

Representations received in respect of Queen's Head, Kimberley

1. James Towle
2. Jason Buckley
3. Rachel O'Neil and Lauren O'Neil
4. Cricketer's Rest
5. Neil Doherty
6. Environmental Health
7. Nottinghamshire Police
8. Kimberley Parish Council

To Whom It May Concern , I wish to make a representation regarding the above premises putting in a new application for a Premises Licence . Being a local business owner I feel opening this premises under the same management to which it lost its licence will become detrimental to the area , an area in which we have worked extremely hard at eliminating trouble caused by the licencing objectives not being adhered to by the Queens head when it was last in operation . With the owners showing no sign of learning form the errors made previously , taking on any newly trained managers or staff to breath licensing laws into the venue . Based on history of the same licensee and owners we face putting Customers and children at risk due to the premises not understanding the Licensing laws .The Current premises within the town have worked extremely hard at following the licensing laws and objectives over the last 3 years , we do not want to allow a premises to re open to break all the hard work we have put in and for the wrong crowd to be enticed back into the area . It would be great to see the venue re open but NOT under the same owners or management and staff

Regards James Towle
Juicy By Zeon
23-27 Main Street
Kimberley
Nottingham
Ng16 2ng

Dear Sir or Madam

I'd like to object to the recent license request for the Queen's Head on Main Street in Kimberley, dated 4th July 2024.

I have no issue with the pub being re-opened under a suitable landlord. However, living on James Street we found ourselves in fear for weeks on Friday and Saturday nights when the pub was last open.

The landlord appeared to have no clue how to keep the peace and had zero respect for local residents. Customers would leave the pub late at night heavily intoxicated, shouting, fighting, hitting cars and some would urinate in our car port. As far as we know the landlord took no action to prevent this. The idea they'll be allowed to serve alcohol again is very worrying to us.

Kind regards

Jason Buckley
17a James Street
Kimberley
Notts, NG16 2LP

To whom it may concern,

We're writing to make a representation in relation to the notice of application for a premise licence made by Juan Hua Chen for The Queens Head, Kimberley.

We are formally objecting to this licence being granted based on the following reasons:-

Preventing Crime and Disorder

Based on history Juan Hua Chen did not prevent or control disorderly/anti social behaviour, which included violence towards members of the public and police who attended the premises when it was previously trading.

Public Safety

Mr Juan Hua Chen previously made no steps to manage or control antisocial behaviour in the premises to ensure any patrons or passing members of the public remained safe at all times.

The prevention of public nuisance

When The Queens Head was trading there was no control over the excessive noise levels coming from the premise including music and patrons using and leaving the premises,

The protection of Children from Harm

Neither Mr Juan Hua Chen or members of this staff made attempts to adhere to challenge 25 and no ID's checks were completed. Therefore this encouraged underage drinking to take place in the premises.

If you require any further information from us in relation to this objection, please get in touch.

Kind regards

Rachel O'Neill & Lauren O'Neill
The Gate Inn
21 Main Street
Kimberley
Nottingham
NG16 2NG

To whom it may concern,

I'm writing to provide you with a representation for the current application made by Juan Hua Chen for a premises licence at Queens Head in Kimberley.

This representation is on behalf of all staff members, managers, licensee holders and owners of Cricketers Rest, Kimberley.

We all live and work in Kimberley and have run Cricketers rest for nearly 8 years, this pub along with many others are at the centre of our community. We have seen pubs open and close in this area, hence this email for the representation and concerns regarding Queens Head Kimberley gaining their premises licence again.

We have seen and experienced the Queens Head Kimberley, that was previously operated by the same people, who not long ago had their licence revoked, due to breach of licencing conditions and reports of crime and disorder. These issues left the community having to rebuild itself to get back to being safe, friendly and welcoming people back to the area. It has taken us a long time to bounce back, not only from COVID but from the negative effect that the Queens Head, Kimberley brought to our small community.

The concerns we have as a team are that if the premise was to re-open, and operated by the same people, the same short falls would be followed, and the anti-social behaviour would return. Not feeling safe when walking home from work, rubbish being left everywhere, continuous loud music and late-night police calls.

Our community does not need this, neither do the core members of the community who own shops, pubs, cafes and businesses want this either.

The licensees have shown no control over their customers or trading due to countless previous fights, anti-social behaviour, underage drinking, the concerning breach of COVID rules and negative effect on the area. I'm sure if they were to trade again it would have a direct impact on the community, customers, our staff members, and our pub. Having spoken to other licensees and members of the community, we all share the same thoughts and do not wish the licence to be granted due to the points highlighted above.

