responsible authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Committee.*

Informative

If a local resident considers that they are experiencing noise nuisance or other issues relating to carrying on of licensable activities at the premises then they are encouraged to raise their concerns with the premise's management in the first instance. This allows the premises management the opportunity to consider and, if appropriate or called for, to take steps to address the issues with a view to avoiding a recurrence. If the local resident concerned is unhappy with the response / outcome then they should consider making formal complaint to the Council so that the matter can be investigated, if appropriate (e.g. by Environmental Protection in cases of alleged noise nuisance.) A local resident or any other person (including a responsible authority) can apply to the Council (as the licensing authority) for a review of the premises licence. A formal hearing (at which the licence holder and the local resident(s) concerned have the opportunity to attend and make representations) will then be held to consider what, if any action is appropriate to take. Such action may involve cutting back or otherwise limiting the licensable hours or the type of licensable activities that can be carried on at the premises and/or the imposition of new conditions. In serious cases, the licence may be revoked.

Local residents should note, however, that when conducting a review of a licence the Licensing Committee can only consider concerns which relate to one or more of the statutory four licensing objectives and which are evidenced based.

The meeting closed at 11.50 am.

Chair

Chelmsford City Council Licensing Committee

Monday 7th September 2020

APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE

BAY HORSE, 189 MOULSHAM STREET, CHELMSFORD, ESSEX, CM2 0LG

Report by:

Director of Public Places

Officer Contact:

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

Purpose

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

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

Options

Full Review Hearing

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

- To Modify the conditions of the licence either permanently or for a period not exceeding three months
- To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months

- Remove the Designated Premises Supervisor
- To suspend the licence for up to three months
- Revoke the licence

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

Interim Steps

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

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

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

1. Background and Introduction

- 1.1 This premises is a city centre venue located on Moulsham Street, leading away from the main High Street and is surrounded by commercial premises and residential properties within the vicinity of Hall Street and Orchard Street and licensed by Chelmsford City Council under the Licensing Act 2003. A copy of the Premises Licence is attached at **Appendix A**
- 1.2 On the 12th August 2020 Chelmsford City Council received an application from Essex Police for a Summary review of the licence at The Bay Horse, on the grounds of serious crime and disorder and the failure to promote all four of the licensing objectives, which was accompanied by the required certificate of a senior police officer.
- 1.3 This application was initially supported and joined by a representation made on behalf of the Licensing Authority in their capacity as a responsible authority.

- 1.4 In response to that application; on the 13th August 2020 the Licensing sub-committee considered the application and determined appropriate interim steps in order to promote the licensing objectives in that the licence was suspended and the Designated Premises Supervisor was removed pursuant to s.53B of the Licensing Act 2003 pending the determination of this full review hearing. A Copy of the interim decision notice is attached as **Appendix B**.
- 1.5 The licensing authority have received no application to modify the interim steps imposed on the 13th August 2020.

2. Application

- 2.1 This is an application made by Essex Police for a summary review of the premise licence under S.53(A) of the Licensing Act 2003. A Copy of the application and the certificate signed by a senior police officer is attached as **Appendix C**.
- 2.2 The application has been properly made in accordance with The Licensing Act 2003 and all procedures have been correctly followed. The public notice was properly displayed, and copies of the application served on the Premises Licence Holder – through their legal representative - and responsible authorities. The application was also advertised via Councils website.

3. Representations

- 3.1 During the consultation period the authority received representation from Environmental Protection Services on the grounds of prevention of public nuisance. I have attached a copy of this representation to this report as **Appendix D**.
- 3.2 On the 26th August 2020 we received notification of representation from Hook & Partners Solicitors who act on behalf of (Mr Steven Webb) Moulsham Properties Limited who currently hold the lease to the Bay Horse and who have subsequently formally registered a notification of interest in the premises licence under s.178 of the Licensing Act 2003. This notification has the effect that the licensing authority have an obligation to inform Mr Webb of any changes made to the premises licence. This representation was to inform that they will be producing supplementary and supporting documentation - including witness statements - in support for their client's proposal that neither revocation nor suspension of the licence would remain necessary and proportionate. Under section 18 of The Licensing Act 2003 (Hearings) Regulations, representation of supporting documentation may be produced either before the hearing or with consent of all other parties, at the hearing. I have attached a copy of this letter as **APPENDIX E**.
- 3.3 For the purpose of clarity - and from records held on behalf of the licensing authority - it is important to note that the premises licence is currently held by the Spirit Pub Company (Services) limited (Part of the Greene King group). At the time of the incidents referred to by Essex Police the Designated Premises supervisor (DPS) was a

Ms Francesca Webb, who gave notice to quit the licence on Monday 10th August 2020 and who was replaced by a Mr Gary Manion later that same day on application to vary the DPS made on behalf of the premises licence holders. A further application to vary the DPS on the licence was made shortly following the interim steps that has the effect that Mr Webb is the current DPS – although following the interim steps hearing the DPS was removed (Mr Manion at that time).

- 3.4 During the course of consultation we received representation from Essex County Council (as a responsible authority) on the grounds of Protection of Children from Harm. Attached to this report is a copy of their representation to this report at **Appendix F**.
- 3.5 During the course of the consultation we received representation from Chelmsford City Council (as a responsible authority) on the grounds of prevention of public nuisance and prevention of public safety. I have attached a copy of this representation as **Appendix G**.
- 3.6 No Representations have been received from any other responsible authority nor interested party.
- 3.7 Since the police submitted their application for a summary review, they have submitted further evidence in support of this. This is also included as attached as **Appendix C**.
- 3.8 The premises licence authorises the following licensable activities;

Sale of Alcohol

Every Day 10:00 – 01:00

Performance of Live Music

Every Day 10:00 – 01:00

Recorded Music

Every Day At any time

Performance of Dance

Every Day 10:00 – 01:00

Provision anything of a Similar Nature

Every Day 10:00 – 01:00

Late Night Refreshment

Every Day 10:00 – 01:00

Provision for Dancing

Every Day 10:00 – 01:00

Opening Hours of the Premises

Every Day 09:00 – 01:30

4. Conclusion

- 4.1 The relevant sections of the Statement of Licensing Policy are brought to the attention of members and are as follows:
- 4.2 (1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.
- 4.3 This application has been correctly submitted.
- 4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended.

List of appendices:

- Appendix A – Copy of the Premise Licence
- Appendix B – Interim Decision Notice
- Appendix C – Essex Police Full Review
- Appendix D – Environmental Protection Representation
- Appendix E – Representation from Hook and Partners
- Appendix F – Essex County Council Representation
- Appendix G – Representation from the Public health & Protection Manager.

Background papers:

Application file held by Licensing Authority

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

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

Personnel: None

Risk Management:

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of Licensing Policy

Appendix A



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

Premises Licence

Premises Licence Number

05/00298/LAPRE

Part I – Premises Details

Bay Horse
189 Moulsham Street
Chelmsford
Essex
CM2 0LG

Telephone number Not Supplied

Where the licence is time limited the dates are

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are

Sale or supply of Alcohol	Every Day	10:00 - 01:00
Performance of Live Music	Every Day	10:00 - 01:00
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Performance of Recorded Music	At any time	-
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Performance of Dance	Every Day	10:00 - 01:00
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Provision anything of similar nature	Every Day	10:00 - 01:00
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Provision for dancing	Every Day	10:00 - 01:00
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Late Night Refreshment	Every Day	23:00 - 01:00
Continuous opening from the start of trade on New Years Eve to the close of trade on New		

Years Day		
The opening hours of the premises are		
Opening Hours	Every Day	09:00 - 01:30
Continuous opening from the start of trade on New Years Eve to the close of trade on New Years Day		
Where the licence authorises supplies of alcohol whether these are on and / or off supplies		
On and Off the premises		

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Spirit Pub Company (Services) Ltd Sunrise House Ninth Avenue Burton Upon Trent DE14 3JZ	
Registered number of holder, for example company number, charity number (where applicable)	
Registered Business Number	05266811
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Francesca Webb Dukes Manor Skreens Park Road Roxwell Essex CMI 4PE	
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
EZ14/00061 - Chelmsford City Council	

Signed:

On behalf of the Licensing Authority

Issued 19th October 2016 following a variation of the DPS

Dated: 16th August 2005

Annex I – Mandatory conditions

- 1 Where premises authorise the supply of alcohol no supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section—

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39)

- 4 (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed—
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to—
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section—

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, [F2and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)] and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

- 5
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 6
- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 7
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature..

8 The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

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

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

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

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

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

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

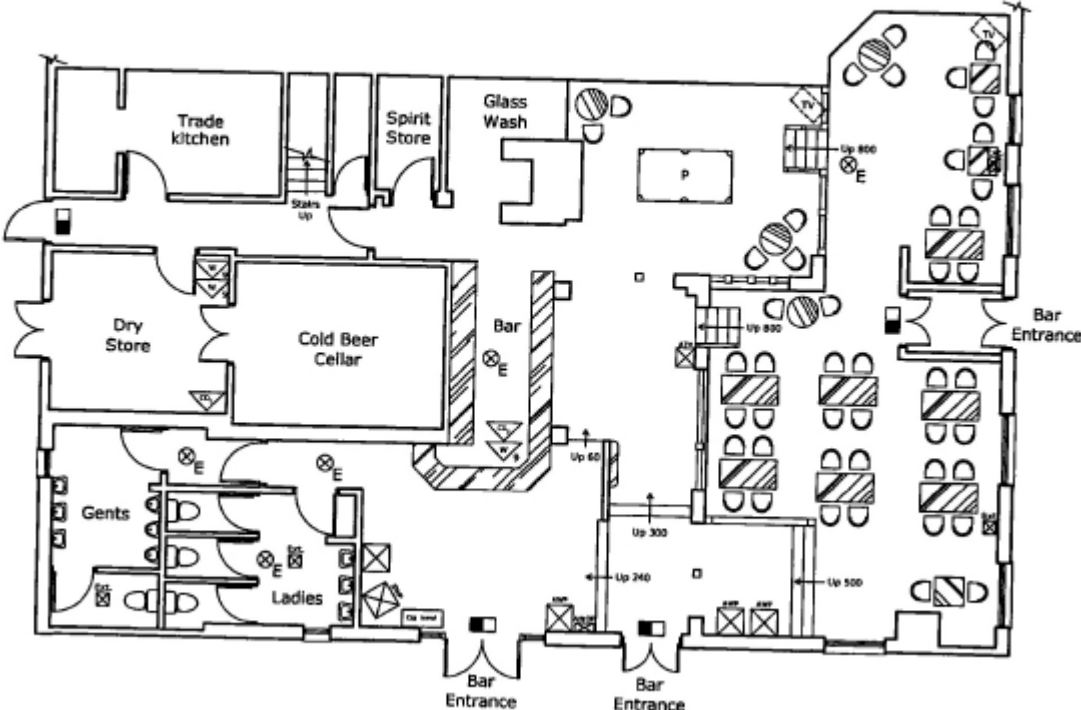
Annex 2 – Conditions from Operating Schedule

1. Proof of age will be required in the form of Passport, Photo driving licence, or accredited scheme by anyone who appears to be under the age of 18.
2. Staff will be trained in drugs awareness.
3. If a disc jockey is used on any night they will ask customers to leave quietly.
4. Closed Circuit Television & Video Recording
 - a) A CSV system incorporating recording will operate throughout the whole of each period the premises are open.
 - b) The system will include coverage of all public entrances and exits from the premises and other areas agreed with the police following a reasonable request.
 - c) The system will provide for recording of all cameras simultaneously.
 - d) The recording will be kept for a period of 31 days and will be provided to the police upon request.
 - e) If tapes are used, they will be used for a maximum period of 12 months.
 - f) Or to any other Essex Police Standard
5. All incidences of crime and disorder will be reported to the Police and kept in an incident book.
6. When regulated entertainment takes place, staff members will make extra Soft drinks and non-alcoholic refreshment available, if the premises opens for an extended period, between the cessation of the supply of alcohol and the closure of the premises.
7. When children are allowed on the premises, no entertainment of an adult nature will be available.
8. A non-smoking area will be provided.
9. Free drinking water will be available at all times.
10. Text and/or radio pagers, where already used will be used for any additional hours.
11. Lighting of the outside patio area be improved in accordance with the criteria established by Essex Police.

