



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

AGENDA

DATE:	Friday, 17 November 2023
TIME:	10.00 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Casey
Councillor A Cossens

Councillor Kotz
Councillor Wiggins

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DATE OF PUBLICATION: Thursday, 9 November 2023

AGENDA

1 Chairman for the meeting

The Sub-Committee is required to elect its Chairman for this meeting.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Report of Assistant Director (Governance & Legal) Review of Premises Licence - Enterprise Harwich Bar Ltd (Pages 1 - 192)

To provide information in order that the Sub-Committee can determine the application for a review of the premises licence.

5 Exclusion of the Public

If it considers that the public interest warrants excluding the public from part of the meeting, the Sub-Committee will so resolve to exclude the public. In making its decision under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005, the Sub-Committee will weigh the public interest of the said part of the hearing occurring in public and with the public being excluded.

[NOTE: a party and persons assisting or representing a party may be treated as a member of the public].

Following the conclusion of any part of the meeting to which the public are excluded the public will be re-admitted and the meeting will resume.

6 Report of Assistant Director (Governance & Legal) Review of Premises Licence - Enterprise Harwich Bar Ltd

The Sub-Committee will determine on the review of a Premises Licence in respect of the above premises either at the conclusion of the hearing or within a period of five working days of the hearing. The parties will be notified forthwith of the determination.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Premises / Personal Licences Sub-Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Friday, 24 November 2023.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

PREMISES/PERSONAL LICENSING SUB-COMMITTEE

17 NOVEMBER 2023

REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL)

A. REVIEW OF A PREMISES LICENCE

ENTERPRISE HARWICH BAR LTD, WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX

REF: 23/00594/PREREV

PURPOSE OF THE REPORT

To provide information in order that the Sub-Committee can determine the application for a review of the premises licence.

SUMMARY

Under Section 51 of the Licensing Act 2003 Tendring District Council Environmental Protection Team, being a Responsible Authority, has applied for a Review of the Premises Licence currently held by Enterprise Harwich Bar LTD in respect of the premises known as Wicks's Bar, 1 Midland House, High Street, Harwich, Essex (Licence No. 23/00291/PREMTR). In the section of this report headed "Supporting Information" is a summary of the review application. The full review application is set out at Appendix A to this report.

Enterprise Harwich Bar LTD have been the Premises Licence holders since the licence was transferred to them in May 2023, and Alexander Wicks has been the Designated Premises Supervisor (DPS) of the premises since this date. Details of current licence which is subject to the review are set out below and attached at Appendix B to this report.

DETAILS OF CURRENT LICENCE WHICH IS SUBJECT TO REVIEW

Premises

Enterprise Harwich Bar LTD (Wicks's Bar)

Licence No

23/00291/PREMTR

Premises Licence Holder

Enterprise Harwich Bar LTD

Designated Premises Supervisor

Alexander Wicks

Current Opening Hours

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 00:00

Current Licensable Activities

The current licensable activities permitted by the Premises Licence are:-

Sale of Alcohol on and off the premises

Monday to Thursday	12:00 - 00:00
Fridays and Saturdays	12:00 - 01:30
Sunday	12:00 - 00:00

Late Night Refreshment

Monday to Thursday	23:00 - 00:00
Fridays and Saturdays	23:00 - 01:30
Sunday	23:00 - 00:00

SUPPORTING INFORMATION

An application for the Review of the Premises Licence for Enterprise Harwich Bar LTD, known as Wicks's Bar has been submitted by the Responsible Authority - Tendring District Council Environmental Protection Team. This was received by the Licensing Authority on 4 October 2023 on the grounds that the licensing objective in respect of the Prevention of Public Nuisance has been breached.

The operation of the premises has caused significant disturbance since the licence was transferred and the premises opening in May 2023.

The Environmental Protection team have witnessed noise nuisance from loud music and bass emanating from the premises on five separate occasions.

Tendring's Environmental Protection team served a noise abatement notice on the premises under the Environmental Protection Act 1990 on 20th July 2023.

Breaches of the noise abatement notice have been witnessed on 8th September 2023, 9th September 2023 and 30th September 2023.

It is therefore the view of the Environmental Protection team that the premises continues to operate in such a manner that is inconsistent with the requirements of the objectives set out in the Licensing Act 2003 relating to the prevention of public nuisance.

The designated premises supervisor Mr Wicks has been given ample opportunity and time since first being made aware of the complaints but has failed to make any improvements in relation to the loud music and bass emanating from the premises.

A copy of the Premises Licence Review application is attached to this report in full as a bundle and is attached as Appendix A.

Copies of the following documents have been supplied to the Premises Licence holder:

- Review application from Environmental Protection Team.

Copies of all documentation concerning this Application for Review are available from the Licensing Team upon request.

CONSULTATIONS

Licence holder

A letter from the premise licence holder/DPS, Mr Alexander Wicks, has been received outlining the proposed steps and a noise management plan in order to address the problems raised by the Responsible Authorities. – Appendix D

Other Responsible Authorities

Two representations supporting the review application have been received from Essex Police and Tendring District Council Licensing Authority as a Responsible Authority, with the following comments:

Essex Police

Police have undertaken a total of thirteen visits to this premises since May 2023.

These visits have been a mixture of uniformed officers and the district licensing officer (DLO) for the area. Visits were conducted to assess compliance with the licence conditions, action plan and in response to specific incidents/reports made to police.

Tendring District Council – Licensing Authority as a Responsible Authority

On behalf of the Licensing Authority as a Responsible Authority, I am submitting further support of the above application submitted by Tendring District Council (Environmental Protection) on the 4th October 2023. The grounds of this support is that the Licensing Objectives in respect of: the Prevention of Public Nuisance and Crime and Disorder have not been satisfied.

Licence Holder in company name “Enterprise Harwich Bar Ltd” and Designated Premises Supervisor (DPS) namely Mr Wicks, has held the current Premises Licence since 03rd May 2023.

As a Licensing Enforcement Officer, I have received 35 complaints from 13 different complainants in close proximity to the premises (8 persons submitted 1 complaint, and the remaining 5 submitted between 2 and 9 complaints) starting from 15th May 2023. I categorise the subject of the complaints below-

- Loud Music*
- Carrying on Licensable activities without an appropriate licence in place in relation to Loud Music past 2300hrs.*
- Antisocial Behaviour issues including fighting, shouting, and drugs misuse.*

Full details of the representations from Essex Police and Tendring District Council – Licensing Authority as a Responsible Authority are attached as Appendix E.

In view of the fact that the Licensing Authority in this case is both the administering authority, including for this hearing, and a responsible authority that has submitted representations there has been a division of responsibility among relevant staff such that the Head of Democratic Services and Elections has undertaken such duties and functions of the Licensing Authority as the administrative body for the review and the Licensing Manager has undertaken such duties and functions of the Licensing Authority as Responsible Authority for the purposes of representations and attendance at the hearing. Likewise, other Members of staff in the licensing team have solely undertaken activities in the roles of either the administrative body or the Responsible Authority role. No member of staff has undertaken both roles.

Other Persons

Other persons can also make representations regarding review applications. Other persons in terms of the Licensing Act 2003 can include any individual, body or business and in accordance with paragraph 8.13 of the Section 182 Guidance issued by the Secretary of State (August 2023 version) which accompanies the Licensing Act 2003, are entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their

geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.

Such representations should be relevant and not be considered by the Licensing Authority as vexatious, repetitious, or frivolous and can be made in opposition to, or support of, an application and can be made by any individual, body or business that has grounds to do so. The S182 Guidance is silent on whether representations can be made against an application for a review, or in support of the respondent to the review (which in this case is the Premises Licence holders Enterprise Harwich Bar LTD). However, given that the Guidance is silent on this question, but clearly indicates that other persons can make representations in regards to a review and that representations can be made in support of applications, it is therefore reasonable to assume that representations can also be made in support of the Premises Licence Holders Enterprise Harwich Bar LTD in this matter for due consideration by the Licensing Sub Committee and as part of the Review application hearing process.

The Licensing Authority have received six representations supporting the review application, 4 from residents and two from Councillors for the Harwich area. One representation has been received from the landlord of the premises in support of the Premises Licence Holders. These are attached as Appendix F

FINANCE, OTHER RESOURCES AND RISK

There are no resource implications to the Authority arising directly from the contents of this report.

The risks in relation to this matter are that the Sub-Committee does not consider all relevant matters or does not ignore all irrelevant matters in determining the application in this report. The details submitted and procedures for oral hearings seek to mitigate this risk. The Members of the Sub-Committee have all undergone mandatory training in licensing matters to further mitigate this risk.

The parties to this matter have a right of appeal against the Authority's determination of this matter. The appeal is to the Magistrates' Court within 21 days of the determination being notified to them.

COUNCIL'S ADOPTED GUIDELINES AND LEGISLATION

When carrying out its functions the licensing authority must have regard to the four licensing objectives. The objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Notice of Display and Advertisement

Notice of the review application has been made and advertised in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompany it. A notice detailing the review application was clearly displayed on the premises concerned and on the Tendring District Council Website for the prescribed 28-day period. Periodic checks were undertaken by the Licensing Authority to ensure that this was the case. The end of the notice period was 1 November 2023.

Validity of Application for Review

The Licensing Authority has accepted the review application and is satisfied that it has been properly served in accordance with Section 51 of the Licensing Act 2003 and the regulations that accompany it. The Head of Democratic Services and Elections is satisfied that the application and the representations that it makes are relevant to the licensing objectives.

Licensing Act 2003 Section 182 Guidance with regard to Review Hearings (Version August 2023)

Sections 11.1 to 11.28 of the Guidance [issued by the Secretary of State under Section 182 of the Licensing Act 2003] assists all parties in respect to advice on review applications and hearings, including those arising in connection with crime and the relevant extracts of this guidance are attached to this report as Appendix G. The full Guidance is available online and paper copies will be available for reference at the hearing.

Tendring District Council's Statement of Licensing Policy

In accordance with Section 5 of the Licensing Act 2003, the Authority has adopted a Statement of Licensing Policy. The relevant sections/extracts of the Council's Statement of Licensing Policy in respect to Review applications are as follows:

Reviews

- 1.46 Where possible and appropriate the Licensing Authority and all other Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises which may undermine, or are undermining, one or more of the licensing objectives and to initiate a dialogue that can lead to a resolution of these problems to the satisfaction of all parties. The review process represents a valuable protection mechanism for residents and the wider community to be able address problems with a specific premises where for instance there is alcohol related crime and disorder or public nuisance and where for example dialogue between the licence holder, responsible authorities or other parties concerned such as residents to prevent or mitigate such problems has not worked.
- 1.47 Responsible authorities, other persons (which could include a resident, business or Ward Councillor for example) can make an application to trigger a review of a premises licence but evidence of the problems being experienced would be required to be presented to the Licensing Authority and an applicant or applicants for a review would ordinarily be expected to be able to substantiate their complaints at a Licensing Sub Committee hearing. Representations must be relevant to one or more of the four licensing objectives and will not be accepted if they are determined by the Licensing Authority to be frivolous, vexatious or repetitious.
- 1.48 No more than one review application from interested parties for a particular premises other than a Responsible Authority will normally be permitted within any 12-month period on similar grounds except in exceptional and compelling circumstances.

The full Statement of Licensing Policy is available online and paper copies will be available for reference at the hearing.

Appeals

An appeal against the decision of the Licensing Authority can be made by the following:

- (a) the Applicants
- (b) the holders of the Premises Licence
- (c) any person who made relevant representations in relation to the application

The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of its decision.

Options Under Section 52 Licensing Act 2003

Following consideration by this Sub-Committee at this hearing of this review application submitted by Tendring District Council Environmental Protection Team, Section 52 of the Licensing Act 2003 states that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (**if any**) as it considers necessary for the promotion of the Licensing Objectives. These steps are:-

- (i) to modify the conditions of the licence
- (ii) to exclude a licensable activity from the scope of the licence
- (iii) to remove the Designated Premises Supervisor
- (iv) to suspend the licence for a period not exceeding three months
- (v) to revoke the licence

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new conditions are added because of this Review Hearing.

In addition to the above measures, the Sub-Committee is advised that it is also open to it that it may (for example) decide to take no action in respect of the review application, or issue an informal/formal warning letter and/or recommend improvement to the premises and its management within a particular period of time if it concludes that on consideration of the facts and balance of probabilities, this is the reasonable, proportionate and appropriate approach to take in regards to the determination of this Review application. If a different outcome is the reasonable, proportionate, and appropriate approach to take then the options in Section 52 of the Licensing Act 2003 should be considered.

In exercising its discretion, the Authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998 concerning the need to exercise its various functions with regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in the area.

RECOMMENDATION(S)

No specific recommendation is made to the Licensing Sub Committee in respect to this Review application other than to consider the options within Section 52 of the Licensing Act 2003 (as shown above). The Licensing Sub Committee is asked to reasonably, proportionately and appropriately determine this application for a Review of a Premises Licence in respect of the premises and person named as the licence holder in its own right and on its own merits taking into account all relevant matters detailed in in the agenda, report and accompanying papers and any other relevant matters that may introduced at the hearing itself by any of the parties that have an interest in this Review hearing.

APPENDICES

- Appendix A - Premises Licence Review application
- Appendix B - Current Licence
- Appendix C - Location Plan
- Appendix D - Noise Management Plan submitted by Licence Holder
- Appendix E - Representations from Essex Police and Tendring District Council – Licensing Authority
- Appendix F - Representations from residents and Councillors
- Appendix G - Extract from the Secretary of State's Guidance under S182 of the Licensing Act 2003
- Appendix H - Hearing Procedures

REPORT CONTACT OFFICER(S)	
Name	Keith Simmons Emma King
Job Title	Head of Democratic Services & Elections Licensing Officer
Email/Telephone	licensingsection@tendingdc.gov.uk 01255 686565

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Tendring District Council
Licensing Office, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE
Tel: 01255 686565 Email: licensingsection@tendringdc.gov.uk

**Application for the review of a premises licence or club premises certificate under the
 Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I The responsible authority Environmental Protection, Tendring District Council
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Enterprise Harwich Bar LTD Wicks's Bar 1 Midland House High Street	
Post town Harwich	Post code (if known) CO12 3PS

Name of premises licence holder or club holding club premises certificate (if known) Mr Alexander Wicks

Number of premises licence or club premises certificate (if known) 23/00291/PREMTR
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

APPENDIX A

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Protection Team Tendring District Council 88-90 Pier Avenue Clacton on Sea Essex CO15 1TN
Telephone number (if any) 01255 686767
E-mail address (optional) env.services@tendringdc.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The operation of the premises has caused significant disturbance since the opening of the premises in May 2023.

The Environmental Protection team have witnessed noise nuisance from loud music and bass emanating from the premises on five separate occasions.

Tendring's Environmental Protection team served a noise abatement notice on the premises under the Environmental Protection Act 1990 on 20th July 2023.

Breaches of the noise abatement notice have been witnessed on 8th September 2023, 9th September 2023 and 30th September 2023.

It is therefore the view of the Environmental Protection team that the premises continues to operate in such a manner that is inconsistent with the requirements of the objectives set out in the Licensing Act 2003 relating to the prevention of public nuisance.

The designated premises supervisor Mr Wicks has been given ample opportunity and time since first being made aware of the complaints but has failed to make any improvements in relation to the loud music and bass emanating from the premises.

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

Wicks's Bar is located at 1 Midland House, High Street, Harwich, Essex, CO12 3PS. There are residential properties directly above the premises and within the surrounding area on Mill Lane, High Street and Cliff Road.

An aerial photograph can be found in Appendix 1.

A copy of the Premises Licence for Wicks's Bar / Enterprise Harwich Bar Ltd can be found in Appendix 2. The Premises Licence holder is Mr Alexander Wicks.

The Environmental Protection team has received seven formal complaints and two anonymous complaints regarding excessively loud music and bass emanating from Wicks's Bar. The first complaint was received on 7th May 2023.

Complaints and allegations have also been received in relation to noise from patrons congregating and drinking at the front of the premises, the premises operating out of hours, Anti-Social Behaviour, fighting, broken glass, litter, underage drinking, drug use and patron urinating on cars.

Officers from the Environmental Protection team witnessed noise that constitutes a statutory nuisance from the music and bass emanating from Wicks's Bar on 14th July 2023, 15th July 2023 and within the early hours of the morning on 16th July 2023. The loud music and bass was audible and intrusive inside a residential property, and considered likely to significantly impact the use and enjoyment of the property.

An Environmental Protection Act 1990 noise notice was served on Wicks's Bar on 20th July 2023. A copy of the notice can be found in Appendix 3.

Breaches of the notice have been witnessed on 8th September 2023, 9th September 2023 and 30th September 2023.

Environmental Protection Technical Officer Rebecca Duff-Cole has liaised with Mr Wicks, the Licensee requesting that he addresses the noise issue and public nuisance on many occasions.

Environmental Protection alongside colleagues from the Council's Licensing Team and Essex Police have held a meeting with the Licensee to address the complaints. Advice was given regarding the volume of the music, level of bass, managing and mitigation the noise from the amplified music on many occasions.

The Licensee has been made aware of the repercussions if further noise nuisance was witnessed. Several emails and letters have been sent to the Licensee concerning ongoing complaints being received and problems of noise nuisance.

Throughout this period Mr Wicks has not responded to any phone calls, emails or letters sent from the Environmental Protection team.

Copies of advisory and formal warning letters and emails sent can be found in Appendix 4.

The only contact received by Mr Wicks was on 25th September 2023 when an email was sent to Environmental Protection requesting contact to discuss an 11 hour DJ charity event taking place at Wicks's Bar on 30th September 2023.

A call was made to Mr Wicks on 26th September 2023 and a further call was received by Mr Wicks on 28th September 2023 concerning the event. Officers advised Mr Wicks that in order to comply with the noise abatement notice the music should not be excessive, he should ensure the music and bass is at a reasonable level that will not impact the nearby residential properties and that

monitoring of the noise should be undertaken from outside the premises to ensure it is not audible or excessive.

Mr Wicks advised that sound dampening curtains and foam had been installed at the premises.

Two days later Officers witnessed excessively loud music and bass from Wicks Bar on 30th September 2023. The noise witnessed was a noise nuisance and another breach of the noise abatement notice.

The Licensee has failed to expediently and adequately address the noise issue from the excessively loud music and bass, and most recently wilfully contravening his Premises Licence by causing noise nuisance despite being advised of the repercussions and allowing his premises to cause further noise nuisance.

Information to support Application

Appendix 1 – Aerial photograph of premises location

Appendix 2 – Premises Licence for Wicks's Bar / Enterprise Harwich Bar Ltd

Appendix 3 – Environmental Protection Act 1990 noise notice and covering letter

Appendix 4 – Warning letters and emails

APPENDIX A

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

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

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

APPENDIX A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *R. Duff-Gole*
.....

Date **04.10.23**
.....

Capacity **Technical Officer Environmental Protection**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Environmental Protection Team Tendring District Council 88-90 Pier Avenue	
Post town Clacton on Sea	Post Code CO15 1TN
Telephone number (if any) 01255 686767	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) env.services@tendringdc.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**Review of premises licence requested by Environmental Protection team,
Tendring District Council as a Responsible Authority**

**Enterprise Harwich Bar LTD, Wicks's Bar, 1 Midland House, High Street,
Harwich, Essex, CO12 3PS**

Designated Premises Supervisor (DPS): Mr Alexander Wicks

Ground(s) for Review / Licensing Objective: The Prevention of Public Nuisance

Location: Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS

This Premises Review seeks to restrict the permission for the use of live, recorded and amplified music from the premises.

Current licensed activity and hours of operation:

The premises is licensed for the sale of alcohol on and off the premises, and late night refreshment. There are no specific conditions relating to music. The Regulated Entertainment falls under the Live Music Act 2012 and Deregulation Act 2015.

The opening hours of the premises:

Monday	12:00 – 00:00
Tuesday	12:00 – 00:00
Wednesday	12:00 – 00:00
Thursday	12:00 – 00:00
Friday	12:00 – 01:30
Saturday	12:00 – 01:30
Sunday	12:00 – 00:00

Sale of alcohol on and off premises

Mon – Thurs	12:00 – 00:00
Fri and Sat	12:30 – 01:30
Sunday	12:00 – 00:00

Late night refreshment

Mon – Thurs	23:00 – 00:00
Fri and Sat	23:00 – 01:30
Sunday	23:00 – 00:00

Location:

Wicks's Bar is located on High Street, Harwich. The premises is surrounded by residential properties, including five flats directly above and along Mill Lane, High Street, Hill Road and Cliff Road.

There is an outdoor seating area located at the front of the premises and on the west side of the premises there is a large, single glazed window.

See **Appendix 1** for the location of Wicks's Bar and site photos.

Summary

Under the Licensing Act 2003 there are four licensing objectives that must be adhered to by the management of the Wicks's Bar:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

This review concerns the Prevention of Public Nuisance therefore the Designated Premises Supervisor must take responsibility under this objective to ensure that all reasonable steps are taken to prevent disturbance to neighbours.

Mr Alexander Wicks is the Designated Premises Supervisor and one of the directors of Enterprise Harwich Bar LTD.

In May 2023, Environmental Protection received a number of complaints concerning noise emanating from Wicks's Bar. The complaints related to loud music, loud bass and noise from patrons outside the premises screaming, shouting and singing. The noise was occurring late at night and into the early hours of the mornings over the weekend (mainly on Thursday, Friday and Saturday night).

Residents nearby advised that they were being significantly impacted by the noise, by not being able to sleep, therefore missing work, being unable to drive, disturbance to their children's sleep, unable to watch TV, unable to relax and feeling unsafe in their property. One resident alleged that the music was so loud one night that it could be heard five streets away from the premises.

Complaints and allegations were also received in relation to the premises operating out of hours, anti-social behaviour, fighting, broken glass, litter and vomit outside the premises, underage drinking, drug use, patrons urinating on cars and causing damage to street furniture.

The Environmental Protection team substantiated a statutory noise nuisance emanating from the loud music at Wicks's Bar. A noise abatement was served on 20th July 2023 under section 80 of the Environmental Protection Act 1990 on the Designated Premises Supervisor Mr Wicks.

There have been three breaches of the noise abatement notice witnessed by Environmental Protection on 8th September 2023, 9th September 2023 and 30th September 2023.

Mr Wicks has been given many opportunities and time since first being made aware of the complaints. He has failed to make sufficient improvements to the loud music emanating from the premises, in spite of being advised of the repercussions of allowing further noise nuisance.

The operation of the premises has caused significant disturbance since the opening in May 2023.

The decision to review the premises licence has not been made lightly. This review requested by the Environmental Protection team as a Responsible Authority is due to the objectives of the Licensing Act 2003 not being met, specifically in relation to the Prevention of Public Nuisance.

There are a number of residential properties in very close proximity of Wicks's Bar and to prevent further noise nuisance occurring we believe there is a requirement for permanent enforceable conditions to be added to the premises licence.

Which is why we therefore wish to restrict the use of the amplified, recorded and live music at the premises.

Summary of Noise investigations by Environmental Protection Team

In total the Environmental Protection team have received seven formal complaints and two anonymous complaints regarding excessively loud music and bass emanating from Wicks's Bar.

The Environmental Protection team have a statutory duty to investigate any noise complaints received. In the first instance, we will always work with the commercial premises to try and resolve any issues informally.

Following a number of complaints being received during May and June 2023, Officers from Environmental Protection, the Council's Licensing team and Essex Police met with the Designated Premises Supervisor at Wicks's Bar to discuss the complaints on 15th June 2023.

At this meeting, Mr Wicks was advised that Environmental Protection had received a number of complaints concerning the loud music. He was advised we would be investigating the complaints and this would include monitoring the noise from the premises. He was also advised if further complaints were received and a noise nuisance substantiated, the Council would have no alternative but to serve a Noise Abatement Notice and such action would call the licence into review.

During this meeting, the level of music was witnessed and Mr Wicks was advised that the music was too loud and likely to cause a nuisance. Mr Wicks was also informed that he is not licensed to have music after 11:00pm. A letter following this visit was sent to Mr Wicks on 19th June 2023. A copy of the letter can be found in **Appendix 2.1**.

After this visit, further complaints were received concerning loud music. Complainants advised that the music was still loud and affecting them inside their properties until the early hours of the morning. Also that the music was still being played after 11:00pm.

Following the further complaints received, on 30th June 2023 an email was sent to Mr Wicks to advise that complaints about the loud music were still being received and that he was not licensed for music after 11:00pm. A copy of the email sent can be found in **Appendix 2.2**. Mr Wicks did not respond to this email.

Further complaints of noise continued to be received again. Complainants advising the same, that the music was still loud and affecting them inside their properties, until the early hours of the morning. Also that the music was still being played after 11:00pm.

A formal letter was sent out to Mr Wicks on 11th July 2023 to advise that complaints about the loud music were still being received and that he was not licensed for music after 11:00pm. A copy of the letter sent can be found in **Appendix 2.3**. Mr Wicks did not respond to this letter.

On 14th July 2023, Officers from Environmental Protection team installed noise monitoring equipment inside a complainant's property. The noise equipment was installed at a residential property located approximately 40 meters away from Wicks's Bar, within the first floor master bedroom located at the front of the property.

The noise monitoring equipment was installed over the weekend and collected on 17th July 2023.

The complainant advised Officers that loud music and bass occurred from Wicks's Bar on Friday 14th July 2023 between 20:00 to 00:00 and on Saturday 15th July 2023 between 22:00 – 01:00. Recordings were made during this time to capture the noise. They advised that the noise from the music and patrons was audible inside their property, the noise could be heard over their TV, they were unable to relax and unable to sleep.

The noise recordings taken were then reviewed by Officers. The recordings found the noise from Wicks's Bar constituted a statutory nuisance. The music and bass was clearly audible and intrusive inside the complainant's property. Officers were satisfied that the noise was significantly impacting the use and enjoyment of the nearby residential properties. The recordings evidenced that constant music with heavy bass could be heard inside the resident's property throughout the evening and night. Noise from patrons outside the premises talking, laughing, shouting and screaming was also audible and intrusive inside their property.

On 18th July 2023, Mr Wicks sent an email to Environmental Protection advising that he will no longer be using the speakers at the premises due to complaints and that he will only be using the ceiling speakers at a low volume. A copy of the email can be found in **Appendix 2.4**.

On 19th July 2023, Officers called Mr Wicks to discuss the noise complaints. A voice message was left at 16:27 requesting Mr Wicks calls back to discuss.

On 20th July 2023, Officers called Mr Wicks again to discuss the noise complaints. A voice message was left at 12:06 requesting that Mr Wicks calls back to discuss.

Mr Wicks did not return the calls.

On 20th July 2023, a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 was formally served on Mr Alexander Wicks as the Designated Premises Supervisor and the person responsible for managing the noise. The notice and covering letter was sent to Mr Wicks in the post first class. A copy of the notice and covering letter can be found in **Appendix 2.5**. An email was also sent to Mr Wicks on 20th July 2023 with a copy of the notice, this can be found in **Appendix 2.6**. Mr Wicks did not make contact with Environmental Protection regarding the noise abatement notice.

On 3rd August 2023, Mr Wicks sent an email to the Council's Licensing team which was then passed over to Environmental Protection concerning an 11hour DJ charity event. An email was sent to Mr Wicks concerning the event, a reminder that the notice was still enforce and that the event may breach the notice if the noise is not managed correctly. A copy of the email can be found in **Appendix 2.7**. Mr Wicks did not respond to this email.

Following the service of the Noise Abatement Notice, complainants advised us that there had been some improvement in the noise from Wicks's Bar, the music was now stopping at 11:00pm and the volume of the music had reduced. This however was short lived and complaints were received again.

On 11th and 12th August 2023, complaints were received concerning noise from Wicks's Bar. Complainants advised that the music was loud and audible inside their properties with the windows shut. An out of hours call was also received on 12th August 2023 at 02:45am complaining of extremely loud noise from patrons leaving Wicks's Bar. This noise was not witnessed by Officers.

On 19th August 2023 a call was received via the out of hours service concerning loud music from Wicks's Bar and passed onto the on-call Officer. Officers from the Environmental Protection team

attended to witness the noise. Officers witnessed excessively loud music from the premises between 22:26 – 22:41. The music was audible 50m away from the premises.

Following this out of hours visit, an informal warning was given to Mr Wicks via an email on 21st August 2023, advising him of complaints and Officer's concerns over the volume of the music witnessed from the premises. A copy of the email sent can be found in **Appendix 2.8**. Mr Wicks did not respond to this email.

On 8th September 2023 a call was received by the out of hours service concerning loud music from Wicks's Bar and passed onto the on-call Officer. Officers attended and witnessed excessively loud music from Wicks's Bar between 21:48 – 22:25. The music would be described as dance music and drum and bass music. The lyrics of the songs were clearly audible and there was a heavy bass. The noise was causing a statutory nuisance. The music was audible approximately 45m away from the premises. Officers were satisfied that the noise abatement notice had been breached. A witness statement from Rebecca Duff-Cole (Environmental Protection Technical Officer) can be found in **Appendix 3.1**.

On 9th September 2023 a call was received via the out of hours service concerning loud music from Wicks's Bar and passed onto the on-call Officer. Officers attended and witnessed excessively loud music from the premises between 22:37 – 23:00. Officers were satisfied that the noise abatement notice had been breached again. A witness statement from Rebecca Duff-Cole (Environmental Protection Technical Officer) can be found in **Appendix 3.2**.

Following these out of hours visits, on 14th September 2023 Mr Wicks was notified that he had breached the noise abatement notice on two occasions. Mr Wicks was advised that if he breached the notice again the Environmental Protection team would call his licence in to review. A copy of the letter sent can be found in **Appendix 2.9** and a copy of the email sent can be found in **Appendix 2.10**. No response was received from Mr Wicks concerning the breaches of the notice.

On 27th and 28th September 2023 Mr Wicks called Environmental Protection to discuss the upcoming 11hour DJ charity event taking place on 30th September 2023. Mr Wicks advised that he had installed sound damping curtains and will be monitoring the noise levels from outside the premises. Advice was given to keep the music at a reasonable level so that it is not audible inside nearby residential properties and that he does not breach his noise abatement notice.

On 30th September 2023 the day of the 11hour DJ charity event, a call was received via the out of hours service concerning loud music from Wicks's Bar. Officers attended and witnessed the excessively loud music from Wicks's Bar between 20:37 – 21:01. The music was audible approximately 90m away from the premises. Officers were satisfied that the Noise Abatement Notice had been breached. A witness statement from Katie Wesley-Smith (Environmental Protection Manager) can be found in **Appendix 3.3**.

This noise nuisance occurred just two days after Mr Wicks had spoken to Environmental Protection.