Therefore, us as a team at Cricketers Rest in Kimberley are objecting in full to the granting of a premises licence to Juan Hua Chen for The Queens Head Kimberley

If you require any further information, please feel free to email.

Regards

Cricketers Rest Team

Dear Sir / Madam,

I wish to comment on the application by Juan Jua Chen for a Premises Licence at the above address.

The premises in question has applied several times recently (September 2021, April 2022) for a premises licence and been refused. During previous application reviews the owner of the property has refused to comply with requirements / advice from the licencing authority, and more recently used a family member to apply on his behalf, and I suspect the same thing is happening again.

The owners of the Queen's Head have shown in the past they are completely incapable of running a responsible licenced establishment, and an unwillingness to take on board requests for compliance. If the Queen's Head is reopened by the current owners, or their agents, it is very probable the unacceptable behaviours (under age drinking, fighting, etc) will very quickly reoccur, causing great inconvenience to local residents and putting a strain on both local and neighbouring police services.

I strongly request this application is refused.

Yours Sincerely,

Neil Doherty

10Johnson Close, Watnall, NG16 1GJ

MEMORANDUM

To: Central Licensing Administration Unit

From: Adam French
Senior Environmental Health Officer
Public Protection – Environmental Health
Broxtowe Borough Council

Tel: 0115 9173291
Email: adam.french@broxtowe.gov.uk

Ref: **New Premises Licence Application**

Queens Head
34 Main Street
Kimberley
Nottinghamshire
NG16 2LL

Date: Monday 29th July 2024

Environmental Health is a responsible authority for the purposes of making representation under the Licensing Act 2003.

I am making representation in respect of this Premises Licence application on the grounds of Public Safety.

Health and safety legislation covers hazards and associated risks to employees and members of the public in relation to workplaces and would usually be used to enforce any failings in an employer's liabilities and responsibilities. I would submit that, given the history of the applicant and the revocation of the previous premises licence, it is proportionate and justified on the grounds of public safety to ensure adequate health and safety consideration and provision prior to the venue opening.

I visited site on Tuesday 23rd July 2024 to walk round the building and to discuss the application with the applicant, Mr Juan Hua Chen. There were a number of issues discussed and noted that give rise to concern for public safety, namely:

- 1. Potential public access to the first floor**
- 2. Confusion with fire exits**
- 3. Changes in level in beer garden and general clutter**

4. Adequate staffing levels
5. Applicant's knowledge of health and safety

Potential public access to the first floor

There are three staircases leading up to the first floor, all of which could give the public access to the unused function room and the living quarters. In addition, the staircases themselves all give rise to concerns for the health and safety of members of the public. The application states that only the ground floor is to be licensed, meaning that public access to the first floor must be denied.

The front, main staircase leads from the ground floor to the unused function room. The stairs dogleg and there is a mid-height, semi open metal balustrade all the way up. Access can be denied to the function room by lockable doors at the top of the stairs, however, access to the stairs themselves currently relies on an approximately 3ft high metal gate. This gate can easily be bypassed, meaning that members of the public would have easy access to the staircase and could congregate there posing a risk to their safety.

There are a set of steep stairs in the middle of the building leading from the ground floor to a small corridor on the first floor, in between the unused function room (on the left) and the living quarters (on the right). There is no door or any barrier at the foot of the stairs meaning that the public can easily gain access to the first floor. There are lockable doors to both the function room and the living quarters at either end of the corridor. Members of the public have easy and unfettered access to these stairs and the steepness, coupled with alcohol consumption, poses a risk to their safety.

There are a set of stairs at the back of the building up to the living quarters. These are accessed via a lockable door on the ground floor that is also marked as a fire escape. The door leads into an old courtyard area that has been roofed over at first floor level, forming an open plan space with a seating and living area on a first floor balcony area that then leads directly into the main living quarters. The stairs are open metal treads with a wooden and glass balustrade. The fire escape continues through another door at ground level into a carport/tunnel area. If this route is used as a fire escape, the door leading from the pub into the area must be kept unlocked. If this is the case, the public have easy and unfettered access to the stairs and the balcony area, posing a risk to their safety and a security concern as there is easy access into the main living quarters.

As it currently stands, none of the staircases can be easily or adequately blocked off to members of the public (customers) posing trip, falls from height and personal safety (ease of assault/violence out of view of employees and security cameras) hazards.

Confusion with fire exits

It appears that there are four main fire exits from the ground floor:

- The main front doors onto Main Street.
- The entrance to the bar on the corner of Main Street/James Street.

