



**MINUTES of
LICENSING SUB-COMMITTEE
14 JUNE 2018**

PRESENT

Purpose of the Hearing:	To consider an application to vary a premises licence to specify an individual as the Designated Premises Supervisor (DPS) under the Licensing Act 2003, following representations received in respect of the application from Essex Police.
Premises:	Warwick Arms, 185 High Street, Maldon, Essex, CM9 5BU
Councillors:	R G Boyce MBE, A S Fluker and Mrs M E Thompson
Representing the Licensing Sub-Committee:	Mr Daniel Winter, Licensing Lead Officer Mr Simon Quelch, Solicitor to the Council Tara Bird, Committee Clerk
Applicant:	Ms Emily Saffill, Designated Premises Supervisor, A & E Leisure
Licence Holder:	Ms Emily Saffill, A & E Leisure
Interested Party	Ms Andrea Saffill, A & E Leisure Mr Steve Hawkins, character witness for Ms Andrea Saffill
Responsible Authorities:	Mr Nigel Dermott, Essex Police Licensing Officer Mr John Fairweather, Environmental Health Officer – Environmental Protection, Maldon District Council
In Attendance:	Councillor B S Beale MBE, Maldon District Councillor Mrs Gill Gibson, Environmental Health Manager – Environmental Protection, Maldon District Council
Members of the Public:	None
Members of the Press:	One

180. TO APPOINT A CHAIRMAN FOR HEARING

RESOLVED that Councillor Mrs M E Thompson be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR MRS M E THOMPSON

181. CHAIRMAN'S NOTICES

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

182. APOLOGIES FOR ABSENCE

There were none.

183. LICENSING ACT 2003 - THE 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 C. Introductions were made at this point.

The Licensing Lead Officer outlined the application submitted to vary the Premises Licence for Warwick Arms, 185 High Street, Maldon to specify an individual as the Designated Premises Supervisor (DPS). It was noted that Essex Police had objected to the variation on the grounds of the licensing objectives, namely the prevention of crime and disorder, public nuisance and the protection of children from harm, having regard to the representations received and requirement to promote the four licensing objectives.

The Chairman invited the applicant, Ms Andrea Safill to make her opening statement to the Committee. Ms Safill outlined the changes that she had introduced since the last hearing. These included, employment of a doorman, not allowing glasses outside the premises and closure of the backdoor.

Ms Safill then introduced Mr Steve Hawkins, a character witness, who addressed the Committee. Mr Hawkins provided the Committee with background information regarding himself and then provided a character statement regarding Ms Safill whom he worked with, including how she was very anti-drugs.

Councillor Mrs M E Thompson declared an interest at this point as she was acquainted with Mr Hawkins. The Solicitor advised that this was not an interest that would prevent her from participating and Mr Dermott advised that the Police had no objections.

Ms Safill then went through Appendix C to the report, the case against her by Essex Police. She commented on a number of points and provided evidence to the Committee, specifically in relation to persons smoking cannabis, persons on the street with pints of lager and violence. In response to a number of questions, Ms Safill advised that:

- there had not been any violence in the pub since she had been running it and any trouble in the street related to persons using the kebab shop and walking down the street adjacent to the pub.
- she had caught one person using drugs on the premises and they had instantly been barred.
- she was very anti-violence and felt she was very good at calming situations down.

- she was the best landlady around the town and invited Mr Dermott to come and spend some time in the pub.

The Chairman invited Mr Dermott to make his opening statement.

Mr Dermott provided the Committee with background information following the last hearing and Essex Police's concerns in relation to issues of crime and disorder around the premises. He highlighted a number of further complaints regarding crime and drug use that had been received by the Police and Environmental Health. Essex Police were of the opinion that very little had changed with regards to intelligence since December 2017. At this time Mr Dermott took the Committee through the detailed intelligence collected by the Police, including the work he had undertaken to investigate the intelligence.

Members were informed that Mr Dermott had CCTV videos, including one of a particular incident which had occurred within the pub and these could be shown to Members, if they were minded.

In response to the comments raised by Mr Dermott, Ms Safill provided the Committee with further information regarding the highlighted incidents.

Mr Dermott reported that Essex Police responded directly to intelligence received which then went through a process to ensure it was not frivolous or vindictive. He invited Members to view the CCTV videos that he had.

In response to questions from Members, Mr Dermott provided a detailed precis of the incidents which included calls for service and commented that the Police were aware of further incidents which had not been reported.

It was confirmed that no arrests had resulted from the intelligence received in relation to the Warwick Arms. Mr Dermott concluded advising that the Police felt there had been little change indicated by evidence received and incidents reported and as a result they had obtained video and CCTV evidence.

