



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
LICENSING SUB-COMMITTEE
14 JUNE 2018**

**LICENSING ACT 2003 - THE WARWICK ARMS, 185 HIGH STREET, MALDON,
ESSEX, CM9 5BU**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is 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.

2. RECOMMENDATION

That the Licensing Sub-Committee considers the objection from Essex Police and decide whether to grant or reject the application.

3. SUMMARY OF KEY ISSUES

- 3.1 Section 37 of the Licensing Act 2003 allows the Premises Licence Holder to make an application to appoint a new DPS. A copy of the current Premise Licence is attached as **APPENDIX A**.
- 3.2 The application must be made to the relevant Licensing Authority and served simultaneously on the Chief of Police for the area in which the premises are situated.
- 3.3 The application proposes Andrea Denise Safill as the DPS.
- 3.4 A copy of the application made by Emily Dorothy Safill is attached, as **APPENDIX B**. Members will note that the licence is held by A & E Leisure, and are advised that A & E Leisure is a partnership between Emily and Andrea Safill and that Emily is therefore entitled to make this application on behalf of their partnership.
- 3.5 When the Chief of Police is satisfied that the exceptional circumstances of the case are such the granting the application would undermine the crime prevention objective, a notice stating the reasons must be given to the Licensing Authority.
- 3.6 A copy of the Police Objection Notice is attached as **APPENDIX C**. A copy of the objection notice was sent via email and by post to the applicant on 15 May 2018.

- 3.7 The Licensing Authority must hold a hearing to consider the notice unless the licensing authority, the applicant and the Chief Officer of Police who gave the notice agree it is unnecessary. Such a hearing must be held within 20 working days from the last day the police could have objected. The last day of consultation was the 16 May 2018; as such a hearing must take place on or before 13 June 2018. In this case the date of the hearing falls 21 working days after the last day of consultation to coincide with a separate hearing. This was agreed by Maldon District Council Legal department as it was felt it was not in the public interest to hold a second hearing consecutively over a two day period and would serve purpose to hold them both on the same day.
- 3.8 At any time before the hearing the police may withdraw the notice. However at the time of writing this report they have not done so.
- 3.9 Following the hearing the Licensing Authority must give notice of the decision to the applicant, the proposed DPS and the Chief Officers of Police.

4. CONCLUSION

- 4.1 Members must decide if they consider that it is appropriate for the promotion of the crime prevention objective to reject the application to vary the DPS at The Warwick Arms, 185 High Street, Maldon,
- 4.2 Members are reminded that the applicant and/or any person making representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

5. IMPACT ON CORPORATE GOALS

- 5.1 The following four Corporate Goals underpin the Councils vision for the District:
- Enabling, supporting and empowering communities to be safe, active and healthy;
 - Protecting and shaping the District and balancing the future needs of the community;
 - Meeting the housing needs of the District; and
 - To be an organisation which delivers good quality, cost effective and valued services in a transparent way.
- 5.2 This report supports the Council's corporate goal of, 'Enabling, supporting and empowering communities to be safe, active and healthy.'

6. IMPLICATIONS

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – None identified.

- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial and human)** – None identified.
- (v) **Impact on the Environment** – None identified.

List of Appendices:

APPENDIX A	Copy of The Warwick Arms Premises Licence
APPENDIX B	Copy of Application form to Vary the DPS
APPENDIX C	Copy of Police Objection Notice

Background Papers:

1. Statutory Guidance issued in accordance with S.182 of the Licensing Act 2003
2. Maldon District Council's Statement of Licensing Policy
3. The Licensing Act 2003
4. Application file held by Licensing Authority

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