



Application for the review of a premises licence or club premises certificate

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Damien Ghela

apply for the review of a premises licence under Section 51 ☒

apply for the review of a club premises certificate under section 87 ☐

of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Jolly Sailor, Church Street	
Post town Maldon	Post Code (if known) CM9 5HP
Name of premises licence holder or club holding club premises certificate (if known) Mr Alan Daniel Brett & Mrs Kerry Ann Brett	
Number of premises licence or club premises certificate (if known) 06/00571/LAPRE 075	

Part 2 – Applicant details

I am (please tick check box)

- ☐ an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete (A) or (B) below)
- ☒ a responsible authority (please complete (C) below)
- ☐ a member of the club to which this application relates (please complete
(A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

I am aged 18 years or older ☐

Mr. ☐ Mrs. ☐ Miss. ☐ Ms. ☐ Other (Eg. Rev/Esq) ☐

Surname	First Name/s
Current postal address if different from premises address	
Post town	Post code
Daytime contact number	
Email address	

(B) DETAILS OF OTHER APPLICANT

Mr. ☐ Mrs. ☐ Miss. ☐ Ms. ☐ Other (Eg. Rev/Esq) ☐

Surname	First Name/s
Current postal address	
Post town	Post code
Daytime contact number	
Email address	



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Surname Ghela	First Name/s Damien
Current postal address Maldon District Council, Princes Road,	
Post town Maldon	Post code CM9 5DL
Daytime contact number 01621 732 657	
Email address Damien.ghela@maldon.gov.uk	

This application to review relates to the following licensing objective(s)
(Please tick one or more boxes)

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state ground(s) for review (please read guidance note 2)

The Jolly Sailor is a public house which is on the corner of The Hythe and Church Street. Its main building including the bar area is undergoing refurbishment and as such is unusable.

Under the guidance offered by central government, the Pub moved to providing takeaway services which included the sale of alcohol for consumption off premises (permitted by virtue of its license).

In order to facilitate this, the Licensee erected two gazebos on an area of the premises referred to as the "Upper deck". From here food and drink is sold to members of the public. However, since the commencement of service, the Council has received numerous complaints from elected Members and the general public in relation to lack of social distancing, litters, public nuisance and lack of PPE being used by staff. Despite assurance from the Landlord, Council patrols have identified some of these issues continue:

Prevention of Crime and disorder

The availability of alcohol served by The Jolly Sailor led to a rise in littering and waste within the locality. Despite claims that this litter was being picked up by the Licensee's staff, the Council have noticed increased deposits of alcohol related litter along The Hythe, particularly in front of The Jolly Sailor, which resulted in the need to provide additional litter receptacles.

There have been reports of people under the influence of alcohol attempting to board the moored boats without authorisation, acts of public urination and drunken and aggressive behaviour which required Police attendance, and which affected local residents.

Prevention of public nuisance

The government provided guidelines concerning social distancing, which continue to remain in place. The aesthetic nature of the area and the availability of food and alcohol from the Jolly Sailor over the period of lockdown has drawn large gatherings to the local area in a manner which breaches the guidelines and represents a health hazard.

Government guidance for the operation of takeaway services has also been provided, this includes advice on the use of protective equipment, fixtures and fittings to protect both staff and the public. Despite assurances from the Landlord, the Council believes the Jolly Sailors adherence to the advice and method of service delivery continues to represent a health risk to staff of the Jolly Sailor and the public which needs mitigation to prevent the risk of Covid transmission.

Reports also received, allege The Jolly Sailor has played loud music on a number of occasions, in a way which encouraged a party atmosphere around The Hythe. This would be in breach of the government advice which states that people accessing takeaway services be served and encouraged to leave the locality before consumption of purchased items.

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In addition to the complaints regarding loud music, there have also been reports of people/patrons under the influence of alcohol attempting to board the moored boats without authorisation, acts of public urination and drunken and aggressive behaviour which required Police attendance.

Protection of children from harm

The Hythe is a popular part of Maldon Town Centre. It is a popular walk through for young families with children and dog walkers.

The manner in which The Jolly Sailor operates encourages people to congregate in the locality. As such, the Council believes this increases the risk of Covid transmission through the lack of PPE, lack of social distancing and numbers of people remaining in the immediate area. As such, the Council believes that this increases the risk virus transmission to children and young families passing through the area and requires mitigation.