On 4th October 2023 the Environmental Protection team, as a responsible authority submitted an application to Review the Premises Licence of Wicks's Bar in relation to the Prevention of Public Nuisance.

A formal letter was sent to Mr Wicks on 4th October 2023 concerning the noise nuisance witnessed on 30th September 2023 and that his premises licence was being called in to review. A copy of the letter sent can be found in **Appendix 2.11**.

Impact on local residents

Officers from Environmental Protection have witnessed the noise nuisance from Wicks's Bar and a Noise Abatement Notice was served under Section 80 of the Environmental Protection Act 1990 on the Designated Premises Supervisor Mr Wicks.

The impact of the noise from the premises on the surrounding amenity is best described by the residents themselves. The Council received two Witness Impact Statements from residents to support this review. They can be found **Appendix 4**. The statements describe how the noise has affected each resident individually. They describe how they have been unable to sleep, unable to relax in their homes and gardens, constantly worrying, dreading the weekend coming and even considering selling their home.

Confidence in Management

The Environmental Protection team have no confidence in Mr Wicks's management of the amplified music at Wicks's Bar.

We have sufficient evidence to support that the amplified music is causing a significant public nuisance and having a detrimental impact on the surrounding residents, and the use and enjoyment of their properties.

Mr Wicks has not appreciated the impact he and the noise is having on the nearby residents.

Mr Wicks has not followed the advice given by Environmental Protection nor implemented the promises he has made.

Given the noise investigation, the number of opportunities given to Mr Wicks and our confidence in the management of the music at the premises, we therefore recommend the following:

- **No amplified music, recorded or live music to be played at the premises at any time**

Or the following conditions:

- **A noise limiter must be fitted and properly calibrated, and maintained in accordance with the manufacturers' instructions. The limiter must be set at a level determined by a qualified acoustician and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
- **No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.**
- **A noise management plan and sound insulation scheme shall be carried out by a relevantly qualified person and submitted for approval in writing to the Environmental Protection team**

Appendices

Appendix 1 - Wicks's Bar location and site photos

Appendix 2 – Letters and email correspondence

Appendix 2.1 Letter to Mr Wicks 19th June 2023

Appendix 2.2 Email to Mr Wicks 30th June 2023

Appendix 2.3 Letter to Mr Wicks 11th July 2023

Appendix 2.4 Email from Mr Wicks 18th July 2023

Appendix 2.5 EPA notice and covering letter

Appendix 2.6 Email sent to Mr Wicks 20th July 2023

Appendix 2.7 Email sent to Mr Wicks 3rd August 2023

Appendix 2.8 Email sent to Mr Wicks on 21st August 2023

Appendix 2.9 Formal breach letter sent to Mr Wicks on 14th September 2023

Appendix 2.10 Formal breach email sent to Mr Wicks on 14th September 2023

Appendix 2.11 Formal letter sent to Mr Wicks on 4th October 2023

Appendix 3 – Officer Witness Statements

Appendix 3.1 Witness Statement Rebecca Duff-Cole

Appendix 3.2 Witness Statement Rebecca Duff-Cole

Appendix 3.3 Witness Statement Katie Wesley-Smith

Appendix 4 Resident Impact Statements

Appendix 4.1 – Resident A Impact Statement

Appendix 4.2 – Resident B Impact Statement

Appendix 1 – Wicks’s Bar location and site photos





Appendix 2.1 Letter to Mr Wicks 19th June 2023



Mr A Wicks
Enterprise Harwich Bar LTD
Wicks's Bar
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Environmental Protection Team
Tendring District Council
88-90 Pier Avenue
Clacton-On-Sea
Essex CO15 1TN

Telephone: 01255 68679
Email: rduff-cole@tendringdc.gov.uk

19th June 2023

Our Ref: 23/02435/NOIMUS

Dear Mr Wicks,

ENVIRONMENTAL PROTECTION ACT 1990

RE: ALLEGED NOISE NUISANCE EMANATING FROM LOUD MUSIC AT WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS

With reference to our visit on 15th June 2023, alongside Officers from the Licensing team and Essex Police, this service is in receipt of complaints concerning an alleged noise nuisance at the above premises of which you are the owner of. The complaints relate to loud music and bass, occurring from the premises within the evening and into the early hours of the morning.

The Environmental Protection Act 1990 places a duty on the Council to investigate such complaints and to take appropriate action if a noise is found to be causing a statutory nuisance.

As discussed, we have concerns over the noise levels witnessed inside and outside the premises at the time of our visit. We therefore strongly recommend that you take steps to minimise the impact of the noise, **by reducing the volume of the music and by taking any other such reasonable methods in order to manage and mitigate the noise** so that it does not cause any unreasonable interference with the use and enjoyment of neighbouring properties.

As stated above, we are duty bound to investigate such allegations and we will continue to monitor the situation. This can include the use of written records, Officers monitoring visits and noise monitoring equipment being installed inside complaint's properties.

You have advised that steps have been taken by turning off the base from 11:00pm, ensuring doors are kept shut and monitoring noise levels from outside the premises. As well as potentially installing sound proofing within the premise.

We would also recommend that the premises produces and implements a Noise Management Plan in order to ensure reasonable measures are put in place to reduce the noise impact to nearby neighbouring residential properties. The Noise Management Plan should include, but not limited to, details of:

- Summary of Premise, Site, License
- Statement of intent, key objectives
- Location plan / Site plan
- Noise sources
- Noise controls
- Noise monitoring

- Complainant procedures / Action to be taken in the event of complaints

Each plan will be premises/site/event specific and examples given.

Should complaints continue to be received and a statutory nuisance is substantiated, the Council has no alternative but to serve a Noise Abatement Notice requiring the noise to stop. The service of such a notice, would call your Licence to operate into question and may result in this being called into a Licencing Committee hearing.

Should you wish to discuss this further, please do contact me on the above telephone number or email.

Yours sincerely,

Rebecca Duff-Cole
Technical Officer

Appendix 2.2 Email to Mr Wicks 30th June 2023

From: Rebecca Duff-Cole

Sent: 30 June 2023 14:57

To: 'alexwicks1996@gmail.com'

Subject: Alleged noise nuisance emanating from Wicks's Bar Harwich

Dear Mr Wicks,

I hope this email finds you well.

With reference to our previous discussions, I would just like to make you aware that unfortunately this service has received further complaints concerning loud music and bass emanating from Wicks's Bar over the last few weeks.

The complainants have noted some improvements to the noise on occasions however advise it is not consistent.

Reports of loud music and bass have been reported to us on 17th June 2023, 23rd June 2023 and 24th June 2023, occurring between 19:45 and 00:15.

I therefore strongly recommend that steps are taken to reduce the impact of music to nearby residential properties this includes reducing the volume of the music. We have received a number of complaints from residents within Cliff Road, Harwich therefore recommend that noise monitoring is undertaken along Cliff Road, as well as the surrounding area, please ensure that no audible/intrusive music is witnessed from the boundary of the residential properties.

Again, as the Council's Licensing team have already advised you are not licensed for music after 23:00.

We will continue to monitor the situation. This will include the use of written records, Officers monitoring visits and noise monitoring equipment being installed inside complaint's properties.

Should complaints continue to be received and a statutory nuisance is substantiated, the Council has no alternative but to serve a Noise Abatement Notice requiring the noise to stop. The service of such a notice, would call your Licence to operate into question and may result in this being called into a

Licensing Committee hearing.

Should you have any questions concerning this, please do not hesitate to contact me.

Kindest regards,

Rebecca

Rebecca Duff-Cole BSc (Hons)

Technical Officer – Environmental Protection

? 01255 68 6779 ? rduff-cole@tendringdc.gov.uk ? www.tendringdc.gov.uk

Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1TN

Appendix 2.3 Letter to Mr Wicks 11th July 2023



Mr A Wicks
Enterprise Harwich Bar LTD
Wicks's Bar
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Environmental Protection Team
Tendring District Council
88-90 Pier Avenue
Clacton-On-Sea
Essex CO15 1TN

Telephone: 01255 68679
Email: rduff-cole@tendringdc.gov.uk

11th July 2023

Our Ref: 23/02435/NOIMUS

Dear Mr Wicks,

ENVIRONMENTAL PROTECTION ACT 1990

RE: ALLEGED NOISE NUISANCE EMANATING FROM LOUD MUSIC AT WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS

With reference to our visit on 15th June 2023 and previous correspondence, this service is continuing to receive complaints concerning an alleged noise nuisance at the above premises of which you are the owner of. The complaints relate to loud music and bass, occurring from the premises within the evening and into the early hours of the morning.

Most recent reports include loud music occurring on 7th July 2023 and 8th July 2023 between 19:30 and 01:30. The Environmental Protection Act 1990 places a duty on the Council to investigate such complaints and to take appropriate action if a noise is found to be causing a statutory nuisance.

As discussed, we have concerns over the noise levels witnessed inside and outside the premises at the time of our visit. We therefore strongly recommend that you take steps to minimise the impact of the noise, **by reducing the volume of the music and by taking any other such reasonable methods in order to manage and mitigate the noise** so that it does not cause any unreasonable interference with the use and enjoyment of neighbouring properties.

We have received a number of complaints from residents within Cliff Road, Harwich therefore recommend that noise monitoring is undertaken along Cliff Road, as well as the surrounding area. Please ensure that no audible/intrusive music is witnessed from the boundary of the residential properties.

Again, as the Council's Licensing team have already advised **you are not licensed for music after 23:00**.

As stated above, we are duty bound to investigate such allegations and we will continue to monitor the situation. This can include the use of written records, Officers monitoring visits and noise monitoring equipment being installed inside complaint's properties.

Should complaints continue to be received and a statutory nuisance is substantiated, the Council may have no alternative but to serve a Noise Abatement Notice requiring the noise to stop. The service of such a notice, would call your Licence to operate into question and may result in this being called into a Licensing Committee hearing.

Should you wish to discuss this further, please do contact me on the above telephone number or email.

Yours sincerely,



Rebecca Duff-Cole
Technical Officer

Appendix 2.4 Email from Mr Wicks 18th July 2023

From: Alex Wicks <alexwicks1996@gmail.com>

Sent: 18 July 2023 12:20

To: Rebecca Duff-Cole

Subject:Re: Alleged noise nuisance emanating from Wicks's Bar Harwich

Hello Rebecca,

Due to the locals still complaining I will not be using the sound system anymore and just use the ceiling speakers at a low level. I feel like it is unfair that there are still complaints as I know that the music has not been loud after 11pm. I also think it's very unfair when they are putting posts all over facebook of events that do not happen, so I can imagine that they just want us shut down and will do anything to achieve that. I have 100's of happy locals that love the bar and what I have done with the place as Harwich needs more places for the younger and older generation to go and enjoy themselves. Regardless, I will take further steps to reduce noise. I will also have a day where I will invite all locals that have a problem into the bar when I'm closed to discuss any issues that they may have to try and come to a solution.

Kind regards,

Alex

Appendix 2.5 EPA notice and covering letter



Mr A Wicks
Enterprise Harwich Bar Ltd
Wicks's Bar
1 Midland House
High Street
Harwich
Essex
CO12 3PS

20th July 2023

Environmental Protection Team
Tendring District Council
Council Offices
Pier Avenue
Clacton-On-Sea
Essex CO15 1TN

Telephone: 01255 686779
Email: rduff-cole@tendringdc.gov.uk

Our Ref: 23/02435/NOIMUS

Dear Mr Wicks,

ENVIRONMENTAL PROTECTION ACT 1990

RE: EXCESSIVELY LOUD MUSIC EMANATING FROM WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS

With reference to the above, as you are aware this service is in receipt of complaints concerning excessively loud music and bass emanating from Wicks's Bar, 1 Midland House, High Street, Harwich.

The Environmental Protection Act 1990 places a duty on local authorities to investigate such complaints and to take appropriate action if noise considered to be a statutory nuisance exists or is likely to occur or recur.

Officers have undertaken noise monitoring visits and noise recording equipment has been installed within a complainant's property. Audible loud music has been witnessed within the evenings and within the early hours of the morning. It has been substantiated that the loud music is causing a nuisance to nearby residential properties.

Please find enclosed formal notice under the above legislation, which has been served on you as the Designated Premises Supervisor of Wicks's Bar, 1 Midland House, High Street, Harwich, **requiring you to cease the excessively loud music from recorded, amplified and live music at the premises.**

You should read the notice and attached notes carefully to ensure you understand its requirements.

Steps must be taken to ensure that the music and bass from Wicks's Bar in future does not cause any unreasonable interference with the use and enjoyment of neighbouring properties.

It is a criminal offence not to abate the specific noise. Officers will continue to monitor the noise from Wicks's Bar. Failure to comply with the notice may result in further enforcement action being taken against you which may include a review of your premises license, prosecution, seizure or confiscation of the offending equipment.

Those served with an abatement notice can appeal to a magistrates court within 21 days of getting the notice.

Please also be aware that a copy of the formal notice has been sent to the owners of the premises.

Should you have any queries concerning this, please do not hesitate to contact me on the above telephone number or email address.

Yours Sincerely,

Rebecca Duff-Cole
Technical Officer
Environmental Protection Team

23/00038/EP90G
RDC

TENDRING DISTRICT COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990
SECTION 80

Abatement Notice in respect of Statutory Nuisance

To: Mr Alexander WICKS

Of: Enterprise Harwich Bar Ltd, Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Tendring District Council being satisfied of the existence of a statutory nuisance under Section 79 (1)(g) of that Act at premises known as

Neighbouring properties of Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS

Within the district of the said Council arising from:

Excessively loud music

HEREBY REQUIRE YOU as the person responsible for the said nuisance at the premises to **FORTHWITH** from the service of this notice, to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:-

Cease the playing of excessively loud music, of which includes recorded, amplified and live music

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED 20th day of July 2023

(Signed)..... *R. Duff-Cole*
Technical Officer, Environmental Protection Team

Tendring District Council, Council Offices, Pier Avenue, Clacton-On-Sea, Essex CO15 1TN

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes attached to this form.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990

2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:-

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within a section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes. that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the control of pollution 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) That in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the noise and statutory nuisance 1993 act (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment. and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

APPENDIX A

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal:

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Appendix 2.6 Email sent to Mr Wicks 20th July 2023

From: Rebecca Duff-Cole

Sent: 20 July 2023 14:19

To: 'Alex Wicks'

Subject:RE: Alleged noise nuisance emanating from Wicks's Bar Harwich

Attachments: COPY of EPA notice Wicks's Bar 20.07.23.pdf

Importance: High

Dear Mr Wicks,

Thank you for your email.

I have tried to contact you to discuss this.

As you are aware, we have received a number of complaints in relation to loud music and bass emanating from Wicks's Bar and have been monitoring the situation with noise monitoring equipment and Officer monitoring visits over the past weeks.

Despite recommendations from this team, the Council's Licensing team and Essex Police to the reduce the volume of the music from the amplified speakers at Wicks's Bar we have continued to receive a number of complaints over the past weeks concerning loud music and bass.

Officers from the Environmental Protection team have witnessed noise nuisance from loud music emanating from the premises. We are satisfied that the noise from the loud music is causing a statutory nuisance and therefore we will be serving a formal noise abatement on you as the Designated Premises Supervisor of Wicks's Bar. The notice will require you to cease the playing of excessively loud music, of which includes recorded, amplified and live music.

You will receive the notice in the post and you should read the notice and attached notes carefully to ensure you understand its requirements. I have attached a copy of the notice for your reference.

The manner in which you comply with the requirements of the notice will be for you to decide. However, reasonable steps to comply with the notice could include ceasing the use of the sound system as you have stated within your below email.

Should you have any questions concerning this please do not hesitate to contact me.

Kindest regards,

Rebecca

Rebecca Duff-Cole BSc (Hons)

Technical Officer – Environmental Protection

? 01255 68 6779 ? rduff-cole@tendringdc.gov.uk ? www.tendringdc.gov.uk

Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1TN

Appendix 2.7 Email sent to Mr Wicks 3rd August 2023

From: Katie Wesley-Smith

Sent: 03 August 2023 13:54

To: 'alexwicks1996@gmail.com'

Cc: Licensing Section; Rebecca Duff-Cole

Subject: WICKS Bar, High Street, Harwich

Good Afternoon Mr WICKS – I have received a communication from colleagues in the Councils Licencing Team regarding a request for an event to take place at Wicks's Bar.

As you are aware my colleague, Rebecca DUFF-COLE, has been liaising with you in relation to the formal noise complaints, from several residential premises, that this Team has received in relation to the excessively loud music emanating from the bar, alongside complaints of breaches in respect of the times music is being played.

Monitoring was undertaken and as a result of the monitoring, a formal noise abatement notice was served on you, as the person responsible, on the 20th July 2023. This was sent to you via email (this email address), and via first class Royal Mail postal service.

The notice required you to cease the playing of excessively loud music.

Please be aware the notice is still in force and should officers from the Environmental Protection Team substantiate any breaches of the abatement notice, we will pursue further action, of which can include formal prosecution under The Environmental Protection Act 1990, or a referral back to the Councils Licencing Committee.

In respect of your enquiry concerning holding this intended event, we will require you to submit information pertaining to how you intend to manage the music, and confirmation of the times as to when you wish the music to be played, and when it will cease.

Should the information not be submitted within a timely manner prior to the event, or if it does not evidence reasonable control or management of noise from the premises, we will have to lodge an objection.

Should you have any queries concerning this, please do not hesitate to contact this Team using the environmental.services@tendringdc.gov.uk, marking it for the attention of the Environmental Protection Team – using the above email address will ensure it is passed onto the relevant officer and is recorded.

Regards

Katie W Smith BSc (Hons) MCIEH CEnvH

Chartered Environmental Health Practitioner

Environmental Protection Team Manager

Tel: 01255 686 763 / 686 767

Email: kwesley-smith@tendringdc.gov.uk / environmental.services@tendringdc.gov.uk

Appendix 2.8 Email sent to Mr Wicks on 21st August 2023

From: Rebecca Duff-Cole

Sent: 21 August 2023 15:58

To: 'alexwicks1996@gmail.com'

Cc: Licensing Section

Subject: Wicks's Bar, High Street, Harwich

Dear Mr Wicks,

Just to again make you aware that Officers are continuing to monitor the loud music and bass from Wicks's Bar since the service of the noise abatement notice on 20th July 2023.

On Saturday 19th August 2023, an out of hours noise complaint was received concerning loud music from Wicks's Bar and Officers undertook a noise monitoring visit.

Firstly, I would like to thank you for your efforts made to reduce the music after 11:00pm. Complainants have informed us that there has been a reduction in music after 11:00pm and this was witnessed by Officers on Saturday 19th August 2023.

However we are still in receipt of complaints and Officers have concerns over the volume of the music and level of the bass before 11:00pm emanating from Wicks's Bar. Officers witnessed loud bass from the Wicks's Bar during the monitoring visit from approximately 10:25pm up until 11:00pm on Saturday 19th August 2023. The bass was witnessed audible and loud 40 - 50m away from the premises, at the front boundary of residential properties along Cliff Road, Harwich.

We therefore strongly recommend that the music and bass is reduced at the premises. This is to ensure compliance of the notice and so that the music and bass does not cause any unreasonable interference with the use and enjoyment of neighbouring residential properties. Loud noises from patrons at the front of the premises was also noted throughout our noise monitoring visit. Management of the outdoor area is important, regular monitoring and control essential. It may be appropriate to restrict or prohibit public access to front area late in the evening and night, to adequately control the noise.

Please also ensure that you are monitoring from the curtilage of your premises and at nearby residential properties throughout evening/night, to ensure that any noise is not causing a nuisance. You should keep a written record of this.

Should you wish to discuss this further please do not hesitate to contact me.

Kindest regards,

Rebecca

Rebecca Duff-Cole BSc (Hons)

Technical Officer – Environmental Protection

? 01255 68 6779 ? rduff-cole@tendringdc.gov.uk ? www.tendringdc.gov.uk

Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1T

Appendix 2.9 Formal breach letter sent to Mr Wicks on 14th September 2023

Tendring
District Council



Mr A Wicks
Enterprise Harwich Bar LTD
Wicks's Bar
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Environmental Protection Team
Tendring District Council
88-90 Pier Avenue
Clacton on Sea
Essex
CO15 1TN

Tel: (01255) 686779
Email: rduff-cole@tendringdc.gov.uk

14th September 2023

Our Ref: 23/02435/NOIMUS

Dear Mr Wicks,

ENVIRONMENTAL PROTECTION ACT 1990
RE: A WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS

Further to my email sent to you on 21st August 2023, I am writing to inform you that this service is still in receipt of complaints concerning loud music and bass emanating from Wicks's Bar.

As you are aware a noise abatement notice was served on 20th July 2023, a breach of a noise abatement notice can result in a prosecution against the recipient.

On Friday 8th September 2023 and Saturday 9th September 2023, out of hours noise complaints were received concerning loud music and bass from Wicks's Bar and Officers undertook a noise monitoring visits.

Officers witnessed noise nuisance on Friday 8th September between 21:48 to 22:25 and on Saturday 9th September between 22:37 to 23:00 emanating from Wicks's Bar.

Where the Council is satisfied that a premises is causing further noise nuisance, legal proceedings may be commenced, which could lead to a fine upon conviction of up to £20,000 and seizure of all noise making equipment. Further to this, the Environmental Protection team are considering call for a Review of the Premises License if the issue of noise nuisance is not resolved.

We strongly recommend that the music and bass is reduced at the premises and steps are taken to mitigate the noise from the amplified music. This is to ensure compliance of the notice and so that the music and bass does not cause any unreasonable interference with the use and enjoyment of neighbouring residential properties.

In writing this letter, this is the final warning prior to undertaking the above mentioned actions if there is no improvement within the situation.

The Environmental Protection team are happy to assist and discuss recommendations in order to mitigate the noise from the premises.

APPENDIX A

Should you wish to discuss this matter further or wish to arrange another site meeting please do not hesitate to contact me on the above contact number or email address.

Yours sincerely,

Rebecca Duff-Cole
Technical Officer

Appendix 2.10 Formal breach email sent to Mr Wicks on 14th September 2023

From: Rebecca Duff-Cole

Sent: 14 September 2023 13:37

To: 'Alex Wicks'

Cc: Licensing Section

Subject:RE: Wicks's Bar, High Street, Harwich

Attachments: Mr Wicks Letter 14.09.23.pdf

Dear Mr Wicks,

Please find attached letter which has also been sent out to you.

We are still in receipt of complaints and Officers still have concerns over the volume of the music and level of the bass before 11:00pm emanating from Wicks's Bar.

Officers witnessed noise nuisance on Friday 8th September between 21:48 to 22:25 and on Saturday 9th September between 22:37 to 23:00 emanating from Wicks's Bar.

Where the Council is satisfied that a premises is causing further noise nuisance, legal proceedings may be commenced, which could lead to a fine upon conviction of up to £20,000 and seizure of all noise making equipment. Further to this, the Environmental Protection team are considering call for a Review of the Premises License if the issue of noise nuisance is not resolved.

We strongly recommend that the music and bass is reduced at the premises and steps are taken to mitigate the noise from the amplified music. This is to ensure compliance of the notice and so that the music and bass does not cause any unreasonable interference with the use and enjoyment of neighbouring residential properties.

Officers will continue to monitor the loud music and bass from Wicks's Bar.

Should you wish to discuss this further please do not hesitate to contact me.

Kindest regards,

Rebecca

Rebecca Duff-Cole BSc (Hons)

Technical Officer – Environmental Protection

? 01255 68 6779 ? rduff-cole@tendringdc.gov.uk ? www.tendringdc.gov.uk

Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1TN

Appendix 2.11 Formal letter sent to Mr Wicks on 4th October 2023

Tendring
District Council



Mr A Wicks
Enterprise Harwich Bar LTD
Wicks's Bar
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Environmental Protection Team
Tendring District Council
88-90 Pier Avenue
Clacton on Sea
Essex
CO15 1TN

Tel: (01255) 686779
Email: rduff-cole@tendringdc.gov.uk

4th October 2023

Our Ref: 23/02435/NOIMUS

Dear Mr Wicks,

**ENVIRONMENTAL PROTECTION ACT 1990
RE: WICKS'S BAR, 1 MIDLAND HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS**

Further to my previous letter, and telephone calls on 26th September 2023 and 28th September 2023, as you are aware a noise abatement notice was served on 20th July 2023 and breaches of the notice have been witnessed on 8th and 9th September 2023.

On 30th September 2023, Officers received a number of out of hours noise complaints concerning excessively loud music and bass emanating from Wicks's Bar.

Officers attended and witnessed noise nuisance on 30th September 2023 between 20:37 – 20:58 emanating from the music and bass at Wicks's Bar. The music and bass was excessively loud and audible over 90metres away from the premises.

The Environmental Protection team have now triggered a Review of the Premises Licence.

Furthermore, as previously advised where the Council is satisfied that a premises is causing further noise nuisance, legal proceedings may be commenced, which could lead to a fine upon conviction of up to £20,000 and seizure of all noise making equipment. **We are now left with no alternative other than to refer this case file over to our Legal Team, to assess for prosecution for non-compliance.**

Again, we strongly urge that the music and bass is significantly reduced at the premises and steps are taken to mitigate the noise from the amplified music. This is to ensure compliance of the notice and so that the music and bass does not cause any unreasonable interference with the use and enjoyment of neighbouring residential properties.

Yours sincerely,

Rebecca Duff-Cole
Technical Officer

Appendix 3.1 Witness Statement Rebecca Duff-Cole

Statement of Witness

STATEMENT OF Rebecca Duff-ColeAge of Witness (if over 18, enter "Over 18): **Over 18**Occupation of Witness: **Environmental Protection Technical Officer**

The following statement, consisting of 2 pages all 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

Dated the 18 day of October 2023

Signature..... *R. Duff-Cole*

I am Rebecca Duff-Cole and I have been employed by Tendring District Council since November 2016 within the Environmental Service Team. I have been a Technical Officer within the Environmental Protection team since April 2019. I hold a BSc degree in Environmental Management.

On 8th September 2023 I was working with Larissa Scotney, Environmental Protection Technical Officer undertaking out of hours noise complaint visits. Whilst we were out we received a call to advise an out of hours noise complaint had come in regarding loud music from Wicks's Bar.

We arrived at High Street Harwich at 21:48 and parked the car. We walked towards Wicks's Bar. The bass from Wicks's Bar was audible from 55meters away. We walked to the front of the premises and noted that the front door was left open. There were no door staff at the premises. The music and bass was audible at the front of the premises. There were a handful of patrons at the front of the premises. We witnessed the noise from the boundary of Steele House, High Street which was approximately 20meters away from the premises. The music was dance music and drum and bass. The music was excessively loud and we were satisfied that the music was a breach of the notice and causing a statutory nuisance. We then monitored the noise further down Cliff Road approximately 30meters away. The music was loud and the bass was audible. We went further down Cliff Road approximately 45meters away the volume of the music and bass started to decrease but was still audible. At time we could hear the patrons shouting and laughing over the music.

Signature ... *R. Duff-Cole* Date: 18.10.23

We knocked at and spoke to the residents at [REDACTED] and witnessed the noise inside their property. Their property is approximately 45meter away from the premises. The noise was not significantly loud inside their property but the bass was audible. They advised that they are unable to sleep in their front bedroom tonight and will sleep in the back room so they are not disturbed by the noise from Wicks's Bar. The residents shared their frustrations with the premises and the ongoing issues.

We left the site at 22:25 and the music was still excessively loud from Wicks's Bar and heard 45m away.

Signature ... *R. Duff-Cole* Date: 18.10.23

Appendix 3.2 Witness Statement Rebecca Duff-Cole

Statement of Witness

STATEMENT OF **Rebecca Duff-Cole**Age of Witness (if over 18, enter "Over 18"): **Over 21**Occupation of Witness: **Environmental Protection Technical Officer**

The following statement, consisting of 2 pages all 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

Dated the 18 day of October 2023

Signature..... *R. Duff-Cole*

I am Rebecca Duff-Cole and I have been employed by Tendring District Council since November 2016 within the Environmental Services team. I have been a Technical Officer within the Environmental Protection team since April 2019. I hold a BSc degree in Environmental Management.

On 9th September 2023 I was working with James Bates, Environmental Protection Officer undertaking out of hours noise visits. Whilst we were out in Harwich Mr Bates received a call from Careline advising that a noise complaint had been received concerning loud music from Wicks's Bar.

We arrived at Cliff Road, Harwich at 22:37 and parked the car. We walked towards Wicks's Bar and could hear the bassline of the music from Wicks's Bar. We witnessed the noise from the front boundaries at the nearby residential properties approximately 20m, 30m and 40m away from the premises. The music from Wicks's bar was dance and drum and bass music. There was a heavy bassline and the lyrics of songs were clear a times. The level of the bass and volume of the music did flocculate depending on the song being played. We witnessed the noise for approximately 20minutes along Cliff Road and the High Street. The music was excessively loud and we were satisfied that it was a breach of the noise abatement notice. The music was loud at the front boundary of the nearby property and no doubt would be intrusive and affecting them inside their properties. The music appeared to be louder than the previous night,

Signature .. *R. Duff-Cole* Date: 18.10.23

Page 1 of 2

There were a handful of patrons outside the front of the premises standing up. I could hear the voices of patrons, talking, shouting and laughing from 30 meters away over the music at times.

We knocked on the door of the resident who called into Careline at [REDACTED] [REDACTED]. They advised us that the music had been turned down and was louder when they called in.

We left the site at 23:00 and the music has been turned off and was no longer audible from outside the premises or at the front boundaries of the properties.

Signature .. *R. Duff-Gole* Date: 18.10.23

Appendix 3.3 Witness Statement Katie Wesley-Smith

Statement of Witness

Statement of: Katie WESLEY-SMITH

Age of witness: Over 21

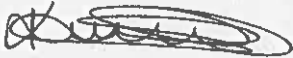
Occupation of witness: Environmental Protection Team Manager, Chartered Environmental Health Practitioner

The following statement, consisting of 3 pages all 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

Dated the 20th October 2023

Signature 

1. My name is Katie **WESLEY-SMITH** and I have been employed as a member of Tendring District Council’s Environmental Health Team since January 2008. I hold a first-class honours degree BSc in Environmental Health and a Chartered Accreditation from the Chartered Institute of Environmental Health. My current position within the team is as the Environmental Protection Team Manager. I deal with all manner of nuisance and public health complaints, including those of noise nuisance from Licenced premises.
2. On Saturday the 30th September 2023, I attended an out of hours monitoring visit to Wicks’s Bar, High Street, Harwich, CO12 3PS, alongside my colleague Rebecca DUFF-COLE (RDC). The

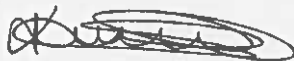
Signature 

Date: 20th October 2023

monitoring visit was in response to concerns over excessive noise emanating from Wicks's Bar, concerning a planned event being held between the hours of 12:00 to 23:00. In addition officers were also undertaking a compliance check with the formal noise abatement notice that had been served on the Licence holder in July 2023, under The Environmental Protection Act 1990, due to excessive noise from music being played at the premises.