- At the back of the building through the covered-over courtyard and the carport/tunnel.
- Out the other side of the building into the beer garden and then down steps to the gate located on Main Street.

Conversations with Mr Chen showed confusion and inadequate thought about the use of fire exits with only the entrance to the bar on the corner of Main Street/James Street being accessible at all times. The main front doors are to remain closed and locked as the first floor function room is not being used. Mr Chen stated that the door to the fire exit at the back of the building was to remain locked to prevent access by members of the public to the first floor. This leaves the exit via the beer garden and the gates onto Main Street. Mr Chen stated that as there would only be a maximum of one member of security staff on duty at any one time, the gates leading out of the beer garden onto Main Street would be kept chained and locked. When pressed about security staff, Mr Chen was unsure as to how many staff he would employ. During the hour I was on site, he stated one member of security staff would be employed at times and that he would be responsible for security the rest of the time.

I am not a Fire Officer, but it is clear from my visit that fire safety and escape from the building in the event of a fire or other emergency has not been thought through posing an unacceptable risk to both staff and members of the public should the Queens Head re-open.

Changes in level in beer garden and general clutter

Access to the beer garden is either via the ground floor bar or via the gates on Main Street. There are two levels to the open area, a lower level accessed from Main Street and the upper level which is the main beer garden and is accessed from the lower level via brick steps. There is a low brick wall topped with a wooden and metal fence along the front of the main beer garden and a double metal gate at the top of the steps. The main beer garden is cluttered with plant pots, planks of wood and other items. There are some small outdoor lights on the wall but these would be insufficient to adequately illuminate the area in the dark.

The changes in level and the items in the beer garden could pose a trip hazard, especially at night or times of low light. In addition, many of the items in the beer garden could be used as impromptu weapons should violence break out.

Adequate staffing levels

Mr Chen was unclear as to the staffing levels should the business re-open, however, historical levels show that there were insufficient people to prevent disorder. Given the current state of the ground floor and beer garden, Mr Chen would have to employ enough staff to be able to serve customers and to ensure their safety. Without at least two dedicated security/door staff he would be unable to keep two entrances/exits open and thus ensure adequate escape routes in the event of a fire or other emergency. In addition, the fact that none of the three staircases can be adequately secured from the ground floor, means that there would need to be continual checks of these areas to maintain first floor security and the safety of members of the public.

Mr Chen showed me the CCTV coverage of the building. There appeared to be three systems in use – the old black and white cameras (it was unsure whether these actually worked), 8 new colour cameras covering parts of the ground floor and outside beer garden, and another system of 4 colour cameras covering the ground floor. Each system was totally separate with its own hard drive and control systems. Even with all these cameras it was obvious that there were many areas of the premises that were not adequately covered by cameras, meaning that more frequent staff checks would need to be undertaken to ensure public safety.

Applicant's knowledge of health and safety

It was evident during the visit that Mr Chen's knowledge of general health and safety, as well as fire safety and general public safety was inadequate for a licensee. I would have grave concerns with his suitability to be able to safely run a licensed business and, from my conversations with him, would judge that he is not fit and proper to hold a premises licence for the reasons stated.

I have included photographs at Appendix 1 highlighting some of the concerns noted.

Given the history of the applicant, the revocation of the previous premises licence and the concerns listed above, I am of the opinion that Mr Juan Hua Chen will not be able to uphold the Public Safety licensing objective. Environmental Health, therefore, object to the application and invite the licensing panel, at a hearing, to refuse the application.

Adam French
Senior Environmental Health Officer
Monday 29th July 2024

Appendix 1 – Photos of Queens Head, 34 Main Street, Kimberley



Photo 1 - Entrance to bar from corner of Main Road/James Street



Photo 2 - Through the bar to the rear and side fire exits (side exit also leads to beer garden)



Photo 3 - Fire exit and door leading to rear of premises



Photo 4 - Covered courtyard area at rear – door and fire exit to carport/tunnel



Photo 5 - Stairs at rear to balcony and 1st floor living quarters



Photo 6 - Balcony area on 1st floor



Photo 7 - Side fire exit and door into beer garden



Photo 8 - Gates from beer garden onto Main Street



Photo 9 - Upper gates in beer garden



Photo 10 - View from lower beer garden



Photo 11 - Lighting and some of the clutter/debris in beer garden



Photo 12 - Doors 1st floor unused function room looking to front stairs



Photo 13 - Front stairs



Photo 14 - Steep middle stairs – view from 1st floor



Photo 15 - Steep middle stairs – view from ground floor



**Notification to Licensing Authority of Representation
under Licensing Act 2003**

1. Name of Responsible Authority making representation:
 - a. Your name: **Helen Guest-High**
[Senior Licensing Officer, Force Licensing, for and on behalf of the Chief Constable]
 - b. Your address: **Force Licensing – County Team
Prevention Hub**
Nottinghamshire Police
Mansfield Police Station
Great Central Road
Mansfield
Nottinghamshire
NG18 2HQ
 - c. Your phone number: **0115 8445072**
 - d. Your e-mail address: **county.licensing@notts.police.uk**

