



**MINUTES of  
LICENSING SUB-COMMITTEE  
5 DECEMBER 2017**

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**PRESENT**

<b>Purpose of the Hearing:</b>	Licensing Act 2003 – Application to review a Premises Licence
<b>Premises:</b>	Warwick Arms, 185 High Street, Maldon, Essex, CM9 5BU
<b>Councillors:</b>	M F L Durham CC, A S Fluker and A K M St. Joseph
<b>Representing the Licensing Sub-Committee:</b>	Mr Matt Evans, Licensing Lead Officer Mr Simon Quelch, Solicitor to the Council Tara Bird, Committee Clerk
<b>Applicant:</b>	Mr Nigel Dermott, Essex Police Licensing Officer
<b>Licence Holder:</b>	Ms Emily Saffill, Designated Premises Supervisor, A & E Leisure
<b>Interested Party</b>	Ms Andrea Saffill, A & E Leisure
<b>Responsible Authorities:</b>	Mr John Fairweather, Environmental Health Officer – Environmental Protection, Maldon District Council
<b>In Attendance:</b>	Councillor Mrs M E Thompson, Maldon District Councillor Mrs Gill Gibson, Environmental Health Manager – Environmental Protection, Maldon District Council
<b>Members of the Public:</b>	None
<b>Members of the Press:</b>	None

**659. TO APPOINT A CHAIRMAN FOR HEARING**

Councillor M F L Durham advised that he had been appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR M F L DURHAM

**660. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**661. APOLOGIES FOR ABSENCE**

There were none.

**662. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE - WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU**

The Chairman sought confirmation that all those present were in possession of and had read the report of the Director of Customers and Community along with Appendices A to D and the supplementary information circulated. Introductions were made at this point.

The Licensing Lead Officer outlined the application submitted to review the Premises Licence for Warwick Arms, 185 High Street, Maldon, by Essex Police Licensing on the grounds of all four of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, having regard to the representations received and the requirement to promote the four licensing objectives. It was noted that the consultation period had been extended after the Licensing Authority was made aware of a letter sent to all residents assuring anyone who made representation that they would be granted anonymity.

The Chairman invited the applicant, Mr Nigel Dermott of Essex Police Licensing, to make his opening statement to the Committee. Mr Dermott advised that some of the representations received had made reference to parking which was not part of this application. Mr Dermott then took the Committee through his submitted statement of truth and referred to a number of intelligence items which had been received by the Police in relation to the Warwick Arms. It was noted that there had been a considerable number of complaints received from the local community and a lot of partnership work had been undertaken to try and resolve these.

Ms Emily Saffill advised that they had recently employed a doorman, following recommendation from the Police, who was uniformed and worked Friday and Saturday nights.

A location plan, submitted with the original Licensing application, was made available for all present to see following some queries regarding the premises and the land within its ownership. There was some discussion regarding an accommodation building to the rear of the premises and the Committee were informed that this was no longer owned by the Licence holders. Mr Dermott highlighted some issues that had occurred in the yard which may have been alleviated if the rear of the yard outside the premises could have been closed off.

In response to a number of questions Ms Emily Saffill provided the Committee with information regarding her role as Designated Premises Supervisor (DPS), the operation of the premises and the changes that had been implemented following advice / visits from the Police.

In response to a question regarding the weight that should be given to the Police evidence, Mr Dermott advised that this hearing was based on the balance of probability and referred the amount of intelligence received regarding drugs etc. relating to the

premises. He clarified that intelligence could be telephone calls, information received by Officers out on patrol, emails, etc., but each one was graded with regards to its content accuracy and the person giving the intelligence.

Some further information was provided at this point in response to questions from Members and an update provided by the Police in respect of a former employee of the premises.

**663. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 11:37 for a comfort break.

**664. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session at 11:46.

**665. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE - WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU  
CONTINUED**

Mr Dermott continued with his opening statement and referred to the representations set out in his submission and highlighted a number of recent complaints received regarding noise, live music and general shouting and swearing. He outlined the proposed conditions from the Police including a change regarding music.

In response to a question regarding the request from the Police for an acoustic consultant, the Committee were advised by Ms Emily Saffill that this had not been carried out due to the associated costs involved, but that a number of changes had been made to the premises, including the purchasing of carpets to reduce noise.

The Chairman then called Ms Emily Saffill, to speak. Ms Saffill read from a statement and, being unable to continue, the Senior Solicitor finished reading the statement on Ms Saffill's behalf.