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

Not supplied

Annex 4 – Plans



APPENDIX B

Interim steps decision of the Licensing Sub-Committee of Chelmsford City Council following an application under s.53A of the Licensing Act 2003 on 13 August 2020 of the premises licence in respect of the Bay Horse, 189 Moulsham Street, Chelmsford under section 53(A) of the Licensing Act 2003

Decision

The premises licence in respect of the Bay Horse, 189 Moulsham Street, Chelmsford granted under the Licensing Act 2003 be suspended and the DPO removed pursuant to s.53B of the Licensing Act 2003, pending the determination of the review applied for.

Reasons for suspension of the licence

1. Essex Police are continuing to investigate the events that occurred at the premises on 9 August and the reasons for them; there have also been reports of a number of other incidents of public disorder associated with the premises since June 2020. However, on the evidence given to the Sub-committee serious crime and disorder took place on 9 August which required a number of police units to intervene and resulted in four serious or minor injuries requiring hospital treatment.
2. There is evidence that an offensive weapon was used by one of the premises' customers, who was subsequently arrested.
3. There is evidence that the door staff did not carry out the standard checks on individuals entering the premises or intervene sufficiently to address and de-escalate the disorder occurring on the premises, which led to instances of grievous bodily harm occurring.
4. The licence holder has failed to ensure the promotion of all four of the licensing objectives, particularly the prevention of crime and disorder.

Whilst it is not a licensing objective, the failure to ensure social distancing in and immediately around the premises presented a threat to public health and safety.

The Sub-committee considered that the other three interim steps available to it but considered those steps inadequate to prevent further potential serious disorder occurring at the premises.

The full review will take place before 9 September 2020.

APPENDIX C



**PUBLIC REDACTED
VERSION**

**Premises Licence Summary Review
Bay Horse
Moulsham Street**

Supplementary documentary information in support of summary review.

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- Exhibit RS/1 – Body worn Video from police officers
- Exhibit RS/2 – Facebook links of video footage of the incident
- Exhibit RS/3 – Body worn images of inside the venue
- Exhibit RS/4 – Picture and timeline of assault on 07/08/20

1.0 Background Details

- 1.1 The Bay Horse is a licensed premise situated in Moulsham Street, Chelmsford CM20LG. The premises are the holder of a Premises Licence No. 05/00744/LAPRE issued by Chelmsford City Council. The Premises Licence holder is Spirit pub Company Service LTD. Registration Number: 05266811
The premises are licensed for the sale of alcohol for consumption on and off the premises, Late night refreshment and Regulated entertainment.
- 1.2 The Designated Premises Supervisor (DPS) at the time of writing is [REDACTED].

2.0 Outline of circumstances leading to the Summary Review application.

- 2.1 At 0014 hours on Sunday 09th August 2020 numerous calls were received stating that there was a large fight with glass being used as a weapon. This resulted in 1 male arrested for being in possession of an offensive weapon and 4 people sustaining injuries with three being taken to hospital for serious injuries. The fight happened in the car park of the premises.
- 2.2 Considerable police resources across Essex had to be deployed to restore order and close the premises with the premise's car park being locked down for forensic examination. Further assistance was required by officers at the scene who put an emergency call in for more units to attend.
- 2.3 The people involved in the fight had been drinking in the Bay horse.
- 2.4 Attending officers reported that 4 persons had injuries. 1 victim sustained a serious head injury and another a deep laceration to his forehead causing extensive bleeding. From attending hospital, it was later advised that 2 victims had sustained fractured cheek bones and a third with a fractured skull.
- 2.5 The arrested male was in possession of a knife and a tyre iron. A member of staff had witnessed the male in the beer garden to the premises with the knife. The body worn footage captured shows the concerns from the public when officers arrive at scene with people shouting 'he has a knife'
- 2.6 As a result of this serious and shocking violent incident. Essex Police took the necessary step of applying for a summary review, as authorised by Supt Paul Wells. It is Essex Police's duty to uphold the licensing objectives, with a primary emphasis on the reduction of crime and disorder and ensuring the safety of the public within the night-time economy.
- 2.7 Referring to Exhibit RS/2. These recordings show the scale of the fight. In the footage you can hear glasses smashing and people screaming. A male who sustained serious injuries can be witnessed being kicked whilst on the ground. When police officers attended the scene the car park to the premises had glass scattered everywhere.

3.0 Reasons for Review

- 3.1. Similar incidents of disorder have occurred since June 2020 and escalated since licensed premises have been allowed to re-open on 4th July 2020, these incidents have also been taken into consideration. The venue staff and management have lost control of the premises and the premises is undermining the licensing objectives. The manager and security showed no control resulting in the fight and

subsequent injuries. These incidents are not small, individual fights. They are large scale disorder; where groups of 20- 50 people at a time are actively engaging in disorderly conduct and violence. Management of which is entirely reliant upon Police resources.

3.2 The premises licence holder is a subsidiary of Greene King who are absent licence holders, A Mr [REDACTED] rents the premises from the licence holders -Spirit pub company. Mr [REDACTED] is absent from the premise and leaves the running of the premises to the manger Mr [REDACTED]. The circumstances have allowed the manager to sit above the then DPS ([REDACTED]) and most recently on the 7th August allowed to terminate her employment. As the licence holder is absent, they are unable to control events at the pub and effective management of the running of the premises.

3.3 This incident was preceded by several other incidents (please see document 16 for full details) which are summarised below:

09/08/20 – 5 separate 999 calls to Essex police reporting a large fight at the location; police attended and found 4 persons sustained injuries with one male arrested for being in possession of a offensive weapon.

07/08/20 – Call to police reporting an assault on a member of door staff, the male who was 17 years old was arrested for actual bodily arm and Criminal damage.

07/08/2020 – The Manager of the premises reporting that a rival gang is coming to the premises for a fight.

02/08/20 – 999 call received by Essex police reporting a fight at the premises. Officers attended and spoke to door staff who said it was between 2 males who have left.

01/08/20 – Call to police reporting 'a racket going on outside the premises' persons seen to be drinking whilst outside the premises. The caller believes that drugs are being sold within the Bar, CCTV have witnessed customers snorting something in the beer garden

31/07/20- Call to Essex police reporting that the main road is blocked by customers of the Bayhorse drinking.

25/07/20 – 999 call received by Essex police reporting that 20 persons are fighting. Officers attended and saw a large disturbance, no assaults witnessed. This was caused by the pub closing and persons dispersing

20/07/20 – 999 call received by Essex police reporting a disturbance at the premises. A male has broken a window to the premises in the smoking area.

18/07/20 – 999 call received by Essex police, caller reporting a group of males using glass bottles and fighting at the premises

19/06/20 – 999 call received by Essex police reporting that a large group is outside gathering, they have been served alcohol by the pub and are causing a nuisance and not social distancing.

3.4 Attendance and subsequence events were captured on Body Worn Video (BWV) cameras worn by the police officers. Should it be possible in the timescales to do so,

Essex Police will seek to show some of this evidence at the hearing. (see Exhibit RS/1)

- 3.5 In the aftermath, delays were experienced in the police not being able to review the CCTV footage for the immediate detection of crime and identification of suspects. The CCTV could not be downloaded as a different type of disc was required to download the data.
 - 3.6 Essex Police have previously attended the premises and provided advice and guidance in line with the current Government Covid regulations. No improvement has been evident and it is clear that Essex Police concerns were ignored. Exhibit RS/5 is Body worn images of inside the venue shows clear evidence of the managements inability to keep customers safe through safe social distancing.
 - 3.7 Essex police have identified underage drinking at the premises from an incident on 07/08/20- where a 17-year-old male assaulted door staff after drinking at the premises. Exhibit RS/4 which shows a picture of the assault and a picture of the same person captured drinking inside the premises.
 - 3.8 Police body worn footage suggests that the several people involved in these incidents are drinking while underage. This was confirmed when a fingerprint recovered from a smashed Fosters Glass in the car park of The Bay Horse has been identified as a 15 years old male. Clear evidence that the management and security staff are not able to protect children from harm
 - 3.9 The current management of the premises is inadequate and does not promote the licensing objectives with crime and disorder becoming a regular occurrence.
 - 3.10 Environmental health and the licensing authority have also received multiple complaints for noise and Covid breaches this is evidenced in document 12. The statement from the licensing officer shows that correspondence was made with the manager who blatantly ignored advice as further complaints were received.
 - 3.11 The Local Authority Licensing and Environmental teams share the police concerns; a representation from Mr [REDACTED] Public Health & Protection Services Manager has been submitted – See document 13
- 4.0 Review Outcome Sought**
- 4.1 Essex Police asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in crime and disorder and blatantly ignoring current regulations.
 - 4.2 If the premise is allowed to continue to operate with a licence it is Essex polices belief that further incidents will occur. To prevent further public nuisance and crime and disorder Essex police are requesting revocation of the licence.

- 4.3 This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 4.4 Essex Police anticipate that the responded will argue that revocation is inappropriate because of the financial impact this will have. However given the circumstances leading to this review Essex Police would contend that though a relevant consideration it should be discounted.

- 4.5 The Guidance issued under section 182 of the Act provides useful guidance in this respect, viz:

a) Paragraph 11.26

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

b) Paragraph 11.23

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

- 4.6 Furthermore, as regards revocation, case law provides additional guidance on balancing financial considerations and the need to promote the licensing objectives, viz:

a) In the case of *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* (2011) EWCA Civ 312, Lord Justice Toulson said:

"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."

The decision is important because it illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation. The effect on a range of factors such as crime and the quality of life for residents and visitors must be considered and not just the narrow consideration of the premises itself.

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

The prevention of crime and disorder requires a prospective consideration of what is

warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

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

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

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

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

4.7 Should, however members of the licensing sub-committee fail to be convinced that the premises licence should be revoked then reasonable and appropriate steps to promote the licensing objectives, Essex police will reluctantly suggest an alternative

If the licence is not revoked, then the police would ask the sub-committee to revise the licensing and opening hours which are set out on **document 14**

The current licence has 8 conditions which do little to support the licensing conditions and all of which are set out in Annexe 2 as the operating schedule. If the licence is not revoked, a strong suite of conditions is required to support all 4 of the licensing objectives (under which the review is brought) and particularly that relating to public safety. **Please see document 14** for the conditions which are proposed if the premises licence is not revoked as requested.

WITNESS STATEMENT

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

URN

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Statement of: [REDACTED]

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date: 11/08/2020

I am the above-named person and am the District Commander for the Chelmsford and Maldon local policing area.

My role is to provide command of the policing for the area and effectively manage the resources available to me. I work in partnership with key groups including Chelmsford City Council, resident group, Community groups and the general public to keep Chelmsford and Maldon a safe place to live, work and enjoy recreation.