2. Please identify the application you wish to make a representation about.
 - a. Name and address of application premises:

**Queens Head
34 Main Street
Kimberley
Nottinghamshire
NG16 2LL**

 - b. Nature of application: **New Premises Licence**

3. Which of the licensing objectives does your representation relate to?
 - a. **The Prevention of Crime and Disorder.**
 - b. **The Prevention of Public Safety.**
 - c. **The Protection of Children from Harm.**

Details of the representation(s)

4. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

The application is for a new premise licence at the Queens Head, 34 Main Street, Kimberley, Nottinghamshire. NG16 2LL.

The Queens Head is located within Kimberley Town Centre, which accommodates a number of other licensed premises in a small, concentrated area within the town. These premises cater for the consumption of alcohol, dancing and late night refreshment. The Premise is not currently operational due to previous incidents and disorder leading to the licence being revoked.

The Queens Head is situated directly next to a public highway on Main Street with the junction of James Street, Kimberley, and directly opposite to other licensed premise, retail and residential properties.

Prior to revocation of the premises licence at a hearing dated 10 November 2020, The Queens Head became a known premise of late-night violence, disorder and anti-social behaviour resulting in police attendance and concerns from the community between June 2019 and September 2020. This included several reported breaches relating to COVID 19 regulations.

At this time the premise licence holder and designated premise supervisor was Juan Hua CHEN, the only other member of staff supporting Mr CHEN was his partner, Mei Mei HUANG. This new application is submitted by Juan Hua CHEN as the applicant and proposed Designated Premises Supervisor.

Various meetings were held prior to original revocation of the original premises licence between Mr Juan Hua CHEN, Mei Mei HUANG and Police Licensing, the Neighbourhood Policing Team, Broxtowe Borough Council Licensing and Environmental Health Departments. The purpose was to highlight areas of concern, discuss incidents that had occurred and offer solutions and support as a partnership approach.

Mr Juan Hua CHEN and Ms Mei Mei HUANG clearly took no notice of advice given, or of COVID 19 guidance, and did not exercise or enforce any social distancing within the establishment. This was very concerning to Nottinghamshire Police and Broxtowe Borough Council, and as a result this was addressed numerous times by Environmental Health and the Police. Non-compliance was witnessed during visits and seen on CCTV footage.

There have been complaints by local residents who have called the Police due to being disturbed by various issues, including disorderly behaviour, anti-social behaviour noise and underage drinking. The majority of these incidents occurred during the early hours of the morning on either a Friday or Saturday.

Despite numerous attempts to work with Mr Juan Hua CHEN and encouraging him to uphold the licensing objectives, attempts failed due to him not willing to work in partnership with the Police and Broxtowe Borough Council Licensing and Environmental Health.

As a result of this Nottinghamshire Police applied to review the premises licence under Section 51 of the Licensing Act 2003 and an online licensing hearing took place on 10th November 2020. A unanimous decision was made by the Hearing Panel to revoke the premise licence in its entirety.

The Queens Head then submitted a new premise licence application on 01 September 2021, with Ms Mei Mei HUANG as the Premise Licence Holder. Following a hearing on 02 November 2021, the application was rejected in its entirety. The Hearing Panel were not satisfied that Ms Mei Mei HUANG (and the proposed DPS at that time, Mr Juan Hua CHEN) were competent to control the Premises and manage it in a safe way in pursuance of the licensing objectives.

A second new premise application was submitted 07 April 2022 which was worded in the same way regarding the Licensing Objectives, with a slight reduction in opening hours on a Friday and Saturday night from the previous application (02:30 instead of 04:00) which Police considered was still not acceptable. It is noted that Ms Mei Mei Huang was the applicant. This application was rejected in its entirety. The hearing panel were not satisfied that Mei Mei Huang and Mr Duggan (proposed DPS) were competent to control the premises and manage it in a safe way in pursuance of the licensing objectives. They also felt she was not fit and proper to hold a premise licence.