3. The premises is located on the ground floor of Midland House. The premises comprising of two floors and would be referred to as a mixed commercial and residential premises. The upper floor is residential, the ground floor comprises commercial units. The frontage of the premises is onto the High Street, Harwich, facing a number of commercial units, and residential flats. Areas to the south, east and west are predominantly residential premises comprising of town houses, flats and basement flats.
4. We arrived at the High Street Car Park at approximately 20:35 and walked from the car park up to the premises. Officers noted the weather conditions at the time of the visit to be 17c, westerly light winds/moderate gusts of winds at times, it was dark with 100% cloud cover.
5. We noted a large number of patrons congregating outside the front of the bar, associated noise from the patrons and a loud bass sound was clearly audible when passing. We positioned ourselves on Cliff Road – as shown in map submitted as evidence marked **KWS1**.
6. Music and bass were clearly audible approximately 90m away from the premises and considered loud by officers.
7. At approximately 20:45 officers witnessed loud music and bass whilst on the front boundary of several residential properties within Cliff Road. Officers noted that the excessively loud music and bass witnessed, would be considered to have a material impact on nearby residential properties, and were satisfied the current level of music and bass emanating from the site, is a statutory nuisance; therefore the formal notice served on the licence holder for Wicks's Bar and the formal guidance and advice given to the licence holder by Officers of Tendring District Council in relation to minimising impact to nearby residents, had not been followed and as such the formal notice had not been complied with. Officers also concluded

Signature



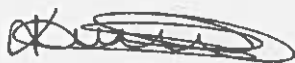
Date: 20th October 2023

Page 2 of 3

that the level of noise emanating from the bar would be audible within the internal areas of nearby residential premises, and as such would have a detrimental impact on residents.

8. Officers also noted accumulations of cigarette ends on the pavement outside the premises, as well as some broken glass. In addition, the noise generated by patrons congregating outside the premises, could be considered a public nuisance under the relevant Licencing Objectives in accordance with The Licencing Act 2003 .
9. We left the site at approximately 21:00, where the music and bass were still audible.

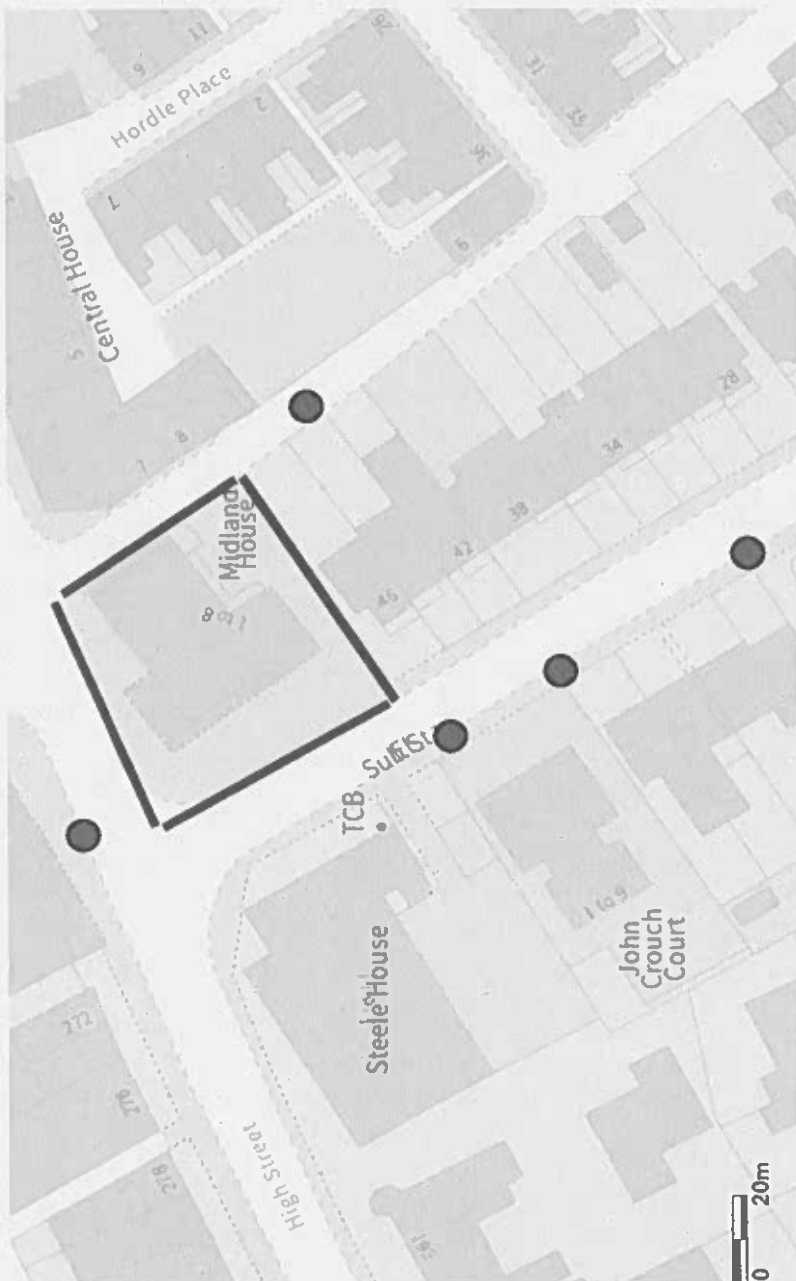
Signature



Date: 20th October 2023

Page 3 of 3

KWS1 – site plan and monitoring positions
23/04439/LIQU: Wicks's Bar, 1 Midland House, High Street, Harwich, CO12 3PS



Wicks's Bar shown outlined in RED
Officers Monitoring Positions shown in BLUE

Appendix 4.1 – Resident A Impact Statement

Statement of Witness

STATEMENT OF [REDACTED]

Age of Witness (if over 18, enter "Over 18"): [REDACTED]

Occupation of Witness: [REDACTED]

The following statement, consisting of 2 pages all 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

Dated the 25th day of October 2023

Signature [REDACTED]

When I heard that Wicks's bar was opening at the beginning of May 2023 I must admit my heart sank as I knew what was ahead. I contacted the manager the night before they were due to open and asked if they would be more considerate to local residents than the previous tenants and he assured me, via Facebook messenger, that music would be turned down at 11pm. However that weekend was a bank holiday and unfortunately the music was played at excessive levels & customers were stood outside shouting & screaming at each other. every evening:

- 05.05.23 19.45-01.45-loud music and customer noise
- 06.05.23 20.30-01.45-loud music and customer noise
- 07.05.23 20.00-01.45-loud music and customer noise

On the night of 27.05.23 I messaged the owner at 23.25 asking if the music could be turned down-it had been extremely loud and could be clearly heard at the other end of the street.The volume was so high that even with our windows closed tight we could still hear the music and noise from outside.The owner/manager claimed that he had not been on the premises and would now turn it down however it was still audible in our home.

27.05.23 20.00-01.30-loud music and customer noise.

02.06.23 & 03.06.23 20.00-01.30 music was again played at such a volume that it could clearly be heard in my home with all the windows shut. The manager had said earlier in the week on a Facebook post that customers would be moved inside the premises at 12pm and

Signature [REDACTED]

Date: 25.10.23

the front doors would be closed to minimise the noise however despite me messaging him twice on the evening of 02.06.23 at 23.27 & 00.26 nothing was done.

On 04.06.23 I emailed the environmental services team to inform them that I had a noise complaint. Two months of every weekend being disrupted by the noise from Wicks's bar due to music levels, customers outside shouting and very often fighting, the sound of glasses & bottles being smashed were having a negative effect on mine and my family's quality of life. We were tired due to either not being able to get to sleep or being woken up by fighting outside or the police turning up which was becoming an almost weekly affair. I was dreading the weekends as I knew it would be impossible to get to sleep or relax.

Sadly the music continued to be played at ridiculously high levels all through June 2023 and into July 2023. I messaged the owner several times asking for the music to be turned down however these messages were ignored.

09.06.23-10.06.23 music was clearly audible until 23.30hours and then the volume was increased significantly

17.06.23 20.30-01.30 music clearly audible then volume increased at 23.15 hours making getting to sleep impossible until they finally closed and the customers finally left the area.
 23.06.23 20.15-01.30 extremely loud music making getting to sleep impossible- had to close all windows tight and use earplugs to sleep.

27.06.23 23.50-12.30 extremely loud music which woke me up

30.06.23 19.30-01.30 clearly audible music in our home making getting to sleep impossible
 01.07.23 20.00-01.30 loud music & noise from customers on smoking area and pavement
 07.07.23 23.00-01.30 loud music which had volume increased at 23.30 until closing,customers outside very loud

08.07.23 19.00-01.30 music audible until 00.00 then volume increased significantly

10.07.23 I emailed both environmental and licensing departments to lodge another noise complaint. The noise levels were getting worse, customers were outside on the smoking area and on the pavement directly outside and across the road making loads of noise. That same evening, a Monday, there was extremely loud music from 20.00-01.00hrs. The bar was open until 3am-there were 2 fights at the premises which spilled outside which resulted in the police attending twice. My email resulted in noise monitoring equipment to be installed in my home by the environmental team over the weekend of 14/15/16 July 2023.

Sadly despite a noise abatement being served on Wicks's the noise continued albeit lower after 11pm, fights were breaking out nearly every week, the bar remained open long after it's opening hours, I sent the environmental dept, licensing dept and Ivan Henderson a diary and photos of the bar remaining open until at least 02.30am.

Signature



Date: 25.10.23

28.07.23 bar remained open until at least 02.30, police called to attend a huge fight at premises. Customers hung around until around 3am

29.07.23 music was on until at least 01.30 when they do not have a late music license.
05.08.23 customers extremely loud outside premises until 02.00.

11.08.23 music from 20.00-21.30 at a high volume, turned down then off at 02.00.
Customers outside until 02.40 running across the road, moving road cones & turning off temporary traffic lights, staff left the premises and did nothing to move them along.

12.08.23 20.00-23.00 extremely loud music

09.09.23 I called Careline to report the music as it was so loud-officers from environmental attended.

30.09.23 called Careline as music from a charity event had been played exceedingly loud from 13.30- I reported it around 17.30 when I'd had enough of the constant bass.

I cannot downplay the impact this place has had on my own and my family's quality of life- we are exhausted from lack of sleep at weekends, we are unable to relax in our home or garden due to the noise from Wicks's. There is constant worry that our cars will be damaged or that customers will take it upon themselves to urinate in our garden or on our fences- this has been witnessed. We are snappy with each other as we are so stressed with the situation. I absolutely dread weekends as I know there will be noise, often fighting and police attending. We should be able to walk along the road without seeing lots of broken glass in the streets or not have to see drug dealing going on at the end of our road. My daughter has had to call the police when a fight broke out and watch in disbelief as staff and police did nothing. When you have to get up at 5am every weekday morning for work weekends at home should be something to look forward to however I start dreading them from Thursday onwards as I know it will be anything but relaxing in the evenings. I run a [REDACTED] which means I need to be completely alert and on it as I am dealing with small children, parents, social services and other agencies- I need my time at home to be relaxing and a place to escape the stresses of the week. I shouldn't have to be thinking it's not worth going to bed until at least 2am because I wouldn't be able to get to sleep anyway. We shouldn't have to feel like it's better to be out somewhere or go away because it's more peaceful. Our home should be our sanctuary and it's not. The whole time Wicks's has been open has been nothing short of a nightmare, messages to the manager are ignored- he suggests going to see him face to face however it is such an intimidating place that I couldn't face doing it. At one point over the summer we even discussed selling our home of over 20 years just to get away from the noise. It's not fair, local residents should be able to enjoy their homes without worrying what is happening across the road.

Signature

[REDACTED]

Date: 25.10.23

Appendix 4.2 – Resident B Impact Statement

Statement of Witness

STATEMENT OF

Age of Witness (if over 18, enter "Over 18): Over 18

Occupation of Witness:

The following statement, consisting of 2 pages all 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

Dated the day of

Signature.....

I would kindly ask at this stage that TDC uphold full data protection and that my personal details - name address mobile - are redacted from my submission for reasons previously discussed.

The opening of Wicks Bar in May 2023 has had a very negative affect on my quality of life. I work long shifts - weekdays & weekends - as my work as a specialist nurse dictates. I get up for work at 0500 and return home after 1830. I have been unable to rest in my home. I never know if I will sleep through the night or be woken (bass/ music/ customers) . I am fearful that this unrelenting disturbance will have a negative impact on my ability to undertake my public duties of practice.

The continued anti-social behaviour created by the venue - outside on the deck area and behind in the car park area - that spills into the residential road both during opening hours and at closing time when customers are frequently involved in arguments, screaming, shouting, hanging around, cars pulling up and screeching away, observed but anecdotal drug use/ selling, vomit and broken glass. This has often resulted with local police presence. This consistent drain on local police service is apparent to us as residents. This regularly occurs on Friday & Saturday any time from 0100 to after 0300 - there have also been incidents outside of these hours. Residents have a fundamental right to an adequate standard of living allowing rest and relaxation. This disruption of sleep is intolerable and unrelenting. If the Licensee has been given guidance and taken measures to

Signature Date:

address this, they have been lacking and ineffective without any positive impact. Where is the refusal/ incident register? Who is on the banned list?

The Licensee ignored licence criteria for many months from opening in May 2023 - allowing loud music & bass to be played after 2300 up until the early hours of the morning, mostly Friday & Saturday but also on occasion midweek nights. Music and bass are so loud that it is clearly audible from inside my home over approx 80 metres away . During the summer all windows and doors had to be closed and despite this, the music and bass remained audible inside even with the TV on. This prevented me from relaxing in my garden and sleeping in my bedroom - having to sleep in a back room where the music & bass - whilst still audible - was a little less so. This is a regular and ongoing problem and causes disturbance to sleep. I have submitted regular diarised comments of such activity. The Licensee recently held a DJ event and curtains had been hung to reduce sound. I can tell you that no reduction to sound was achieved. Would the Licensee tolerate such an intrusion on his family & children's home lives? I understand that members of the Environmental Team have witnessed these disruptions themselves. The intrusion on my household is intolerable and unreasonable.

I understand that there have been many opportunities for the venue to follow advice & guidance and yet these problems still remain. Given this point, it is reasonable to offer that any tweak to the detail of the licence will be yet again ignored. An attitude of “we don't really care” is conveyed and since Mr Wicks appears to be incapable of the responsibility that comes with such a venue, I might suggest that a full review of the License and indeed a review of the all the terms of any business operating from this venue is now well overdue.

Signature Date:

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OFFICIAL SENSITIVE

Schedule 12

Part A

Regulation 33,34

Tendring District Council

Premises Licence

Premises Licence Number

23/00291/PREMTR

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Enterprise Harwich Bar LTD
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Telephone number

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

Sale of Alcohol on and off the premises
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol on and off the premises

Monday to Thursday	12:00 - 00:00
Fridays and Saturdays	12:00 - 01:30
Sunday	12:00 - 00:00

Late Night Refreshment

Monday to Thursday	23:00 - 00:00
Fridays and Saturdays	23:00 - 01:30
Sunday	23:00 - 00:00

Non Standard Timings

None

The opening hours of the premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 00:00

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

Supplies of alcohol on and off the premises

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

Enterprise Harwich Bar LTD
1 Midland House
High Street
Harwich
Essex
CO12 3PS

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

Registered Business Number: 14769868

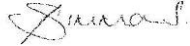
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Alexander Wicks
25 Oakley Road
Dovercourt
Harwich
Essex
CO12 4QZ

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

Personal Licence Number	TDX2431
Licensing Authority	Tendring District Council

for and on behalf of the Licensing Authority



Keith Simmons
Head of Democratic Services and Elections (Governance)

Dated: 09 May 2023

Annex 1 – Mandatory conditions

- 1 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 (1) Schedule 1(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) Schedule 1(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.
- 4 Door Staff
 1. Where people are used as door/security staff, they must be currently licensed by the Security Industry Authority or exempt under Section 4 of the Private Security Industry Act 2001.
- 5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 6 The responsible person 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—

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- (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 -

$$P = D + (D.V)$$

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) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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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 consistent with the Operating Schedule

- 1 The Licence Holder/DPS will keep a refusal/incident book to record all refusals, or persons challenged for ID relating to the sale of alcohol. This record will be produced to the Police or Licensing Authority for inspection on request.
- 2 The premises will operate a "Challenge 25" scheme, or equivalent, requiring those appearing to be 25 years or under to be asked for accredited identification as to their age.
- 3 Notice asking customers to leave the premises quietly and respect. We have standard wording on one of the conditions.
- 4 Relevant staff training within their roles & responsibilities in relation to the sale of alcohol and underage drinking. These records must be kept up to date and made available upon reasonable request to authorised officers.

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

None

Annex 4 – Plans

Plans are attached to this Licence

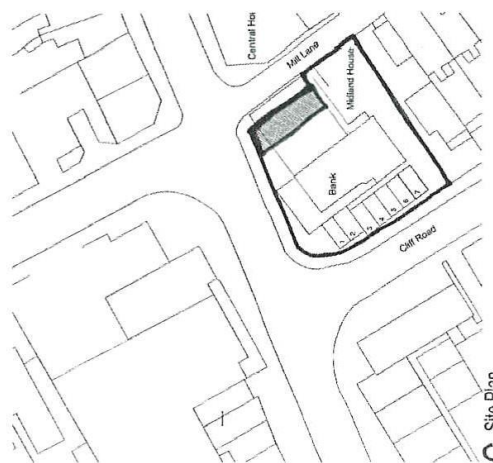
NOTES

1. All dimensions are in millimeters
2. Dimensions are not to be scaled directly from this drawing
3. All dimensions to be checked on site and any discrepancies before construction commences
4. All references to drawings refer to the current version of that drawing
5. All information shown is indicative only. Refer to Consultants drawings for details and setting out.

REV	Description	DATE	BY	CHK

COLIN BARNARD ARCHITECT
 THE RYSE FARM
 WHEATCOMMON LANE
 ASHFORD BOVDLER
 SHROPSHIRE
 SY8 4AE
 01884 831128
 MOBILE 07998 193659
 EMAIL: colin@cbarnard.co.uk
 Job No: 1
 MIDLAND HOUSE
 BELLA PIZZA
 OF USE
 Drawing title: PROPOSED CHANGE
 Date: SEP-2010
 Scale: 1:1000/2
 Drawn by: GJB
 Checked: _____
 Date: _____

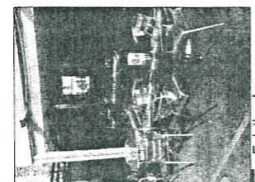
09026 (5-) D PP-01 A
 Scale: 1:1000/2
 Date: _____



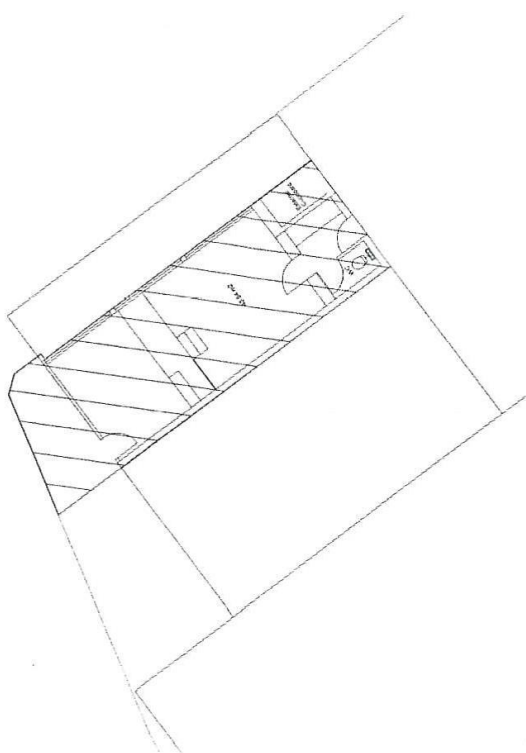
C Site Plan
Scale 1:500



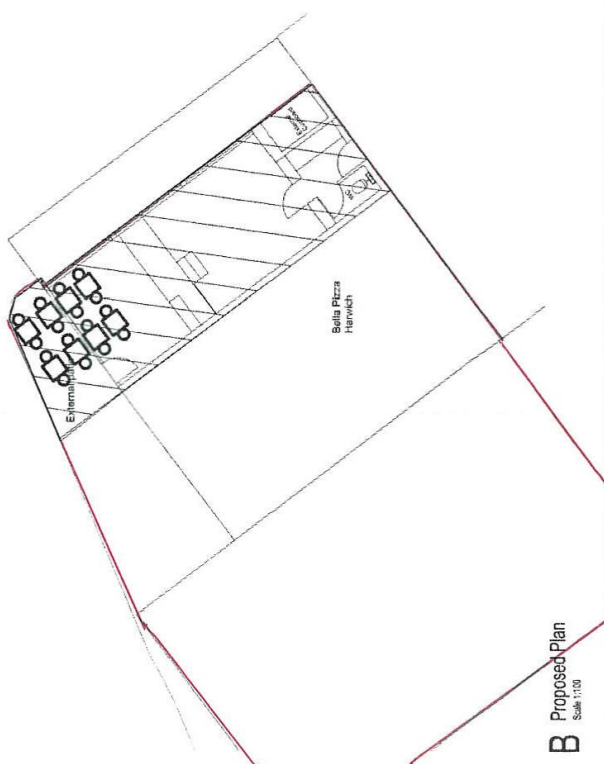
D Location Plan
Scale 1:1250



E Existing Image



A Existing Plan
Scale 1:100



B Proposed Plan
Scale 1:100

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Report Ref. **CLI0539/R1/Rev.A**

Noise Impact Assessment Report for Licensing

Wicks's Bar, 1 Midland House, High Street, Harwich,
Essex, CO12 3PS

01 November 2023

Report prepared for:
Enterprise Harwich Bar Ltd

Report prepared by:
Alex Hancock (PG Dip (IOA), MIOA)

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01245 800105

Document Information

Key information	
Client	Enterprise Harwich Bar Ltd
Project	Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS
Added Project Info	Noise Impact Assessment Report for Licensing
Author	Alex Hancock PG Dip (IOA), MIOA
Report No.	CLI0539/R1/Rev.A
Latest Revision	
Date	01 November 2023
Revision No.	Revision A
Details	First Issue of Report

Summary

Harwich Bar Enterprise Ltd has appointed Climate Acoustics to complete a noise survey, noise impact assessment and technical acoustic report to support the licensing application for the existing single-storey bar/ club premises at Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS.

As part of reviewing the premises license or club premises certificate under the Licensing Act 2003, Tendring District Council's objective is 'the prevention of public nuisance' relating to excessive noise from Wick's Bar.

Tendring Council's Environmental Protection team has also witnessed breaches of the noise abatement notice on 8th September 2023, 9th September 2023 and 30th September 2023 (noise abatement notice served to the client on 20th July 2023).

Climate Acoustics will assess the increase in noise level due to the operation of the bar/ club premises and, if required, suggest further appropriate mitigation measures to reduce noise emissions.

[Appendix A1](#) of this report shows a noise survey from Wednesday 25th October 2023 to Thursday 26th October 2023. The bar/ club premises will operate from 6 pm to Midnight on Monday to Thursday, 4 pm to 1:30 am on Friday to Saturday, and 4 pm to Midnight on Sunday. *Note: noise would be more noticeable during the late evening/ night when the existing background noise is lower & less road traffic affects the background noise level.*

Noise Impact Assessment from Bar/ Club Premises Noise on the Nearest Noise Sensitive Residents:

Noise impact from the existing bar and club premises to the nearest noise-sensitive receptors is not expected to cause a significant impact if the **Noise Management Plan** recommendations in [Section 5](#) of this report and the **Noise Management Policy Statement** shown in [Section 6](#) of this report is implemented.

The summary of the Noise Management Plan ([Section 5](#)) is outlined below, including the following noise reduction measures:

- **Noise Control – Sound System:** The sound system has a noise limiter applied, as detailed in [Section 5.1](#) of this report is implemented.
- **Noise Control - Remedial Works/ Soundproofing:** The noise management plan recommendations listed in [Section 5.2](#) of this report are implemented.
- **Noise Control – Patron Noise in Front Decking Seating Area:** The outdoor front decking seating area should have a restricted number of people using it from 11 pm onwards to minimise noise impact, and the noise management plan recommendations in [Section 5.3](#) of this report should be implemented to minimise noise.
- **Noise Control – Operational Noise:** A comprehensive **Noise Management Policy Statement** will operate at the site, as [Section 6](#) of this report shows. This policy document will be regularly reviewed and updated.

Important: It is recommended that before the client selects/ purchases any building materials, products and design proposals considered, the main contractor should contact their acoustic consultant (Climate Acoustics) to clarify if the selected acoustic performance is sufficient.

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1 Introduction

Harwich Bar Enterprise Ltd has appointed Climate Acoustics to complete a noise survey, noise impact assessment and technical acoustic report to support the licensing application for the existing single-storey bar/ club premises at Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS.

Tendring District Council does not have specific noise criteria, but to avoid future noise nuisance to the nearest residents, we have reviewed the relevant criteria ([Section 2](#) of this report) and measured noise levels at the site by completing a noise survey ([Section 3](#)).

Climate Acoustics will assess the increase in noise level due to the operation of the bar/ club premises and if required, suggest further appropriate mitigation measures to reduce noise emissions.

1.1. Site Description

[Figure 1](#) shows where the existing ground floor level bar/ club building is located on the High Street in Harwich, highlighted in red. [Appendix B](#) shows the site location and photos of the existing bar club premises building.

[Section 3.2](#) of this report discusses the site's noise climate. The current noise climate was dominated by road traffic noise from High Street. For the noise survey, the existing bar/ club simulated the sound system without patrons between 21:48 and 23:20 on Wednesday 25th October 2023.

[Section 4](#) of this report considers external noise breakout from the bar/ club (and associated outdoor area) affecting nearby noise-sensitive residential receptors.

Figure 1 – Google Earth™ image showing the site description.



2 Noise Criteria

A noise impact assessment and acoustic report are required to avoid noise nuisance to the nearest residents from the bar/ club, as detailed in [Section 2](#) of this report, which outlines music/ entertainment noise guidance.

2.1. Licensing Act 2003:

Tendring District Council has a duty under the Licensing Act 2003 to determine its policy, exercise its licensing functions, and publish a statement of that policy.

As part of reviewing the premises license or club premises certificate under the Licencing Act 2003, Tendring District Council's objective is *'the prevention of public nuisance'* relating to excessive noise from Wick's Bar.

2.2. Noise Abatement Notice (Issued 20th July 2023):

Tendring District Council has served the client a noise abatement notice on 20th July 2023. Since then, Tendring Council's Environmental Protection team has witnessed breaches of the noise abatement notice on 8th September 2023, 9th September 2023 and 30th September 2023.

2.3. Music Impact Assessment Criteria:

Discussions were made with the EHO at Tendring District Council (TDC) that there were no specific music noise criteria. Therefore, the assessment of the bass component from music noise would be based on using Noise Rating (NR) criteria. NR levels use a noise's octave band frequency spectrum and are the usual approach adopted for music-based noise sources.

Typical criteria for the bass component of music noise of this nature should not exceed NR 25 during the daytime hours (07:00 to 23:00) and not exceed NR 15 during the night-time (23:00 to 07:00), as measured inside the nearest noise-sensitive receptors properties (NSR). However, these criteria would need to be agreed upon with TDC.

Noise Source	Noise Level Limits	
	Daytime	Night-time
Music Noise	Internal NR 25*	Internal NR 15*

* A 10 dB reduction for an open window for ventilation from outside (free-field) to inside NSR.

Noise Rating Curve for NR 25 (Daytime) and NR 15 (Night-time)

Frequency, Hz	NR	L _Z Feq 63	L _Z feq 125	L _Z feq 250	L _Z feq 500	L _Z feq 1000	L _Z feq 2000	L _Z feq 4000	L _Z feq 8000
Leq, dB	NR 25	55.2	43.8	35.3	28.7	25.0	21.9	19.5	17.8
	NR 15	47.3	35.1	26.0	18.9	15.0	11.7	9.3	7.5

2.4. Front Decking Seating Area Impact Assessment Criteria:

Noise from the front decking seating area to the front of the bar/ club should not exceed World Health Organisation (WHO) guidelines. WHO guidance for daytime level is for maximum exposure levels of 35 dB L_{Aeq,16hr} for indoor living areas (no L_{Amax} limit specified). Therefore, with a 10 dB reduction for an open window, a maximum exposure level of 45 dB L_{Aeq, 16hr} at 1 metre from the façade of the nearest dwelling.

3 Noise Survey

3.1. Noise Survey Details

[Appendix A1](#) shows the noise survey details, including personnel, instrumentation, calibration information, calibration procedure, uncertainty, equipment operation time & dates, and weather conditions.

[Appendix A2](#) shows the noise survey positions where the noise levels were measured.

3.2. Noise Climate

When attending the site, the current noise climate was dominated by road traffic noise from the High Street. The existing bar/ club premises (Wicks's Bar, 1 Midland House) have no existing plant associated with this site, but the sound system was simulated without patrons between 21:48 and 23:20 on Wednesday 25th October 2023.

3.3. Noise Measurement Results

3.3.1. Bar/ Club Operating Noise Survey Results

The detailed attended measured noise levels are summarised below for the bar/ club operating noise levels from music playing from the speaker system. *Note: The detailed octave band noise level measures are provided in the noise impact assessment in [Section 4.2](#) of this report.*

Music Breakout Noise Level Results (Locations Inside and A1 to A3):

Date	Position	Time	Duration (Minutes)	L _{Aeq,T}	L _{AF,max}	L _{A90,T}	Comments
25/10/2023	Inside	21:48	1 m 58 s	90	96	83	Inside 'Typical Mode' : Amplified music from the speaker system with speakers and subwoofers on.
		22:23	2 m 33 s	73	77	68	Inside 'Quietest Mode' : Amplified music from the speaker system with speakers on and subwoofers on.
		22:26	1 m 29 s	68	71	65	
		22:49	1 m 12 s	82	86	78	Inside 'Acceptable Quiet Mode' : Amplified music from the speaker system with speakers and subwoofers on.