During the current pandemic I also manage the police response to breaches of Government Guidelines and Covid-19 regulations.

On Saturday 8th August 2020 reports were made to the police of a large disturbance and fight at the Bay Horse Public House, Moulsham Street, Chelmsford. I am aware of the venue as district commander due to previous incidents of a similar nature that had occurred the week before.

On this occasion it was reported that a large fight had taken place and weapons had been used, officers attending found 2 people with injuries that amounted to Grievous Bodily Harm.

This incident was directly related to the Public House and took place within the immediate vicinity.

I have received a number of complaints since the incident from residents, Neighbourhood Watch, local councillors, Neighbourhood associations and the local MP. These all show concern for the lack of both social distancing and any form of control of the patrons of this establishment by the owner. Residents have expressed genuine concern for their safety due to the large

Signature: Signature witnessed by:

numbers of people coming and going from the establishment, Anti-Social Behaviour and violence.

I have instructed the Community Policing Team to conduct patrols and visits on this establishment so taking them away from community patrols and interactions. I have asked my Licencing officer to review the way the establishment is being managed and to liaise with the management to ensure they are complying with their licence conditions.

I am aware that there have been several complaints about the noise from the establishment that Chelmsford City Council have had to review and issue an abatement notice to the manager. The anti-social behaviour and violence issues have required me to move police resources from planned operations and reassurance patrols of the nighttime economy to deal with them, this has both a financial impact and a reassurance effect on the local community.

Chelmsford is a safe city to live and work in and this type of behaviour in the city centre causes an immediate and impactive effect on the public perception of their safety and wellbeing. The large number of pub goers being intoxicated, causing anti-social behaviour and breaching Coivid-19 rules are causing the community huge concern and affecting their lives detrimentally. In my opinion this establishment and its management cause this detrimental effect on the community and are responsible for the redirection of significant police resources and time to deal with the aftermath.

Signature: Signature witnessed by:

WITNESS STATEMENT

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

URN

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: A/PS 76448

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 09/08/2020

At 22:00hrs on SATURDAY 8th AUGUST 2020 I was on duty in full uniform under call sign NR201 at CHELMSFORD POLICE STATION.

At approximately 00:15hrs on SUNDAY 9th AUGUST I was aware of a report of a fight outside the BAY HORSE PUBLIC HOUSE which local units were attending. Shortly after a request came via the air wave radio for further attendance to assist due to a large number of people involved still fighting.

I made my way to the location in company with other units and on arrival saw a large group of people in the external area to the left of the pub where an access to a rear car park is and spreading out onto the street. At the rear of the pub I saw PC 78009 [REDACTED] assisting staff members of the pub with a male who had a large cut to his forehead and appeared quite woozy. Nearby I saw PC 79725 [REDACTED] talking with a second male who had a very swollen face, with lots of lumps around his eyes and forehead. I did not make physical contact with either party.

I left the area to the entrance of the car park where a scene was placed on once all other members of public had vacated the area. A member of staff, who I now know to be [REDACTED] [REDACTED] who had been assisting with the male with the head wound, approached me with the shirt he had been wearing which had the victim's blood on it. At 01:20hrs I seized the shirt and

Signature: [REDACTED] Signature witnessed by:

produce it as my exhibit HG/01 – BLUE AND WHITE STRIPED SHIRT FROM [REDACTED]
[REDACTED]

I was later informed by PC [REDACTED] who was travelling with the two males who had been assaulted to hospital that a staff member, who I now know to be [REDACTED] had given the male with the head wound a duvet from the pub to wrap around him. As the male left with ambulance [REDACTED] had placed the duvet in a black bin liner and left it at the rear of the pub.

At 01:56hrs I reattended the rear of the pub and seized the black bin liner containing the duvet. As I could not fit the item into a single brown paper evidence bag as it was too large and in an awkward shape, I decanted the duvet into a brown paper bag, of its own and placed a second on top to try and seal this, but it still would not gain a secure seal. I then placed the whole thing in a cardboard box and placed a secure seal on that. I placed the black bin liner in a separate bag. I produce these as my exhibits HG/02 – BLACK BIN LINER and HG/02-A – DUVET FROM BLACK BIN LINER.

At approximately 01:58hrs the landlord of the pub, who I now know to be [REDACTED] informed me that he had a gas cannister that the group of people involved in the fight had been in the rear car park just prior to it inhaling a substance from a gas cannister. [REDACTED] then explained that he believed the two males who had the injuries and the persons who fought with them were all part of the same group. Staff had approached the group and asked them to leave after seeing it. This is when the group all started fighting. [REDACTED] stated he had the gas cannister and handed it over to me. The cannister has a marker for nitrous oxide. At 01:59hrs I seized the gas cannister and produce it as my exhibit HG/03 – BLUE CANNISTER OF NITROUS OXIDE.

All items were placed into brown evidence bags and booked into the property system at CHELMSFORD POLICE STATION under the reference number CC/033115/20.

I produce my body worn video footage as HG/04 – BWV BAY HORSE ASSAULT.

These are my original notes completed at 06:16hrs on SUNDAY 9th AUGUST 2020 at CHELMSFORD POLICE STATION.

Signature: [REDACTED] Signature witnessed by:

WITNESS STATEMENT

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

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18: o 18 (if over 18 insert 'over 18') Occupation: Police Officer 71580

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

Signature:..... [REDACTED] (witness) Date: 9th August 2020

On Sunday 9th August I was on duty in police uniform in company with Pc 80149 [REDACTED] and Pc 80334 [REDACTED] on the call sign NR08T.

Around 00:15hrs I heard via my Airwave radio that there was a large fight at the BAY HORSE PUBLIC HOUSE, MOULSHAM STREET, CHELMSFORD. The information was there were 30 to 40 people fighting.

I turned on to MOULSHAM STREET from PARK WAY. As I approached the premises which is located on the right side of the road I could see a large amount of people were in the road. I could see by there were groups of people squaring up to each other. At this point I activated my Body Worn Video and started recording.

When I got out of my vehicle I could hear lots of shouting and glass being smashed. I would describe the atmosphere as very hostile and the area was chaotic.

I saw a white vehicle and a dark coloured vehicle speed out of the car park which is at that back of the BAY HORSE.

I was directed to the car park as that is where I was told that is where the largest fight was. There were people scattered all over the car park with pockets of aggressive groups everywhere.

By now I had already requested other police units to attend as there was potential for the situation to get out of control and the risk someone could get seriously hurt.

I could still hear glass being smashed and told one male to put a glass and a beer bottle down.

Signature: ... [REDACTED]

Signature witnessed by:

I saw [redacted] and [redacted] run to the bottom right corner of the car park. I was told there was another fight there.

When I got there I saw there was no fight but was told people had run off. I decided the more serious situation was at the BAY HORSE so called the other officers back.

At this point I noticed a member of Pub staff had blood on the left shoulder of his shirt. I asked if he was ok, he told me it was someone else's and took me to the victim.

In the car park of the BAY HORSE I saw a black male with a 3 to 4cm cut above his right eye. Pc [redacted] was tending to the male and administering first aid.

I heard Pc [redacted] call up via her radio stating more officers were needed out on MOULSHAM STREET. Pc [redacted] and I ran out on to the street to assist them.

I saw Pc MEHEN and Pc 80356 [redacted] go into NEW WRITTLE STREET. As I went to them I heard several people shouting "HE'S GOT A KNIFE" and "THE GEEZA'S GOT A KNIFE" they were pointing towards NEW WRITTLE STREET.

As I turned on to NEW WRITTLE STREET I saw another group of people in the road. I could see [redacted] approaching a black male who was wearing a t-shirt which had blue shoulders and arms and a white and grey body, grey shorts. I now know this male to be [redacted] I could see [redacted] had her handcuffs out as she was approaching [redacted] and people were still shouting "HE'S GOT A KNIFE".

I then noticed in the front right pocket of MAINA'S shorts a black object sticking out. The object had a curved end and I believed this was the handle of a kitchen knife.

I drew my Essex Police issued X2 Taser, switched the safety off and aimed the Taser at [redacted] causing two dots to show on his body.

I started shouting at [redacted] "STAY WHERE YOU ARE" I repeated this several times.

[redacted] raised both his arms in a way that I would describe as him giving up. [redacted] was pointing to a window and was saying the knife was there.

I still had real concerns about the object in [redacted] pocket so I kept the Taser aimed at him and shouted "WHATS THAT?" pointing to his pocket.

As [redacted] had his arms up I saw an opportunity to remove the object. I reached forward and with my left hand pulled it out of [redacted] pocket. The object was a black plastic comb which I threw to the ground as I moved back from [redacted]

I was still unsure if [redacted] had any other items on him so I believe he still posed a considerable risk to both officers and members of the public. Due to this I kept the Taser aimed at him while giving him clear commands to get on the ground.

Signature: [redacted] Signature witnessed by:

[redacted] did sit down on the ground. I then told [redacted] to put his arms out to the side. Once he had done this I instructed [redacted] to handcuff [redacted] this was done with the assistance of [redacted]

Once [redacted] was in handcuffs and restrained I felt the risk level come down enough for me switch the safety back on the Taser and secured it in my holster.

As I was doing this I heard [redacted] arrest [redacted] on suspicion of being in possession of an offensive weapon.

I could see [redacted] had an injury to his right foot and below his left eye which needed medical treatment.

I went to the window that [redacted] had been pointing at and saw a silver a knife and car toeing eye. I instructed [redacted] to stand with these items and not let anyone near them.

By now I was aware that there were multiple police units dealing with this incident.

A short time later I was approached by a black female who was claiming to be [redacted] girlfriend. She accused me of using the Taser on [redacted] just because he was black, stating we were racist and she had filmed the whole thing. She also claimed there were loads of people involved who had knives.

She repeated this claim several times as she walked away from me in the direction of the BAY HORSE. I followed her asking her to tell me who else had knives but she ignored me.

While outside the BAY HORSE I was approached by a tall white male in a white t-shirt. This male who didn't want to give his details in such a public environment stated he had seen [redacted] with a knife. He said words to the affect of "THE ONE YOU'VE GOT CUFFED ROUND THERE HE'S THE ONE WHO HAD THE KNIFE".

I relayed this information to [redacted] who was about to review the CCTV from the BAY HORSE.

I returned to NEW WRITTLE STREET and at 00:30hrs seized the black plastic comb which I exhibit as CB/02.

I stayed at the location until the majority of the crowds had dispersed and things had started to settle down. Once this had happened I left MOULSHAM STREET, as I did this I stopped recording on my BWV.

I returned to Essex Police HQ where I docked my BWV and downloaded the footage. I exhibit this as CB/01 – BAY HORSE INCIDENT.

I have sealed the black plastic comb in evidence bag [redacted] and booked it into the Essex Police property system under reference [redacted]


Signature:

Signature witnessed by:

OFFICIAL

MG11 (Interactive)

I can justify my actions, use of force and the use of Taser under Common Law and Section 3 of the Criminal Law Act 1967. This is due to the information I had been told about [redacted] being in possession of a knife and the object I could see sticking out of his pocket. I believed [redacted] was in possession of a weapon that was capable of causing serious injury to members of the public and police officers which meant he posed a serious risk in an already volatile situation.

