



**MINUTES of
LICENSING SUB-COMMITTEE
28 SEPTEMBER 2020**

PRESENT

Councillors:	M F L Durham, CC, R H Siddall, Mrs J C Stilts and Mrs M E Thompson
Representing the Licensing Sub-Committee:	Ms Lacey Latimer, Licensing Officer Mr Simon Quelch, Solicitor to the Council Miss Tara Bird, Committee Clerk
Applicant:	Mr Damien Ghela, Lead Specialist: Community, representing Maldon District Council
Licence Holder:	Mr Brett
Interested Party	Mr Seeley, Solicitor – representing Mr Brett
Responsible Authorities:	None
In Attendance:	Councillors M G Bassenger, M S Heard, C Mayes, C Morris and W Stamp

1217. TO APPOINT A CHAIRMAN FOR HEARING

RESOLVED that Councillor M F L Durham be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR M F L DURHAM

1218. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this remote meeting of the Licensing Sub-Committee, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

1219. APOLOGIES FOR ABSENCE

There were none.

1220. DISCLOSURE OF INTEREST

Councillor M F L Durham declared in the interest of openness and transparency he had been a personal licence holder for approximately 30 years.

1221. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT THE JOLLY SAILOR, CHURCH STREET, MALDON, ESSEX, CM9 5HP

The Chairman sought confirmation that all present were in possession of and had read the report of the Director of Service Delivery along with Appendices A – C. Introductions were made at this point.

The Licensing Officer outlined the application for review of the Premises Licence at the Jolly Sailor, Church Street, Maldon, Essex, CM9 5HP.

The Chairman then outlined the procedure that would be followed at the meeting and invited the applicant, Mr Ghela, Lead Specialist: Community, to make his opening statement.

Mr Ghela took the Committee through his submitted application and the extensive pack of evidence he had submitted. Mr Ghela referred to the four licensing objectives and set out the main points from this application which related to each objective.

The Lead Legal Specialist and Monitoring Officer advised Mr Ghela that the evidence pack was not available to the public and had only been submitted to Members of the Committee, the Licence holder and his Solicitor. Mr Ghela was requested to provide details of documents when he referred to them.

Mr Ghela advised that he would not be calling any witnesses.

Members of the Committee were given the opportunity to raise questions to Mr Ghela to which he responded. Mr Seeley, the licence holders' Solicitor was then given the opportunity to question Mr Ghela. Mr Seeley raised a number of questions relating to the evidence presented, the information raised and provided in response included:

- Confirmation that the complaints had been received from four different householders;
- The Licence holder had held a licence at the premises for over 31 years and during that time there had not been any other complaints in relation to the premises.
- During the period of complaint there had been a number of other premises in the surrounding area which had been service good and drinks.
- No representation had been received from the responsible authorities in relation to this review. Mr Ghela referred to email correspondence with the Police following concerns regarding social distancing.
- Following correspondence from the Council, the Licence holder had introduced a number of measures in response to various issues raised. It was however confirmed that additional signage along the quay which the Council was to erect had yet to be done.

The Chairman then invited the applicant's legal representative Mr Seeley to make his opening statement to the Committee. Mr Seeley referred to the representations he had submitted on behalf of the Licence Holder, Mr Brett and in particular the following points:

- The unblemished record of Mr Brett at the Jolly Sailor;
- There had been relatively few individual complaints and no independent verification of them;
- There was no evidence to establish a link to the Jolly Sailor given the number of other establishments in the vicinity;
- The measures put in place by Mr Brett, including signage, staff personal protective equipment, litter picking adjacent areas and social distancing enforcement;
- The two video clips and photographs submitted show that the Jolly Sailor was complying with its legal responsibilities.

In response to questions raised by Mr Ghela, Mr Brett advised that additional signage on the service areas was put up immediately and identified when questioned the signage shown in the submitted photographs.

Mr Brett then made a short statement, advising how he had been the owner of the Jolly Sailor for over 30 years. He did not have trouble at the pub, did not play loud music, closed early and was respectful to neighbours. Mr Brett highlighted how he was unable to be responsible for those persons purchasing alcohol and drinking it on the quayside.

In response to a number of questions from the Committee, Mr Brett provided the following information:

- Mr Brett had decided to open the Jolly Sailor having considered what other adjacent local businesses were doing and that he could offer a service to people visiting the quay area.
- Not having toilet facilities available was not seen as a problem and Mr Brett advised he had reviewed what other similar premises were doing.
- A number of initiatives were implemented which included litter picking every hour and shutting early if there were too many people present. Mr Brett confirmed this had happened about ten times.
- Mr Brett outlined the changes he would look to make to winter operating if the current situation continued.
- Any music played was background music and done quietly.

The Chairman invited Mr Seeley to make his closing statement.

In his closing statement Mr Seeley highlighted the evidence submitted and drew attention to a number of points raised in his opening statement. He highlighted how moving into the winter months there would be changes to the operation at the pub and referenced how toilets were now open everywhere. Mr Seeley outlined a number of further points and reminded the Committee that it had to be satisfied that the problems complained of by Mr Ghela were explicitly linked to the Jolly Sailor, which he did not believe they were.

The Chairman then invited Mr Ghela to make a closing statement.

Mr Ghela referred to the evidence presented and advised if the Committee found operations represented a risk of COVID transmission and nuisance he would support conditions to mitigate that and the wider aspiration of improving the situation. He advised the Council had no intention of putting them out of business but believed there was a better way of them operating.

On confirmation of there being no further question or statements from the application or license holder, the Chairman thanked everyone present for their contributions and advised that the meeting would now close. The Committee would then consider the evidence and representations made before reaching its decision. All parties would be notified of the decision within five working days of this hearing.

The Chairman advised that appeal against the review decision may be made within 21 days of the notification of the decision by the Licensing Sub-Committee, licence holder, Environmental Health or any other person making relevant representation.

1222. POST COMMITTEE DECISION

The Sub-Committee considered the representations of Mr Ghela and Mr Seeley carefully in relation to the Licensing Objectives. Mr Ghela stated that there were various allegations made about social distancing, lack of use of Personal Protective Equipment (PPE), noise nuisance, littering and public urination. Although the members accepted that these allegations were concerning there was insufficient evidence to show that the most of these allegations related to the Jolly Sailor. On the issue of PPE it was not demonstrated that this would have been a breach of legal requirements during May and June.

The Sub-Committee are of the view that the Maldon District Council should visit the premises within 14 days to confirm that the correct working practices are being followed as required by the Coronavirus Act and related Regulations to satisfy any concerns the public may have as result of this review of the premises licence. This is only a recommendation.

The Committee also recommend that if Mr Brett wishes to carry out similar outside activities he should contact the Council in advance to ensure that he complies with all legal requirements.

RESOLVED that the application for a review of the premises licence be dismissed and consequently no changes are to be made to the licensable activities or to the conditions in the premises licence.

There being no further items of business the Chairman closed the meeting at 4.18 pm.

M F L DURHAM CC
CHAIRMAN