Date	Position	Time	Duration (Minutes)	L _{Aeq,T}	L _{AF,max}	L _{A90,T}	Comments
25/10/2023	A1	22:53	2 m 34 s	55	61	52	Measurement Outside the Front Entrance Façade of Bar Area 'Acceptable Quiet Mode' : The Façade quieter to the bar area, as speakers are located in the upper seating area to the west portion of the bar/ club.
	A2	21:50	1 m 30 s	65	75	60	Measurement Outside the Front Façade of Upper Seating Area 'Typical Mode' : Façade louder to the upper seating area front façade.
		21:58	56 s	62	65	55	
		21:59	1 m 2 s	62	68	55	
		22:00	34 s	59	65	48	

Date	Position	Time	Duration (Minutes)	L _{Aeq,T}	L _{AF,max}	L _{A90,T}	Comments
25/10/2023	A2	22:30	1 m 16 s	47	56	42	Measurement Outside the Front Facade of Upper Seating Area ' <i>Quietest Mode</i> ': Façade louder to the upper seating area front facade.
		23:11	3 m 23 s	60	75	49	Measurement Outside the Front Facade of Upper Seating Area ' <i>Acceptable Quiet Mode</i> ': Façade louder to the upper seating area front facade.
	A3	21:53	1 m 19 s	64	73	59	Measurement Outside the Side Facade of Upper Seating Area ' <i>Typical Mode</i> ': Façade louder to the upper seating area side facade.
		21:54	1 m 56 s	67	72	60	
		21:57	1 m 3 s	61	66	57	
		22:32	1 m 58 s	49	54	47	Measurement Outside the Side Facade of Upper Seating Area ' <i>Quietest Mode</i> ': Façade louder to the upper seating area side facade.
		23:17	1 m 8 s	53	59	49	Measurement Outside the Side Facade of Upper Seating Area ' <i>Acceptable Quiet Mode</i> ': Façade louder to the upper seating area side facade.

3.3.2. Background Noise Survey Results

The attended measured background noise levels are summarised in the table below for the evening/ night after the simulated music was switched off, following measurements taken in [Section 3.3.1](#) of this report above.

Night Attended Background Noise Monitoring Results (Location A2 to A3):

Date	Position	Time	Duration (Minutes)	L _{Aeq,T}	L _{A90,T}
26/10/2023	A2	00:01	5 m 14 s	58	39
		00:12	5 m 17 s	54	39
		00:36	5 m 2 s	49	32
		00:48	5 m 18 s	43	29
		01:01	4 m 43 s	48	28
		01:33	36 s	35	29
	A3	00:07	5 m 5 s	55	36
		00:18	5 m 17 s	57	36
		00:42	5 m 17 s	51	33
		00:55	4 m 17 s	34	30
		01:31	2 m 4 s	34	31

4 Music/ Entertainment Noise Impact from Bar/ Club to Residential

4.1. Noise Impact Assessment Parameters

[Section 4](#) of this report shows the noise impact from the existing bar/ club (Wicks's Bar) on the neighbouring residents.

When attending the site, the current noise climate is dominated by road traffic noise from the High Street to the north of the site. When the speaker system was simulated, the amplified music noise was audible outside the building, particularly at the bass frequencies (63 Hz and 125 Hz).

- **Wicks's Bar Operating Hours:** The operating hours of bar/ club premises at Wicks's Bar were noted to be open during the daytime/ evening/ night when the noise survey was conducted:

Opening hours:

- 18:00 to 00:00 - Monday to Thursday.
- 16:00 to 01:30 – Friday to Saturday.
- 16:00 to 00:00 – Sunday.

Location of bar and club:

[Figure 2](#) shows the location of the existing bar (Wicks's Bar) on the Ground Level of the premises, highlighted in **red**, whilst the nearest sensitive residential premises facing High Street and Cliff Road are highlighted in **purple**.

Figure 2 – Google Earth™ image showing the 3D view of Wicks's Bar and Residential.



4.2. Music/ Entertainment Noise Breakout from Bar/ Club to Residential

The bar and club on the ground level are approximately 3 metres from the nearest receptors (residents) above High Street and Cliff Road.

Music noise is clearly audible outside the bar/ club building and at Wicks's Bar, 1 Midland House, High Street, Harwich, Essex, CO12 3PS. The noise survey measurements were taken in October 2023 from all bar/ club operations.

[Section 3.2](#) of this report details the measured noise climate, and the following expected activities from the bar/ club operations include noise from the 'Background Music Noise Breakout', 'Chatter' and 'Noise from Patrons using the Front Decking Seating Area'.

Bar/ Club Existing Internal Noise Levels:

Following our site visit, it is understood that the Upper Seating Area is where the loudspeaker system and subwoofers are set up for music playing, and the Main Bar Area is not used for this type of activity. To ensure acceptable noise levels are maintained, both areas utilised for music, including the Main Bar and the Upper Seating Area are based on the music recorded in Wicks's Bar.

This assessment first looked at the Front Façade of Wicks's Bar and then the Side Façade of Wicks's Bar.

The music noise breakout has been assessed with the current doors and window configuration of the bar/ club to the nearest noise-sensitive receptors located at the 1st-floor level on High Street and Cliff Road. The table below shows the octave band reverberant noise spectrum used for this assessment, based on measuring music noise level at a typical level and general chatter added to the noise spectrum.

Reverberant noise levels in bar/ club (typical music level and general chatter):

Frequency, Hz	L _{ZF_{eq}} 63	L _{Z_{feq}} 125	L _{Z_{feq}} 250	L _{Z_{feq}} 500	L _{Z_{feq}} 1000	L _{Z_{feq}} 2000	L _{Z_{feq}} 4000	L _{Z_{feq}} 8000	dBA
Leq, dB	104	100	87	83	86	80	80	81	91

Noise breakout calculations show that noise breaking out of the bar/ club with windows and doors closed will be approximately 60 dB L_{Aeq} at the nearest noise-sensitive receptors. This gives an internal NR 43 value above the NR 15 criteria represent inside the High Street NSR, and an internal NR 47 value is above the criteria value representative of inside the Cliff Road NSR.

Based on the results from the initial noise breakout assessment of the front and side façade of Wicks's Bar, it is expected that complaints are likely. Therefore, mitigation measures to reduce music noise breakout have been considered in the noise management plan in [Section 5](#) of this report to reduce the likelihood of complaints from music noise breakout.

4.3. Noise from Front Decking Seating Area to Residential

Noise from the activities in the open front area to the nearest noise-sensitive residential receptors above.

The table below shows the assumed noise levels, where the maximum noise level ($L_{AF,max}$) is based on a person shouting, and the L_{Aeq} noise level is based on a general hubbub of around 30 people in the front decking seating area. This represents the potential use and size of the existing front standing area.

Expected noise level from existing front decking seating area:

Front Area Noise Sources	Distance from Source	Noise level, dB
30 people in the front decking seating area	1 metre	79
Shouting	1 metre	95

The expected noise from the general hubbub on the front decking seating area will be approximately 69 dB L_{Aeq} at the nearest noise-sensitive receptor(s). This is 24 dB above the measured evening/ night noise level at survey location A2 (45 dB L_{Aeq} not exceed at 1 metre from NSR).

These calculations indicate that noise from somebody shouting in the front decking seating area would be 85 dB $L_{AF,max}$ at the nearest NSR. This is 31 dB higher than the measured L_{Aeq} noise levels at survey location A2 (54 dB L_{Aeq} , representative of the High Street NSR).

Based on the above, it is expected that complaints are likely. Therefore, mitigation measures have been considered for the front decking seating area in the noise management plan in [Section 5](#) of this report to reduce the likelihood of complaints from the activities in the open front decking seating area.

5 Noise Management Plan

5.1. Noise Control - Sound System

To control the internal music noise level and ensure that the speaker system does not exceed the local authority criteria, it is suggested that, should licensing be granted, through changes in licencing, the bar/ club has a noise monitor installed to check compliance with the internal noise levels set in the table below within the Main Bar and the Upper Seating Area to avoid internal noise levels exceeding the design limits.

Recommended music noise limits inside Wicks’s Bar from Music System:

Frequency, Hz	L _Z Feq 63	L _Z feq 125	L _Z feq 250	L _Z feq 500	L _Z feq 1000	L _Z feq 2000	L _Z feq 4000	L _Z feq 8000	dBA
Leq, dB	94	90	84	83	85	80	80	78	89

Provided the internal music noise levels don’t exceed the above octave band noise limits, the recommendations in this report will remain relevant and compliant with the criteria set in [Section 2](#) of this report. This music noise limit should not be onerous, as an acceptable noise limit was agreed upon during our site visit.

The sound system should be periodically checked to ensure that the maximum operating level will not likely cause a nuisance at the nearest noise-sensitive property. Assessment should be carried out at the nearest noise-sensitive property itself at a time when the ambient noise is at its lowest (but within regular operating hours of the premises).

5.2. Noise Control - Remedial Works/ Soundproofing

The building envelope currently provides an ineffective continuous barrier to contain sound inside the premises. Therefore, additional remedial works/ soundproofing are listed below:

Fire Exit Door – Front Façade:

Our investigation found that the current fire exit door provides minimal sound reduction. This was due to poor door seals, single-glazed pane, letterbox, and thin timber door frame.

So changing the fire exit door system to an acoustically rated door system is critical to start tackling the noise problem. It has been calculated that an individual door design would not be sufficient acoustically.

The following entrance fire exit door detail (highlighted in **bold** below) may be employed to achieve the required SRI of 52 decibels. However, similar acoustic door set systems with a minimum of 52 dB R_w + C_{tr} could also be installed.

Upgraded Fire Exit Door Detail:

- **A combination of two acoustic door sets in tandem with an acoustic lobby is necessary: one acoustic door to the external façade (48 dB R_w), an acoustic lobby*, and a second acoustic door (48 dB R_w) to the acoustic lobby facing the Upper Seating Area.**

** Note: to reduce flanking noise transmission passing through them, the proposed acoustic lobby wall and ceiling specification for the fire exit door will need further consideration at the design stage.*

Entrance Door – Front Façade:

Our investigation found that the current entrance double-door provides minimal sound reduction. This was due to poor door seals, single-glazed panes to each door, letterbox, and thin timber door frame.

The following entrance double-door detail (highlighted in **bold** below) may be employed to achieve the required SRI of 52 decibels. However, similar acoustic door set systems with a minimum of 52 dB R_w + C_{tr} could also be installed.

Upgraded Entrance Double-Door Detail:

- A combination of two acoustic door sets in tandem with an acoustic lobby is necessary: one acoustic door to the external façade (48 dB R_w), an acoustic lobby*, and a second acoustic door (48 dB R_w) to the acoustic lobby facing the Upper Seating Area.

* Note: the proposed acoustic lobby wall and ceiling specifications for the entrance door will need further consideration at the design stage to reduce flanking noise transmission passing through them.

Windows – Front and Side Façades:

Our investigation has found that the current single-glazed windows (assumed 6mm toughened glass) provide minimal sound reduction. This was due to poor door seals, sealant between individual panes to the side window, and the thin timber window frame.

The following construction below may be employed to achieve the required SRI of 50 decibels. Although other similar wall constructions with a minimum of 50 dB $D_{nT,w} + C_{tr}$ could also be installed. Note, this wall treatment should be installed to the whole open window areas (north façade & west facade) at Wicks's Bar, highlighted in **bold** below:

Upgraded Window Opening Construction Detail:

- Remove existing single-glazed windows and frames.
- **100mm brickwork (min. net dry density 2000kg/m³).**
- **50mm gap with 50mm Rockwool RWA45 or equivalent (min. density 45kg/m³).**
- **100mm Lignacite, Lignacrete High Strength Block (minimum net dry density 2000kg/m³) with a plaster finish or equivalent.**

The predicted external wall performance provided above is expected to meet a minimum acoustic performance of 50 dB $D_{nT,W+C_{tr}}$. Note: The above construction details must span the whole window area without holes or gaps. Also, when sealing perimeters or gaps/ holes exist, do not use expanding foam but use acoustic mastic instead. Finally, we recommend speaking directly with the manufacturer to ensure the optimum acoustic performance of the wall is achieved and the structural engineer to ensure the existing foundations and ceiling are suitably supported by the installed blockwork.

External Walls - Front and Side Façades:

Our investigation has found that the current external walls provide the most sound reduction. However, the external walls must be upgraded internally to prevent low and high-frequency noise breakout.

The following construction listed below may be employed to achieve the required SRI of 66 decibels. However, similar wall constructions with a minimum of 66 dB $D_{nT,w} + C_{tr}$ could also be installed. Note, this wall treatment should be installed to the whole external wall (north façade & west facade) at Wicks's Bar, highlighted in **bold** below:

Upgraded External Wall Construction Detail:

- Existing 100 mm brickwork (TBC*)
- Existing 50 mm gap (TBC*)
- Existing 100 mm blockwork (TBC*)
- **100mm gap with 100mm Rockwool RWA45 or equivalent (min. density 45kg/m³)**
- **100mm Lignacite, Lignacrete High Strength Block (minimum net dry density 2000kg/m³) with a plaster finish or equivalent.**

* A brief visual inspection of the existing external façade was made during the survey, but the current construction is assumed based on the age of the building, and the density of the masonry materials is unknown.

The predicted external wall performance provided above is expected to meet a minimum acoustic performance of 66 dB $D_{nT,W+C_{tr}}$. Note: This upgraded external wall construction listed above must span from the ground floor and

terminate at the roof space with no holes or gaps. Also, when ceiling perimeters or gaps/ holes exist, do not use expanding foam but use acoustic mastic instead. Finally, we recommend speaking directly with the manufacturer to ensure the optimum acoustic performance of the wall is achieved and the structural engineer to ensure the existing foundations and ceiling are suitably supported by the installed blockwork.

5.3. Noise Control - Patron Noise in Front Decking Seating Area

You will need to bear in mind when the premises are open during evenings, at night, or weekends, as this could lead to complaints of noise nuisance from the front decking seating area.

The business operator and their staff at the premises are responsible for ensuring noise from all external areas is kept to a minimum. It would be best to display posters asking customers to keep noise to a minimum. To avoid problems with neighbours, the following advice should be considered:

- the front decking seating area of the premises should be sited away from domestic premises and, if possible, with some form of insulation between customers and residents to help mitigate the noise.
- Speak to your neighbours, advise them what you plan to do, and get their suggestions.
- Display posters advising your customers to keep noise to a minimum in external areas.

The noise control measures listed below should not exceed the trigger levels at 1 metre from the façade of the NSR per WHO guidelines, as stated in [Section 2.4](#) of this report.

- **Localised acoustic seating booths inside the front decking seating area:** Patron noise control should start with your layout and orientation of your seating to segregate individual areas and reduce noise locally inside the front decking seating area. Acoustic panels can also segregate each seated area, but consideration should be given for airflow.
- **Restrict noise egress levels from the front decking seating area:** We recommend that the number of patrons using the outside front decking seating area from 11 pm onwards is restricted to up to 10 people at any one time and that noise levels in the seating area do not exceed the cumulative predicted noise levels (L_{Aeq}) detailed below:

Restricted noise levels from the existing front decking seating area:

Front Area Noise Sources	Distance from Source	Noise level, dB
Ten people in the front decking seating area	1 metre	69

- **Restricting Patron Noise Levels:** Methods of patron noise control include:
 - To ensure that the noise levels detailed in the table in [Section 5.3](#) of this report are maintained and restricted to desired noise levels, **we strongly recommend a noise survey be carried out to ensure that the number of patrons will not be a noise nuisance.**
 - Playing calmer types of music internally towards closing time (11 pm to 1:30 am) can encourage patrons to leave in a less rowdy manner, spread over a more extended period so that the peak number leaving and peak noise are reduced.
 - Display posters/ signage advising your customers to keep noise to a minimum in external areas. Providing notices at exits requesting patrons' cooperation can also help reduce noise. However, in most cases, it will be good practice for door supervisors to manage the coming and going of patrons.
 - In some cases, specially trained staff may also be used to patrol the surrounding area to help control noise from patrons.
 - Door staff should also remind patrons using the front seating area of the residential nature of surrounding premises, and behaviour outside the premises should be monitored.

- The sounding of taxi horns when waiting to collect customers can be discouraged by licensees forming an agreement with local cab firms. Hence, the drivers come to the door or into the licensed premises to collect their passengers. Additional controls can be gained by staff calling cabs for customers, or a dedicated freephone line being installed for customers to call cabs and then being directed to wait inside the premises for their taxi. These measures can help reduce the nuisance of taxi touts.

Note: Door staff should enforce quieter noise levels from patrons using the seating area or take action by reducing the number of people using the space.

5.4. Noise Control - Operational Noise

A comprehensive Noise Management Policy Statement will operate at the site, as shown in [Section 6](#) of this report. This policy document will be regularly reviewed and updated.

6 Noise Management Policy Statement

6.1. Reverberation

The reverberation time inside the upper seating area inside Wicks's Bar will be necessary to meet the requirements. Curtains installed to line windows and acoustic foam bass trappers in all corners of the top seating area have been installed to reduce the reverberation time inside the upper seating area.

Some other measures that can be taken to reduce reverberant sound field include:

- Acoustic Ceiling Panels
- Acoustic Hanging Baffles
- Acoustic Wall Panels
- Soft Furnishings

Important: During the design phase, it is recommended that before selecting/ purchasing acoustic materials and furnishings, the main contractor should contact their acoustic consultant (Climate Acoustics) to clarify if the selected acoustic absorption is sufficient.

6.2. Controlling Noise to Prevent Noise Nuisance

- **Minimise fire exit/egress:** By providing lobby doors predominantly used as a fire exit/egress except for access, maintenance and safety reasons, emergency exit and service doors will not be secured open when the premises are operating.
- **Minimise entrance/egress:** The provision of lobby doors predominantly used as an entrance/egress will minimise customers entering or leaving, particularly late in the evening. These doors should be fitted with self-closing devices to help minimise the amount of noise that escapes when people enter or leave the premises. This also has the added effect of limiting smoke returning to your premises.
- **Control noise from the music system:** To minimise noise from the two speakers and two subwoofers, a noise limiter will be installed through which all music must be played to meet the noise egress level provided in the table below.

The noise limiter/ controller shall be installed, then set and sealed in conjunction with Tendring District Council's EHO / Noise Team. **Note: particular attention should be paid to assessing and controlling low-frequency noise (bass beat) from entertainment, as this is a frequent source of complaint.**

Recommended music noise limits inside Wicks's Bar from Music System:

Frequency, Hz	L _Z Feq 63	L _Z feq 125	L _Z feq 250	L _Z feq 500	L _Z feq 1000	L _Z feq 2000	L _Z feq 4000	L _Z feq 8000	dBA
Leq, dB	94	90	84	83	85	80	80	78	89

- The sound system has been removed from the bar to remove any further sound complaints by residents.
- Implementing hourly checks of sound by staff inside and around the building.
- **Control Noise from Amplifier and TV system:** A document of correct sound levels around the amp and TV is currently being produced. All staff members must read through this document and, once read, must sign and date it. If sound levels aren't adhered to, a written notice will be given to that staff member.
- **Control Music Events:** At this moment in time, no music events are being planned. This will be reviewed again once the sound acoustic engineers have created a plan and the soundproofing is in place.

- **Restricting Patron Noise Levels:** Methods of patron noise control include:
 - To ensure that the noise levels detailed in the table in [Section 5.3](#) of this report are maintained and restricted to desired noise levels, **we strongly recommend a noise survey be carried out to ensure that the number of patrons will not be a noise nuisance.**
 - Playing calmer types of music internally towards closing time (11 pm to 1:30 am) can encourage patrons to leave in a less rowdy manner, spread over a more extended period so that the peak number leaving and peak noise are reduced.
- **Signage and Policies:** Display posters/ signage advising your customers to keep noise to a minimum in external areas. Providing notices at exits requesting patrons' cooperation can also help reduce noise. However, in most cases, it will be good practice for door supervisors to manage the coming and going of patrons
 - Clearly display noise level policies within the bar premises.
 - Encourage customers to be respectful of noise levels through signage and announcements.
 - Establish a policy for customers' behaviour, including noise expectations, and enforce it consistently.
 - Regular Monitoring:
- **Staff Training:** In some cases, specially trained staff may also be used to patrol the surrounding area to help control noise from patrons.
 - The entrance doors are supervised at all times.
 - Door staff should also remind patrons using the outdoor decking seating area of the residential nature of surrounding premises, and behaviour outside the premises should be monitored.
 - The sounding of taxi horns when waiting to collect customers can be discouraged by licensees forming an agreement with local cab firms. Hence, the drivers come to the door or into the licensed premises to collect their passengers. Additional controls can be gained by staff calling cabs for customers, or a dedicated freephone line being installed for customers to call cabs and then being directed to wait inside the premises for their taxi. These measures can help reduce the nuisance of taxi touts.
 - Train staff on noise management practices and maintaining acceptable noise levels.
 - Instruct staff on handling customer noise complaints, ensuring they are professional, respectful, and proactive in addressing concerns.
 - IHASCO training – to be completed by all bar staff, including; *'Working in licensed premise'*, *'Slips, trips, and falls'*, *'Drug and alcohol awareness'*, *'Fire safety'*, *'First aid'*, and *'Sexual harassment'*.

Note: Door staff should enforce quieter noise levels from patrons using the front decking seating area or take action by reducing the number of people using the outdoor space.
- **General housekeeping:** We encourage all personnel to keep the entrance door on the High Street clean and attractive for our customers and neighbours. This means dealing with debris that has nothing to do with us, but in the interest of making this a better area, we will still clear it up.
 - Plastic cups are supplied to customers from 11 pm onwards to minimise impact.
 - No bottles are permitted to be tipped or thrown into outside storage receptacles at the premises between 23:00 and 07:00 hrs (night-time period).
 - Arrangements are in place to ensure that deliveries, collections and operational servicing are carried out between 07:00 and 23:00 hrs, except if access at other times is unavoidable and specific procedures are in place to limit disturbance.

- Any glass or bottles in the entrance doorway will be cleared. Bottles and glasses will be cleared away as we try to keep the area around our building tidy and safe.
- **Restrict noise egress levels from the front decking seating area:** We recommend that the number of patrons using the outside front decking seating area from 11 pm onwards is restricted to up to 10 people at any one time and that noise levels in the seating area do not exceed the cumulative predicted noise levels (L_{Aeq}) detailed below:

Restricted noise levels from the existing front decking seating area:

Front Area Noise Sources	Distance from Source	Noise level, dB
Ten people in the front decking seating area	1 metre	69

- **Prevent Vibration from Sound System:** Anti-vibration mounts should be fitted to the existing sound system to prevent vibration. The system suppliers can advise with an effective anti-vibration mount required so that there is no vibration impact through the structure of the floor and the external & internal wall elements.
- **Engage with nearby residents and businesses:** Advise them on your plan and get their suggestions. It is recommended that the premises publish a phone number to the local '*Residents Association*' and any resident or business requiring it for them to call with any concerns. All complaints will be investigated by the Premises License Holder, DPS or Manager nominated by the Premises License Holder. Details of all complaints, including the outcome, will be recorded in the Incident Book.
 - Publish phone numbers to the local '*Residents Association*' and any resident or business requiring it for them to call with any concerns.
 - We will attach the utmost importance to the careful investigation and prompt resolution of any complaint regarding the running of the premises. Particular emphasis is placed on building and maintaining close links with the residents, including meetings where necessary to allow our neighbours to raise any issues and for those issues to be quickly resolved.
 - Hosting monthly meetings for residents to attend and discuss any issues with the bar. In the future, this will be advertised on social media pages, and the bar will be closed to the general public while this meeting is in progress.
 - Notes will also be taken during every meeting and sent to residents upon request.
 - Holding these monthly meetings should help develop a good relationship between the bar and the residents.
 - In this meeting, a business number will be provided, which the residents can contact directly.
- **Record Keeping:** Keep records of the noise levels measured, acknowledging any patterns or areas that may require further attention.
 - Keep an Incident Book.
 - Conduct regular noise level checks using sound meters to ensure compliance with local regulations.
 - Take immediate action if noise levels consistently exceed acceptable limits.

6.3. Remedial Works/ Soundproofing to Reduce Breakout Noise

- To prevent any noise breakout through the external construction materials, acoustic door sets should be implemented into this scheme. Follow further guidance provided in [Section 5.2](#) of this report:
- Important:** During the design phase, it is recommended that before selecting/ purchasing external wall materials, acoustic lobby materials, and acoustic door sets, the client should contact their acoustic consultant (Climate Acoustics) to clarify if the selected acoustic performance is sufficient.
 - Upgraded Fire Exit Door Detail (Front Façade):** A combination of two acoustic doors in tandem with an acoustic lobby is necessary, one acoustic door to the external façade (48 dB R_w), an acoustic lobby*, and a second acoustic door (48 dB R_w) to the acoustic lobby facing the Upper Seating Area.
 * Note: to reduce flanking noise transmission passing through them, the proposed acoustic lobby wall and ceiling specification for the fire exit door will need further consideration at the design stage.
 - Upgraded Entrance Door Detail (Front Façade):** A combination of two acoustic doors in tandem with an acoustic lobby is necessary, one acoustic door to the external façade (48 dB R_w), an acoustic lobby*, and a second acoustic door (48 dB R_w) to the acoustic lobby facing the Upper Seating Area.
 * Note: to reduce flanking noise transmission passing through them, the proposed acoustic lobby wall and ceiling specification for the fire exit door will need further consideration at the design stage.
 - Upgraded Window Opening Construction Detail:**
 - Remove existing single-glazed windows and frames.
 - 100mm brickwork (min. net dry density 2000kg/m³)
 - 50mm gap with 50mm Rockwool RWA45 or equivalent (min. density 45kg/m³)
 - 100mm Lignacite, Lignacrete High Strength Block (minimum net dry density 2000kg/m³) with a plaster finish or equivalent.
 - Upgraded External Wall Construction Detail:**
 - Existing 100 mm brickwork (TBC*)
 - Existing 50 mm gap (TBC*)
 - Existing 100 mm blockwork (TBC*)
 - 100mm gap with 100mm Rockwool RWA45 or equivalent (min. density 45kg/m³)
 - 100mm Lignacite, Lignacrete High Strength Block (minimum net dry density 2000kg/m³) with a plaster finish or equivalent.

* A brief visual inspection of the existing external façade was made during the survey, but the current construction is assumed based on the age of the building, and the density of the masonry materials is unknown.

6.4. Anti-Social Behaviour

- Ensure your premises are monitored and covered by CCTV. This will help ensure groups of patrons do not congregate in these areas. This will also avoid complaints to the police or the local authority by your neighbours.

6.5. Security and Lighting

- To avoid lighting as a statutory nuisance, consider the direction of lighting and, where possible, direct it away from any domestic premises.

6.6. Future Ventilation

During summer months, an alternative means of ventilation may be required in the future, based on the background noise survey measurements shown in [Section 3.3.2](#) of this report. This would prevent future ventilation noise from contributing to the overall rating noise level at the resident's window. **Note: Any future ventilation or air conditioning fan(s) could be assessed cumulatively by your acoustic consultant (Climate Acoustics).**

Appendix A – Noise Survey Details and Result Tables

Appendix A1 – Noise Survey Details

Personnel present: Alex Hancock – Climate Acoustics

Instrumentation used and calibration info:

Svantek SV977 – Sound Level Meter (*calibration certificate available upon request.).

Norsonic 1251 – Calibrator (*calibration certificate available upon request.).

Climate Acoustics Calibrated Equipment	
Attended Noise Meter (Svantek SV977)	
Class 1 Sound Level Meter	Svantek 977 – Serial Number 34186 (Date of Calibration: 04/07/2023*)
Microphone	MTG MK250 – Serial Number 10876 (Date of Calibration: 04/07/2023*)
Preamplifier	Svantek SV12L – Serial Number 33684 (Date of Calibration: 04/07/2023*)
Calibrator (Norsonic 1251)	
Calibrator	Norsonic 1251 - Serial Number 29151 (Date of Calibration: 24/02/2023*)

Calibration procedure: Before and after the noise survey, the Svantek SV977 sound level meter was calibrated using the Norsonic 1251, and no significant drift was measured before and after the survey (accuracy within ± 0.3 dB).

Uncertainty: For accurate measurements, the noise monitoring equipment is calibrated by traceable lab calibration:

- a Class 1 sound level meter and microphone are calibrated once every two years.
- a Class 1 calibrator is calibrated once every year.

Note: all measurements were taken by a Class 1 sound level meter; a margin on uncertainty of +/- 1.1 decibels typically applies because of the equipment’s tolerances. The uncertainty with the noise prediction calculations is limited, as using our experience and factors including distance, direct line of sight and reflections have been considered.

Equipment operation times and dates:

9:15 pm on Wednesday 25th October 2023 to 1:15 am Thursday 26th October 2023.

Weather conditions:

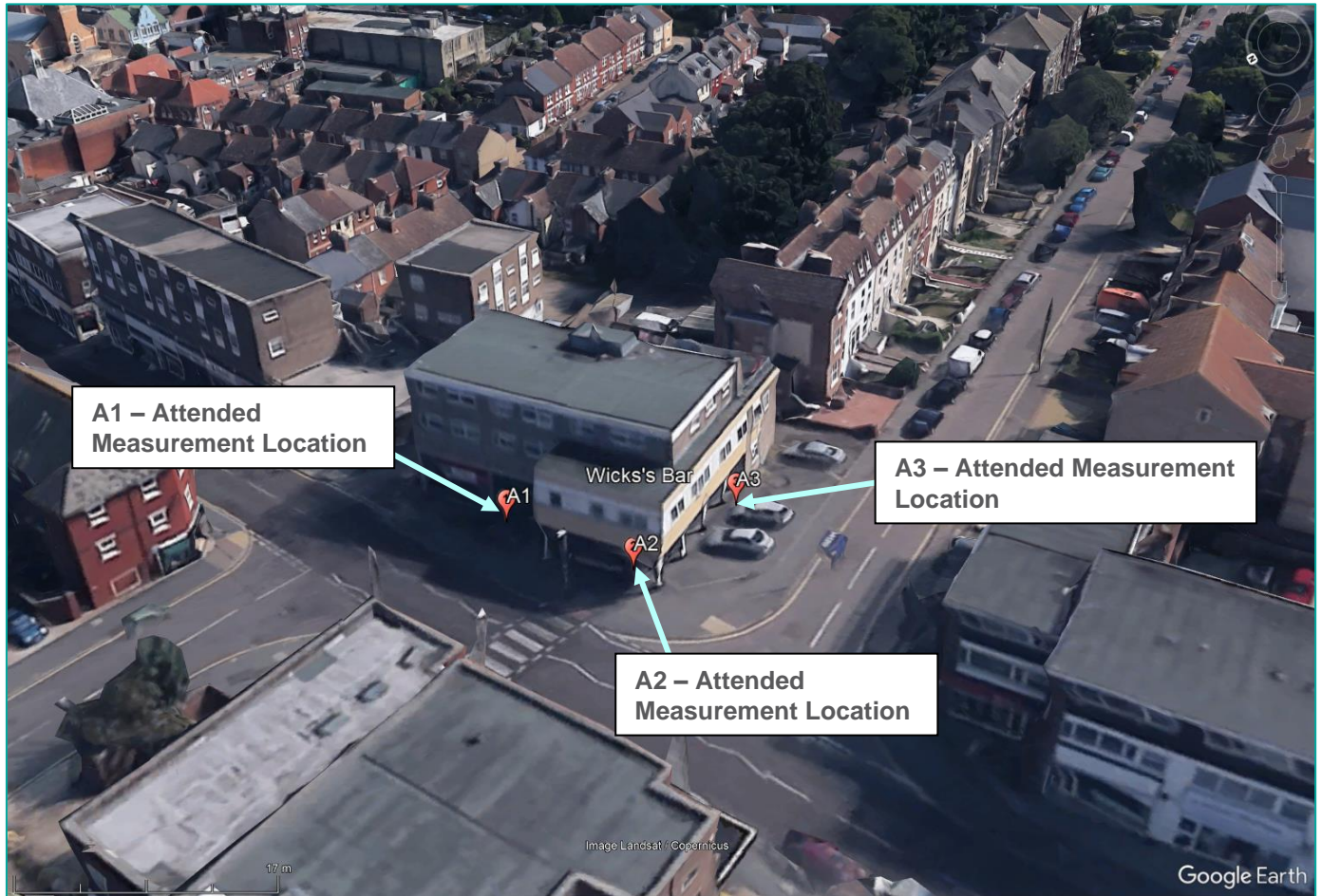
Weather conditions during the operation of noise monitoring equipment.