These are my original notes made at Essex Police HQ between 02:45 and 04:30 hrs  71580

Signature: [redacted]

Signature witnessed by:

OFFICIAL

WITNESS STATEMENT

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

URN : [redacted]

Statement of: [redacted]

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

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [redacted] Date: 09/08/2020

Tick if witness evidence is visually recorded (supply witness details on last page)

I began my duty at CHELMSFORD POLICE STATION on SATURDAY 8th AUGUST 2020 under call-sign NU10 in company with [redacted] in full uniform and PPE.

At 00:15 on SUNDAY 9th AUGUST we were made aware of a large brawl at THE BAY HORSE pub on MOULSHAM STREET, CHELMSFORD. Attending the scene we found a male, who I learned to be [redacted] sitting on the kerb side under arrest for possession of an offensive weapon. He had a cut under his left eye and his right foot was bleeding as well. We were tasked with conveying him to custody via A&E to get his wounds checked out. Whilst at A&E I was made aware that we would be looking to further arrest [redacted] for GBH due to an assault at the pub and so I was passed a forensic strategy in order to obtain evidence. As part of this I can provide the following exhibits to this investigation:

NGH/01 [redacted]

NGH/02a/b/c [redacted]

Once [redacted] had been discharged we conveyed him to CHELMSFORD POLICE STATION to hand over to early turn units to convey him to HARLOW CUSTODY. At 06:46 I said to [redacted] that he was under arrest for GBH due to someone receiving a head injury at the scene of the incident and [redacted] was stopped with a weapon soon after. I then cautioned him saying 'YOU DOVNOT HAVE TO SAYCANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED, SOMETHING WHICH YOU MAY LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GOVEN IN EVIDENCE' to which he replied something along the lines of 'THATS PROBABLY MY COUSIN'

I can provide my BWV footage of the arrest as:

NGH/03 - BWV - [redacted] GBH ARREST 09/08/20

These are my original notes made at CHELMSFORD POLICE STATION at 07:05 on SUNDAY 9th AUGUST 2020.

Signature: [redacted]

Signature Witnessed By:

WITNESS STATEMENT

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

URN

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 78009

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

Signature: [REDACTED] (witness) Date: 9TH AUGUST 2020

I have written this statement having not viewed my Body Worn Video.
 On SUNDAY 9TH AUGUST 2020 I was on duty in full uniform working from CHELMSFORD POLICE STATION on the Local Policing Team. Due to the incident, over the night I was put onto different call signs.

At around 00:15hrs, I heard over the radio that there was a large fight happening at THE BAY HORSE, MOULSHAM STREET, CHELMSFORD, ESSEX. It was said that there were multiple people using glasses as weapons. I heard a unit call up over the radio that they needed more Police units to the location. I also heard that people had been injured.
 Due to the urgency on the request, I joined officers who were on call sign NR01 which included A/PS [REDACTED]

When I arrived on MOULSHAM STREET, I lots of people walking along MOULSHAM STREET away from THE BAY HORSE. I activated my axon Body Worn Video which I produce as my exhibit CN/01. I was aware that PC [REDACTED] was with an injured male and needed another officer to him.

I saw a male who I now know to be [REDACTED] sitting on stacked kegs, with bar staff and [REDACTED] trying to stop the bleeding to his head. There was blood pouring from the wound which was a large, thick and open gash that looks to go through to the skull.

I immediately applied a bandage to his head and called out for someone to call for an ambulance. There was another deep cut to [REDACTED] leg that I could see was pouring blood. I applied the bandage to this [REDACTED] told me his name was [REDACTED] or [REDACTED]

There was another male with [REDACTED] who have the name of [REDACTED] was very clearly intoxicated and had swelling to his head and eyes. [REDACTED] was being obstructive, and not allowing for enough room for first aid to be applied to [REDACTED] I had to raise my voice to him and applied a small amount of force to stop him from touching [REDACTED] which would affect the

Signature: [REDACTED] Signature witnessed by:

forensic opportunities. [redacted] was saying how he wanted to take [redacted] and leave. He did not believe that either of them needed medical assistance.

The bleeding from [redacted] had come through the first bandage and I applied a second bandage, with the tea towel that the bar staff had been using to apply pressure to his head. [redacted] had started to go in and out of consciousness.

I spoke with AMBULANCE over the phone and updated them that [redacted] was bleeding heavily and that he was going in and out of consciousness. After I finished with the conversation he continued to go in and out of consciousness for longer periods and so I called 999 back and updated them. I also made ambulance aware that [redacted] injuries.

I continued to monitor [redacted] condition however, he was not allowing for me or others to place him onto the floor into the recovery position. There was a male and female who were members of staff of THE BAY HORSE staff. They were either side of him and supporting [redacted] to stop him from falling from his sitting position.

At 01:04hrs, ambulance arrived at THE BAY HORSE car park. When the paramedic removed the bandage, I took a photo of [redacted] HEAD injury which I produce as my exhibit CN/05. Whilst wearing gloves, I placed the bandages and tea towel used to stop the bleeding into brown evidence bags and folded the top of the bag to retain forensic opportunities. I produce them as my exhibits CN/02, CN/03 and CN/04.

I saw that the swelling to [redacted] face were getting. When he was in the ambulance, I took a photo of the swelling to the side of his head. I produce this as my exhibit CN/06. I went up to BROOMFIELD HOSPITAL with one of the paramedics whilst [redacted] went in the ambulance with [redacted]. I turned off my Body Worn Video when I went into the paramedic vehicle. I turned my Body Worn Video back on when I arrived at BROOMFIELD HOSPITAL. I produce this as my exhibit CN/07.

When at BROOMFIELD HOSPITAL, [redacted] was making it very clear that he was not wanting any Police involvement and was not supportive of prosecution. In this he would not allow for me to seize any clothing or obtain forensic samples.

At around 03:40hrs, [redacted] was taken to obtain a CT scan. At 05:05hrs, a doctor confirmed with [redacted] that he had a depressed skull fracture and there were segments of skull that were loose. They said that he will need to be transferred to another hospital.

At 05:16hrs, [redacted] signed my Electronic Pocket Note Book to confirm he would not provide Police with any details and is not supportive of going to court.

I would describe [redacted] I have not seen him before and I do not know if I would recognise him if I saw him again. The injuries that I could see was a large gash to his right side of his fore head. This was open and about 4 inches in length. This looked to go through to the bone. He also had a deep cut to the forehead in the hair line, and had a very deep cut to his left knee that required stitches. He also had multiple other cuts to his body.

Signature: [redacted]

Signature witnessed by:

OFFICIAL

MG11 (Interactive)

I would describe

I have not seen him

before and I do not know if I would recognise him if I saw him again. The injuries that I could see were lots of large swelling bumps under the skin. His right eye was completely shut from swelling and it was also bleeding. I could not see where the bleeding was coming from.

When back at CHELMSFORD POLICE STATION, I sealed the paper evidence bags as this was the first opportunity to fully seal the bags. These were booked in under property reference

Exhibits

- CN/01 – BWV of PC
- CN/02 – First head bandage from during first aid
- CN/03 – Bandages and tea towel from first aid
- CN/04 – Head bandage used during first aid
- CN/05 – Photograph of head injury
- CN/06 – Photograph of injury.

These are my notes made at CHELMSFORD POLICE STATION, concluded at 08:44hrs On 9TH AUGUST 2020.

Signature: *Alan 78009*

Signature witnessed by:

2010/11

OFFICIAL

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: [Redacted]

URN [] [] [] []

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 78551

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

Signature: [Redacted] (witness) Date: 09/08/2020

On the 9th of August 2020 I was on duty in plain clothes attached to the Crime Investigation Department based at J Block, Chelmsford Police Headquarters. I was tasked by my [Redacted] to attend [Redacted] to conduct a search on a vehicle that had been seized after a GBH occurred in Moulsham Street, Chelmsford. I attended the location of where this vehicle was stored and was taken to where the vehicle was situated. I ensured I had two sets of gloves and masks on to ensure the scene was not disrupted. As I began to search the rear driver side of the vehicle I found what appeared to be dog biscuits wrapped in a black bag, at the time I was unsure what they were so decided to seize them incise they were a controlled substance of some sort. I seized these as [Redacted] and placed them into an evidence bag with seal no. [Redacted]. As I continued my search into the front of the vehicle I found two sim cards placed in the centre console of the vehicle. I seized both of these sim cards the first being [Redacted] and placed this into an evidence bag with the seal no. [Redacted] the second sim card I seized as: [Redacted] and placed this into an evidence bag with seal no. [Redacted]. I also took several pictures of the vehicle in situ from my work issued mobile device and I would like to exhibit these as the following: CTB/04. These are my original notes conducted at Chelmsford Police Headquarters between the hours of 14:45 hours and 15:38.

Signature [Redacted]

Signature witnessed by:

WITNESS STATEMENT

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

URN

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Statement of:



Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 79080

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

Signature:..



..... (witness) Date: 09/08/2020

On SUNDAY 9 AUGUST 2020 I was on duty in full uniform in the area of CHELMSFORD. I was in a marked police vehicle in company with under callsign NU12T.

At approx. 0014hrs we were asked to attend THE BAY HORSE, 189 MOULSHAM ST, CHELMSFORD, to reports of a fight in progress. Incident report The information I received was that there was a big fight of 20-30 people and glasses being used as weapons.

Upon turning in to MOULSHAM ST, I could see about 100 people all around the area. I could see objects being thrown in the air and heard smashing glass on the floor. There was a lot of shouting, and several small fights taking place between parties. I could see various people, face to face with each other as if they were going to fight.

As I got out of the car, I was approached by someone who said, "THERE'S A BLACK MAN AROUND THE CORNER WITH A KNIFE", "HE'S GOT A KNIFE". I immediately asked for more units to assist due to being very outnumbered and the mention of a knife. As I walked around the corner to NEW WRITTLE STREET, I could see people moving away from a black male who was standing about 10 metres away from me on the right.

Signature



Signature witnessed by:

I would describe this male as [REDACTED] and was bleeding from his right foot. He also had an injury to his left eye which I could see was swollen. I would describe the male as [REDACTED] I now know this male to be called [REDACTED] For the remainder of this statement, I shall refer to him as [REDACTED]

I started shouting at people to "MOVE AWAY" and "GET BACK". I walked towards [REDACTED] who was standing with his back to a window. I saw the window had a ledge which was about thigh height to [REDACTED] I maintained eye contact on this male and saw him place a shiny silver object on the window ledge to the left side of him. He then began moving away from the object, towards me.

I approached the male, holding my handcuffs and about to arrest him when a red dot appeared on [REDACTED] chest. As I looked behind me, I could see that [REDACTED] was holding his taser out toward [REDACTED] and I moved back. I told [REDACTED] that I had seen [REDACTED] deposit a silver object on the window ledge [REDACTED] then pointed to an object in the right-side pocket of [REDACTED] shorts. This was something with a black handle. After maintaining control of [REDACTED] it was established that this object was an afro combe. I then moved towards [REDACTED] and placed handcuffs on him in a front stack position.

At 00:20hrs, I said to [REDACTED] "I AM ARRESTING YOU ON SUSPICION OF BEING IN POSSESSION OF AN OFFENSIVE WEAPON." I then cautioned him and provided my necessity for arrest which was a prompt and effective investigation and to prevent any further harm to himself or others.

I could see the injuries on [REDACTED] which were an injury to his eye and a laceration to his foot. I could hear that an ambulance had been called and advised [REDACTED] to stay sitting where he was and stay calm, and ambulance was on its way.

Due to the delay in ambulance arriving, I provided [REDACTED] with full details of my arrest and they conveyed [REDACTED] to BROOMFIELD HOSPITAL.