Mr Juan Hua CHEN contacted our team to discuss the potential for any future application. On Tuesday 19th December 2023, Man Shing Wong (Mandarin speaking Police Constable), Adrian Paling (Police Licensing) and Helen Toynton (Police Licensing) met with Mei Mei Huang and Juan Hua Chen at the premises. There were still concerns over the proposed management and control measures which had not been addressed since the last hearing date. It was stated that without significant changes to the operating model, and/or if the application was made with Juan Hua Chen or Mei Mei Huang involved, Nottinghamshire Police would be likely to object in full to the application as we have no confidence in them both to operate the premises in a safe and consistent way, with strong management policies and procedures, and be capable of upholding the licensing objectives.

This new application is for licensable activities to allow for the sale of alcohol, live music and recorded music and performances of dance as detailed below:

Live Music

Monday- Sunday 14:00- 23:30

Recorded Music

Monday- Sunday 14:00- 23:30

Performance of Dance

Monday- Sunday 14:00- 23:30

Supply of Alcohol

Monday- Sunday 14:00- 23:00

Hour's premise open to the public

Monday- Sunday 14:00- 23:30

On 2nd July 2024 Man Shing Wong (Mandarin speaking Police Constable) Adrian Paling (Police licensing) and Helen Toynton (Police licensing) met with Juan Hua

Chen to discuss the premise license application which has been submitted for the third time since revocation in 2020. During the visit there was a lot of confusion, back and forth with questions. When asking questions relating to the business and the plans for running the business Juan Hua CHEN could not answer or give any details of what the business model was going to look like. Juan Hua CHEN was asked several times around the business and could not give a clear and comprehensive answer. Juan Hua CHEN has stated he will be DPS and PLH but will have someone else into manage the premises, however this person could not be properly identified. There was a clear lack of comprehension in how running this business could uphold all licensing objectives and comply with conditions placed upon a licence. Police accept the application has been submitted with reduced hours compared to previous applications but still have strong concerns over the safe and effective management at the premise.

The Police support licensed premises and encourage well managed, safe venues to thrive. On considering all the above, Nottinghamshire Police are of the opinion that the proposed premise licence holder Juan Hua CHEN is not fit and proper to hold a premise licence and would lack the ability to control the premises and fully uphold all the licensing objectives. Police object to the application in its entirety and invite the licensing panel, at a hearing, to refuse the application.

The Police reserve the right to:

- **Bring further evidence of the Licensing Objectives being undermined to any subsequent panel hearing and to provide live oral evidence to this effect.**

5. If you are suggesting that conditions should be attached to any licence granted, please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue a separate sheet if necessary.

N/A

6. Please indicate any parts of the Licensing Authority's Statement of Policy that you feel may be relevant to your representation ³.

Broxtowe Borough Council's statement of licensing policy, effective from 07th January 2024, states at 2.1 in exercising their functions under the licensing act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the act.

Broxtowe Borough Council's policy also states at 2.6 the promotion of the licensing objectives is paramount consideration for the authority.

7. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003, which you feel may be relevant to your representation ⁴.

Indication of those relevant parts will be given prior to a Panel Hearing.

8. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing⁵? Please circle as appropriate.

Yes

No

9. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long, you think you would need to make your representation(s).

Unknown at this stage

Signed: **Helen Guest-High [Senior Licensing Officer, for and on behalf of the Chief Constable]**

Date: 22nd July 2024

c.c. Applicant's Representative (by email)

Contact details for all correspondence associated with this representation:

Adrian Paling
Temporary Senior Licensing Officer
Force Licensing – County Team
Prevention Hub
Nottinghamshire Police
Mansfield Police Station
Great Central Road,
Mansfield
Nottinghamshire,
NG18 2HQ

Email: county.licensing@notts.police.uk

Tel National: 0115 9670999 Ext: 318 0892
Tel Local: 0115 8445073
Mobile: 07929 792539

Not protectively marked.



Kimberley Town Council

Parish Hall
Newdigate Street
Kimberley
Nottingham
NG16 2NJ

Tel: (0115) 9382733

Broxtowe Borough Council
Licencing
Public Protection Division
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB

26th July 2024

Dear Sirs

Licensing Application Queens Head, 34 Main Street, Kimberley NG16 2LL

Kimberley Town Council wishes to object to the licence application on the above premises. The Council has concerns regarding any application from the current owners due to their poor track record.

Also, the proximity of the venue to James Street, Main Street, Victoria Street and Newdigate Street, which are residential streets. The sale of alcohol and the passage of people arriving and leaving the premises would undoubtedly generate significant noise, as would the proposed live and recorded music. Residents would be adversely affected by this.

Yours sincerely

Julie Darbyshire
Town Clerk
Kimberley Town Council