Please provide as much information as possible to support the application
(please read guidance note 3)

I am the Lead Specialist for Maldon District Council (MDC). I have functional control over Environmental, Housing and Waste Management departments within Maldon District Council. As such, when cases reach a sufficient level of concern they are escalated to me for more robust action. I first became aware of issues involving the Jolly Sailor on the 18/05/20. Below is the chronology of concerns which has led to this licencing review application.

15/05/20 – Concern raised by member of the public regarding Jolly Sailor erecting a stand/stall and selling food and drinks. The concern states there are lots of people sitting around and not social distancing. It is believed these are patrons of the premises.

15/05/20 – MDC Senior Specialist - Environmental Health (Gillian Gibson) tasks MDC Specialist Officer (Helen Boutwell) to contact The Jolly Sailor to provide advice on its operations. Concerns also raised about the operation of the takeaway service. Further email from MDC Senior Caseworker – Enforcement (Vicky Bowles) advises on the operating conditions of the stall/takeaway service and the provision of “Off sales”.

21/05/20 - Anonymous complaint made to MDC Community Engagement Coordinator (Pat Mackshae) regarding The Jolly Sailor holding an outside barbeque and selling alcohol from the outside of its premises. Concerns raised about the lack of staff Personal Protective Equipment (PPE) being used and people crowding around the stall and queuing out into the street.

22/05/20 - Email from Essex Police FCR Catlin Meredith 76498 – Storm reference 900 – 20/05/20. Officers attended to reports of a business being open (identified as The Jolly Sailor). Report states around 100 people gathering around the locality and the business operating as normal with patrons consuming food and alcohol outside, in the immediate area.

24/05/20- Email from MDC Senior Specialist - Environmental Health raising concerns about The Jolly Sailor and the lack of social distancing controls, use of protective equipment and barriers and poor quality of social distancing signage.

26/05/20 – Email from John Wittingdale MP raising constituent concerns at the operations of The Jolly Sailor. Nature of the concerns centre around sale of alcohol and lack of social distancing.

26/05/20 – Email from Police Licencing Officer (Rachel Savill) advising that 3 concerns regarding The Jolly Sailor have been raised and that she will be investigating the sale of alcohol and possibly issuing a warning letter. MDC Lead Specialist responds to advise the Council are also awaiting information on the Licence and supports issuing a warning letter.

26/05/20 – Further email from Police Licencing Officer advising she has spoken to Designated Premises Supervisor and the Manager Mr Alan Brett. Mr Brett has advised of difficulties with a neighbour and complaints made to Environmental Health. Mr Brett advises he is no longer selling draft. Mr Brett states he feels he is being blamed for the high foot fall in the locality and for people bringing alcohol to the area.

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The Police Licencing Officer advises Mr Brett of his responsibility to move people away from his premises and maintain social distancing amongst staff and patrons. She also states the operation of the premises is exacerbating the public gathering and causing issues.

Concern were also raised about public urination due to lack of public facilities

26/05/20 – Email from PCSO Brett Fleming regarding incidents at The Jolly Sailor on the 23/05/20 and 24/05/20 relating to concerns about lack of social distancing.

The incident on the 24/05/20 also refers to a fight or a disturbance taking place involving suspected patrons of The Jolly Sailor

27/05/20 – Email from MDC Senior Specialist - Environmental Health, confirming The Jolly Sailor is licenced to provide “Off sales” and that lack of social distancing is now the main concern.

27/05/20 – Letter from MDC sent to Mr Brett providing government advice on the provision of takeaway services.

29/05/20 – Email from concerned local residents in relation to barbeques being held at The Jolly Sailor, large gatherings of people, lack of toilets and public urination

31/05/20 – Email from concerned local residents in relation to increased litter and broken glass, noisy drunken behaviour, public urination and staff at The Jolly Sailor not using protective equipment when serving

01/06/20 Email from concerned local residents regarding The Jolly Sailors operations and the lack of social distancing, increases in litter, lack of protective equipment being used, builders working at the pub mixing with serving staff and lack of food hygiene practices

01/06/20 Further email from concerned local residents regarding The Jolly Sailors operations and the lack of social distancing, increases in litter, lack of protective equipment being used, builders working at the pub mixing with serving staff and lack of food hygiene practices and drunken men trying to climb masts of moored barges.