Signature: [REDACTED] Signature witnessed by:

OFFICIAL

MG11 (Interactive)

I had my BWV on and recording for the entirety of the incident and am producing this as the following exhibit;

SM01 - AXON Body 2 Video 2020-08-09 0019

This statement is being written at 0303hrs on 9 AUGUST 2020 at Chelmsford Police College



Signature

Signature witnessed by:

2010/11

OFFICIAL

WITNESS STATEMENT

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

URN [] [] [] []

Statement of [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: [REDACTED]

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

Signature [REDACTED] (witness) Date: 09/08/2020

I am writing this statement having not viewed my Body Worn Video from this incident. I am providing a statement regarding an incident I have attended on Sunday the 9th of August whereby we took a suspect from the scene of a potential GBH and possession of an offensive weapon incident to hospital and witnessed the further arrest for Grievous Bodily Harm. I was on duty in uniform, in company with [REDACTED] under the callsign NU10, we were in a marked vehicle. We were driving in DANBURY, ESSEX after attending a previous incident. We were made aware of units at the location of the BAY HORSE, in CHELMSFORD ESSEX.

It was stated there was a large disturbance with many separate fights taking place in the location. I was aware of two units already attending. One unit had called up for more assistance due to the large scale of the incident. We made our way to the location of the incident. We were told to go to the location of NEW WRITTLE STREET, in CHELMSFORD ESSEX as there was a further call stating there was people arguing in the above location.

We arrived at 00:35 and did an area search of NEW WRITTLE STREET by driving down and using the alley lights on the marked police vehicle to see down the alleys as it was dark. We could not locate any individuals in this location, so we made our way to the BAY HORSE where the main incident had taken place. Upon arrival I saw a male sitting on the pavement in handcuffs in the front stack position. The male was [REDACTED]

[REDACTED] I was [REDACTED]

Signature: [REDACTED] Signature witnessed by: [REDACTED]

asked to watch the individual by my colleague who had stated that [REDACTED] had been arrested for possession of an offensive weapon and pointed to where another colleague was standing. By my colleague was what looked to be a silver object that was lying on the windowsill. I could not see exactly what that object was but i was told that was the reason that [REDACTED] had been arrested. I sat crouched down so I could talk to the male who I now know to be [REDACTED] I asked him for his name, and he would not provide this. He kept repeating that "I WAS THE ONE THAT WAS BEATEN UP AND YOUVE ARRESTED ME!". He was also stating rhetoric around the black lives matter movement. [REDACTED] was speaking to a male that was in a car that shortly drove off after I started talking to [REDACTED]. [REDACTED] had an injury to his face that was very visible. He had a large lump on his left cheek with blood leaking from the wound. There was also a wound to the individual's foot that also accumulated a puddle of blood on the ground. [REDACTED] stated he needed medical attention and due to his condition, we were going to convey [REDACTED] to BROOMFIELD HOSPITAL, CHELMSFORD ESSEX.

When I got [REDACTED] into the vehicle, he continued to state that he was the victim that was attacked. He could not provide me any information about the people that he stated attacked him however he stated it was 7-11 "NON-BLACK" Males. He could not provide me any reason as to why this had started either. He also continued to talk about the black lives matter movement and refused to give us his name.

When we got to the hospital, we had taken him in through the A+E ENTRANCE. He would not provide the medical staff his details and was refusing treatment initially. I stated to him that we would be turned away from custody and the medical staff needed his details to be able to treat him to which [REDACTED] agreed and provided his details. This is how we established who [REDACTED] was. I found this suspicious as he was being deliberately evasive about his name and details. Upon [REDACTED] being taken into the triage room at the A+E department I noticed a blood stain on the back of [REDACTED]. This was inconsistent with [REDACTED] injury as it was on his back and looked to have been brushed past on his shirt. It also only has blood spatter on the lower half of the mark meaning this could have been wiped from a potential victim. I have taken a photo of this to document the mark and I exhibit this as the following:

CDT/01 - Photo of bloody stain on [REDACTED] shirt.

we started waiting and faced the opposite way from the entrance meaning he was not being looked at by everyone in the waiting room. This was done for the suspects dignity and to avoid any situations should either victims or witnesses start to appear at the hospital. Three males

Signature: [REDACTED] Signature witnessed by: _____

came into the entrance. As soon as they did [redacted] fixated onto these males, I did not see initially the males, but I took notice as [redacted] nodded his head to one of the males. When he did this, I stood up so I could make sure I would capture these males in my body worn video. Due to the risk of potentially victims and witnesses turning up at the hospital I spoke to the nurse to try and see if we could separate [redacted] away from the rest of the A+E waiting room. This was to try and avoid cross contamination of any evidence due to the likelihood of having to carry out forensic swabs and seizure of clothing.

[redacted] was having difficulty breathing at one point to which he requested I go and request assistance for an asthma pump. As I was waiting at the desk, I was approached by a male who I know now to be [redacted]

[redacted]

This male asked me if we were from the BAY HORSE. To which I confirmed. He said he saw the incident take place and got injured by a man with a bottle.

He was booking himself in at the time and he stated he had already spoken to officers. However, to avoid any loss of evidence I got a rough account from [redacted] outside the hospital waiting room. [redacted] stated to me that the male that we were with [redacted] was the one in the middle of the street brandishing a silver object. He also told me that [redacted] was the instigator of the whole incident and had headbutted a male by the name of [redacted]. This is where this incident had originated from according to [redacted]. I got a rough account which is all documented in my digital PNB under reference number [redacted]. This is all documented in my Body Worn Video also. Within these three males was another male by the name of [redacted]

[redacted] He stated he also was injured but did not want to speak to me further as he stated he had already spoken and given accounts to two officers. Both individuals stated they were working at the time of the incident as well.

Given the this I let my colleague know that there was witnesses within the A+E department. By this time, we were in a separated room anyway meaning there was no contact with these individuals. We got [redacted] the medical treatment he needed via the hospital, He had his wound to his foot stitched and was given a boot to walk with. The whole time I have been observing his hands and what he has been doing with his items of clothing.

He to my knowledge had not made any attempts to wash his hands or blood out of his clothes when we were with him. The suspect would try to sleep more than anything. He was also kept in hand cuffs up until the point of discharge. This was to prevent him from being able to

Signature: [redacted]

Signature witnessed by: _____

manoeuvre his hands where he could damage or alternate any evidential material on his person.

We were discharged from BROOMFIELD HOSPITAL, CHELMSFORD, ESSEX. At roughly 06:30 in the morning. At this point we conveyed him back to our local policing team office whereby we switched over the unit that were going to be conveying him to custody. At this point I witnessed my colleague further arrest the suspect [REDACTED] for Grievous Bodily Harm [REDACTED] [REDACTED] did this at 06:46 in the morning; this was also all captured on my Body Worn Video. The reply was "THAT WAS PROBABLY MY COUSIN" He did not reply to this arrest in an aggressive manner and it seemed to be almost expected. [REDACTED] was compliant with us for the majority of the incident other than not providing his details.

I am exhibiting my Body Worn Video from the incident as the following:

CDT/02 – Body worn video from the incident.

And these are my original notes made at 07:34 at CHELMSFORD POLICE STATION on Sunday the 09th of August 2020.

[REDACTED]

[REDACTED]

Signature

[REDACTED]

Signature witnessed by

[REDACTED]

WITNESS STATEMENT

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

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 79712

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

Signature: [Signature] 79712 (witness) Date: 09/08/2020

On SUNDAY 9th AUGUST 2020, I was on duty in full uniform in company with [REDACTED] responding to call sign NR14 and attached to CHELMSFORD Police Station.

At approximately 00:14 hours the Force Control Room made all units aware of a fight occurring at the BAY HORSE pub on MOULSHAM STREET in CHELMSFORD. Numerous units attached themselves to this incident, however following the first unit arriving on scene it was relayed that many more units would be required as there was in excess of a hundred people and fights breaking out everywhere.

We attached ourselves to the incident and made our way toward the BAY HORSE. Upon our arrival, people were walking down MOULSHAM STREET, away from the BAY HORSE. I had been made aware over the radio that most of the issues had occurred and were still occurring in the car park which is situated at the rear of the BAY HORSE. A male, who I now know to be [REDACTED] and stated he was the [REDACTED] and had witnessed a group of black males had been shouting words to the effect of "GET THE SHANKS" and had run over to a black BMW saloon, [REDACTED] which was parked in the far corner of the car park. These males had since left the scene; however, I and [REDACTED] approached the BMW in order to inspect it. Upon seeing the vehicle up close, I could see that there was significant damage caused to the paintwork, the front bumper and the left-wing mirror. There were also traces of blood on the left rear passenger door and droplets of

Signature: [REDACTED] Signature witnessed by:

blood on the floor next to the vehicle. Approximately one metre away, at the bottom of the fence, there was a small pile of shattered glass where blood had also collected within. I have obtained photographs of all of these.

Approximately one metre away from the car I also found a set of what I would describe as house keys and some change in £1 coins. I have seized these items at 01:03 hours and placed them in a sealed evidence bag with seal reference [REDACTED]

A young female, who I now know to be [REDACTED] then approached me and [REDACTED] stating that the [REDACTED] who I now know to be [REDACTED] and she wanted to retrieve some items from the boot. We explained that the vehicle was to be seized and she would not be able to retrieve any items. I then obtained [REDACTED] details and she walked off to get a taxi. After a moment, I then ran after [REDACTED] who was now in company with [REDACTED] and I was able to retrieve the keys to the BMW registration [REDACTED]

I and [REDACTED] then remained with the BMW until we were replaced [REDACTED] who guarded the vehicle until it was recovered.

I can exhibit the SET OF KEYS AND £6 IN £1 COINS I seized as JJC/01.

During my attendance at the incident, I had my BWV recording. I can exhibit this footage as JJC/02.

I obtained a photograph of the BMW, [REDACTED] in situ at the car park to rear of the BAY HORSE. I can exhibit this as JJC/03.

I obtained a photograph of JJC/01 in situ at the car park to rear of the BAY HORSE. I can exhibit this as JJC/04.

I obtained a photograph of the droplets of blood on the left rear passenger door of the BMW. I can exhibit this as JJC/05.

Signature: Signature witnessed by:

OFFICIAL

MG11 (Interactive)

I obtained a photograph of the blood droplets on the floor next to the BMW. I can exhibit this as JJC/06.

I obtained a photograph of the blood in the glass on the fence line. I can exhibit this as JJC/07.

THESE ARE MY ORIGINAL NOTES MADE AT CHELMSFORD AT ESSEX POLICE COLLEGE ON SUNDAY 09TH AUGUST 2020 AT 03:09 HOURS

Signature



Signature witnessed by:

2010/11

OFFICIAL

WITNESS STATEMENT

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

Statement of: [Redacted]

URN [] [] [] []

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable 80334

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

Signature [Redacted]

(witness) Date: 9th AUGUST 2020

I am writing this statement having not reviewed my body worn camera.

On Saturday 8th AUGUST 2020 I was on duty and CHELMSFORD Police station with the Local Policing Team. I was on duty with the callsign NR08T with [Redacted] and [Redacted]

At 00:14hrs on SUNDAY 9TH AUGUST 2020 a call came over the radio network from the force control room about a fight taking place at THE BAY HORSE pub, 189 MOULSHAM STREET, CHELMSFORD. Myself and [Redacted] were dispatched to the incident at 00:16 and arriving at 00:17. At this time we were the only unit at the incident.

