



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**to
LICENSING SUB-COMMITTEE
5 DECEMBER 2017**

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

1. PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider an application for a review of 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.

2. RECOMMENDATION

That the Licensing Sub-Committee determines the application for a Review of a Premises Licence taking into consideration the options that are available as detailed in 5.1 below.

3. SUMMARY OF KEY ISSUES

- 3.1 The premises is a public house with a licence to serve alcohol both on and off the premises. There is a car park and outside seating area to the rear of the premises.
- 3.2 This is an application for a review of a premises licence requesting the maximum period of suspension along with further conditions attached to the licence. A full list of suggested conditions has been provided by Essex Police forming part of the documentary evidence supporting this review application. A copy of the current premises licence is attached at **APPENDIX A**.
- 3.3 The premises licence authorises the following licensable activities:
- Indoor Sporting Event;
 - Performance of Live Music;
 - Performance of Recorded Music;
 - Sale by Retail of Alcohol.

- 3.4 The application has been properly made and all procedures correctly followed. The completed application to review along with all documentary evidence is attached as **APPENDIX B**.
- 3.5 During the course of this application, notice was given by the applicant to all the relevant responsible authorities.
- 3.6 There has been a representation received from Maldon District Council Environmental Protection. This is shown as **APPENDIX C**.
- 3.7 There were 11 representations (although one has subsequently been withdrawn) received from Interested Parties, one of which is in support of the premises.
- 3.8 During the 28 day consultation period it came to the attention of the Licensing Authority that a letter had been circulated to residents living near to the Warwick Arms assuring anyone who made representation would be granted automatic anonymity. The letter could easily have been misinterpreted as having been sent on behalf of Maldon District Council. This letter is shown as **APPENDIX D**.
- 3.9 It was deemed necessary in the circumstances to extend the deadline for the hearing in order to allow time to contact all residents who made representation explaining that automatic anonymity is not a blanket right, and a letter was sent to all interested parties on 24 October 2017 asking them to contact the Licensing Authority if they wanted their representation to be considered anonymously. All interested parties were reminded of their entitlement to withdraw their representation. A copy of the letter is shown as **APPENDIX E**.
- 3.10 Following the letter sent on 24 October 2017, Maldon District Council received detailed requests for anonymity and one interested party has withdrawn their representation. On careful consideration of the matter, and reading the statutory guidance published in accordance with Section 182 of the Licensing Act 2003, the Licensing Authority has taken the view that personal details will be redacted from all representations received, however, Members are advised that all those who have made representation live in Victoria Road, North Street or the High Street, within the vicinity of the premises. A copy of representations received is shown as **APPENDIX F**, and these have been individually numbered for ease of reference.
- 3.11 A plan is reproduced indicating the location of the premises. The plan is attached as **APPENDIX G**.

4. CONCLUSION

- 4.1 Members are advised that they have the following options when determining this application.
1. To modify the conditions of the licence either permanently or for a period not exceeding three months
 2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months

3. Remove the Designated Premises Supervisor.
 4. To suspend the licence for up to three months
 5. Revoke the licence
- 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 Council's 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.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial and human)** – None.
- (v) **Impact on the Environment** – None.

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

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