Further questions were raised by the Committee and responded to by the licence holder and Police representative. Mr Dermott then took Members through the suggested conditions from the Police outlining any specific changes and answering any questions that arose. Mr Dermott recognised the introduction of door staff and advised that this had not been included as a condition due to the size of the premises and the Police would rather have this risk assessed and dealt with in conjunction with the premises owners. He commented that litter could be considered an obligation on the licence holders to check the area at the end of trading and could help reduce crime and disorder. In response, Members were advised that this was currently done every morning.

**666. ADJOURNMENT OF MEETING**

**RESOLVED** that the meeting be adjourned at 12:28 to allow Members to consider the application.

**667. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session at 13:15.

**668. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE - WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU CONTINUED**

The Chairman advised that Members had discussed and considered the evidence from Essex Police, Environmental Health and responses from other persons in coming to their decision. The intelligence information presented by Essex Police along with the police incident list was in general accepted as, on balance, showing a disturbing picture of crime and disorder relating to the premises. The evidence from Environmental Health also showed public nuisance of noise for local residents. The Chairman advised that the Committee had not taken its decision lightly and reminded those present of the responsibility the Committee had for public safety and public order in Maldon.

The Sub-Committee decided that the Designated Premises Supervisor should be removed as she was not involved enough in the premises.

The Chairman then read out 13 conditions (as set out below) to be applied to the licence taking into consideration those suggested by the Police (as set out in Appendix B to the report). He advised that because of the fact that the current owners had only been operating the pub since 2013 the Committee had considered and agreed that the premises licence be suspended for a period of 28 days. This would enable the new conditions to be brought into effect and to help give a break in business so that a new chapter could begin in the running of the public house.

The Senior Solicitor explained that Licence Holders would have the right to appeal at a Magistrates Court within 21 days and could challenge any part of or the whole decision. It was noted that this would mean that the suspension would not take effect until 26 December but, should an appeal be lodged, the decision would not take effect until either the appeal was withdrawn or it being heard by the Magistrates court. In response to a question it was clarified that the conditions would take effect automatically after 21 days subject to appeal.

The Chairman provided some further information regarding the decision. He advised that although consideration had been given to conditioning the blocking off of the rear of the premises this was not felt reasonable and therefore the Committee recommended an informative that premise owners try to resolve the issues caused by persons driving in and out at the rear.

**RESOLVED** the licence for Warwick Arms, 185 High Street, Maldon, Essex, CM9 5BU be **SUSPENDED** for a period of 28 days, that the Designated Premises Supervisor is removed and that the following new conditions should be added to the Premises Licence:

1. That the permitted hours for the sale of alcohol be amended to 10:00 to 23:30hrs and patrons should be cleared from the premises by 00:00hrs (seven days a week).

2. That amplified and un-amplified music and live music only be permitted on Friday and Saturday nights between 10:00 and 23:00hrs and that from Sunday to Thursday no music will be played.
3. No entry permitted after the last sale of alcohol.
4. That consumption on the premises be restricted to within the public house itself and not outside.
5. 'Off' sales will only be permitted where alcohol is sold within sealed containers.
6. That smoking be permitted only within the yard at the rear of the premises and the number of smokers permitted at any one time be limited to no more than eight (8).
7. No person will be permitted behind the bar area unless they are an employee of the business.
8. Regardless whether a personal licence holder or not, each relevant member of staff involved in the sale and supply of alcohol will be authorised in writing by the Designated Premises Supervisor.
9. Prior to the authorisation at condition 8 above, each member of staff authorised for the sale and supply of alcohol will be provided with training which must be recorded and refreshed on an annual basis and will include basic licensing offences, conditions of the licence and policies of the establishment.
10. Training records will be produced on reasonable request by the Police and other authorised persons.
11. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - i.) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - ii.) CCTV cameras shall cover all public areas including all entrances and exits.
  - iii.) Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days.
  - iv.) At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recording to the Police or licensing authority staff upon reasonable request.
  - v.) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.

- vi.) An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failings these are to be recorded immediately.
  - vii.) The system will be registered with the Information Commissioner.
12. An incident log will be kept at the premises, and made immediately available to Police or licensing authority staff upon request.
- The log must be completed as soon as is possible and within any case within four (4) hours of the occurrence and shall record the following:
- i.) All crimes reported to the venue.
  - ii.) All ejections of patrons.
  - iii.) Any complaints received concerning crime and disorder.
  - iv.) Any incidents of disorder.
  - v.) Any seizures or findings of drugs or offensive weapons.
  - vi.) Any faults in a CCTV system.
13. The volume of music to be agreed in writing with the Environmental Health Manager.

There being no further items of business the Chairman closed the meeting at 1.27 pm.

M F L DURHAM, CC  
CHAIRMAN