As soon as we arrived and got out of the vehicle which we parked outside the entrance to THE BAY HORSE, I was met by a number of people exiting from the car park at the rear of THE BAY HORSE. I turned on my Axon Body Worn Camera, which I produce as my exhibit KDM/01. Also at the same time, there were two vehicles which made off from the BAY HORSE rear carpark at speed, turning right out of the car park as the road is a one way system. Both vehicles came from the car park at which the incident was reported to have taken place. One of the vehicles I believe to be a WHITE VOLKSWAGEN GOLF, registration unknown, and the second vehicle was black. The make, model and registration number is unknown for this.

Signature [Redacted]

Signature witnessed by:

I started to inspect the car park and surrounding area, there were around 50-60 people all exiting from the rear car park of THE BAY HORSE. Some of the people were shouting out saying 'QUICK' to which I responded quickly and ran to the car park. Upon entering the car park I saw around another 10-15 people walking towards the exit of the car park. There were also 3 cars parked in the parking spaces provided and there was broken glass covering almost the entire car park ground. I could see pub staff members standing over a black mal who had short [REDACTED]. The staff were holding a tea towel on his head. The staff also immediately pointed to a gate that is in the corner of the car park saying 'THEY DID IT' and pointing at a group of men that were standing in the gateway. [REDACTED] and myself made our way to the gate and immediately the group ran off. By the time I made it through the gate the group were nowhere to be seen. I was not able to get a description of those that ran.

I looked for the group who were reported involved but could not find them. [REDACTED] and myself started to walk back to the male being treated by staff who was sitting on some beer kegs which were situated in the car park. When I reached the male, a young female came up to us and said 'QUICK THERE IS ANOTHER FIGHT'. [REDACTED] ran out to the front of the pub where the fight was supposedly taking place whilst I remained with the injured male.

Whilst this happened I spoke to the staff to see what had happened. They reported to me that the male had a open cut on his head. I looked at the wound and it was a large, deep gash on the male's forehead on the right hand side. There was also another long, large laceration to the male's head which ran along his hairline. Both were bleeding badly to which more pressure was applied with tea-towels that the pub had provided. I prompted the staff to continue applying pressure as they were previously, and I checked the male over for more injuries. I found another large deep cut on the male which was located on his left knee.

Pressure was applied to all injuries throughout the whole incident. Other police arrived at the scene and more staff came over to help. [REDACTED] attended the male and requested a first aid kit. One was provided and [REDACTED] wrapped the male's head in a bandage. A second bandage was applied but the head wounds bled through both sets of bandages. Once this happened, a folded tea towel was placed on the head and wrapped again in another bandage.

Signature: [REDACTED] Signature witnessed by:

Pressure was maintained on the wounds throughout this whole time. An ambulance had been called earlier on in the incident when the male was located and the wound was assessed. The ambulance arrived after some time and began to look over the male.

Whilst the male was being cared for, a second male appeared stating that he was the male's brother. The second male had injuries also, so medical attention was given to him too. The second male had a swollen right eye and was bleeding from the back of his head to the right hand side. The second male also stated that he was "FINE" and he wanted to go and take his brother with him. He was told that this was not going to happen as the first male's injuries needed the attention of the paramedics. Both male's complied after, however there were some moments where they tried to leave together. Both were seen by paramedics and both conveyed to hospital.

Myself and [REDACTED] met the ambulance at the hospital and stayed with the first male due to the severity of his injuries.

These are my notes made at CHELMSFORD POLICE STATION, concluded at 08:30 on 09/08/2020. [REDACTED]

Signature:

[REDACTED SIGNATURE]

Signature witnessed by:

WITNESS STATEMENT

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

Statement of: [Redacted]

URN [] [] [] []

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable 80356

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature [Redacted] (witness) Date: 9th August 2020

On the 9th August 2020 I was on duty in police uniform in company with [Redacted] on the call sign NU12T.

Around 0016hrs I was made aware of a fight that was occurring at THE BAY HORSE, MOULSHAM ST, CHELMSFORD. At 0020hrs we arrived on scene where we received reports from members of the public telling us that a male had a knife. We headed up MOULSHAM ST towards NEW WRITTLE ST. When we reached NEW WRITTLE ST we saw a group of people who seemed to be in a verbal argument. We moved some people out of the way and I saw my colleague approach a male who I would describe as a black male [Redacted]

[Redacted] the male was bare foot at the time. I now know this male to be [Redacted]

The male was standing by a window ledge with a female who I would describe as a white female [Redacted]

Once we approached the male, we were joined by our colleague [Redacted] [Redacted] presented Taser at [Redacted] and red dotted as there had been reports that the [Redacted] had a knife and I could see there was a black handle sticking out of his right-hand pocket on his shorts.

Whilst this was happening, I noticed that there were objects on the window seal that [Redacted] and female had been standing in front of when we first saw them. I approached these items and saw that there was a silver tow bar and a silver butter knife. At this point I stood in front of the items

Signature [Redacted] Signature witnessed by: [Redacted]

to secure them. I saw [redacted] take the item out of the male's pocket and he threw it on the floor towards me and I saw that it was a black comb. The male was then asked to get on the floor and put his arms out to the side which he did.

At this point I had the female approach me and she said "WHAT ARE YOU DOING? THEY ATTACKED HIM."

I then saw [redacted] handcuff the male to the front.

I continued to stand in front of the items that were on the window seal when [redacted]

[redacted]

[redacted] approached the items on the window seal and asked me to stand with them and make sure nobody else touches them.

I was aware [redacted] had arrested the male on suspicion of possession of an offensive weapon.

For the rest of the incident I stood with the items until I was in a position to seize them. Before removing the items I took a picture of them in situ on my Essex Police issued mobile device. I exhibit this picture AMH/01. I secured these items in an evidence bag ready to be put into knife tubes when available. I can exhibit the silver butter knife AMH/02 and the silver tow bar AMH/03.

When I returned to Essex police Headquarters, I docked my BWV. If required I can exhibit a clip of footage as follows, AMH/04 - [redacted]

I have placed both the silver butter knife and the tow bar into separate knife tubes. These have been booked into the Essex Police Property system under reference [redacted]

These are my original notes made at Essex police Headquarters at 02:45hrs.

Signature

[redacted signature]

Signature witnessed by:

WITNESS STATEMENT

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

URN

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Statement of: [REDACTED]

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Licensing Officer

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

I currently work for Chelmsford City Council and have been employed by them since July 2018. I have worked within areas of Environmental Health and Licensing for other Local Authorities since 2014. I am the holder of the certificate of competence in environmental noise measurement and have delegated authority to act on the Environmental Protection Act 1990. I work on the Council's rota for the Out of Hours Noise Service.

I shall be referring to the Bay Horse Public House at 189 Moulsham Street, Chelmsford, CM2 0LG. Chelmsford City Council have issued a Premises Licence for the sale of alcohol, recorded music and other licensable activities, Licence reference 05/00298/LAPRE.

The Bay Horse is a popular public house serving alcohol and food within the City Centre of Chelmsford. It is situated on a one-way street in a commercial and residential area. The frontage opens directly to the footpath and main highway, the side and the rear of the premises is made available to customers for the consumption of off sales. There is a decked garden area to the side and a large car park to the rear.

I shall be referring to [REDACTED] of the Bay Horse. The Premises Licence is held by the Spirit Pub Company (Services) Ltd and the Designated Premises Supervisor is recorded [REDACTED] [REDACTED] On the occasions I shall be referring to I have had conversation with Mr [REDACTED] but have not had the opportunity to speak to [REDACTED] whose presence was not made known to me during any of my visits.

On Friday 7th August 2020 I was on duty as the Out of Hours Noise Officer on behalf of Public Health and Protection Services.

At 21:41 hours on Friday 7th August 2020 I was notified of a complaint made to our control room by a resident living in a town house at [REDACTED]

Signature: [REDACTED] (witness) Date: 11/08/2020

Signature: Signature witnessed by:

Continuation Statement of: [REDACTED]

Upon receipt of the complainant's details, I made initial telephone contact with the complainant to establish grounds to justify an out of hours visit and make further enquires in respect of noise allegations believed to be emanating from the Bay Horse public house. At 22:50 hours I attended the complainants home address in order to carry out an investigation of the noise complaint.

After introductions, the complainant invited me into their lounge. The patio doors leading onto a small garden were open and it was obvious that loud bass music could be heard coming from the direction of the Bay Horse public house. Although the music was loud and conversation among customers was quite clear I was able to have a conversation with the complainant at a normal volume, the weather was dry and the temperature was extremely humid and still in the region of 30C, having been an extremely hot summers day. However, due to the volume of the noise, it would have been difficult to have listened to a programme on the television. I could hear customers laughing and shouting quite clearly from my location.

Following the initial conversation, I was invited upstairs to a first floor bedroom where I could clearly see the cause of the noise was coming from customers gathered at the side of the building and the rear car park where people were drinking from open vessels and what appeared to be loud music - that although I could not see, I assumed was originating from speakers situated externally to the building.

I was then shown to a second-floor bedroom where initially the window was closed but it was apparent that the bass and house music was very loud. As it was a warm day, I opened the window which confirmed my view that sleeping in these circumstances would have been difficult. The bedroom window was roughly 15 meters away from the nearest customers. I took two photographs at 23:00 hours LL1 and LL2, the photos show lots of people in the car park and it was clear that no social distancing was taking place.

I remained on the premises for a period of 30 minutes to continue to monitor the music and conversations coming from the Bay Horse public house.

At 23:29 I telephoned [REDACTED] who I believe to be the manager of the premises. I informed him that I was in the local area and the music coming from the Bay Horse was unacceptable and needed to be turned down. [REDACTED] then told me that the music would be stopping imminently and then the music would just be played from inside the premises. At 23:38 it appeared that the music had stopped, I could only hear customers who were still at the premises talking among themselves at the side of the building and car park.

I stayed at the premises for a while to ensure that the music was not going to be put back on. At 00:00 hours I was in the second-floor bedroom and could just about hear the music that I believe had just been turned on again. I then went down to the lounge where the music was not audible at all. I then left the premises and returned to the Council control room as I had other complaints elsewhere that I needed to investigate.

When I arrived at the control room, I was informed that a second complaint had been received. The complaint was made at 00:15 and had come from another resident who was also complaining

Signature [REDACTED] Signature witnessed by:

Continuation Statement of [REDACTED]

about noise from the Bay Horse public house. At 00:38 hours I had a telephone conversation with the second complainant who explained that he could no longer hear any music but there was a gathering of customers outside the premises talking. I explained to the complainant that as the music had stopped, I would not need to visit but the complaint would be referred further to an Environmental Health Officer the following week.

On Saturday 8th August 2020 I was again on duty as the Out of Hours Noise Officer on behalf of Public Health and Protection Services.

At 19:06 hours on Saturday 8th August 2020, I was notified of another complaint made from the first complainant the previous evening who lived [REDACTED] again in respect of the Bay Horse public house. At 19:20 hours I telephoned the complainant and arranged to attend the premises again and carry out a further investigation. I attend the complainant at their home address at around 21:00 hours.

Arriving at the property at 21:15 hours, I was invited into the lounge and the back patio door was again open as the temperature was still in the region of 30C. It had yet again been a very warm day. I could clearly hear loud music with customers shouting and laughing. Although a normal conversation could be had at the time it would again be difficult to follow a television program due to the noise. I continued to monitor the noise from the lounge. At 22:16 I was in the lounge and heard a loud bang coming from the direction of the premises that sounded as if it could have possibly been a firework.