Date	Temperature (°C)	Weather Conditions	Wind
Wednesday 25 October 2023	6°C to 7°C	Cold. Dry. Fog/ Passing Clouds.	Calm (0-1 m/s)
Thursday 26 October 2023	7°C	Cold. Dry. Fog/ Passing Clouds.	Calm to Light Breeze (1-3m/s)

Appendix A2 – Noise Survey Locations

The Google Earth™ image below shows the outdoor attended sound level meter positions A1 to A3.

Noise Measurement Locations (Source: Google Earth™)



Appendix B – Site Location & Photos

Site Location (Source: Google Earth™)



Photos of Wicks's Bar (Outside)



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From: Licensing Tendring <licensing.tendring@Essex.police.uk>
Sent: Wednesday, November 1, 2023 2:56 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: FW: REVIEW APPLICATION

Good afternoon.
Please find attached the Police response and support for the Environmental review.
Thank you, Steve

From: Licensing Applications Essex <licensing.applications@essex.police.uk>
Sent: Wednesday, October 4, 2023 10:54 AM
To: Licensing Tendring <licensing.tendring@Essex.police.uk>
Subject: REVIEW APPLICATION

Hi Steve

The below application has been received at this office and has been placed onto Bacchus.

Following info also on e-mail from council
You have until 1 November 2023 to submit any representations.

The applicant details have been subject to a PNC Check:

	NO
--	----

Should you wish to object to this application please contact the Licensing Authority directly.

APPLICATION SUMMARY BELOW

Licence	L3793748, WICKS, Essex, 1 MIDLAND HOUSE, HARWICH, ESSEX, CO123PS
Application Type	Review
Created By	PSE 42007077 Louise Carroll - 04/10/2023 10:46
Review Type	Third Party Review
Instigator	ENVIROMENTAL PROTECTION TEAM
Application Details	Review Application - on grounds of the prevention of public nuisance
Licensing Authority	Tendring District Council
Notice To Licensing Authority	
Hearing Date	
Result Summary	
Application Status	Pending

Louise Carroll 7077
Licensing Clerk
Essex Police Licensing Team (Alcohol)
Braintree Police Station
Internal Ext 406356
External Direct Number: 01245 452035
E-mail: licensing.applications@essex.police.uk
Website: www.essex.police.co.uk

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Premises Licence Review

**Enterprise Harwich Bar Ltd
(Wicks Bar)
High Street, Harwich**

Police Representation in support of review.

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1.0 Background Details

- 1.1 Wicks Bar is a licensed premises situated on the High Street in Harwich with a post code of CO123PS. The Premises Licence Holder (PLH) is _ENTERPRISE HARWICH BAR LTD and holds a licence number of 21/00340/PREMVA. The Designated Premises Supervisor (DPS) is Alex WICKS and has been since 03/05/2023.
- 1.2 The premises was originally a Pizza Parlour.
- 1.3 The premises is advertised as a Sports Bar and night time venue and is located in a premises under residential flats and surrounded by dwellings. It is in the High Street of Dovercourt.

2.0 Outline of police interactions with the premises.

- 2.1 Police have undertaken a total of thirteen visits to this premises since May 2023.
- 2.2 These visits have been a mixture of uniformed officers and the district licensing officer (DLO) for the area. Visits were conducted to assess compliance with the licence conditions, action plan and in response to specific incidents/reports made to police.
- 2.3 On 16/05/23 – DLO Visit with TDC licencing. Met with the new DPS and owner Alex WICKS and discussed at length the complaints regarding noise and disorder at the venue. Since opening, there has been a consistent series of reports to Police, TDC Environmental Health and local community social media. Alex asked about the music 'licence' situation which currently stops at 2300 and was informed that after that time it must be an ancillary to the venue's other activity i.e. must be played at background level only. Mr WICKS has stated that he will monitor the situation and measure the decibels outside of the venue attempting to reduce these complaints.
- 2.4 02/06/23 – Visit by Harwich Community Policing Team (CPT); the licensee and his two door staff were reminded regarding the conditions of their licence that the music volume needed to be reduced from 11pm. We were invited to check the toilets, no one was present in the toilets or dance floor area except for the DJ. In the male toilets some damage was pointed out which Mr WICKS stated had been caused by it being kicked. He hadn't logged this as an incident, but would get it fixed. Approximately 8 persons at the bar and it was very quiet. Whilst talking it did pass 11pm, Mr WICKS stated that's partly why he had the door staff to ensure the door wasn't left open for any length of time.
- 2.5 03/06/23 – Visit by Harwich CPT; Premises visited to check on noise levels and using cocaine wipes in both sets of toilets. Music at reasonable levels within conditions of licence. However, both men's and women's sinks indicated positive for cocaine use. This was more apparent in the women's than the men's facilities. Advice given regarding the layout and using preventative products on those surfaces.
- 2.6 15/06/23 - DLO visit together with TDC Licensing officer Chloe Blackwell and TDC environmental health officer Rebecca Duff-Cole. This joint visit was as a result of several complaints both to the council and the Police of excess late night noise and disturbances. Mr WICKS the DPS met us at the premises and stated that he thought that the venue was doing ok but could do with more customers. He was looking to become more of a sports bar and also start the

restaurant side of the business. He had not been using the incident/refusals book but said he did keep checking the sound levels from outside but again this was not recorded anywhere. Chloe said she would be emailing Mr WICKS with the details of what he needed to do going forward. Rebecca stated that he would be getting a formal notification regarding the noise complaints. He was told that he should have a noise management plan in place, which he didn't have. Mr WICKS said he was in contact with an acoustic company regarding noise reduction and how they could reduce the noise leakage.

- 2.7 26/06/23 - DLO Call to Alex WICKS (DPS) following an email in an attempt to speak about the reported fight at the venue. Doorstaff refused to remove those involved as they felt uncomfortable. Mr WICKS stated that the males fighting were travellers and that was what disturbed the staff. It was mentioned that he was looking to replace the doorstaff. We spoke of any further issues and he said that he hadn't had any other problems. He now had the practice of having bottles of water on a table available for free outside of his premises for patrons leaving to keep them hydrated.
- 2.8 30/06/23 - Police visit; sinks in both ladies and gents toilets again showed indications of cocaine use. Mr WICKS stated he had ordered anti slip mats to stick to the sink units but these are not in place. The doors remain as they were on previous visits meaning these sinks cannot be viewed from the corridor. No DJ present and states he won't be having any live DJ's from now on. Considering hiring female doorstaff.
- 2.9 23/07/23 – Police visit; officers attended WICKS BAR following a report of robbery following an assault outside the premises. CCTV has been viewed at Wicks Bar but cameras do not appear to cover the curb/road and footage viewed so far does not show the incident. Mr WICKS has been asked to send over an hour's worth of footage for review to which he initially stated the CCTV wasn't working. However, CCTV was later viewed via his mobile phone. It was suggested that one of the possible suspects works behind the bar. Mr WICKS stated that he knows the suspect and he is helpful with removing patrons that cause issues and that on the night in question he was short of doorstaff.
- 2.10 04/08/23 – DLO and Harwich CPT visit to check whether the bar is conforming to its licensing conditions. At 2300 hours, the bar was very busy with a large group of persons outside on the deck area, drinking. I attended at 2325 and music was still being played via the premises sound system. There were around 50 customers present, both inside and out. There were two female and one male members of bar staff working. One male doorstaff was working the door. Mr WICKS was spoken to regarding the Action Plan. The female toilets came back as positive indications for drugs usage to which Mr WICKS was again advised to change the surface or use products to prevent this. I examined the incidents book and there was a single entry for 29/07, but nothing else since our last visit. It was fully explained to him that he was not allowed any music to

be played after 2300 as they were the conditions of his licence. A member of staff tried but failed to turn the music down. Mr WICKS then had it switched off when we were speaking to which customers did call out for him to put it back on. He had not completed any of his own noise checks, which was an action upon his Action Plan.

- 2.11 12/08/23 – Police Visit, Harwich CPT; complying with conditions regarding music, but still a slight trace in both toilets of cocaine. Mr WICKS was advised there had been complaints again last night after closing as patrons are not going home quickly or being dispersed. Mr WICKS suggested by not having music after 2300 patrons were using the outside space more and thus causing noise shouting at one another which he doesn't feel he can stop and wants police to assist with dispersal.
- 2.12 25/08/23 - DLO visit; check that the premises is conforming to its licensing conditions and the recent Action Plan. At 2325, the premises was still playing music that could be heard from about 30 metres away. This was again a further breach of both of the above. There were around 50 persons present, both inside and outside the club.
- 2.13 31/08/23 - DLO Visit; Premises licence check in company with TDC Licensing Chloe BLACKWELL. We met the DPS Alex WICKS, the premises was not open. Business has been OK with a busy summer season. He had no issues or particular concerns for the venue. He has been keeping an incident book which is good but not a staff training record, which has been mentioned to him before (this is another conditional breach). He said that he had been switching off the music every night at 2300. I pointed out that I had been outside at 2325, on 25/08/23 and it was still being played loudly. He has no answer for this. I informed him of the report that three 17yr old females were discovered drunk near the club and had been drinking in there all evening, to which Mr WICKS said that they always check ID by examining any ID provided. We mentioned that this could be part of the staff training and recorded. I completed drugs wipes swipes in both the male and female toilets and both came back as positive indications for cocaine. I asked to view the CCTV for a couple of random dates and found that there was no sound to the recordings.
- 2.14 08/09/23 - Harwich CPT; have visited this evening at 2310hrs to find the majority of customers being loud outside the address - around 20 people were in attendance in total. Mr WICKS was not present at the beginning of the visit and the check was done with a female member of staff. Incident book was checked and up to date however the toilets were soaking wet on all surfaces suggesting they were cleaned prior to police arrival or as police arrived. When leaving, the crowd outside who were talking and socialising with a member of doorstaff, have become rowdy towards police and a public order offence was committed by one of the males. They have been identified and arrested for public order and the member of doorstaff was obstructive towards Police. He

has not helped or stopped the crowd from leaving the bar and descending on Police officer and even suggested a wrongful arrest. He also refused to help identify who the male was. The male was eventually de arrested and Mr WICKS has arrived he has been briefed and informed what has happened.

- 2.15 14/10/23 - Harwich CPT: 20:00. At the time of visit there was 1 x bar staff and around 4 customers. Mr WICKS has said that he believes that there will be customers arriving around 10pm for the boxing main events being shown on the big screens. Both the male and female toilets have been drug wiped where the results have been negative. There is now both male and female doorstaff employed at the premises so they can regularly check toilet space used. The incident regarding the female that had been taken to hospital was mentioned and Mr WICKS has said that it was a 71 year old female with her husband who live close by to the premises that had left the bar and blacked out resulting her hitting her head on the kerb. This was recorded in the incident log.
- 2.16 19/10/23 - DLO visit in company with TDC Licensing officer Chloe BLACKWELL. This was another routine visit to see the DPS Alex WICKS. The venue has been taken to a review by TDC environmental services. The refusals book was checked and had several entries since our last visit. Unfortunately there were no alcohol age related signs displayed and the premises should be complying with an Under 25 policy. There was still no staff training record in place and no training had taken place since the premises opened in May, which was a continual breach of the license conditions. Mr WICKS stated that he was arranging a course next week. I asked Mr WICKS whether he had actually read the details of his premises licence to which he said that he had when he opened (May 2023) but not since. There was no price list or menu showing the costs of alcohol available. He did not know that wine was available in a 125ml measure. Both of these matters were a breach of the mandatory licensing conditions. I asked him to check CCTV for an incident at 0100 on 15/10/2023 whereby a female was assaulted by a member of staff (not on duty). Some coverage was found but it was not clear - Police would be in touch regarding this matter. Drug wipes on both the male and female toilets in the premises and both again showed positive indications for cocaine. I again informed Mr WICKS of this fact, but he has still not taken any fixed preventative measures to hinder this activity. Mr WICKS did say that he had tried spraying WD40 but was worried this may cause harm to customers who do 'snort cocaine' off of the surfaces sprayed.

Many of the visits involved lengthy discussions in relation to the continued noise complaints made to both Police and TDC. As Environmental are the experts in this field and are bringing this review, I have omitted these details.

ACTION PLAN

An action plan was completed with Mr WICKS and forwarded to him on 21/07/2023. Please find a copy of this AP attached to this email. It contained two separate actions. Firstly, relating to the keeping of a refusals/incident book, as well as recording the DB Levels of music playing both inside and outside of the venue. The second being to stop the playing of music after 2300, which was greatly disturbing those residing in the locality.

This action plan was reviewed on 01/09/23. Both actions had not been implemented.

Within the timescale of the live Action Plan, there were 8 separate incidents recorded by Police relating to drug dealing, disturbance and disorder and again loud music noise complaints.

As there was very little acknowledgement or participation by the venue with this Action Plan, therefore Police did not look to engage further by way of a further Action Plan as is often the case using the 'stepped approach' to resolving issues.

3.0 Outline of reported incidents and other significant events

- 3.1 06/05/2023 – 00:22; Opening night, noise complaint received.
- 3.2 14/05/2023 – 01:54; Fight outside of the premises involving a number of males. Noise disturbance also reported, Police attend, NFA.
- 3.3 21/05/2023 – Between 02:06 & 03:00; Fight between 2 females, further disturbance and nuisance calls from 3 members of the public. Police attend and assault and GBH recorded.
- 3.4 10/06/2023 – 00:08; Fight involving males and females. Again several calls from 4 members of the public. Screaming and shouting reported. Noise complaints, Assault reported. Police attend.
- 3.5 11/06/2023 – 00:55; Fight/disturbance between door staff and member of the public. Further noise complaints. Male ejected from premises. Police attend. NFA.
- 3.6 16/06/2023 – 22:48 Fight inside the club. Door staff acted poorly, refusing to eject those involved. Police attend. NFA.
- 3.7 02/07/2023 – Spiking incident reported. Male alleged that his drink had been spiked whilst inside the bar. Police attend. Spiking recorded.
- 3.8 08/07/2023 – 02:01; Disorder in the street. Disturbance reported. Police attend. NFA.
- 3.9 11/07/2023 – 01:02 & 03:45; Fight at the venue, noise disturbance also. Further fight between persons after leaving venue. Police attend and assault recorded.
- 3.10 16/07/2023 – 01:37; Disturbance / fight reported. Police attend. NFA.
- 3.11 21/07/2023 – ACTION PLAN sent to DPS.
- 3.12 29/07/2023 – 01:38; Large fight /disturbance outside of venue. 4 separate calls from the public regarding the incident over a 20-minute span. Police attend.
- 3.13 05/08/2023 – Numerous customers taking cocaine in the toilets. It is alleged that staff are aware. Information Report submitted
- 3.14 11/08/2023 – 22:53; About 10 males at the rear of WICKS bar, involved in dealing drugs. Information Report submitted
- 3.15 03/09/2023 – 02:10; Fight at venue involving a member of the public with the DPS and staff. All parties including the DPS and Door Staff appeared intoxicated. Police attend. Common Assault.
- 3.16 08/09/2023 – 23:10; Op Benison visit; Toilets had been freshly cleaned on Police arrival. SIA member of door staff was obstructive to Police Officers during a public order incident at the front of the venue.

- 3.17 15/10/2023 – 01:15; Female member of the public was assaulted by a female member of staff. Dragged by her hair and punched in the face. Police attend. Common Assault.

Since opening on 06/05/2023, Police have been called on 21 separate occasions, where Police didn't attend and confirm the allegations or reports of disturbance/fights/or disorder, the actual details are not known for certain and with no further contact to confirm a recordable matter, these details have not been included within this report.

4.0 Review outcome sought.

- 4.1 The premises has failed to uphold the crime and disorder and public nuisance objectives by way of breaching relevant legislation on numerous occasions. The venue's management has failed to work with responsible authorities and ignored both advice and enforcement activity by Police, by way of an Action Plan on 24/07/2023.

It is the view of the Chief Officer of Police that the premises has been ill-managed for some time.

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

- 4.2 Considering the concerns raised in this document, it is Essex Police's position that it supports the recommendation made by the Environmental Health team from TDC for the licence to be revoked.
- 4.3 However, if the committee decides that revocation is not the appropriate outcome, then Essex Police would recommend the conditions in appendix A be imposed upon the Premises Licence.

APPENDIX A

In addition to the mandatory conditions, serious consideration should be given the below conditions being placed upon the licence.

Conditions consistent with the Operating Schedule.

1 – The premises shall install and maintain a high quality CCTV system, capable of use in any light conditions, to cover all entry and exit points, entrances to the toilets, enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to any police recommendations.

2 – No music to be played other than background music, through the premises internal speaker system. This must be kept at an agreed level to be confirmed with environmental services. No music at all to be played after 11pm.

3 – The front decking area of the venue to be closed for all licensable activities at 10pm.

4 - There shall be a personal licence holder on duty on the premises from opening every Friday and Saturday until the premises closes on that trading day.

5 - All relevant staff shall receive training in relation to the sale of alcohol and their responsibilities under this licence. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed the aforementioned training. Such training shall be recorded and refresher training conducted twice per annum. Training records shall be made available to the police or local authority on request.

6 – Door Supervisors. On Friday And Saturday and any other day prior to a BH, there must be a minimum of two SIA registered door supervisors on duty from 1800 and must remain on duty until the premises are closed and all customers have left. A record must be kept of their SIA registration number and times and dates when they were on duty.

7 - An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

(a) all crimes reported to the venue.

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system or searching equipment or scanning equipment

(g) any visit by a relevant authority or emergency service.

8 - A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be always available for inspection at the premises by the police or an authorized officer of the Council whilst the premises is open.

9 - 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 poster and similar means.

This policy shall specifically include but not be limited to searching practices upon entry.

Dealing with patrons suspected of using drugs on the premises.

Scrutiny of spaces including toilets and outside areas.

Clear expectation to staff roles.

Staff training regarding identification of suspicious activity and what action to take.

Handling of items suspected to be suspicious substances.

Steps taken to discourage and disrupt drug use on premises.

Steps taken to inform patrons of this policy.

A copy of this policy document shall be lodged with the police and licensing authority.

A suitable drugs safe/ cabinet shall be fitted any sized 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 item shall be placed in a clear bag with a label stating the circumstances of why it is in the safe



LICENSED PREMISES ACTION PLAN (Phase 1)

Licence Number: 23/00291/PREMTR	Premises Name:WICKS'S BAR Premises Address: Enterprise Harwich Bar LTD 1 Midland House High Street Harwich Essex CO12 3PS	Date Range of issues:06/05/2023 Review Date:21/07/2023
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Issue	Specific realistic agreed actions & how compliance will be monitored, achieved and maintained -	Timeframe
Conditions not being adhered to: Relavent and accurate Incident/Refusals book not being mantained.	The Licence Holder/DPS will keep a refusal/incident book to record all refusals, or persons challenged for ID relating to the sale of alcohol. Further entries should include when you have measured the DB levels of music both inside and outside the venue as you have stated that you are currently doing. This record will be produced to the Police or Licensing Authority for inspection on request.	To be actioned immediately and reviewed by 01/09/2023
Current legislation not being adhered to: Music currently being played after 2300.	This is the primary issue that is greatly disturbing those residing in the locality. Therefore, music will not be played past 2300hrs, as per the regulations of the Licensing Act 2003.	To be actioned immediately and reviewed by 01/09/2023

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Alex WICKS			Steven Bennett
Name of DPS/Premises Licence Holder Representative	Signature of DPS/Premises Licence Holder Representative	Date	Name of Police Representative
Distribution:	Police + Licensing Authority + Premises Licence Holder + DPS + Manager of premises)if any)		

From: Licensing Section <licensingsection@tendringdc.gov.uk>
Sent: Wednesday, November 1, 2023 5:18 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Support for the review in respect of Wicks, 1-3 Midland House
Importance: High

Good Afternoon,

REVIEW OF PREMISES LICENCE IN RESPECT OF – WICKS, ENTERPRISE HARWICH BAR LTD, 1-3 MIDLAND HOUSE, HARWICH THE GROUNDS FOR THE APPLICATION FOR REVIEW ARE AS FOLLOWS: THAT THE LICENSING OBJECTIVES IN RESPECT OF: THE PREVENTION OF PUBLIC NUISANCE HAVE NOT BEEN SATISFIED

On behalf of the Licensing Authority as a Responsible Authority, I am submitting further support of the above application submitted by Tendring District Council (Environmental Protection) on the 4th October 2023. The grounds of this support is that the Licensing Objectives in respect of: the Prevention of Public Nuisance and Crime and Disorder have not been satisfied.

Please find attached the following attachments-
Wicks- Covering Letter Supporting Review
Wicks- Timeline of actions
Wicks – Annex for Timeline

Many thanks,

(Miss) Chloe Blackwell

Licensing Enforcement Officer

Democratic Services and Elections, Governance

☎01255 68 6565 ✉Licensingsection@tendringdc.gov.uk 🌐www.tendringdc.gov.uk

Tendring District Council Licensing Department, Town Hall, Station Road, Clacton, Essex, CO15 1SE

Please note our office change above. Our reception is for tests only. General enquiries please contact on the above methods.





Licensing Section
Town Hall
Station Road
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Essex CO15 1SE

Tel: (01255) 686565
Email: licensingsection@tendringdc.gov.uk

1st November 2023

REVIEW OF PREMISES LICENCE IN RESPECT OF – WICKS, ENTERPRISE HARWICH BAR LTD, 1-3 MIDLAND HOUSE, HARWICH THE GROUNDS FOR THE APPLICATION FOR REVIEW ARE AS FOLLOWS: THAT THE LICENSING OBJECTIVES IN RESPECT OF: THE PREVENTION OF PUBLIC NUISANCE HAVE NOT BEEN SATISFIED

On behalf of the Licensing Authority as a Responsible Authority, I am submitting further support of the above application submitted by Tendring District Council (Environmental Protection) on the 4th October 2023. The grounds of this support is that the Licensing Objectives in respect of: the Prevention of Public Nuisance and Crime and Disorder have not been satisfied.

Licence Holder in company name “Enterprise Harwich Bar Ltd” and Designated Premises Supervisor (DPS) namely Mr Wicks, has held the current Premises Licence since 03rd May 2023.

As a Licensing Enforcement Officer, I have received 35 complaints from 13 different complainants in close proximity to the premises (8 persons submitted 1 complaint, and the remaining 5 submitted between 2 and 9 complaints) starting from 15th May 2023. I categorise the subject of the complaints below-

- Loud Music
- Carrying on Licensable activities without an appropriate licence in place in relation to Loud Music past 2300hrs.
- Antisocial Behaviour issues including fighting, shouting, and drugs misuse.

I have attended 4 visits in response to the series of complaints with the named DPS – Mr Alex Wicks which I highlight below-

- 16.05.2023 initial visit, DPS - Mr Wicks stated the premises intended use was a sports bar. Authorisation to staff document and sales refusal book given at time. Issues highlighted to DPS- Mr Wicks, and explained background music which he was not adhering to.
- 15.06.2023 second visit, DPS- Mr Wicks stated the premises intended use was a sports bar and looking to do food. Refusal book in little detail and not accounting for all incidences. DPS - Mr Wicks was asked to test his sound system all parties agreed this would not constitute as background music. Advise from Environmental protection to document a noise management plan.
- 31.08.2023 third visit. Drug wipe from police shows spots of cocaine. No documents to show staff training and could not produce refusals book. No noise management plan as DPS- Mr Wicks didn't think he needed to, as he was using the premises speakers instead of his main system.
- 19.10.2023 fourth visit and now with the review in place. DPS - Mr Wicks had no challenge 25 poster in the premises. No staff training records but advised he has paid for a system

and will implement within the week, sound testing to be conducted within the week also. Police attending asked DPS-Mr Wicks why wasn't this effort done prior to the review, with DPS - Mr Wicks explaining he didn't see the importance of it till now.

On the 19.06.2023 I had sent a warning letter to DPS- Mr Wicks to explain he has been carrying out an un-licensable activity of playing recorded music beyond 2300hrs. DPS - Mr Wicks licensing hours and Live Music Act 2012 was detailed in this letter. Along with Annex 2 conditions of his licence. With the intention of the letter to remind DPS- Mr Wicks that should he continue to operate the premises this way he may be liable for prosecution and/ or a review of his current premises licence where the committee may potentially suspend, revoke, or add conditions on to the licence, or hours being reduced.

Further details of the above visits and warning letter can be found in the timeline of events against the premises attached to this letter.

Through continued efforts of trying to liaise with DPS - Mr Wicks and advising for necessary documentation to be done DPS - Mr Wicks still has the following issues.

- Carrying on Licensable Activity without the appropriate licence in place – DPS - Mr Wicks Current Licence permits alcohol sales between the hours of 1200hrs and 0130hrs. The Live Music Act 2012 and Deregulation Act 2015 'deregulated' large amounts of regulated entertainment on licensed premises.
 - On licensed premises, between 0800hrs and 2300hrs live music (amplified) and recorded music is deregulated for audiences of up to 500 people.

Complaints have been received to the Licensing Authority detailing what could not be described as background music after 2300hrs. paraphrased below is a few of those complaints -

- 07.05.2023 detailing loud music on Fridays and Saturdays between 2100hrs and 0130hrs. (174 ft away from premises)
- 30.05.2023 detailing loud music ending on dates 05.10.2023 at 0130hrs, 12.05.2023 at 0115hrs, 20.05.2023 at 0130hrs.
- 08.06.2023 detailing music starts around 1900hrs and ends 0130hrs (0.1 miles away from premises)
- 08.07.2023 detailing loud music Friday until 0100hrs (256 Ft away from premises)
- 11.07.2023 detailing loud music ending on dates 10.06.2023 at 0130hrs, 27.06.2023 at 0030hrs, 30.06.2023 at 0130hrs. (292 ft away from premises)
- Breaches of conditions – By not having certain documentation DPS - Mr Wicks has failed to comply with the following conditions stated on his Premises Licence. Primarily-
 - Annex 1, Condition 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.

Premises inspection undertaken on 19.10.2023. No challenge 25 poster displayed.

- Annex 1, Condition 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;

Premises inspection undertaken on 19.10.2023 DPS- Mr Wicks was questioned on the above conditions. No Measurement list presented at time, No drinks Menu present at time.

My recollection was that DPS - Mr Wicks was not aware of this condition and didn't have them in the premises.

- Annex 2, Condition 4 – Relevant staff training within their roles and responsibilities in relation to the sale of alcohol and underage drinking. These records must be kept up to date and made available upon request to authorised officers.

Premises inspection undertaken 19.10.2023, Staff training records could not be presented. DPS Mr Wicks mentioned that he had recently paid for a system which will be implemented.

- Consistent issues regarding antisocial behaviour.

Complaints have been received to the Licensing Authority detailing what could be described as antisocial behaviour. paraphrased below is a few of those complaints –

- 11.06.2023 detailing Fighting outside
- 06.07.2023 detailing crowds become extremely loud and rowdy, screaming, shouting, arguing and fighting. (371 ft away from premises)
- 11.07.2023 detailing glass bottles thrown, drug use, fighting.
- 18.07.2023 detailing shouting and swearing until early hours.
- 20.07.2023 detailing customers creating a high volume of noise, broken glass, fights. (292 ft away from premises)

In considering if this was any other premises with similar track record, we would have intervened with the steps taken to ensure further action wasn't necessary. DPS - Mr Wicks has failed to listen to relevant authorities over time and it is contested that only due to the review being in place he has taken the step further to ensure compliance. In my experience, a responsible Licence Holder would have made the changes, or kept an open communication with the authority in regard to changes prior to further action taking place, such as this review. In my professional judgement, by allowing the premises to continue, it would further risk the 4 licensing objectives in respect of poor control, late closings and antisocial behaviour rising. I do not have the necessary trust, that the Licence Holder and DPS- Mr Wicks would take further advice before imminent action is taken.

For the above reasons, I would recommend the committee REVOKE this Premises Licence.

Only if the subcommittee members do not agree with the above recommendation, upon request I shall present a list of relevant conditions to assist the members in what I would deem relevant to add onto the premises licence to further support the 4 licensing objectives. All relevant parties have seen this document.

Yours sincerely

C.Blackwell

Chloe Blackwell

LICENSING ENFORCEMENT OFFICER

Enforcement Actions in respect of - Enterprise Harwich Bar LTD, 1 Midland House, Highstreet, Harwich, Essex, CO12 3PS (Also known as “Wicks”)

This timeline highlights enforcement actions from the Licensing Authority. Complaints are briefly stated to indicate why visits/ actions were made.