02/06/20 – Email complaint raised via MDC’s online reporting system. Concerns raised about the amounts of litter being generated and lack of public facilities leading to acts of public urination.

03/06/20 – Email concerns raised by local Councillors regarding The Jolly Sailor’s operations.

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03/06/20 MDC Lead Specialist contacts Mr. Alan Brett to raise concerns. Mr Brett advises his business operates from approximately 10.00am to 8.00pm and makes the following points.

- The pub is subject to ongoing refurbishment (both internal and external)
- He has builders on site daily
- He and his wife are also on site
- There are other food and alcohol retailers operating along the Quay (such as, the seafood stall and Sailors club)
- He and his staff marshal customers to social distancing one on their premises
- He advises his staff have access to PPE and sanitisation facilities
- He and his staff have removed public seating within the premises boundary
- Customers are advised to leave the premises boundary before consuming their food and drink
- He has placed waste receptacles within his boundary and his staff litter pick the immediate locality
- High numbers of customers often return to the premises to throw away their litter

Requests are made for Police and MDC Officers to carry out extra patrols in the locality, both to gather evidence and control social distancing where possible.

03/06/20 – Email concern from local barge owner regarding abusive drunks trying to access moored vessels and being abusive to owners. Concerns also raised about litter and general anti-social behaviour. It is alleged incidents involve patrons frequenting The Jolly Sailor.

04/06/20 Further complaint from local residents raising concerns at the lack of signage and failure of The Jolly Sailor staff to use protective equipment.

05/06/20 – Email from John Whittingdale MP regarding concerns from local constituents in relation to The Jolly Sailors operations, groups gathering and public urination.

08/06/20 – Email from local Councillor regarding the operation of The Jolly Sailor while the building is under refurbishment and lack of food hygiene.

10/06/20 – Email from Lead Specialist to Mr Brett requesting improvements to business operations and providing government guidance.

11/06/20 – Email response from Mr Alan Brett confirming he will be complying with the requests for improvement

13/06/20 – Further email complaints from local residents about groups of drunken men and excessive queues for The Jolly Sailor

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14/06/20 – Email complaint from a local Councillor regarding reports of a large party led by The Jolly Sailor landlord causing noise nuisance and disturbance.

15/06/20 – Video evidence submitted by MDC Contractor showing long queues at The Jolly Sailor and public congregating around The Hythe. Contractor raised concerns about the increase in litter around the locality of The Jolly Sailor due to the provision of “Off sales”.

16/06/20 – Video evidence from patrolling Community Engagement Officers showing groups gathering on The Hythe and accessing service at The Jolly Sailor. Lack of PPE evident amongst serving staff.

17/06/20 – Photos supplied by MDC Community Engagement Coordinator – (Nicola Syder) showing litter dumped around The Hythe and staff at The Jolly Sailor not using PPE

19/06/20 – Email from local resident raising concern about a wake being held which is being catered by The Jolly Sailor resulting in increased litter, noise, drug taking, public urination and alleged anti-social behaviour

20/06/20 – Email from MDC Community Engagement Officers containing pictures of litter around The Hythe attributed to patrons of The Jolly Sailor

23/06/20 – Picture of large gathering around The Hythe. Evidence of bottled alcohol visible and queues for The Jolly Sailor evident in background.

24/06/20 – Further email from John Whitingdale MP regarding constituent concerns about The Jolly Sailor.

27/06/20 – Email from local resident raising concerns about litter, anti-social behaviour from patrons of The Jolly Sailor urinating in public and trying to vandalise a moving car

Have you made an application for review relating to the premises before

Yes ☐ **No** ☒

If yes please state the date of that application

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please check as appropriate

- ☒ I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- ☒ I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>
Date 30/07/20
Capacity Lead Specialist – Community (Maldon District Council) on behalf of Environmental Health

Surname (where not previously given) N/A	First Name/s (where not previously given) N/A
Postal address for correspondence associated with this application (please read guidance note 6) Maldon District Council, Princes Road	
Post town Maldon	Post code CM9 5DL
Daytime contact number (where not previously given) 01621 732 657	
Email address (where not previously given) Damien.ghela@maldon.gov.uk	

Notes for Guidance

- 1) A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
- 2) The ground(s) for review must be based on one of the licensing objectives.
- 3) Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 4) The application form must be signed.
- 5) An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 6) This is the address which we shall use to correspond with you about this application.