At 22:36 hours I was invited to the first-floor bedroom, the window was already open, and I could clearly hear the bass music and the lyrics to the songs being played. I then was invited to the 2nd floor bedroom and I could still clearly hear the bass music. I could hear the music clearly with the window open or closed.

At 22:46 hours I telephoned [REDACTED] who I still believed to be the manager of the premises. I explained to [REDACTED] that I was again in the local area and the music was unacceptable and needed to be turned down to which [REDACTED] told me he would turn the music down.

I continued to stay at the premises and at 22:50 I could no longer hear any music I could hear customers talking. At 23:07 I heard a loud bang coming from the direction of the premises that could have possibly been yet another firework.

At 23:10 hours the music came on again, I was in the lounge with the back-patio door open and I could clearly hear the music had started. At 23:13 hours I clearly heard a song with a very loud bass tone. It seemed like the music was just as loud as it had been previously. I stayed in the lounge until 23:30, I then went upstairs to the 2nd floor bedroom. I looked out the bedroom window and I could see a lot of people gathering and no social distancing was taking place.

I returned to the lounge and at 23:35 I could still hear the bass coming from the Bay Horse public house. It was very loud and intrusive.

Signature [REDACTED]

Signature witnessed by:

Continuation Statement of



At 23:45 hours I left the premises and walked over to my parked car that was parked opposite Tesco Express on Moulsham Street. On my walk back to my car, Moulsham Street didn't have many people walking around and the Street seemed fairly quiet.

I went back to the Council control room and was informed that at 23:32 another complaint had been received about the loud music coming from the Bay Horse public house. The complainant did not want a telephone call back, so I was unable to make any enquiries. The complaint has been passed onto an Environmental Health Officer.

The music coming from the Bay Horse public house was excessive and clearly audible at the complainant's home. In my opinion the noise levels were so excessive and unreasonable on both 7th August and 8th August that the noise from amplified music and sound constituted a Statutory Nuisance.

Signature:



Signature witnessed by:

Representation in Support of a Summary Review by Essex Police

My name is [REDACTED] I am employed by Chelmsford City Council as Public Health & Protection Services Manager. I have delegated authority to act as the Responsible Authority for Chelmsford City Council as the Licensing Authority.

As a Responsible Authority the Licensing Authority is concerned about the operation of the Bay Horse Public House, 189 Moulsham Street, Chelmsford, CM2 0LG and would normally seek a review of the Premises Licence. However, as Essex Police are seeking a Summary Review of the Premises Licence Chelmsford City Council acting as the Licensing Authority will support the Summary Review.

This document briefly sets out the concerns of the Licensing Authority.

The Licensing Authority is concerned that the licensing objectives of the prevention of public safety and/or the prevention of public nuisance are not being met.

Public Nuisance

On Friday 7th August 2020 the Council's Out Of Hours Noise Officer responded to a complaint from resident living in New Writtle Street of loud music emanating from the Bay Horse Public House. The officer attended and found the noise level unacceptable, they contacted the manager at 23.29 hours and advised that the music was too loud, the music was turned off. A further complaint was received on Saturday 8th August 2020, the same officer attended and again found the noise level unacceptable, they contacted the manager at 22.46 hours and advised that the music was too loud, the volume was turned down. At 23.10 hours the volume was turned up to the previous unacceptable volume. In the officer's opinion a Statutory Noise Nuisance was being caused. The causing of a Statutory Noise Nuisance despite receiving advice to turn the volume down shows that the licensing objective of the prevention of public nuisance is not being met.

Public Nuisance/Public Safety

Licensed premises have to operate in a Covid secure manner to reduce the likelihood of the spread of Covid-19. Failure to operate in a Covid secure manner is a breach of health and safety legislation under the Health & Safety at Work Act 1974.

In June 2020 Chelmsford City Council received several complaints relating to the lack of controls implemented for the control of COVID 19. This included social distancing within the car park associated with the Bay Horse. Chelmsford City Council provided advice on how to implement these controls.

In July 2020 Chelmsford City Council requested COVID 19 risk assessments to show the business had considered the risks associated with COVI 19 and put in place appropriate control measures.

On the 4th August 2020 Chelmsford City Council received a complaint relating to the lack of COVID 19 controls in the Bay Horse. These complaints were associated with people gathering in the carpark.

On the 6th August 2020 an Environmental Health Officer contacted the Bay Horse again to remind them to provide the COVID 19 risk assessments.

On Saturday 8th August 2020 the Out Of Hours Noise Officer confirmed that the carpark associated with the Bay Horse was full of people, standing and drinking. There appeared to be no control of social distancing of the public, no control of the volume of music, no control of the seating arrangement. There was no control in places for protecting of staff from being exposed to COVID 19.

This was confirmed by CCTV photographs, the photographs showed there were several gatherings within the beer garden that were not being controlled, as there was not enough space for the individuals or different groups to remain 2metres apart.

The photos show different gatherings up to and over 7 people seen within 2 metres from other gatherings. There was no 1 metre plus mitigation in place to allow gatherings to mingle / stand within 2 metres of each other.

Despite numerous attempts to engage with the business they have failed to make a suitable and sufficient assessment of the risks to their employees and those not in their employment arising out of or in connection with the conduct of their undertakings in respect of Covid 19. This has resulted in the licensing objectives of public safety and or public nuisance not being met

POLICE SUGGESTED REVISED OPENING HOURS AND CONDITIONS

The police position is that it is appropriate to revoke the premises licence; the below is submitted merely to assist the sub-committee should it decide not to revoke the premises licence.

In such circumstances Essex Police would ask the sub-committee to suspend the licence and impose the below modifications to opening hours, licensable activity times and license conditions.

Essex Police would also ask that any suspension, change of opening hours or conditions decided upon by the sub-committee are imposed as interim steps until the disposal of any appeal.

Revised opening and licensing hours

The premises opening hours are currently set out on the existing licence as 0900 – 0130 daily.

The licence permits the sale of alcohol, the provision of live and recorded music and dance between 1000 – 0100 daily.

This is pub in a residential area which has repeatedly been the setting of crime and disorder and nuisance – the existing hours of business are incompatible with its setting and mode of operation.

Proposed Revised Hours

If the licence is not revoked, then the police would ask the sub-committee to revise the licensing and opening hours to the following.

Sunday – Thursday

Opening hours 10.30 a.m. to 11.30 p.m.

Licensable activities (all existing) 11.00 a.m. to 11.00 p.m.

Friday – Saturday &

Opening Hours 10.30 a.m. to 00.30 a.m.

Alcohol sales and late-night refreshment – 11.00 a.m. to midnight;

Recorded music, live music, dancing and of a similar nature – 11.00 a.m to 11.00 p.m.

New Year's Eve & Christmas Eve

Opening Hours 10.30 a.m. to 01.30 a.m.

Alcohol sales and late-night refreshment – 11.00 a.m. to 01.00 a.m.

Recorded music, live music, dancing and of a similar nature – 11.00 a.m. to 01.00 a.m.

Revised Licence Conditions

The current licence has 8 conditions which do little to support the licensing conditions and all of which are set out in Annexe 2 as the operating schedule.

If the licence is not revoked, a strong suite of conditions is required to support all 4 of the licensing objectives (under which the review is brought) and particularly that relating to public safety.

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

Proposed Conditions (if licence not revoked as requested)

1	After 20:00 hours on Fridays, Saturdays or any other day when the premises is licensed to sell alcohol after 23:00 hours, there shall be a personal licence holder on duty on the premises when alcohol is offered for sale.	
2	A Clubscan/IDSCAN or similar system shall be operated at the premises. At the time SIA licensed door supervisors are required to be on duty as a condition of the licence, all persons entering the premises must provide verifiable ID and have their details recorded on the system.	
3	<p>An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder.</p> <p>A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.</p>	
4	There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).	
5	The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:	

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

	The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.	
8	<p>Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:</p> <ul style="list-style-type: none"> i. The day and date when door supervisors were deployed; ii. The name and SIA registration number of each door supervisor on duty at the premises; and iii. The start and finish time of each door supervisor's worked duty period. <p>This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.</p>	
9	<p>Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor's licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log.</p> <p>This log shall be retained for at least 3 months after the last recorded check and be immediately provided to police or licensing authority staff upon reasonable request.</p>	
10	On any occasion where the premises conducts licensable activities past 23:00 hours, at least 3 SIA licensed door supervisors must be on duty from 20:00 hours until at least 30 minutes after the premises closes.	
11	<p>On those days and times where the use of SIA licensed door supervisors are a condition of the licence; all persons entering or re-entering the premises after 23:00 hours shall be searched by a SIA licensed door supervisor for drugs and concealed weapons.</p> <p>Prominent signs (minimum size 200 x 148 mm) to this effect shall be displayed at all entrances and be legible to</p>	

	prospective patrons whilst the premises is open for licensable activities.	
12	All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility jackets, vests or armbands	
13	<p>The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.</p> <p>This policy shall specifically include but not be limited to:</p> <ul style="list-style-type: none"> i. Searching practices upon entry; ii. Dealing with patrons suspected of using drugs on the premises; iii. Scrutiny of spaces including toilets or outside areas; iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors); v. Staff training regarding identification of suspicious activity and what action to take; vi. The handling of items suspected to be illegal drugs or psychoactive substances vii. Steps taken to discourage and disrupt drug use on the premises viii. Steps to be taken to inform patrons of the premises drug policy/practices <p>A copy of this policy document shall be lodged with the police {and licensing authority}.</p>	
14	A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at a location agreed upon with the police and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.	
15	Between 21:00 and 11:00 hours no sales of alcohol for consumption off the premises may take place; save where the alcohol is provided in manufacturer sealed container or for consumption in a dedicated outside seating area.	

16	After 22:00 hours on all days where licensable activity is allowed after 23:00 hours drinks must only be served in polycarbonate/plastic and/or toughened glass containers, unless served with a table meal.	
17	Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly. These signs shall be a minimum size of 200mm x 148 mm.	
18	On those days and times where SIA licensed door supervisors are required to be on duty as a condition of the licence, after 23:00 hours no persons shall be admitted or re-admitted to the premises {except for persons who have temporarily left the premises to smoke}. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits.	
19	The premises shall display prominent signage indicating at any point of sale and at the entrance to the premises that it is an offence: for a person under the age of 18 to buy or attempt to buy alcohol}; or buy, or attempt to buy, alcohol for a person under the age of 18.	
20	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: <ul style="list-style-type: none"> • Proof of age card bearing the PASS Hologram; • Photocard driving licence; • Passport; or • Ministry of Defence Identity Card. 	
21	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. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.	

22	<p>A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.</p> <p>All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p> <p>The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.</p>	
23	<p>All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.</p> <p>Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p>	
24	<p>At all times when entertainment, activity or services of an adult nature takes place (which is not subject to a sexual entertainment licence) no persons under the age of 18 shall be permitted to be present.</p>	
25	<p>Section 177A (2) of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment.</p>	
26	<p>The premises shall not directly employ door supervisors, rather any door supervisors deployed at the premises must be employed via a third party contractor who is a member of the SIA Approved Contractor Scheme (and approved for door supervision) and where the door supervisors are not self-employed operatives.</p>	

Exhibit RS/2 Transcript of Body Worn Video from officers that attended the Bay Horse incident on 09/08/2020

Ref – [REDACTED]

23:18:42 – Police officers arriving at the Bay horse, a large crowd of people can be seen with no one social distancing, glass can be heard smashing

23:19:32 – Police officers attending to an injured male with a fractured skull, police officers then radioing through for ambulance to attend with concerns for the injured male who is going in and out of consciousness. Whilst officers are attending to the male another fight is reported at the front of the premises with mentions of a knife.