The Chairman asked Members of the Committee whether they wished to view the CCTV videos referred to by Mr Dermott. In response to questions regarding data protection and viewing of the CCTV the Council's Solicitor provided Members with guidance advising that there were exemptions under the General Data Protection Regulations (GDPR) for when carrying out regulatory activities and this was a regulatory activity which allowed a bypass of personal information contained within the GDPR. It was for the Committee to consider whether it wished to view the CCTV in closed session on the grounds that it would disclose personal information.

At this point an adjournment of the meeting was agreed to discuss the matter regarding viewing the CCTV videos.

184. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 11:05am.

185. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 11:24am.

186. THE WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU - CONTINUED

On resumption of the meeting, the Chairman advised all present that the Committee would be adjourning at 12noon to hold a minutes silence in memory of those who lost their lives in the 2017 Grenfell fire.

The Chairman proposed that the public and press be excluded from the meeting to enable the Committee to view one of the CCTV videos produced by Mr Dermott. This was duly seconded and agreed.

187. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the purpose of viewing CCTV video evidence from Essex Police on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

188. RESUMPTION OF THE MEETING IN OPEN SESSION

Following viewing of the CCTV evidence it was

RESOLVED that the meeting resume in open session at 11:30am.

189. THE WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU - CONTINUED

Following a request from the Chairman, Mr Dermott provided detailed information regarding three further incidents reported to the Police and the evidence they had collected in respect of these. It was noted that although there was CCTV evidence relating to these incidents on the grounds personal information the Committee had decided not to view it.

In response to questions, Mr Dermott provided clarification in relation to the information he had previously presented to the Committee and the location of the incidents.

In response to the CCTV viewing a Member requested that Ms Safill provide further detailed information, from her perspective, of the related incident. Ms Safill proceeded to do this and explained what she had done to calm down the situation and the resultant barring of the perpetrator. Mr Dermott was also questioned regarding this incident and how the Police felt Ms Safill could have dealt with it differently. In response Mr Dermott detailed the concerns of the Police and reported that they would have expected

both parties to have banned. Mr Dermott advised the Committee that the Police objection to this application was not based on one incident.

The Chairman sought comments from the Council's Environmental Health Officer who was present at the meeting. Prior to hearing this, the Council's Solicitor advised that the only grounds for objection to the Designated Premises Supervisor were crime and disorder. Any evidence from the Environmental Health Officer must be in relation to disorder and not just noise, as noise itself may not constitute disorder.

The Environmental Health Officer advised that the majority of complaints they had received related to loud music and commented that there had been one specific report of a fight. In response to further questions, the Officer advised that since 2018 27 separate complaints had been received, from a number of persons and some related to disturbance, noise in the street.

The Chairman then asked for closing statements.

Ms Safill advised that she always had the music off by 11:30pm and that karaoke did not take place every week.

Mr Dermott stated that the decision notice issued by this Committee (at the hearing in December) was the action plan that the Police expected to have been put in place in order to reduce the reports of crime and disorder and address the licensing objectives. The Police had to object to this application based on the crime reports and calls for service received since the incident.

Mr Hawkins stated that he saw no reason not to grant this application for Ms Safill to become the Designated Premises Supervisor. In his view she was in control of persons in her pub and he didn't see why she wasn't a fit and proper person to carry out this role.

The Chairman advised those present that Members would now adjourn the meeting to discuss the evidence presented and consider their determination. She explained that the Committee would be asking the Council's Solicitor to join them and advise on their decision.

In respect of her earlier announcement regarding a minutes silence for Grenfell the Chairman advised that this would take place during the adjournment.

190. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 11:53am.

191. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 12:18pm.

**192. THE WARWICK ARMS, 185 HIGH STREET, MALDON, ESSEX, CM9 5BU -
DECISION**

The Chairman summarised the Committee's discussions advising that they were very concerned to hear about the incidents that had occurred since December 2017 relating to the Warwick Arms. It was felt that these showed an ongoing problem with the public house. However, the Committee accepted that Ms Safill had cooperated with the Police in relation to the CCTV footage and it came out in evidence that the aggressor in the incident of 9 April was permanently banned from the premises. The Committee also accepted that he had not been allowed to return since then.

Despite their concerns about the Public House the Premises Licence has not been revoked and required a Designated Premises Supervisor. The Chairman stated that the Committee believed that Ms Safill was doing what she could in a difficult situation.

The Chairman informed Ms Safill and those present that therefore the Committee had agreed to grant the application and Ms Safill was now the Designated Premises Supervisor for the Premises.

RESOLVED that the application to vary a premises licence to specify Ms Andrea Safill as the Designated Premises Supervisor at the Warwick Arms, 185 High Street, Maldon, Essex, CM9 5BU under the Licensing Act 2003 be granted.

There being no further items of business the Chairman closed the meeting at 12.20 pm.

MRS M E THOMPSON
CHAIRMAN