<p>15.05.2023-16.05.2023</p> <p>3 complaints received.</p>	<p>15.05.2023 Initial Complaint received detailing noise nuisance and alleged late opening until 0200hrs and antisocial behaviour issues.</p> <p>16.05.2023 Chloe Blackwell (CB) asked Environmental Protection (Noise) if they were in receipt of complaint as a visit was scheduled. Noise replied with 2 complaints regarding noise issues.</p>
<p>16.05.2023</p> <p>(ANNEX 1 PREMISES INSPECTION 16.05.2023)</p>	<p>Visit made to the premises with Steven Bennett (SB) Licensing Officer at Essex Police and DPS Mr Alex Wicks (AW). Noise issues were mentioned on inspection. AW thought that after 2300hrs he can play “Background Music”. It was discussed with AW limitations of what background music is, specifically that it should not be heard over speaking level or the premises boundary. It was also mentioned that as we are in receipt of complaints, we wouldn’t consider his music to be background.</p> <p>AW explained 06.05.2023 the premises was crowded outside. The music was turned off at 0130hrs, lower music level before. On the 13.05.2023 there was an argument outside, which started off inside the bar, music was turned down at 2300hrs.</p> <p>Conclusion of this visit by CB and SB was that we would monitor the situation, AW to keep an eye on music levels and I would contact the Environmental Services team to see if they can offer some advice.</p>
<p>26.05.2023-14.06.2023</p> <p>7 complaints received.</p>	<p>26.05.2023 SB contacted CB about advertisement regulations and promotions of drinks as a member of the public was asking. CB highlighted promotions from the premises licence in which the premises was acting accordingly.</p> <p>05.06.2023 complaint received detailing underage drinking. CB asked the Licensing Office at Essex Police, but details were not reported to them at this time.</p> <p>05.06.2023 complaint received detailing past months activities with the premises specifically loud music and playing music beyond licensable activities time.</p> <p>06.06.2023 Email from Noise with complaint that premises is operating every weekend. Times were not specified.</p> <p>07.06.2023 Complaint received regarding promotions. Followed by same complainant emailing 08.06.2023 regarding noise issues.</p> <p>14.06.2023 ASB complaint received detailing fights outside premises.</p>
<p>15.06.2023</p> <p>(ANNEX 2 PREMISES</p>	<p>2nd Premises Inspection following complaints. Carried out with SB and Rebecca Duff-Cole, Noise (RDC)</p>

<p>INSPECTION 15.06.2023)</p>	<p>AW mentioned he is looking to be more of a sports bar and is looking to use 1 Midland House for food in the future. AW mentioned he was aware of 3 /4 incidences that have occurred outside. CB noted refusal book incidences dating 14.05.2023 and 09.06.2023. Refusal Book did not detail all events.</p> <p>RDC mentioned there was an open investigation regarding the noise and they are looking at steps to monitor. The complaints included loud music and loud base. No noise management plan was presented on visit.</p> <p>CB confirmed the premises is not licenced to carry on operating music past 2300hrs.</p> <p>Mr Wicks tested the systems to show what normal/disco music sounded like and when he switched to “Background music”.</p> <p>AW highlighted no speakers outside and was using the main system inside for music.</p> <p>Even with the base turned down all parties still agreed (CB, SB, RDC and AW) this was not constituting as background music.</p>
<p>20.06.2023 (ANNEX 3 WARNING LETTER 20.06.2023)</p>	<p>Warning Letter issued to AW from the Licensing Team CB.</p>
<p>20.06.2023- 24.07.2023 11 complaints received.</p>	<p>19.06.2023 SB intel ASB on 16.06.2023 bouncers did not feel comfortable.</p> <p>20.06.2023 Complaint detailed number of incidences decreased but level of noise still high.</p> <p>06.07.2023 Complaint received details of ASB in relation to screaming, shouting and fighting, vehicle increase loud music, car door slamming, speeding and wheel spinning.</p> <p>11.07.2023 Complaint detailing events of disturbances with loud noise and stream of cars arriving and leaving up until 0200hrs.</p> <p>11.07.2023 Complaint from Cllr on behalf of resident detailing ASB in relation to glass bottles being thrown and drug use.</p> <p>13.07.2023 Complaint received from Noise, FYI.</p> <p>17.07.2023 Complaint received details of ASB from Cllr on behalf of resident in relation to at 0300hrs customers from the premies urinating on cars and the handles to open the car doors.</p> <p>18.07.2023 Complaint detailed dates of loud music, unlicensed music and antisocial behaviour.</p>

	<p>19.07.2023 Complaint received detailing event incidences including photo of premises.</p> <p>19.07.2023 Licensing was made aware that the Environmental Services team have issued a Noise abatement notice on the premises.</p> <p>24.07.2023 Complaint received from Cllr detailing fights on behalf of resident.</p>
<p>02.08.2023</p> <p>Contact with Premises</p>	<p>Email from AW of the premises asking CB to call him as he would like to host a Charity Event. Detailed the charity's for and wanted to know what times he can do this to line up the DJs. CB phoned AW regarding this email and AW gave a brief description of the event similar to his email. CB asked what date he is wanting to do the event; AW wasn't too sure at time but probably at a weekend. AW mentioned he has not been using the sound system he installed but was using the premises speakers, so for the event, he wants to use the actual sound system for the DJs. CB asked if there would be bouncers for the event, AW was thinking of having 3 bouncers for the event. CB explained under the Live Music Act 2012 that he holds an alcohol licence, he is able to have regulated entertainment between 1200 until 2300hrs, however this could contradict other remits like noise or police. CB explained to send an email to both parties to comment on to give advice. CB explained if he wanted to hold the event and did not hear back from both parties to not continue until he has made contact. AW mentioned he had received a police letter about the noise, CB was aware that SB was trying to get a hold of AW through multiple emails and voice messages. This was relayed to AW who denied receiving contact, part from the letter. CB asked AW if he has been checking the levels of music and put in a noise management plan, AW explained he didn't feel it was needed since he switched to the premises speakers. CB explained to AW this has been asked for him a few times now. It was also mentioned to AW that he has the licence hours but if he should wish to go on later he will need to hold the relevant licence and Temporary Event Notices were mentioned. It was explained this may be objected to as the premises is still being monitored but if this is what he truly wished, then he would need to apply. CB forwarded AW email to Katie Wellsley-Smith, Noise (KW) and SB for their reply. (03rd August 2023 Environmental responded to AW to note the Noise Abatement notice issued on the 20th July 2023 is still in force and should officers from the Environmental Protection Team substantiate any breaches of this notice, they will pressure further action. However, in terms of the event, the Environmental team require the premises to submit information pertaining to how they intend to manage music, confirmation of times when music will be played and ceased)</p>
<p>03.08.2023- 14.08.2023</p> <p>5 complaints received</p>	<p>03.08.2023 Email from Cllr from Cllr with residents complaint ongoing issues</p> <p>03.08.2023 Email from Cllr with residents complaint with ongoing issues.</p> <p>07.08.2023 Cllr emailed requesting update.</p> <p>07.08.2023 complainant emailed requesting update.</p>

	14.08.2023 complaint detailing dates of events, including photos of crowds outside the premises.
31.08.2023 (ANNEX 4 PREMISES INSPECTION 31.08.2023)	<p>3rd Premises inspection undertaken with SB.</p> <p>Although not conditioned on the licence, the premises has CCTV recorded for 3 weeks, AW showed SB the CCTV which on the 27th August at 0130hrs showed AW and 2 friends in the premises playing pool.</p> <p>SB mentioned he was around the premises area on Friday 25th August night and at 2330hrs music was still playing from the premises and base could be heard. The CCTV did not record sound.</p> <p>AW explained that he is looking to put mesh material in the toilets as there is suspected drug use, SB at the time of this inspection used a drug wipe which showed some spots of cocaine use. AW also explained he has brought foam for the corners of the premises to help insulate sound and looking to change the doors.</p> <p>SB enquired that on Friday (25.08) or Saturday (26.08) there was a report that 3 17yr olds were drinking in the premises and one of the 17Yr olds had to be escorted home by police as she was too intoxicated. AW response was that they must have used Fake ID.</p> <p>AW mentioned he is wanting to host an event for charity which involves a DJ line up. Looking to host on 30th September 2023 between 1200hrs-2300hrs. it was advised to AW to stop the event just before 2300hrs, so he is within times of licensing, but a reminder that he still has the Noise issued abatement notice on the premises.</p> <p>AW has not completed Staff training records or refusal book which is conditioned on his licence. it was explained this would have helped proven his staff know how to spot fake ids etc.</p> <p>AW after being advised from us and noise has also not put in a Noise Management Plan or kept a record when he is checking the noise levels. AW response to this was he didn't think he needed to.</p>
31.08.2023- 25.09.2023 7 complaints received	<p>31.08.2023 Complaint detailing few dates of loud music and screaming from customers.</p> <p>31.08.2023 Complaint from Antisocial Behaviour team detailing ASB complaint in relation to screaming until 0200hrs, shouting, fighting.</p> <p>31.08.2023 Complaint from Antisocial Behaviour team detailing complaint of customers screaming, wheel spinning and urination in front gardens.</p> <p>14.09.2023 I was made aware that Environmental Services sent a letter to the premises detailing 2 breaches of the abatement notice occurring Friday 8th September and 09th September.</p> <p>19.09.2023 Complaint from Cllr on behalf of resident expressing ASB concerns – underage drinking.</p>

	<p>22.09.2023 complaint received from Cllr on behalf of resident asking licensing to reply. Complaint detailed late opening of premises and drug use, premises party and CCTV issues.</p> <p>25.09.2023 Complaint received that premises is advertising late night refreshment until 0200hrs, when licence permits until 0130hrs. photo of advertisement given.</p>
<p>28.09.2023</p> <p>Contact with Charity for Event at Premises</p>	<p>Licensing received a Contact the Council form from an associate at Porridge and Pens regarding the premises is hosting a charity event on 30.09.2023. the Charity wasn't aware of the issues with this premises and had received contact from the local community suggesting they might take action against the charity if the event is too noisy or violates licensing rules. the charity wanted documented that they were not part of this event and they have phoned the premises to pick another charity as they do not want their name associated.</p> <p>29.09.2023 I responded to the charity that they would be seen having no involvement with the premises and any issues, would be from the premises. It was noted if the charity has names of the residents they had spoken to, to please forward and a further email would be made to clarify it is not the charity responsibility.</p> <p>02.10.2023 Porridge and Pens replied to my email to say they have asked the premises to give the proceeds to someone else.</p>
<p>04.10.2023</p> <p>Review Received</p>	<p>Application to review received from the Environmental Services team in respect of licensing objective – Public Nuisance.</p>
<p>04.10.2023</p> <p>Premises Visit</p>	<p>3 Review Notices placed by CB at the premises. Locations – Restaurant Bar Side of Bar</p>
<p>16.10.2023</p> <p>1 Complaint Received</p>	<p>16.10.2023 Complaint received detail drug use.</p>
<p>19.10.2023</p> <p>(ANNEX 5 PREMISES INSPECTION 19.10.2023)</p>	<p>4th Premises inspection undertaken with SB and AW. Inspection following police incidences from recent weekend.</p> <p>2 SIA Door staff AW keeps log on his phone (not seen at time of visit) CCTV held for 2-3 weeks, seen on inspection. No sound audio AW explained he would have to replace cameras. Authorisation to Staff document seen with 2 other members of staff named. Staff training AW has purchased 10 courses for the 3 staff, due to start next week. Sales refusal book seen with recent incidences from weekend 14.10.2023. No Challenge 25 poster up at premises. AW explained it was ripped down.</p>

	<p>Traces of cocaine found on drug wipe again conducted by SB. SB questioned about the mesh AW was supposed to put in the toilets, AW explained he tried but customers ripped it up.</p> <p>AW explained on the 14.10.2023 the premises was showing the boxing which then had a few ASB after – fight.</p> <p>Sound testing to be conducted in the premise. Supplier has not confirmed a date but should be next week.</p> <p>Main sound system has been removed and AW has just been using premies speakers. the main sound system will be in place when the sound testing is being conducted.</p>
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ANNEX

Annex in relation to the timeline of enforcement actions from the Licensing Authority.

- ANNEX 1 PREMISES INSPECTION 16.05.2023 (2 Pages)
- ANNEX 2 PREMISES INSPECTION 15.06.2023 (2 Pages)
- ANNEX 3 WARNING LETTER 20.06.2023 (3 pages)
- ANNEX 4 PREMISES INSPECTION 31.08.2023 (2 pages)
- ANNEX 5 PREMISES INSPECTION 19.10.2023 (2 pages)

ANNEX 1 PREMISES INSPECTION 16.05.2023 (1 out of 2 Pages)

Tendring
District Council

PREMISES INSPECTION FORM (ON SALES)Date 16/05/2023Time 14.30Officer CB

Premises Name	Wicks (Enterprise Harwich Bar)
Premises Address	1 Midland House Harwich Co12 3PS
Premises Licence Displayed	No
Premises Licence Number	-
Designated Premises Supervisor	Alex Wicks
Is the DPS available?	/
Person in charge at time of visit	^
Are they a Personal Licence holder?	/
Capacity at time of visit	0

Are SIA Doorstaff used?	/ 4 on call
Is CCTV available?	/ inside and outside
CCTV held for minimum 28 days?	A month (unsure)
Are Staff trained in the use of CCTV?	Just DPS

In the absence of DPS - Authorisation to staff documented	Given at visit
Tap water freely available?	/
Staff trained in alcohol / age offences?	/
What age policy challenge is in place ?	Challenge 25
Relevant posters displayed regarding age policy?	/
Sales refusal book / incident book	/ Not used yet. Given at visit
Fire exits clear and well-lit	/
Noise prevention notices when leaving the premises	Signs outside and get told
How often are toilets checked?	Every day
Record details of anyone Barred / Ejected from premises	/

ANNEX 1 PREMISES INSPECTION 16.05.2023 (2 out of 2 Pages)

Gambling Machines on premises	No
Numbers & Categories	
Licence Number	

Additional Information

Plan. Sports Bar // ([Mr Wicks provided email address](#)) advise

Licence thought the old one covered, explained different details need to be changed. Think it will be home address.

Loud music till 11. Turns down for background Explain background should not be heard from prem boundary & getting complaints.

6th crowded outside, everyone out of Bar.

1.30am music off by then lower.

13th Row outside person was inside bar Djs

Turned down @ 11.

ANNEX 2 PREMISES INSPECTION 15.06.2023 (1 out of 2 pages)

Tendring
District Council

PREMISES INSPECTION FORM (ON SALES)Date 15/06/2023Time 1400hrsOfficer CB, Enviro, steve

Premises Name	Wicks
Premises Address	1 – 3 Midland House Harwich
Premises Licence Displayed	/
Premises Licence Number	23/00291/PREMTR
Designated Premises Supervisor	MR Wicks
Is the DPS available?	/
Person in charge at time of visit	^
Are they a Personal Licence holder?	/
Capacity at time of visit	0

Are SIA Doorstaff used?	/
Is CCTV available?	-
CCTV held for minimum 28 days?	-
Are Staff trained in the use of CCTV?	-

In the absence of DPS - Authorisation to staff documented	-
Tap water freely available?	/
Staff trained in alcohol / age offences?	/
What age policy challenge is in place ?	Challenge 25
Relevant posters displayed regarding age policy?	/
Sales refusal book / incident book	/ 14/05 1.30am 9/06
Fire exits clear and well-lit	/
Noise prevention notices when leaving the premises	-
How often are toilets checked?	-
Record details of anyone Barred / ejected from premises	-

ANNEX 2 PREMISES INSPECTION 15.06.2023 (2 out of 2 pages)

Gambling Machines on premises	No
Numbers & Categories	
Licence Number	

Additional Information

Go more for sports bar & looking to do food
3 / 4 incidences otherside of decking Door staff
Not written down
Sales refusal book – little detail
Noise nuisance – Becca mentioned open investigation just stating
complaints loud music no written noise management plan
Explained not licensed
No speakers outside
Main system inside
Tested systems what is used for disco/ background noise. Enviro
agreed the level it was inside was not background

ANNEX 3 WARNING LETTER 20.06.2023 (1 out of 3 pages)

Wicks - Enterprise Harwich Bar LTD
1 Midland House
High Street
Harwich
Essex
CO12 3PS

Licensing Section
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Tel: (01255) 686565
Email: licensingsection@tendringdc.gov.uk
Please ask for : Chloe Blackwell

Ref : 23/00291/PREMTR

19th June 2023

Dear Mr Wicks,

LICENSING ACT 2003 – UNLICENSED ACTIVITY
WICKS, 1-3 MIDLAND HOUSE, HIGH STREET, HARWICH, CO12 3PS

Monitoring Period – Warning

I am writing to inform you that it has come to the Licensing Authority attention that the above premises has been undertaking unlicensed activities under the Licensing Act 2003 legislation, subject to: **Playing recorded music beyond 2300hrs.**

This has been brought to your attention following a visit on the 16th May 2023, where the Licensing Enforcement Officer (Tendring District Council) and the Licensing Officer (Essex Police) undertook a premises inspection and raised noise issues as a concern. At the time of this inspection, you mentioned it was “background music”. Background music is loosely described that it is incidental music, that cannot be heard from the premises boundary and that persons can have a normal conversation when in the premises without raising their voice. Going forward you were advised to keep an incident book, and to record when you are checking the noise levels. The licensing requirements to obtain music past 2300hrs were spoken about in forms of Temporary Event Notices or applying to Vary your Licence, however you were aware that this could still get objections to.

Further complaints were still being received after the initial visit. Therefore, a further visit was organised in conjunction with the Responsible Authorities – The Licensing Authority, Essex Police Licensing, and the Environmental Health (Noise Pollution) team. On this visit we had asked how you / the premises was getting on. You gave some positive feedback and mentioned you knew of a few incidences that have arose; however, it was noted these were not included in the incident book and you had not kept a record of when you had been checking noise levels for the premises. You were notified that the Council and Police were still in receipt of complaints regarding the level of Noise, bass issues and anti-social behaviour.

During the visit, a test was made regarding the sound levels of when you have the music on and when you cross over to “background noise”. It was agreed by all parties that the background noise levels were still significant. Environmental Health (Noise Pollution) has given you advise regarding this, and a separate letter is to be issued under their remits.

I outline your Premises Licence hours and conditions. As the named Licence Holder on the premises, you are to ensure you are adhering to the below.

ANNEX 3 WARNING LETTER 20.06.2023 (2 out of 3 pages)

Please note under the Live Music Act 2012 and the Deregulation Act 2015 it is permitted between 0800hrs and 2300hrs live music (amplified) and recorded music is deregulated for audiences of up to 500 people. For your licence the times will specify from 1200hrs to 2300hrs this takes effect.

The below does not state the Mandatory conditions set out in Annex 1 of your Premises Licence, additionally you should read and fully understand these conditions also.

Times the licence authorises the carrying out of licensable activities**Sale of Alcohol on and off the premises**

Monday to Thursday	12:00 - 00:00
Fridays and Saturdays	12:00 - 01:30
Sunday	12:00 - 00:00

Late Night Refreshment

Monday to Thursday	23:00 - 00:00
Fridays and Saturdays	23:00 - 01:30
Sunday	23:00 - 00:00

The opening hours of the premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 00:00

Annex 2 – Conditions consistent with the Operating Schedule

- 1 The Licence Holder/DPS will keep a refusal/incident book to record all refusals, or persons challenged for ID relating to the sale of alcohol. This record will be produced to the Police or Licensing Authority for inspection on request.
- 2 The premises will operate a "Challenge 25" scheme, or equivalent, requiring those appearing to be 25 years or under to be asked for accredited identification as to their age.
- 3 Notice asking customers to leave the premises quietly and respect. We have standard wording on one of the conditions.
- 4 Relevant staff training within their roles & responsibilities in relation to the sale of alcohol and underage drinking. These records must be kept up to date and made available upon reasonable request to authorised officers.

Let this letter be a reminder to you that the steps you are taking to reduce the noise issues surrounding the premises do not prohibit that you are not licensed for the Licensable Activity "music", after 2300hrs. You are also to adhere to conditions set out in your Premises Licence. As the above shows, if you are not noting incidences you are in breach of this condition.

Should you continue to operate and conduct the premises this way, you may be liable for prosecution and a Review of your current Premises Licence being heard at a Licensing Premises/ Personal Sub Committee. Under the Review procedures, you may potentially run the risk of suspension, revocation, conditions being added to your licence or even hours being reduced.

ANNEX 3 WARNING LETTER 20.06.2023 (3 out of 3 pages)

This is under the Provisions of the Licensing Act 2003 where it is an offence –

- S136 Unauthorised activities. A person commits an offence if they
 - Carry on or attempt to carry on activities “other than under or in accordance with authorisation or
 - Knowingly allow activities to carry on.
- S140 Allowing disorderly conduct on licensed premises.

A copy of this letter will be obtained on your record and may be used for evidence in future.

Yours sincerely

C.Blackwell

Chloe Blackwell

LICENSING ENFORCEMENT OFFICER

ANNEX 4 PREMISES INSPECTION 31.08.2023 (1 out of 2 pages)

Tendring
District Council

PREMISES INSPECTION FORM (ON SALES)Date 31/08/2023Time 16 27Officer CB,

Premises Name	Wicks
Premises Address	Harwich
Premises Licence Displayed	/
Premises Licence Number	
Designated Premises Supervisor	Mr Wicks
Is the DPS available?	/
Person in charge at time of visit	^
Are they a Personal Licence holder?	/
Capacity at time of visit	0

Are SIA Doorstaff used?	/
Is CCTV available?	/
CCTV held for minimum 28 days?	3 weeks
Are Staff trained in the use of CCTV?	Licence holders

In the absence of DPS - Authorisation to staff documented	
Tap water freely available?	
Staff trained in alcohol / age offences?	/
What age policy challenge is in place ?	Challenge 25
Relevant posters displayed regarding age policy?	/
Sales refusal book / incident book	/ 27/08/23
Fire exits clear and well-lit	
Noise prevention notices when leaving the premises	
How often are toilets checked?	
Record details of anyone Barred / Ejected from premises	

ANNEX 4 PREMISES INSPECTION 31.08.2023 (2 out of 2 pages)

Gambling Machines on premises	No
Numbers & Categories	
Licence Number	

Additional Information

Dugs swipe shows some spots

Camera no noise 27 half 1 himself & 2 friends

Steve Friday night half 11 still base

Mesh for toilets

Insulate building. Foam.

Staff training not documented/ no refusals

Fri/Sat 3 17 yr olds drinking in the prem. Mr Wicks State fake ID.

1200-2300 30 september Saturday

DJ line up. Tickets

No noise management plan – didn't think he needed to

Advised and checking noise

ANNEX 5 PREMISES INSPECTION 19.10.2023 (1 out of 2 pages)

Tendring
District Council

PREMISES INSPECTION FORM (ON SALES)Date 19/10/2023Time 1300Officer CB,

Premises Name	Wicks
Premises Address	1-3 Midland House
Premises Licence Displayed	/
Premises Licence Number	
Designated Premises Supervisor	Mr Alex Wicks
Is the DPS available?	/
Person in charge at time of visit	^
Are they a Personal Licence holder?	/
Capacity at time of visit	N/A

Are SIA Doorstaff used?	/ 2 log on phone.
Is CCTV available?	/
CCTV held for minimum 28 days?	2-3 weeks
Are Staff trained in the use of CCTV?	Alex & Robert

In the absence of DPS - Authorisation to staff documented	/ 2 other staff
Tap water freely available?	/
Staff trained in alcohol / age offences?	/ -
What age policy challenge is in place ?	Challenge 25
Relevant posters displayed regarding age policy?	No
Sales refusal book / incident book	/ 14.10.2023 x 3 reports
Fire exits clear and well-lit	/
Noise prevention notices when leaving the premises	/
How often are toilets checked?	Bouncers 1 hour.
Record details of anyone Barred / Ejected from premises	Between staff.

ANNEX 5 PREMISES INSPECTION 19.10.2023 (2 out of 2 pages)

Gambling Machines on premises	No
Numbers & Categories	
Licence Number	

Additional Information

Boxing Saturday few antisocial behaviour.

Sound testing to be conducted. Not confirmed date hopefully next week.

Staff training – looking at courses dire safety/ bar sales/ id courses for staff – IHASCO.

10 courses for 3 staff once done print & file.

Next week will be in place.

Main sound system removed using premises speakers.

3 review notices still up.

Link to public access to check conditions.

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From: Alex Wicks _____
Sent: Wednesday, November 1, 2023 5:20 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>; Rebecca Duff-Cole <rduff-cole@tendringdc.gov.uk>; Steven BENNETT 42081907 <Steven.BENNETT@essex.police.uk>
Subject: Wicks Bar Review of Premises Licence

Good afternoon,

I have been in contact with acoustic design professionals to come up with a design to prevent noise escaping the building, and helping me come up with a perfect noise management plan going forward to prevent any further complaints or nuisance to the local residents. We are willing to get started on any construction work needed to soundproof the building (including a noise limiter) once we have got the go ahead from you, depending on the outcome of the premises licence review. We are taking this licence review very seriously and would love to work with you and the local residents to keep everyone happy. If you have any questions about the noise management plan please contact me on xxxxxxxxxx. We have also taken further steps towards drug use in the toilets by sticking down plastic mesh on the flat surfaces and hourly toilet check after 10pm by door supervisors.

Kind regards,
Alex Wicks

From: garrycalver@xxxxxxx

Sent: Tuesday, October 17, 2023 10:51 AM

To: Licensing Section <licensingsection@tendringdc.gov.uk>

Cc: cllr.dchable@harwichtowncouncil.org.uk

Subject: RE: Review of Premises Licence Application - Enterprise Harwich Bar Ltd (Wicks's Bar), 1 Midland House, High Street, Harwich, Essex

Dear Emma

This bar is located on the very edge of my Dovercourt Bay ward and, during the time it has been operating, I have received numerous complaints from residents living within my ward. These complaints have ranged from accumulated rubbish at the rear of the premises through to noise and serious anti social behaviour issues.

From the complaints I have received and information gained from colleagues, I believe that this premise is having a major negative impact on Dovercourt Town Centre and the adjacent residential areas to the point where it should not be allowed to continue to operate.

Yours sincerely

Garry Calver
Councillor, Dovercourt Bay Ward

From: Cllr. Ivan Henderson <cllr.ihenderson@tendringdc.gov.uk>
Sent: Monday, October 23, 2023 7:41 AM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Cc: Michael Cook <mcook@tendringdc.gov.uk>
Subject: RE: Review of Premises Licence Application - Enterprise Harwich Bar Ltd (Wicks's Bar), 1 Midland House, High Street, Harwich, Essex

Dear Emma,

Firstly, I would like to state how relieved I am as the Ward Councillor that this review is now taking place, I know for a number of residents this couldn't have come soon enough.

I have been contacted on almost a weekly basis by residents complaining about the unacceptable level of disturbance by (Wick's Bar) Midland House.

The complaints have included, unbearable noise levels from loud music, anti social behaviour, which has resulted in police being in attendance to deal with customers leaving the premises.

Some of the complaints have referred to fighting, drug taking, broken glass, and continual abuse to all licensing conditioned attached to these premises.

It is with all the above in mind and how my residents lives have been affected by the ongoing disturbances from this bar, I am requesting to attend and speak at the pending review hearing.

Can you please respond acknowledging receipt of this statement and request.

With best wishes

Ivan

Representation 1 - redacted

From: [REDACTED]
Sent: Wednesday, October 25, 2023 1:14 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: Wicks, Harwich

Good afternoon

Please find attached my representation against Wicks's bar. I would like all previous complaints to TDC included in my representation including photos I sent of Wicks's bar running out of their licensed hours.

I would also like my personal details to be redacted as I do not wish these to be made public.

If you require any further information please do let me know.

Kind regards

[REDACTED]

25th October 2023

Please find details of all the complaints that I have made to both Environmental and Licensing departments in regards to Wicks's Bar, High Street, Dovercourt, CO12 3PS. I would like this information plus along with any other complaints and photos that I have sent as my representation against Wicks's bar.

05.05.23 19.45-01.45-loud music and customer noise

06.05.23 20.30-01.45-loud music and customer noise

07.05.23 20.00-01.45-loud music and customer noise

27.05.23 20.00-01.30-loud music and customer noise.

02.06.23 & 03.06.23 20.00-01.30 music was again played at such a volume that it could clearly be heard in my home with all the windows shut. The manager had said earlier in the week on a Facebook post that customers would be moved inside the premises at 12pm and the front doors would be closed to minimise the noise however despite me messaging him twice on the evening of 02.06.23 at 23.27 & 00.26 nothing was done.

09.06.23-10.06.23 music was clearly audible until 23.30hours and then the volume was increased significantly

17.06.23 20.30-01.30 music clearly audible then volume increased at 23.15 hours making getting to sleep impossible until they finally closed and the customers finally left the area.

23.06.23 20.15-01.30 extremely loud music making getting to sleep impossible- had to close all windows tight and use earplugs to sleep.

27.06.23 23.50-12.30 extremely loud music which woke me up

30.06.23 19.30-01.30 clearly audible music in our home making getting to sleep impossible

01.07.23 20.00-01.30 loud music & noise from customers on smoking area and pavement

07.07.23 23.00-01.30 loud music which had volume increased at 23.30 until closing, customers outside very loud

08.07.23 19.00-01.30 music audible until 00.00 then volume increased significantly

10.07.23 extremely loud music from 20.00-01.00hrs. The bar was open until 3am- there were 2 fights at the premises which spilled outside which resulted in the police attending twice.

28.07.23 bar remained open until at least 02.30, police called to attend a huge fight at premises. Customers hung around until around 3am

29.07.23 music was on until at least 01.30 when they do not have a late music license.

05.08.23 customers extremely loud outside premises until 02.00.

11.08.23 music from 20.00-21.30 at a high volume, turned down then off at 02.00. Customers outside until 02.40 running across the road, moving road cones & turning off temporary traffic lights, staff left the premises and did nothing to move them along.

12.08.23 20.00-23.00 extremely loud music which could be heard inside my home

09.09.23 I called Careline to report the music as it was so loud- officers from environmental attended.

30.09.23 called Careline as music from a charity event had been played exceedingly loud from 13.30- I reported it around 17.30 when I'd had enough of the constant bass.

I cannot downplay the impact this place has had on my own and my family's quality of life- we are exhausted from lack of sleep at weekends, we are unable to relax in our home or garden due to the noise from Wicks's. There is constant worry that our cars will be damaged or that customers will take it upon themselves to urinate in our garden or on our fences-this has been witnessed. We are snappy with each other as we are so stressed with the situation. I absolutely dread weekends as I know there will be noise, often fighting and police attending. My daughter has had to call the police when a fight broke up and watch in disbelief as staff and police did nothing. When you have to get up at 5am every weekday morning for work weekends at home should be something to look forward to however I start dreading them from Thursday onwards as I know it will be anything but relaxing in the evenings. The whole time Wicks's has been open has been nothing short of a nightmare, messages to the manager are ignored-he suggests going to see him face to face however it is such an intimidating place that I couldn't face doing it. At one point over the summer we even discussed selling our home of over 20 years just to get away from the noise. It's not fair, local residents should be able to enjoy their homes without worrying what is happening across the road.