23:27:18 – Police officers pursuing another fight to the front of the premises with a male witnessed in possession of a knife.

23:28:14 – A male speaking to police officers and saying that when the fight happened the door staff ran away.

Ref – [REDACTED]

23:19:50 – Police officers arriving on scene Crowds of people can be witnessed shouting 'he has a knife' glass heard smashing, police officers requesting back up as the concern for the public and officers was high

23:22:30 – Arrest of the male with the offensive weapon

Time line of incidents

09/08/20 - A very large fight with reports of 20-30 people. Officers arrived and identified a large group of minor skirmishes taking place – amongst these were two victims and two members of staff at the pub who had also been assaulted. One male was identified was in possession of a knife and tyre iron and was arrested for being found in possession of a offensive weapon. 3 victims with serious injuries were taken to hospital for treatment.

09/08/20 – Report from ambulance of a male being hit by a taxi outside the premises

08/08/20 - Two complaints recieved about the amount of persons seen in the venue and how they are breaking the current regulations

07/08/20 - Suspect was arrested for ABH and criminal damage. Detention was not authorised as the suspect is a juvenile. Suspect was drinking inside the bayhorse. Police officers spoke to the manager regarding how many people are in the venue and this is breaching Covid regulations.

07/08/2020 – Manager of the premises reporting that a rival gang is coming to the premises for a fight. The manager has been told this by a customer

02/08/20 - Report of a fight at the premises. Officers attended and spoke to door staff who said it was between 2 males who have left.

01/08/20 - Female refusing to leave the premises - has been refused entry for being to intoxicated - officers attended and female went on her way.

01/08/20 - Reports of 'a racket going on outside the premises' persons seen to be drinking whilst outside the premises. Inf believes that drugs are being sold within the Bar, CCTV have witnessed customers snorting something in the beer garden

31/07/20- Reports of the road being blocked by customers drinking.

25/07/20 - 20 persons reported to be fighting. Officers attended and saw a large disturbance, no assaults witnessed. This was caused by the pub closing and persons dispersing

20/07/20 - Report of a disturbance at the premises, male has broken a window of the premises. This happened in the smoking area.

18/07/20 - Group of males using glass bottles and fighting.

19/06/20 – Large group outside gathering, they have been served alcohol by the pub and are causing a nuisance and not social distancing.

APPENDIX D

Environmental Protection would like to make representations in respect of this Summary Review on the grounds of prevention of public nuisance.

Since the re-opening of licensed premises this Service has been in receipt of a number of complaints of noise in relation to activities at The Bay Horse. Initially these complaints related to noise from music and patrons when the public house was offering a take-away service only.

Once the full re-opening of pubs was permitted from 4th July 2020 a further 9 noise complaints were received by this Service in relation to loud music and noise from shouting by patrons. This culminated in calls being made the Council's Out of Hours Noise Service on 7th and 8th August 2020. On both nights the duty officer visited the area and confirmed noise levels from amplified music at the premises were so excessive that they amounted to a statutory noise nuisance. A Noise Abatement Notice, under the Environmental Protection Act 1990, was subsequently served on 12th August 2020 on both the Premises Licence Holder (Spirit Pub Company (Services) Ltd) and on Mr Gary Mannion. The noise abatement notice prohibits the recurrence of a further statutory noise nuisance. If such a nuisance occurred this would be an offence liable to prosecution proceedings.

Environmental Protection support the review being made by Essex Police and, if the licence is to be varied, request that measures are put in place to stop further noise nuisance being caused to nearby residents. I would recommend that times that licensable activities are permitted to take place are reduced to, for example, 11pm. I would also request that no amplified sound be permitted to be played in external areas.

Regards,

Lewis Mould
Operations Manager
Public Health & Protection Services
Directorate of Public Places
Chelmsford City Council
www.chelmsford.gov.uk

APPENDIX E

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Messrs. Nigel Dermott & Daniel Winter
Leading Licensing Officer
Chelmsford Licensing Authority
Chelmsford Borough Council

Your Ref:

Our Ref: DJH/20/DJH/05437/WEBB/rp

Date: 26 August 2020

Email Only:

nigel.dermott@chelmsford.gov.uk

Daniel.winter@chelmsford.gov.uk

Dear Sirs

Re: The Bay Horse, 189 Moulsham Street, Chelmsford, Essex, CM2 0LG

As you are aware from our Notice served earlier in this matter, we act on behalf of Moulsham Properties Limited who currently hold the Lease to the above premises.

The Chief Officer of that Company we believe is well known to you as Stephen Webb, the previous operator of these premises.

We are instructed to make representation in respect of the current Application for Review of the Premises Licence.

On behalf of our clients, we wish to file with you detailed documentation including Witness Statements supporting our clients' proposals that when the full Review Hearing comes before the Committee there should be neither revocation nor suspension of the Licence as our clients have re-possessed the property, excluded Mr. Mannion from it (with the assistance of the Town Centre policing) and wish to return to operating the premises themselves as had been the case until late 2019, during which period there had been no issues such as those that have arisen in the last few weeks.

We have tried to speak to both of your gentlemen Mr Dermott and Mr Winter but without success.

We have left messages with our number and we would be most grateful if either of those gentlemen could return our call at their earliest convenience.

We would also be pleased to understand the best way in which to deliver papers to you during this pandemic period.

HOOK & PARTNERS DO NOT ACCEPT SERVICE BY EMAIL
This Firm is authorised and regulated by the Solicitors Regulation Authority under no: 60199



APPENDIX F

I wish to raise representations under the Licensing Act in relation to the following licensing objective 'Protection of Children from Harm'. I confirm that I concur with the view expressed by Essex Police that the premises licence in regards to the Bay Horse pub in Moulsham Street, Chelmsford, should be revoked under section 53A of the Licensing Act 2003 on the grounds of serious crime or disorder. From a child safeguarding aspect, I note that the police record for the 07.08.20 states that "Suspect was arrested for assault causing injury and criminal damage. The suspect is a juvenile aged under 18 and camera images clearly show the suspect drinking inside the Bay Horse before the assault."

This evidences that underage persons have been permitted by staff at the Bay Horse to purchase and consume alcohol on the premises and that further criminality has then followed including acts of aggression and injury to members of the public.

I will not be attending a hearing but consider that the seriousness of this situation requires my written representation in regards to matters of child welfare and safeguarding.

Best regards,

Carole Fuller BA (Hons)
Local Authority Designated Officer
Children's Workforce Allegations Team
Quality Assurance and Safeguarding Service
Essex County Council
Email: carole.fuller1@essex.gov.uk

APPENDIX G

Representation in Support of Essex Police's application for a Summary Review of the Bay Horse Public House, 189 Moulsham Street, Chelmsford, CM2 0LG.

I am employed by Chelmsford City Council as Public Health & Protection Services Manager. I have delegated authority to act as the Responsible Authority for Chelmsford City Council as the Licensing Authority.

The Licensing Authority supports the application for a Summary Review of the Bay Horse Public House, 189 Moulsham Street, Chelmsford, CM2 0LG and makes representation on the grounds of the licensing objectives of the prevention of public nuisance and/or the prevention of public safety are not being met.

Public Nuisance

On Friday 7th August 2020 the Council's Out of Hours Noise Officer responded to a complaint from a resident living in New Writtle Street of loud music emanating from the Bay Horse Public House. The officer attended and found the noise level unacceptable; they contacted the manager at 23.29 hours and advised that the music was too loud, the music was turned off. A further complaint was received on Saturday 8th August 2020, the same officer attended and again found the noise level unacceptable, they contacted the manager at 22.46 hours and advised that the music was too loud, the volume was turned down. At 23.10 hours the volume was turned up to the previous unacceptable volume. In the officer's opinion a Statutory Noise Nuisance was being caused.

The occurrence of a Statutory Noise Nuisance is of concern, however, it is unacceptable that the Bay Horse being aware that there was an issue with noise levels caused a recurrence on Saturday, and then appearing to react to the Officer's concerns and reduce the volume turned it back up 24 minutes later. This implies a total disregard for legislation that is in place to protect the public, such behaviour is unacceptable in managing a licensed premise and shows that the licensing objective of the prevention of public nuisance is not being met.

Public Nuisance/Public Safety

Licensed premises have to operate in a covid secure manner to reduce the likelihood of the spread of Covid-19. Failure to operate in a Covid secure manner is a breach of health and safety legislation under the Health & Safety at Work Act 1974. During June, July and the beginning of August the Council undertook repeated attempts to engage with the manager of the Bay Horse Public House including detailed advice on what would be required to carry out and implement a covid secure plan. At no stage was there compliance with Officer's request and instructions to provide evidence of a covid secure plan which was required for the business to comply with the Health & Safety at Work Act 1974. This non-compliance resulted in an Improvement Notice being served on The Mannion Group Ltd on the 12th August 2020.

Details of the Council's attempts to engage with the Bay Horse Public House are as follows;

At the beginning of June 2020 Chelmsford City Council received several complaints relating to the lack of controls in place to reduce the risk of infection from Covid-19. This included a lack of social distancing within the car park associated with the Bay Horse.

12th June 2020 an Environmental Health Officer visited the premises and provided advice on how to implement covid secure controls, an email was sent the same day requiring actions relating to the food business to be taken.

17th June 2020 a follow up email was sent as the actions requested on 12th June 2020 had not been carried out and further complaints of no social distancing had been received.

18th June 2020 telephone conversation with Mr Gary Mannion to discuss the need to control the customers in a covid secure way.

24th July 2020 Chelmsford City Council request Covid secure risk assessments to show the business had considered the risks associated with Covid-19 and put in place appropriate control measures. The business is advised that an inspection to check compliance will be undertaken on 30th July 2020.

30th July 2020 inspection carried out, no covid secure risk assessment. 7-day deadline given for the submission of the risk assessment.

4th August 2020 Chelmsford City Council received a complaint relating to the lack of covid controls in the Bay Horse.

6th August 2020 an Environmental Health Officer contacted the Bay Horse again to remind them to provide the covid secure risk assessments in accordance with the 7-day deadline previously set.

8th August 2020 the Council's Out of Hours Noise Officer confirmed that the carpark associated with the Bay Horse was full of people, standing and drinking. There appeared to be no control of social distancing of the public, no control of the volume of music, no control of the seating arrangement. There was no control in places for protecting of staff from being exposed to Covid-19. This was confirmed by CCTV footage.

12th August 2020 Improvement Notice serviced under the Health & Safety Act 1974 due to failing to make a suitable and sufficient assessment of the risks to employees and those not in employment arising out of or in connection with the conduct of the business in respect of Covid-19.

Despite numerous attempts to engage with the business they failed to make a suitable and sufficient assessment of the risks to their employees and those not in their employment arising out of or in connection with the conduct of their undertakings in respect of Covid 19. This lack of engagement with a regulatory body and the resultant effect resulted in the licensing objectives of public safety and/or public nuisance not being met.

Conclusion

The licensing objectives could have been met if the business had taken heed of advice and instruction from Council Officers carrying out their regulatory roles, the manner in which the advice and instruction was ignored and treated with contempt led to the licensing objectives not being met and leads me to conclude that the Licensing Authority should consider revoking the premises licence.

Kind Regards

Paul

Paul Brookes
Public Health & Protection Services Manager
Chelmsford City Council