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Premises / Personal Licences Sub-Committee

12 February 2021

MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE, HELD ON FRIDAY, 12TH FEBRUARY, 2021 AT 10.00 AM

Present:	Councillors V Guglielmi, J Henderson, Winfield and Skeels
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant), Karen Harde (IT Training Officer) and Keith Durran (Democratic Services Officer)
Also in Attendance:	William Moody, Licensing Officer, Essex Police, Ronan McManus (Essex Police), David Davies (Solicitor representing The Sailor Boy Public House), Donna Reck (Designated Premises Supervisor and Licensee), Scott Brooks (CCTV Specialist), Gary Layzell (Security Guard, Hutleys Caravan Park) and Andreas Allan (Employee of The Sailor Boy Public House)

21. CHAIRMAN FOR THE MEETING

It was moved by Councillor J Henderson, seconded by Councillor Winfield and:-

RESOLVED – That Councillor V Guglielmi be elected Chairman for the meeting.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

23. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 3 December 2020 were approved as a correct record.

24. DECLARATIONS OF INTEREST

There were none.

25. EXCLUSION OF PRESS AND PUBLIC

The Council's Senior Solicitor Linda Trembath read out a statement regarding the exclusion of press and public.

We are about to start the main business this meeting has been organised to consider. As the agenda for the meeting correctly states, this is the consideration of an application for the review of a Premises Licence. Before we do so, I want to make a few points for the public record.

Firstly, by way of background, a premises Licence is the principal way that activities regulated under the Licensing Act 2003 can be authorised, normally, on a continuing basis at a premises. Those activities could be one or more of the following:

- Regulated Entertainment – such as live and recorded music, performances of dance, films and plays,
- Provision of late night refreshment – such as hot food and drink after 11pm
- Supply of alcohol – to then be consumed on and off the premises.

The Licensing Authority for premises Licences in the District of Tendring is this Council.

A review of a premises licence is a formal process that can be triggered by a responsible authority such as the Police or by the public. The outcome of a review could be one of the following, we:

- Decide that no action is necessary to promote the licensing objectives
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

There is then a right of appeal in respect of the decision we reach, and such appeal would be to the Magistrates' Courts.

In the case of today's hearing the Premises Licence concerned is:

The Sailor Boy Freehouse
Beach Road in St Osyth

An application for review of the Premises Licence was made on 23 November 2020. The application was made by Essex Police on behalf of the Chief Constable.

As a consequence of the required notice for reviews, others were invited to make representations by 21 December 2020. No representations were received from anyone else in that timeframe. As such, the review is solely concerned with representations from Essex Police as set out in their review application. This is the main business this meeting will go on to consider.

The Regulations that govern hearings such as this normally provide for them to be held in public. However, we may exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Police have asked the Council to consider the review application with the public excluded. On the basis of the Police submission, in this particular case, I do believe that the public interest in ensuring the proper functioning of the criminal justice system outweighs the public interest in holding this review in public. As such, I will be asking the Sub-Committee to agree to exclude the public. For completeness, this decision will be made under the powers available in Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

Having made my statement, I now ask the Sub-Committee Members to confirm that they agree to the public being excluded on the basis set out by me.”

It was then moved by Councillor V Guglielmi, seconded by Councillor J Henderson and:-

RESOLVED – That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

Report of Corporate Director (Operations and Delivery)

B.1 - Application for the Review of a Premises Licence.

The meeting was declared closed at 1.45 pm

Chairman

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