From: [REDACTED]
Sent: Friday, June 2, 2023 11:45 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: 23/00291/PREMTR

Good evening

Thank you for your email and the information on who to contact re the persistent noise from this business. A complaint is being sent on Monday after trying to resolve it with the owner/manager. I am emailing however for clarification on the conditions of the alcohol license. I have read through them and was wondering if drinks promotions that are offered goes against the following:

(1) Schedule 1(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) Schedule 1(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

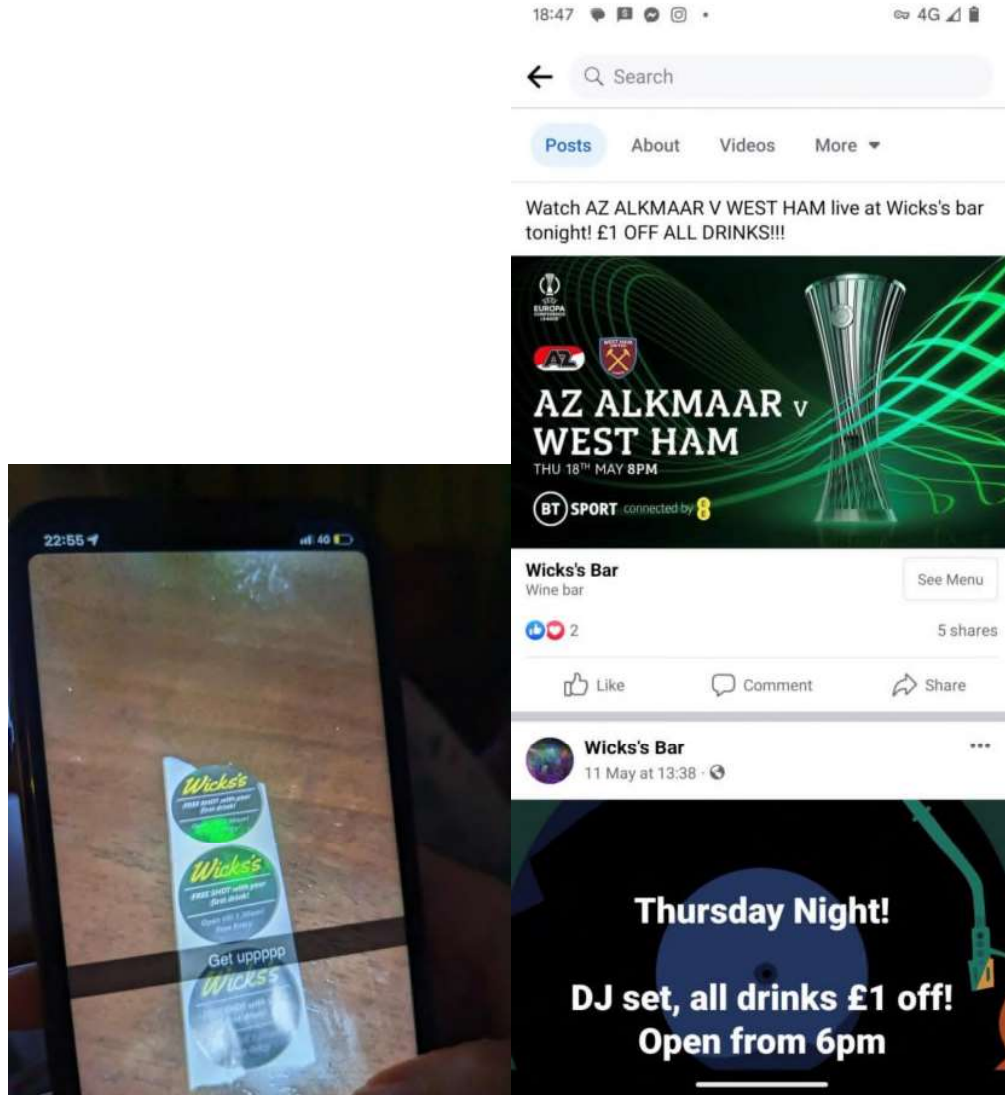
I have attached some screenshots of the various offers the bar has had since they reopened- free shots with a drink, money off offers amongst others.

I am also concerned that the license was given with the understanding that it was being run as a restaurant/bar however it is run as bar/nightclub. No food is sold onsite in fact they are getting an outside caterer in tomorrow evening, I have also attached a screenshot of the Facebook post advertising this.

If someone could have a look into this I would appreciate it as the situation with this bar is starting to affect mine and my family's sleep and quality of life at the weekends.

Kind regards

[REDACTED]



16:20 4G

18:47 4G

← Search

Posts About Videos More


Wicks's Bar's posts

Like Comment Share

Wicks's Bar
Yesterday at 18:46 · 🌐

Grab a freshly made stone baked pizza on Saturday for you and your family from 5pm. Great tasting wood fired pizza's at brilliant prices made with love from Pizza Amore. They will be serving next to Wicks's bar from 5pm. Don't miss out, eat in or takeaway!

From 5pm till late!



PIZZA AMORE

EST. 2023
Wicks's
BAR

PIZZA AMORE MENU

Wicks's Bar

9 May at 18:34 · 🌐

£1 off every pint! During the football game tonight.


Real Madrid v Manchester City

3 2 shares

Like Comment Share

Wicks's Bar
9 May at 13:12 · 🌐

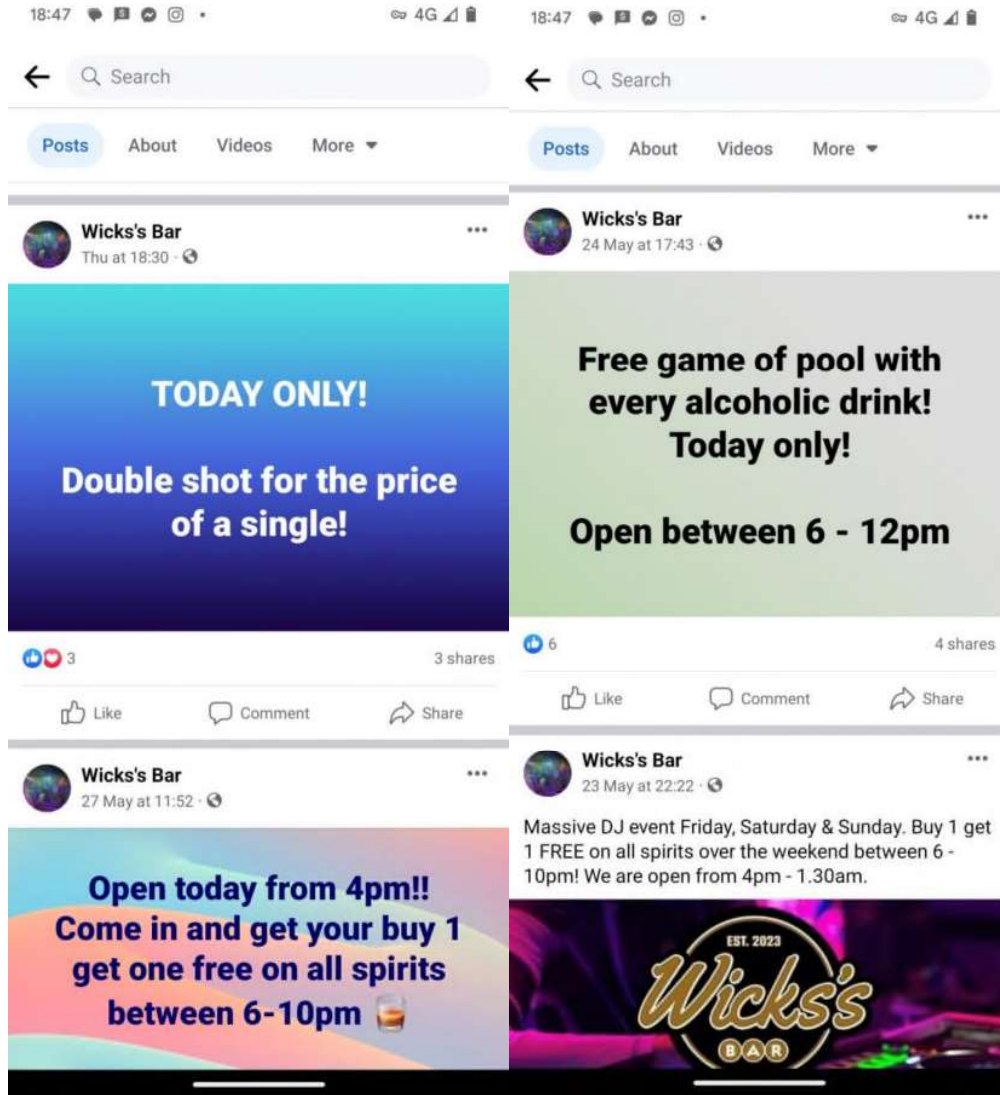
Real Madrid v Manchester City - Semi Final. Watch tonight at Wicks's Bar. Game starts at 8pm.

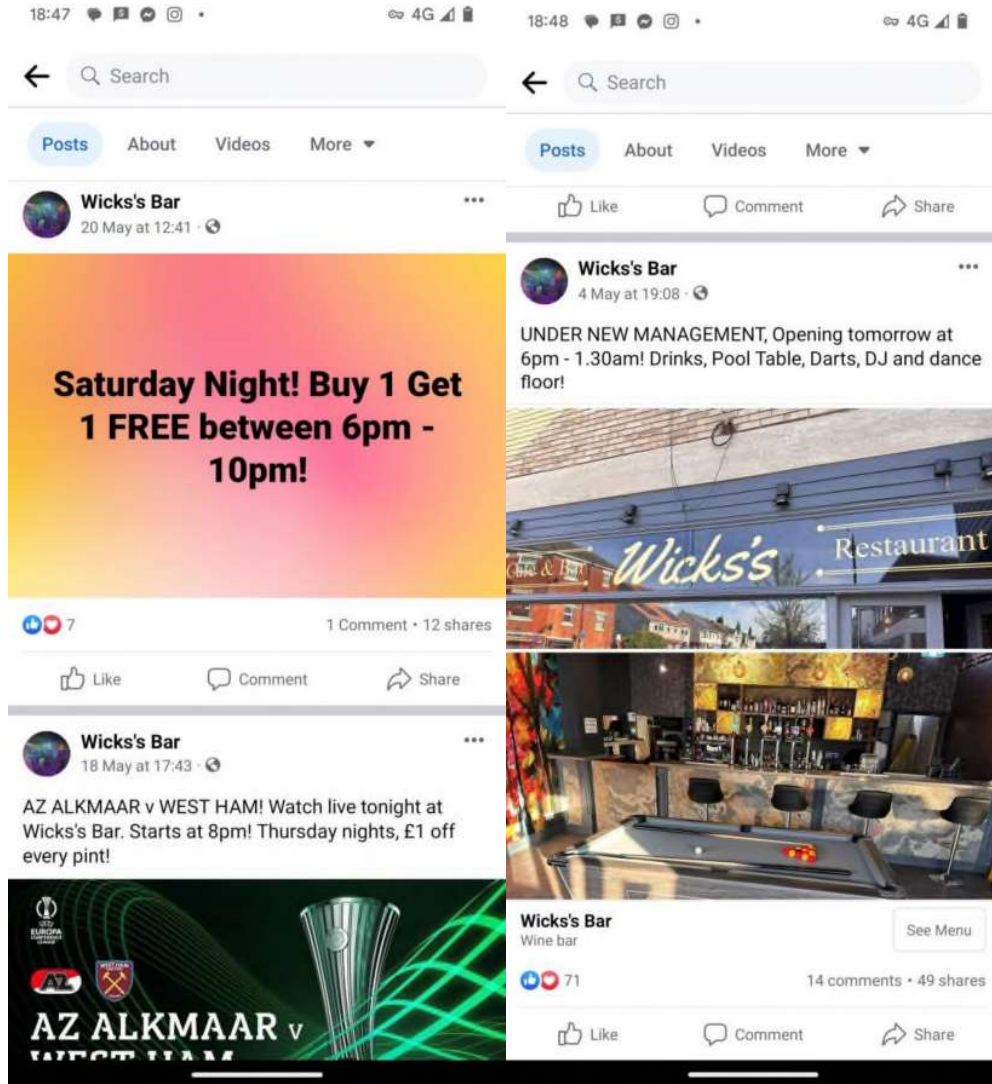


Opens in Messenger

SEND MESSAGE

25 36 shares







From: [REDACTED]
Sent: Thursday, June 8, 2023 5:39 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: 23/00291/PREMTR

Dear Chloe Blackwell

Many thanks for your email and answering my queries.

I have put a complaint to Environmental Services about the level of noise coming from the property at weekends, the music starts any time between 7pm and 8pm and continues until 1.30 the next morning on a Friday and Saturday night. I was not aware that I could Environmental Services about noise occurring before 11pm so I will bear that in mind going forward.

In regards to noise after 11pm the business tends to turn the music up as they get busier at that time. I have approached the owner/manager who said the music would be turned down at 11pm but the reality is that the volume increases until they close at 1.30am.

I have attached a couple of videos of the noise so that you can have an idea of how loud it is. These were taken outside my house around 11.20pm on Friday 2nd June, the sound is not great for some reason but with the volume turned up you can clearly hear the music from my house which is about 100 metres away. In fact this was before they increased the volume and it was much louder after that.

This has been the same story since they opened at the beginning of May and one weekend it was so loud that the music could be heard clearly from the other end of Cliff Road.

I am not against businesses being open and playing music but I don't think it is acceptable that I should have to close all windows tight and still be able to hear the noise- it is impossible to get to sleep until the premises are closed, often later as customers hang around the corner for some time. On top of that we can hear the music over the television all evening making it impossible to relax after a long week at work. I absolutely dread the weekends now as I know that there will be music playing on a Friday and Saturday night. It is a completely stressful situation.

I will be keeping a noise diary over the coming weeks and if I am able to will record the noise level.

I really hope your investigation into this business results in something being done about the unacceptable noise that nearby residents have to put with weekly.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: Monday, July 10, 2023 7:20 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>; Environmental Services <env.services@tendringdc.gov.uk>
Subject: Wicks's Bar, Midland House, Dovercourt

Further to my emails of early June I have been keeping a noise diary of the above named business and would like to lodge another complaint.

There has been no improvement to the noise levels and as it is getting busier the noise is louder than before with a high number of people standing directly outside the premises and on the pavement contributing to the noise. Added to that there are a constant stream of cars arriving and leaving at all times up until 2am.

Weekends are unbearable as I know that my evenings will be disturbed from 7pm onwards until they close and the last customers eventually leave the area.

Can something please be done about this as numerous messages to the owner/manager results in them maybe turning the music down a fraction then turning it up even louder after 11pm when other pubs are closing.

There is a very high number of residential properties immediately close by, all of whom are affected by this weekly. We should be able to relax in our homes without having to listen to constant noise and music or worrying about if our property is going to be damaged or used as toilets by people leaving the premises.

9/10 June 7.30pm -11.30pm music audible from premises 11.30pm volume increased until 1.30am, windows closed tight and could still hear it. Main doors to premises left open until premises closed at 1.30am

16/17 June 8pm- 11.15pm music clearly audible in our home. 11.15pm until close at 1.30 music significantly louder even through closed windows

27 June 11.50pm- 12.30 extremely loud music

23/24 June extremely loud music all evening until 1.30am.

30 June loud music from 7.30pm to 1.30am

1 July music and noise from customers standing outside the premises and in the street from 8pm to 1.30am

7 July loud music and extremely loud noise from customers standing not only on the outside of the premises but on the pavement impeding people walking past. Music until was considerably louder from 11.30pm until close at 1.30.

8 July music started around 7pm and although not ridiculously loud was definitely audible in my house. The volume was turned up to a very high volume around midnight until close just after 1.30.

Customers standing outside the premises for most of the evening creating a high volume of noise also.

Regards



From: [REDACTED]
Sent: Monday, July 17, 2023 6:54 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Wicks's Bar, High Street, Dovercourt, Essex,CO12 3PS

Good evening

Further to my email of 11th July 2023 I would like to lodge yet another complaint about the above named premises.

On Friday 15 July extremely loud music was played at the premises from 7.30pm to 1.30am. On top of this the customers were outside the premises shouting, arguing and there was a fight. Customers are running across a busy main road obstructing passing cars, sitting on the bench on the opposite side of the road to the bar drinking, shouting and swearing until the early hours. Local taxis wouldn't even drive up the main road past the premises as there was too much trouble happening.

On Saturday 16 July loud music was played from 10.20pm until well into the small hours - I finally got to sleep at 1.25am however my husband who had been out of town reported that there was music being played and customers still in the bar at 3.15am.

I find it astounding that a bar that doesn't have a license to play music after 11pm is doing what they want because neither your department or local police are doing anything about it. Why bother having these laws and licenses in place if landlords can do what they want when they want knowing there will be no consequences.

I feel it shows a complete lack of respect from you towards local residents who have complained time and time again to you for you not do anything about the situation which has been going on for months. We should not have to put with such antisocial issues week in week out- I cannot get to sleep at the weekends because of all the noise, I cannot relax in my own home because of the noise and it is having an adverse affect on my home life ,my ability to work and my mental health.

I am begging you to do something to make this situation more bearable, a slap on the wrist isn't going to work - the owners just don't care how it is affecting local residents.

[REDACTED]

From: [REDACTED]
Sent: Monday, August 14, 2023 11:58 AM
To: Licensing Section <licensingsection@tendringdc.gov.uk>; Rebecca Duff-Cole <rduff-cole@tendringdc.gov.uk>; ivancllr.ihenderson@harwichtowncouncil.org.uk
Subject: Re: Wicks's Bar, High Street, Dovercourt, Essex,CO12 3PS

Good morning

I am writing to again lodge a formal complaint about the above names premises. I was under the impression that a noise abatement order has been served on the premises however it seems that they are now choosing to ignore this and are back to playing music at unacceptable levels. The volume is being turned down at 11pm but there is still music being played in the premises until they eventually decide to close.

On a number of occasions they have remained open to customers long after they should have closed - I have attached photos from a couple of weeks ago showing customers quite clearly inside at around 2.30am.

Police have been called to premises a number of times but have done nothing to deal with the trouble choosing to instead sit in their car and watch everything unfold - when I spoke to the officers they told me they were aware of the issues and it's being dealt with but there is very little evidence of this happening.

I appreciate that there are procedures for dealing with noise and licensing issues but this has been going on since the beginning of May so residents have had 4 months of their weekends being ruined by the customers of this venue and the owners attitude is that there is nothing he can do.

Having spoken to a number of landlords of pubs in town they cannot believe that Wicks's are getting away with so much.

Please find a diary of the last few weeks below and photos attached.

12 August- extremely loud music from 8pm to 11pm- this could be heard from inside my home even above the TV and with all windows closed tight. Music was played inside the premises until 1.30am albeit at a lower volume but still without a late license in place. Customers were extremely loud in the outside area, screaming and shouting until 2am. Broken glass on the High Street and Mill Lane from the premises was seen Sunday and Monday morning.

11 August- music was played from around 8pm until 9.30pm at a high volume and was then turned down until it was eventually turned off at 2am. Customers were extremely loud outside, shouting and arguing. They were seen turning off the temporary traffic lights and moving road cones. Running across the road and moving a bench loudly that is in situ across from Wicks's. The noise carried on until 2.40am. Staff did nothing to move customers away from the premises when they left.

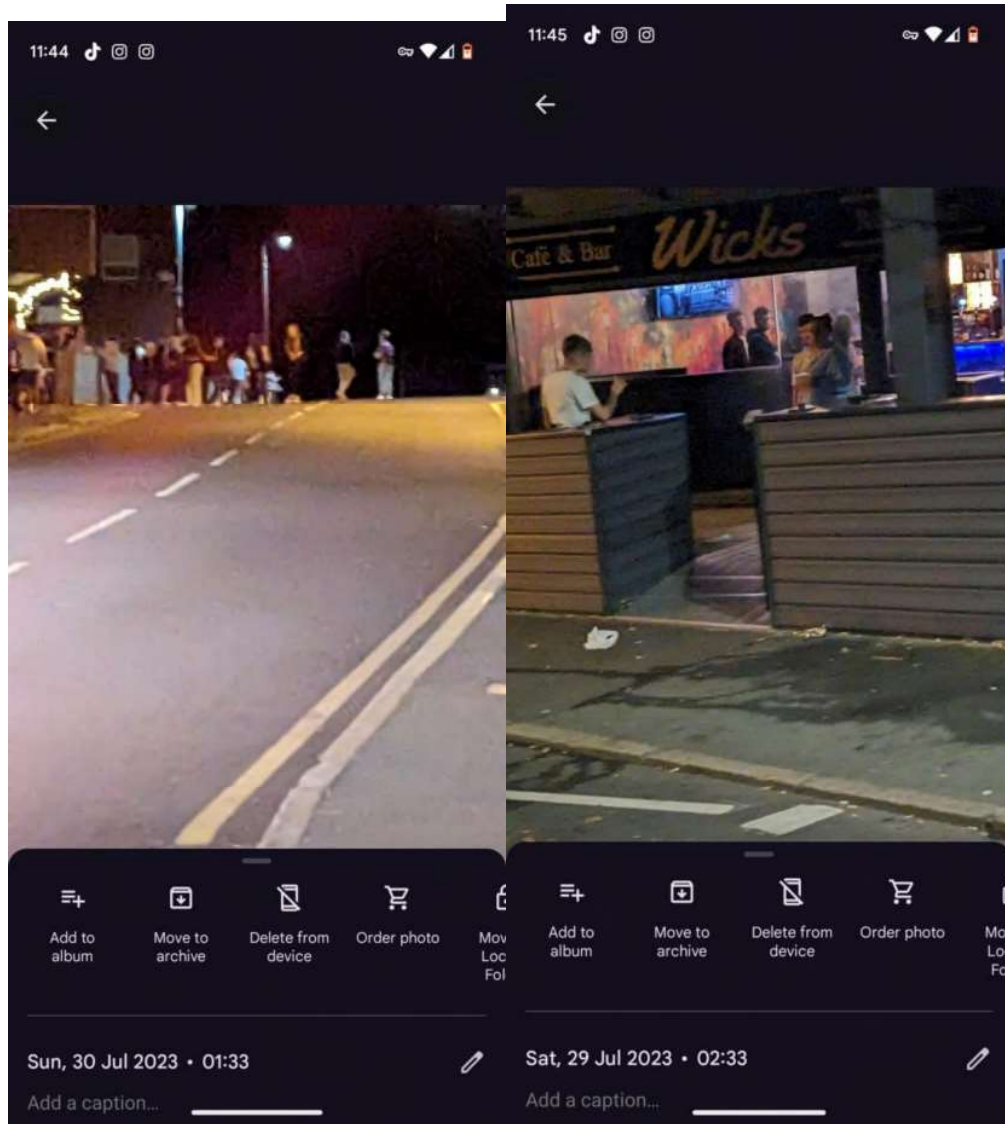
5 August- music was played from 8pm until they closed at 1.30am although not at a high volume I believe it is not part of their license to have any kind of entertainment after 11pm. Customers extremely loud outside the premises until 2am when they eventually left.

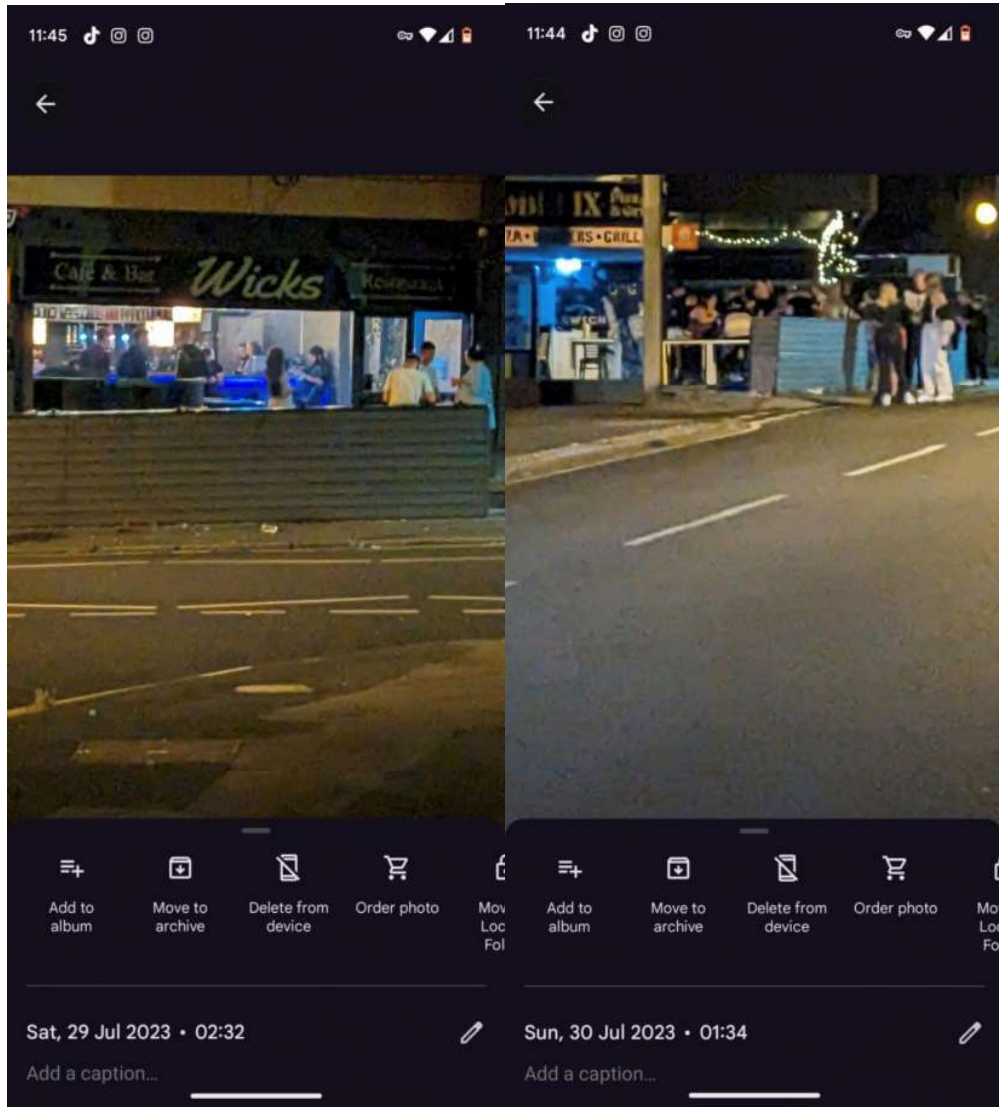
29 July - music on all evening until at least 1.30am although not at a high volume. Customers were still at the premises after 1.30 also standing in the outside area, on the pavement and spilling onto the main road- photos attached.

28 July- bar stayed open until at least 2.30am-photos attached. There was a big fight from the premises, 999 call made and police attended although only sat in their car at the end of Hill Road and didn't do anything to break up the fight or speak to anyone.

I am asking, no begging that something more is done with this place - my family couldn't get to sleep until around 3am Friday night as the customers were so rowdy and disruptive - it's not fair to local residents to have to deal with this week in week out.

Regards [REDACTED]





Representation 2 - redacted

From: [REDACTED]
Sent: Wednesday, October 25, 2023 8:12 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: Wicks, Harwich

Dear Ms Blackwell

Please accept this submission as my representation to support the Application for the Review of Wicks, Enterprise Harwich Bar Ltd, CO12 3PS - in that the prevention of public nuisance has not been satisfied and the impact of this nuisance continues to be unacceptable to me as a local resident.

I would kindly ask at this stage that TDC uphold full data protection and that my personal details - name address mobile - are redacted from my submission for reasons previously discussed.

To date, the Licensee in my opinion has consistently demonstrated the inability to give due consideration to neighbouring residents or operate in the legal and professional manner conducive to a venue selling alcohol resulting in a detrimental effect on quality of life of local residents and a disproportionate use of local police time. I would kindly ask that all of my previous diarised complaints sent to TDC environmental & licensing teams are included as my evidence.

The specifics of my complaint relate to:

1. The continued anti-social behaviour created by the venue - outside on the deck area and behind in the car park area - that spills into the residential road both during opening hours and at closing time when customers are frequently involved in arguments, screaming, shouting, hanging around, cars pulling up and screeching away, observed but anecdotal drug use/ selling, vomit and broken glass, customers urinating in gardens. This has often resulted with local police presence. This consistent drain on local police service is apparent to us as residents. This regularly occurs on Friday & Saturday any time from 0100 to after 0300 - there have also been incidents outside of these hours. Residents have a fundamental right to an adequate standard of living allowing rest and relaxation. This disruption of sleep is intolerable and unrelenting. If the Licensee has been given guidance and taken measures to address this, they have been lacking and ineffective without any positive impact. Where is the refusal/ incident register? Who is on the banned list?

2. The Noise Nuisance. The Licensee in my opinion ignored licence criteria for many months from opening in May 2023 by allowing loud music & bass to be played after 2300 up until the early hours of the morning, mostly Friday & Saturday but also on occasion midweek nights. Music and bass are so loud that it is clearly audible from inside my home over approx 80 metres away . During the summer all windows and doors had to be closed and despite this, the music and bass remained audible inside even with the TV on. This prevented me from relaxing in my garden, inviting friends and family to social gatherings at my home, and stopped me sleeping in my

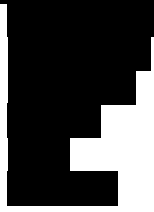
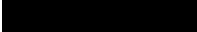
bedroom - having to sleep in a back room where the music & bass - whilst still audible - was a little less so. This is a regular and ongoing problem and causes disturbance to sleep. I have submitted regular diarised comments of such activity also to be used in this representation. The Licensee recently held a DJ event and curtains had been hung to reduce sound. I can tell you that no reduction to sound was achieved. Would the Licensee tolerate such an intrusion on his family & children's home lives? I understand that members of the Environmental Team have witnessed these disruptions themselves.

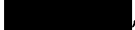
Please see attached document containing previous diarised incidents of concern. Let me know if you have any issues opening.

I look forward to hearing from you and please do confirm receipt of my representation.

Kind regards

A solid black rectangular redaction box covering the signature area.

 13 th June 2023	Environmental Protection Team Tendring District Council 88-90 Pier Avenue Clacton-On-Sea Essex CO15 1TN Telephone: 01255 686779 Email: rduff-cole@tendringdc.gov.uk Our Ref: 
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Dear ,

ENVIRONMENTAL PROTECTION ACT 1990
RE: ALLEGED NOISE NUISANCE EMANATING FROM LOUD MUSIC AT WICKS'S BAR, MIDLANDS
HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS

With reference to your complaint concerning the above, I can confirm that the Council's Licensing Team and Environmental Protection team are investigating this complaint. The Manager of Wicks's Bar has been informed of the complaint.

We will ensure that reasonable steps are being taken to mitigate and manage the noise from the bar. A certain amount of noise from a commercial premises is to be expected however, excessive and/or unreasonable noise can be a problem to nearby residents, especially if it continues throughout the early hours of the morning and night.

In order to assist us with our investigations, we are enclosing a Witness Report Form for your completion. The form must be completed within the following 14-28 days from the date of this letter and must include information on the date, time and impact of the alleged nuisance. Guidance on completion is shown below –

DATE	TIME NUISANCE STARTED	TIME NUISANCE STOPPED	DESCRIPTION OF NUISANCE	REMARKS – i.e. inconvenience caused
Sat 24 th June	10am	4pm	Loud music, or, DIY, or, dogs barking	Unable to sit in garden, or, woke me up, or, unable to sleep

The information provided will assist us in determining the full extent of the nuisance and to ensure that suitable monitoring can be arranged if necessary.

Should the enclosed form not be returned by the day expiry date, we will assume the complaint has been resolved and we will close the file.

If you have any queries concerning this, please do not hesitate to contact us on the above contact number or email address.

Yours sincerely,



Rebecca Duff-Cole, Technical Officer

REF: 

TENDRING DISTRICT COUNCIL

WITNESS REPORT FORM

Use this form to support your claim of Statutory Nuisance

Type of Nuisance NOISE

Your Name: [REDACTED]

Your Address: [REDACTED]

Tel No: [REDACTED]

WHO IS CAUSING THE NUISANCE? ...WICKS'S BAR.....

NAME OR TRADING NAMEWICKS'S BAR.....

ADDRESS ...WICKS'S BAR, MIDLANDS HOUSE, HIGH STREET, HARWICH, ESSEX, CO12 3PS
 Tel

HAVE YOU COMPLAINED TO THE PERSON CAUSING THE NUISANCE?
 NO

IF YES THEN PLEASE STATE WHEN

WHAT DID THEY SAY?

I observed negative online comments towards those commenting on social media and , as a woman, feel intimidated to approach the manager

IF LEGAL ACTION WERE TO PROVE NECESSARY WILL YOU ACT AS A WITNESS IN COURT IN SUPPORT OF YOUR CLAIM?

YES

This form will help the Council decide if a Statutory Nuisance exists and may well form the central document of any action which this Council decides to take. It is therefore very important that the records which you make are clear and specific. In the remarks section please state how the nuisance affected you at that time, like "could not sleep" or "could not hear the television". Please use one box for each event and return to the address at the bottom of Page 2 when completed.

If this form is not returned by 11th July 2023 the case will be closed

APPENDIX F

DATE	TIME NUISANCE STARTED	TIME NUISANCE STOPPED	DESCRIPTION OF NUISANCE	REMARKS – i.e. inconvenience caused (see over)
5/5/2023	1800	0130	Loud music and base from venue (Social media advert for House & Techno DJ event)	Audible in the garden - did not want to sit outside Audible from inside my house (windows closed) - over the TV Unable to sleep in bedroom - had to moved to room at back of house; still audible but a little less; disturbed sleep throughout the night until early hours
6/5/2023	1800	0130	Ditto above for this Bank holiday weekend	Ditto above for this Bank holiday weekend
7/5/2023	1800	0130	Ditto above for this Bank holiday weekend	Ditto above for this Bank holiday weekend
10/5/2023	2130 approx 2218	2210 2224	Loud music and base - audible from inside my house OVER the sound of football match on TV	Unable to relax in house - as music suddenly on then off repeatedly
12/5/2023	2040	0115	Lower base and music to begin with then increased	Lower but still audible in front room over TV (2200) went to bed and had to sleep in the back room. Woken approx 0115 lots of shouting and screaming in road outside venue
13/5/2023	1800 began 2019 louder 2126 much louder	Uncertain as went to bed at approx 2300	Bass and music Now louder (over Salford city football match on TV)	Unable to relax in the privacy of my own home due to noise nuisance. Sleep affected - lay in bed listening to music & base. Broken sleep
19/5/2023	1800 - ongoing all evening	Early hours am	Home from working week to listen to loud music & base from venue Slept in back bedroom	As a [REDACTED] I am concerned the inability to relax or get good quality sleep at the moment is going to significantly impact my ability to undertake my work duties
20/5/2023	2129	0130	Loud music and base	Again - audible over TV; unable to sit in the garden. Went to bed. Disturbed broken sleep
25/5/2023	2155	2250 then ongoing but intermittent	Loud music and base	Feeling very very stressed and anxious - nearly one month of disrupted sleep
27/05/2023	1930	Went to bed at 2300 - audible until early hours	Loud music and base	ongoing but intermittent Until early hours - unable to relax. Lack of sleep aggravates migraine

APPENDIX F

28/5/2023	1945	Approx 0130	Loud music and base	Ongoing all evening - cannot sit in garden; audible over TV; cannot sleep in bedroom - retreat to room at back of house. Canceled plans for garden BBQ as unable to enjoy with loud music & base Woken several times through night - still loud music & base
02/06/2023	1931 Then at 2119 much much louder	2143 Went to bed unable to comment when music off	Loud music and base	Slept in back room unable to sleep in bed room - volume up and down all evening
03/06/2023	2008	unsure	Loud music & base - audible over grand prix on TV	Continued all evening; slept in back room; woken through the night still audible
09/06/2023	1930	0100 approx	1930 - audible in garden but not indoors 2046 much louder bass & music - audible in house over TV	Audible in the bedroom - but not quite as loud as before; again disturbed sleep on and off. Loud music & base on and off through night & early hours. Customers screaming n shouting outside venue on deck area
10/6/2023	Approx 2035	2300	Loud music and base - audible inside house BUT quieter than previously	Disturbed rest & relaxation in home; woken early hours screaming & shouting as customers outside of venue
15/06/2023	2047	Lasted approx 30 mins	Loud music and base	Disturbed rest - anxiety - will this continue all night again? I get up at 0530 for work
16/06/2023	1900	2300	Loud music and base	Disturbed relaxing evening garden time. Came inside. Remains audible over TV
17/06/2023	2108 2208 volume increased	0015 then I fell asleep	Loud music and base	Audible over TV Shouting customers outside on deck area
20/06/2023	2150	2230 when I went to bed	Loud music and base	AGAIN over TV - still audible 2230 when I went to bed. Alarm set for 0530 workday
21/6	1850 on Then 2023 much louder	Not sure	Loud music and base	Exhausted at work - migraine due to stress at home and continued disturbed sleep
23/6/2023	1945 on Then 2047 much louder over TV	Cont until early hours	Loud music and base	Disturbed sleep Cannot sleep in bedroom Cannot watch TV

APPENDIX F

	(Glastonbury!)			Woken again in early hours - large disturbance outside bar/ deck area & street with customers of bar
24/6/2023	2142	unsure	Loud music and base	I was so tired I fell asleep earlyish (listening to music & base) unable to comment on what time the music stopped
			****please note that I went away on holiday on Tuesday 27/6/2023 and am still away and therefore unable to comment on activity since ****	

I declare that the information provided on this form is true to the best of my knowledge and that it is a factual record of the occurrences of the alleged nuisances during the period stated.

Signed [REDACTED]

Date ...05/07/2023...

Return this form to:

Environmental Protection Team
Tendring District Council
88-90 Pier Avenue
Clacton-On-Sea
Essex CO15 1TN

From: [REDACTED]
Sent: Tuesday, May 30, 2023 4:40 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: License Enquiry: WICKSS

Dear Kim

Further to our conversation earlier pls find below a record of occasions when loud "garage n house n techno" music with significant bass, has been played at WICKS'S, Main Rd, Dovercourt

This significantly impacts my quality of life as it is heard above the sound of my TV with all windows closed in my front room. Furthermore it affects my sleep as it continues to be audible from my bedroom. I have to move and sleep in a room at the back of my house where it is only slightly less audible. I am a [REDACTED] working at [REDACTED] - and music off at 0130 when I get up at 0500 is a big problem.

I should add that I, at this point, would like to maintain my privacy and confidentiality and for you to honour this request. Anecdotally, I have witnessed harassment of individuals on social media who have commented on the anti social nature of this venue in its current form. As a woman, I feel particularly vulnerable and as that my personal details remain private and are not declared.

Below as requested;

Fri 5th May Sat 6th Sun 7th
Approx [1800...0130](#)
Loud music n base
Audible throughout out my house
Had to sleep in spare room at back of house...could still hear base

Wed 10th May
Approx [2130...](#)
Off at [2210](#)
On again 22:18
Off 22:24

Loud music n base
Audible in my front room with a football match playing on TV

Friday 12/5/2023
[2040](#)
Low base - audible in front room over television
[2200](#) went to bed. Bass audible n music in bed until [0115](#)...then lots of shouting in street

Sat 13/5
[1800](#) bass started
[2019](#) louder hear over Salford football match
[2126](#) now louder again heavy bass
Slept in back bedroom - still audible but a little less so. Noise is street early hours - people leaving

Fri 19/5

[1800](#) home from work. Sitting in front room. Bass n music audible with all windows closed
Ongoing all evening

Sat 20/5

[2129](#) music base audible over TV
Went to bed. Woken . Could hear base . End 0130 approx

Thurs 25/5

Bass [2155](#) until [2250](#) then intermittent
Had to sleep in back bedroom

Fri 26/5

Bass n music [2036](#) over tv
Went to bed in back room

Sat 27/5

Bass n music started approx [1930](#)
Audible over TV
All evening
Bed at 2300 - same level. Slept in back bedroom - remains audible

Sun 28/5

[1945](#) bass audible over tv
All evening
Slept in back bedroom - little quieter. Woken several times through night. Still audible

I look forward to hearing from you

Yours sincerely



From: [REDACTED]
Sent: Monday, June 19, 2023 6:52 AM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Chloe

Thank you for your email

Pls see detail of ongoing concerns regarding WICKS Bar and there apparant disregard of license criteria

You will note that the number of incidents has reduced
You will not yet that the volume of music n bass has been reduced a little

However, this Venue and it's management remain of concern as:

The music and bass REMAINS audible inside my home above the round of the television
This significantly impacts our quality of life with disturbed sleep. This affects our relaxing time in our home and garden.

This venue is very clearly extending music and DJ past the hours of 2300
This significantly impacts our quality of life with disturbed sleep. I am concerned that this is gradually affecting my ability to undertake my work duties as a [REDACTED] Again, the late night music is affecting negatively our time in our home and garden.

There appears little effort by the Licensee to manage their customers. The seated area outside remains in full use while venue open with customers drinking shouting screaming and arguing up until n on occasion after 0130hrs

The Licensee appears to encourage and attract customers to drink "in excess" with advertised incentives for cheap alcohol and free games (pool)

Fri 9/6

[1930](#) music n bass - heard outside but not indoors
[2046](#) volume n bass increase. Audible above TV in house all windows n doors closed
Went to bed
Audible in bedroom but not as loud as previous nights
Disturbed sleep on and off
Wake to sound of music n base in bedroom all windows closed until gone [0100](#)hrs
Also screaming n shouting of people leaving around [0130](#)

Sat 10/6

Football match
Music n bass much quieter
Ended After [2300](#)
Woken to screaming n shouting in street early hours

Thurs 15th

[2047](#) loud music n bass on for approx 30 mins then again 2140 for 10 mins approx

Friday 16th

1900 approx bass n loud music playing - disturbed relaxing evening garden time. Came in. Remains audible above TV

Stopped at 2300 ****

Sat 17th

[2108](#) bass. N music above tv again

[2208](#) music much louder. Audible over television

After [2300](#) until approx 0015

Screaming shouting customers on deck area of outside bar

Woken 0115hrs screaming people n cars at venue

Please can you reassure me and my neighbours that this will not be allowed to continue and outline how this matter is being dealt with

Kind Regards



From: [REDACTED]
Sent: Monday, June 26, 2023 7:13 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Chloe
Thank you for your detailed update
I have reported the noise nuisance to environmental but have not had a reply from my email
19/6/23
Are you able to provide a named individual for my communication pls?

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 28, 2023 10:02 AM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Chloe

Thank you for your email

Pls see detail of activity as requested:

Fri 23/6

[1945](#) music on loud

[2047](#) music now louder n base heard indoors over TV over Glastonbury ● ☹

Continued until early hours

Woken by large distance outside bar - fight amongst patrons. Quite scary.

Sat 24/6

[2142](#) as above loud music n bass. I was so tired I fell asleep early - (listening to the music ..)

However because of this I am unable to comment on what time the music stopped

It is very disappointing that the management of this bar are, it would appear, continuing to ignore recommendations made regarding adherence to the detail of their license and also environmental noise regulations

Please be aware that I am now away for two weeks and will not be able to record any further activity at this point

I am looking forward to some much needed rest and uninterrupted sleep

I do so hope that progress is made during this time

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: Thursday, July 20, 2023 2:50 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Chloe

Please can you update me regarding the monitoring of this business in regards to the detail of their license.

You will be aware that they continue to play music until the early hours of the morning - and well after 2300 - which I understood was a breach of their license conditions

I look forward to hearing from you

[REDACTED]

From: [REDACTED]
Sent: Saturday, August 5, 2023 1:46 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Licensing

Please see the chain of emails

Following significant noise disturbance and anti social behaviour last night from WICKS bar I have reported this today to Essex Police

The music was on but not as loud like previously but the shouting swearing arguing screaming from the customers was intolerable

Having worked five long shift s this wk to be woken continually through the night again has left me feeling very ill with migraine today - yet again

I hope tonight will be better but who knows and this uncertainty is creating significant anxiety

You asked me to keep you informed

[REDACTED]

From: [REDACTED]
Sent: Saturday, August 12, 2023 8:24 AM
To: Ivan Henderson [\[REDACTED\]](#)
Cc: cllr.jhenderson@harwichtowncouncil.org.uk; Richard Heginbottom <rheginbottom@tendringdc.gov.uk>; Licensing Section <licensingsection@tendringdc.gov.uk>; Environmental Services <env.services@tendringdc.gov.uk>; cllr.dmcleod@harwichtowncouncil.org.uk; cllr.pmorrisson@harwichtowncouncil.org.uk; cllr.gcalver@harwichtowncouncil.org.uk; Rebecca Duff-Cole <rduff-cole@tendringdc.gov.uk>
Subject: WICKS BAR Dovercourt

Good Morning Ivan

Following on from our chat and from events at Wicks last night 11/08/2023 (I am actually away and I have heard about it)

When we spoke you mentioned that you spend your time giving voice to the voiceless in your role and that is honourable

I think it would be useful if you were able to elevate this by organising n helping residents give collective feedback about their experiences of WICKS - as we have discussed, some bother some don't have the tools or language

You might organise some kind of petition or survey of surrounding residents? Or something similar This would help people articulate their concerns

I look forward to hearing from you Ivan. This remains a very long way from resolved doesn't it



From: [REDACTED]
Sent: Wednesday, August 30, 2023 7:43 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: License Enquiry: WICKSS

Dear Chloe
I hope you are well
I was on holiday from 10/8 until 24/8/2023

Pls see detail of the ongoing activity at WICKs bar upon my return:

Friday 25th

[1940](#)

Watching TV, music from bar audible above TV in my home. Definitely bar as lights in window flashing in sequence from music

[2052](#) audible from front bedroom doors n windows closed

On n off sporadically ● through evening

Woken early hours shouting screaming - customers from Wicks

Sat 26th Aug

[1959](#)

Music on bass audible over movie on my TV in front room
Still audible when I went to my bedroom
Lay in bed again listening to music n base - windows closed
Audible until 2300

Sunday 27th

Bar open
No music

This business continues to ignore advice and guidance from the Council and remains loud and impacts my quality of life significantly

Plse can you advise what stage your investigation is at? We have all injured 4 months of this

■

■

From: [REDACTED]
Sent: Monday, September 25, 2023 10:50 AM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: WICKS BAR DOVERCOURT

FAO

Following on from current unresolved concerns can you pls advise how this venue is now able to advertise trading until 0200?
I look forward to your earliest response. Pls feel free to contact me by telephone

Kind regards

[REDACTED]

From: [REDACTED]
Sent: Friday, September 29, 2023 1:07 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Re: WICKS BAR DOVERCOURT

Dear Chloe
Thank you for your email
Pl see attached recently advertised on social media

[REDACTED]



Representation 3 - redacted

From: [REDACTED]
Sent: Tuesday, October 31, 2023 4:24 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>
Subject: Wicks's Bar, Harwich

Good Afternoon,

I would like the attached complaint to be included in representation against Wicks's bar.

I would add that the attached complaint is just a snap shot of issues that have been continually ongoing every weekend. The anxiety and stress that has been placed on my family and I during the time the premises has been in business has been immense. I no longer want to stay in my own home during the weekends because of the distribution and lack of sleep caused.

I would like my personal details to be redacted as I do not wish these to made public.

Please let me know if you require any further information.

Regards

[REDACTED]

Dear Sir/Madam,

I am writing to complain about the continued licensing infringements by the above business who since opening have had little regard to their licensing agreement or the local neighbourhood.

I have kept the following diary over the last two weekends which give an indication of the ongoing issues residents have to put up with.

Friday 07/07/23

Loud music and extremely loud noise from customers standing not only on the outside of the premises but on the pavement impeding people walking past. Music until was considerably louder from 23:30 until close at 01:30 08/07.

Saturday 08/07/23

Music started around 19:00 and audible in my house. The volume was turned up to a very high volume around 24:00 until just after 01:30 09/07. Customers standing outside the premises for most of the evening creating a high volume of noise also. People were inside drinking until 04:00 09/07.

Monday 10/07/23

Extremely loud music started at 19:30 and continued until 01:30 11/07. During this time 3 fights occurred on the patio of the premises and constant shouting and screaming. Police arrive on site at 01:30 11/07 and shut the place down, 15 minutes after the police leave the bar is open again and the fights continue. Police return to site and are still present at 03:40 Tuesday 11/07.

Friday 14/07/23

Extremely loud music was played at the premises from 19:00 until 01:30 15/07. Customers were outside the premises shouting, arguing and fighting. Local taxis refused to drive via the High Street due to the disturbance and broken glass in the road.

Saturday 15/07/23

Loud music was being played from 22:20 until 01:30 16/07. People drinking inside the premises and music being played until past 03:30 16/07. Please see attached photo and video evidence which I recorded between 03:13 and 03:22 16/07. Although I'm sure as the business sits directly opposite the main CCTV cameras for the High Street you are able to obtain your evidence to verify all of the above.

I find it hard to believe a business granted a licence to operate as a restaurant is allowed to blatantly run as a nightclub with no regard to the impact it has on the local residents.

CC: environmental.services@tendringdc.gov.uk

CC: clr.jhenderson@tendringdc.gov.uk Chairman of the Licensing & Registration Committee and the Miscellaneous Licensing Sub-Committee

Regards

A large black rectangular redaction box covering the signature of the sender.



Info

image0

16	July	2023
3	13	

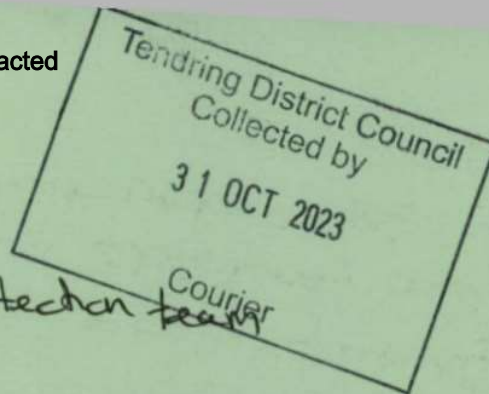


Info

image3

16	July	2023
3	12	

Representation 4 - redacted



T.D.C

Environmental Protection team

28.10.2023

Re Wick's Bar, 1 Midland House, Norwich.

Dear Sirs, I wish to make the following observations regarding Wick's Bar, personally the music does not disturb me, but the patrons do when they stand outside drinking, smoking, shouting, swearing, screaming and sometimes fighting. There are a number of cars often waiting in Hull Road and the occupants appear to be making "transactions" of some description with some of the patrons whom are running in and out of the Bar. This often goes on till 2am on Friday + Saturday nights. There is also the noise of glasses and bottles being smashed, and the amount of mess outside of the Bar (on both sides and in the road) is dreadful.

The Bar staff and Door staff are obviously not doing their job by allowing those that are already intoxicated in very late at night after they have been drinking elsewhere, and I also know for a fact that under 18's are being served

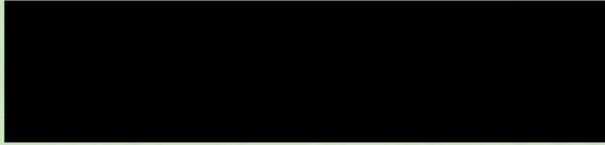
P.T.O.

Representation 4 - redacted

this I know as a relatives son whom is only
just 17 along with friends, some of who are only
16 yrs old are regularly served Alcohol in Wick's

I would ask you to please not publish my name
and address as I live alone in close proximity
to Wick's and am wary of any retribution.

Yours faithfully

A solid black rectangular redaction box covering the signature area.

From: Jonathan Smith <J.Smith@popall.co.uk>
Sent: Tuesday, October 31, 2023 2:39 PM
To: Licensing Section <licensingsection@tendringdc.gov.uk>; emma.king@tendringdc.gov.uk
Subject: Wicks Bar, 1 Midland House, High Street, Harwich, CO12 3PS - letter of representation
Importance: High

Dear Licensing and Emma,

I am attaching a representation in respect of Wicks Bar, and I would be grateful if you would acknowledge safe receipt of the representation and confirm that it will be treated as a relevant representation in respect of this review.

Yours sincerely

Jonathan

JonathanSmith | Partner

Poppleston Allen

E:J.Smith@popall.co.uk | T:0115 9487 404 | M:07768 845 695 | W:www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

Cybercrime notification: Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

31 October 2023

Ref: 017690/00001

Doc Ref: 254494

The Licensing Team
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex
CO15 1SE

licensingsection@tendringdc.gov.uk; emma.king@tendringdc.gov.uk

Dear Licensing and Emma,

Review of Premises Licence - Wicks Bar, 1 Midland House, Harwich – Letter of Representation

We act on behalf of the landlord of Wicks Bar, 1 Midland House, Hight Street, Harwich, CO12 3PS, Flying Trade Group PLC.

We are making this representation on behalf of our client on the licensing objective of the prevention of public nuisance, in respect of the review of the Premises Licence which has been brought by the Environmental Protection Team at Tendring District Council and is dated 4th October 2023.

Flying Trade Group PLC and its associated companies own and operate 20 licensed premises in and around the South East of England, including 13 hotels under the name Surya Hotel.

Enterprise Harwich Bar Limited operate these premises as the tenant of our client, and Enterprise Harwich Bar Limited is currently the Premises Licence Holder.

We have been made aware of the review application brought by the Environmental Protection Team, and we are concerned about the apparent lack of response from the Designated Premises Supervisor, Mr Wicks. We are aware, having had conversations with Rebecca Duff-Cole, that the review was brought on the basis of the level of music noise from the premises, and our client, as the landlord, is concerned about any potential noise breakout from the premises.

Accordingly, we are instructed to make this representation on the basis of any public nuisance that may be being caused to local businesses and residents, and to assure the Committee that as the landlord we will be working with Rebecca Duff-Cole and her team towards implementing a noise management plan and, if appropriate, arranging for a noise limiter to be installed at the premises. We are awaiting to receive a copy of the representations which have been made by interested

List of partners and associates available on request

Address: 37 Stoney Street, The Lace Market, Nottingham NG1 1LS | T: 0115 953 8500 | F: 0115 953 8501 | W: popall.co.uk

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parties, and any potential representations which may be made by Responsible Authorities, and reserve the right to raise any other issues once we have sight of these. In particular our client is considering the position of the tenant and its ongoing occupation of these premises, and also the position and continuing role of Mr Wicks as the Designated Premises Supervisor.

We understand from conversations with Rebecca Duff-Cole that she is not looking to close these premises down and, indeed, we believe that any suggestion of a revocation of the Premises Licence would be disproportionate in the circumstances when the issues of noise breakout could be dealt with by way of conditions and a noise management plan.

Whilst not being responsible for the direct operation of these premises, we will continue to liaise with the Environmental Protection Team and upon sight of any other representations from Responsible Authorities with those Responsible Authorities, and we will provide any further comments in due course.

Could you please acknowledge safe receipt of this representation and also provide us with copies of all representations submitted in respect of this review to date.

Yours sincerely



Jonathan Smith
Poppleston Allen
01159487404
j.smith@popall.co.uk

List of partners and associates available on request

Address: 37 Stoney Street, The Lace Market, Nottingham NG1 1LS | T: 0115 953 8500 | F: 0115 953 8501 | W: popall.co.uk

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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. 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.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

TENDRING DISTRICT COUNCIL

Procedure for hearings – Premises/Personal Licences Sub-Committee

Licensing Act 2003 and Hearing Regulations 2005

The Licensing Committee officers and their roles

- The Committee Clerk (Democratic Services Officer) records the proceedings;
- The Legal Advisor provides independent advice to the Committee Members on legal matters; and
- The Licensing Officer introduces the matter, outlines the application or review as set out in the Report, and answers any questions Members may have.

Committee Members (Councillors):

Members have a responsibility to declare interests, those who declare **Discloseable Pecuniary Interest (DPI)** as defined by The Relevant Authorities (DPI) Regulations 2012 must not take part in the hearing of the application.

If a Member declares a **Pecuniary or Non-Pecuniary Interests**, as defined by Tendring District Council's Members' Code of Conduct (paragraphs 5 and 6), they must consider the impact of that interest on participation and the public perception;

- Matters for Members to consider would cover, but not exclusively:
 - o they know the applicant or any of the objectors; or
 - o they wish either to support or oppose the granting or continuation of a licence either personally or on behalf of their constituents.
 - o whether they have expressed a view on the application site especially, if situated either in their ward or an adjacent ward;

Other Persons or Interested Parties:

This is the term given to an individual, body or business or a representative acting on their behalf-that raises an objection or make a representation to an application for a premises/personal licence. It should be noted that only the Police can make a representation against a Personal Licence application however. These other persons or interested parties are separate to Responsible Authorities, who may also be a party to the hearing.

PROCEDURE

THESE SUB-COMMITTEES MEETINGS & THE HEARING ARE HELD IN PUBLIC, UNLESS THERE IS A LEGAL REASON NOT TO DO SO, HOWEVER THESE ARE IN LIMITED CIRCUMSTANCES.

Note: if the Sub-committee does not have an elected Chairman already, the election of one Member as Chairman will be the first item of business.

HEARING

Step	By whom	
1	Chairman	<p>The Chairman will welcome everyone to the meeting then:</p> <ul style="list-style-type: none"> a. introduce themselves and the other 2 members and explain that the 4th member (substitute) will not take any part in the hearing or decision making process unless there is a valid objection to one of the other members sitting, if any interest declared debars a member or a member falls ill; b. announce the item to be considered; c. confirm that this procedure will be followed at the hearing, including any maximum periods of time for each side to put their case or objections (*); d. ask all parties, including any "Responsible Authority", to introduce themselves indicating whether or not they are represented, if they are calling any witnesses and if so to identify the witnesses they will be calling. Where there are a number of objectors they will be asked to confirm who their spokesperson is if it is relevant or appropriate for them to do so. e. if a party or Responsible Authority who has made relevant representations is not present, the Sub-Committee will decide whether they consider it in the public interest to (a) continue with the hearing or (b) defer it to enable the party or authority to attend. In reaching a decision on this point, the Sub-Committee will consider any information received from the party either directly or via the Licensing Officer or any other interested person/party where relevant or appropriate; f. remind all present that the Sub-Committee can only make its decision based on the four licensing objectives, namely: <ul style="list-style-type: none"> (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance and (4) protection of children from harm.

2	Licensing Officer	Will introduce the application or review, highlighting areas of contention or dispute.
3	Committee members	May ask questions of the Licensing Officer.
<p>The Applicant's case</p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant for the review. In those circumstances they would present their case following the summary given by the Licensing Officer)</p>		
4	Applicant or their representative	Will present their case and call witnesses.
5	Responsible authorities or Interested Parties	Each, in turn, may ask questions of the Applicant by way of clarification.
6	Committee members	In turn, each may ask questions of the Applicant.
7	Applicant	May ask any further questions of any witnesses to clear up any points raised in the earlier questioning.
<p>The Responsible Authorities and/or Interested Parties</p>		
8	Responsible Authorities	Will make their representations to the Sub-Committee.
9	Applicant or their representative	May ask questions of the Responsible Authorities by way of clarification.
10	Other persons	May ask questions of the Responsible Authorities or Licensing Officer by way of clarification. Note: this is not the time for other persons to put their objections.
11	Committee Members	May ask questions of the Responsible Authorities by way of clarification. Committee can also ask questions of the objectors by way of clarification.
12	Interested Parties	At this point those who have objected to the application will be asked to present their objections and make observations on the application if appropriate.

13	Applicant or their representative	May ask questions of the Interested Parties /objectors by way of clarification.
14	Committee members	May ask questions of the Interested Parties /objectors.
Closing statements or summary		
15	Chairman	<p>Will ask:</p> <ul style="list-style-type: none"> a. both the Responsible Authorities and Interested Parties /objectors to comment, briefly, on the application or review and summarise their position. No new issues can be raised at this point. b. the applicant or their representative to summarise the application or review and briefly comment on the representations or objections made. c. if everyone is satisfied that they have said what they wanted to say, but making clear that no new issues can be raised at this point.
DECISION MAKING		
16	Sub-Committee	Will retire to consider the application or review and may request the Legal Advisor and/or Committee Clerk to retire with them.
RESUMING THE MEETING AND CONCLUSION		
17	Legal Advisor	If legal advice has been given to the Members whilst in retirement, this advice will be summarised and repeated in the presence of all parties.
18	Chairman	<p>Will:</p> <ul style="list-style-type: none"> a. announce the decision made by the sub-committee and the reasons for that decision; b. advise that the decision, and reasons, will be confirmed in writing to all the parties who made representations; and c. advise all parties of their rights of appeal to the Magistrates' Court.

(*) after receiving copies of this procedure, all parties are requested to give the Council's Licensing Department an indication of the time estimated to present their case. This will be taken into consideration when deciding whether maximum periods of time will be necessary.

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE

