

# Licensing Act 2003 Sub- Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Licensing Act 2003 Sub-Committee** held on **Wednesday 29 July 2015** at **10.00 am** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

David Bimson  
Carol Lynch  
Bill Sadler

9. **Apologies for Absence**

There were no apologies for absence.

10. **Substitutes**

There were no substitutes at the meeting.

11. **Election of Chairman**

It was unanimously

**RESOLVED:**

That Councillor David Bimson be elected as Chairman.

12. **Application for the Review of a Premises Licence in respect of The Maids Head, Kingsway, Mildenhall (Report No LSC/FH/15/003)**

The Lawyer welcomed all present to the Hearing, reported that no declarations of interest had been received and introductions to the Panel were made by the Chairman.

The following parties were present at the Hearing:

- (a) Applicant
  - (i) Mr S Elliott-Smith, Licensing Officer, Suffolk Constabulary
  - (ii) PC A Garnham, Suffolk Constabulary
  - (iii) Sgt J Miah, Suffolk Constabulary
- (b) Respondent
  - (i) Mr P Arnold, Business Development Manager, Greene King

- (ii) Mr D Butterworth, Licensing & Security Compliance Manager
  - (iii) Ms L Malone, Designated Premises Supervisor (DPS) of The Maids Head, Mildenhall
  - (iv) Mr M Mannion, HR and Operations Director, Greene King
  - (v) Mr D Sharp, Norfolk Area Manager, Regency Security
  - (vi) Mr D Stewart, East Counties Area Manager, Regency Security
  - (vii) Mr P Warne, Associate, TLT Solicitors
- (c) Interested Parties
- (i) Mr P Finn, resident
  - (ii) Mrs Z Finn, resident
  - (iii) Mrs G Poymor, resident

The Licensing Officer presented the report which explained that an application had been received from Suffolk Constabulary to review the premises licence for The Maids Head, Kingsway, Mildenhall. A copy of the application was attached at Appendix 1, together with a copy of the current licence at Appendix 3 and a map showing the immediate area at Appendix 4.

The grounds for the review were an increase and ongoing rise in crime and disorder at the premises, high levels of intoxication and significant weaknesses of the management of the premises to uphold the licensing objectives. The police evidence and statements were attached at Appendices 2 and 2A.

A number of representations (including a petition) had been received in respect of the application, all of which were attached as Appendices 5 through to 25.

Lastly, the Solicitor acting on behalf of The Maids Head had submitted supporting documentation after the agenda was published, which included a proposed operating schedule, and this had been circulated under separate cover.

Having regard to the application submitted by Suffolk Constabulary the Sub-Committee could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the four licensing objectives:

1. Take no action
2. Modify the conditions of the licence
3. Exclude a licensable activity from the scope of the license
4. Remove the Designated Premises Supervisor (DPS)
5. Revoke the licence

In making their decision, Members were also advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee then heard the individual submissions from each of the parties present.

In jointly presenting the case for the applicant Sgt J Miah and Mr Elliott-Smith explained the reasons as to why the review had been instigated following a

large-scale disorder incident at the premises on 29 May 2015. Whilst the Constabulary appreciated that some issues had been inherited by the current DPS from the previous (prior to April 2015) management, the amount of crime and disorder taking place was significant, with incidents occurring most weekends.

Reference was made to the measures that had been taken since the current DPS was appointed, which included a number of joint agency meetings; the notes of which had been included within the agenda paperwork. Whilst this co-operative approach was greatly appreciated, the Constabulary felt it necessary to submit the application for a review of the premises licence in order to instigate a quicker response to combat the ongoing issues.

In response to the proposed operating schedule as circulated on behalf of the respondent, Sgt Miah explained that the Constabulary welcomed this subject to an additional condition in respect of CCTV recordings.

However, the Constabulary still wished to address the premises' late licence and proposed that all licensable activities ceased at 1.30am on Fridays and Saturdays and with the closing time on those nights being at 2.00am.

Mr Finn and Mrs Poymor then addressed the Hearing in respect of their representations as set out in Appendices 18 and 12, respectively.

In presenting the case for the respondent, Mr P Warne addressed the Hearing and explained that both Greene King and the DPS had worked extensively with the Constabulary to identify issues which were of concern and to address these proactively. He made reference to copies of the refusals log and barring letters which had been included within the agenda paperwork. He cited this and the change of door staff (in May 2015) as being examples of good management.

Mr Warne explained that there was some disappointment on behalf of the respondent, over the lack of time permitted by the Constabulary for changes to be implemented by the new DPS, prior to the review application being submitted. He advised the Hearing that there had been plans for new operating practices to be put in place and the premises was also due to commence a food offer imminently.

Whilst he welcomed the inclusion of the Constabulary's proposed condition with regard to CCTV, he spoke against the proposed closing time of 2.00am as he argued that having a longer dispersal time on a Friday and Saturday (as was currently the case) actually had a positive affect as it prevented patrons from all vacating the premises at the same time. He also stressed that it was unfair to assume that any individuals causing a nuisance on the street after closing time had all been customers of The Maids Head.

Mr D Butterworth also addressed the Sub-Committee in respect of his report which had been submitted by the respondent's Solicitor in the supplementary papers. Firstly, he drew attention to Paragraph 21 and explained that the bell that was sounded to indicate last orders took place at 0130 hours and this had been mistakenly omitted from the report.

Mr Butterworth advised the Hearing that the majority of the recommendations he put forward in the conclusion of his report had already been implemented. In terms of the proposed operating schedule that had been submitted for consideration, he suggested that two further conditions were added to (i) ensure that regular contact was maintained between the premises and the local residents, every three months as a minimum, and (ii) that the local residents be provided with direct contact details for the DPS. Mr Warne also welcomed these further two additional conditions.

All parties were then given the opportunity to sum up their individual representations.

After hearing the submissions and asking questions of the parties present, the Sub-Committee then retired to another room to give further consideration to the application.

With the vote being unanimous, it was

**RESOLVED:**

That the Sub-Committee had read the material presented and listened to all the evidence and the submissions made.

The Sub-Committee had considered the National Guidance and the Forest Heath Statement of Licensing Policy and came to the decision that:

The Sub-Committee accepted that there had been an inherited problem at the premises but also that the level of crime and disorder and public nuisance had been such that residents in the locality had suffered and the police had been justified in bringing the review. The Sub-Committee was pleased to note the supporting relationship between the police and the licensed premises and also noted that there had been a recent improvement as a result.

The operating schedule for The Maids Head, Kingsway, Mildenhall, be **AMENDED** as follows:

Hours Premises is Open to the Public

Modify so that the closing time on Fridays and Saturdays is 02.00.

Regulated Entertainment

Modify so that all licensable activities end at 01.30 on Fridays and Saturdays.

Conditions

1. On the morning following Friday and Saturday nights, no customers are to be permitted entry or re-entry to the premises after 01.00 hours.

2. A minimum of 2 door supervisors will be employed on Friday and Saturday night from 21.00 hours until the last customers have left the premises and dispersed from the immediate vicinity.
3. A management policy in relation to dealing with intoxicated customers will be drawn up and implemented at the premises. The policy will be re-visited on a regular basis to ensure that it conforms with best practice and takes into account advice given by Suffolk constabulary or the licencing authority. The policy will be made available to all members of staff who will sign to say that they have read and understand it.
4. A management policy in relation to dispersal of customers from the premises will be drawn up and implemented at the premises. The policy will be re-visited on a regular basis to ensure that it conforms with best practice and takes into account advice given by Suffolk constabulary or the licencing authority. The policy will be made available to all members of staff who will sign to say that they have read and understand it.
5. A management policy in relation to employment of doorstaff will be drawn up and implemented at the premises. The policy will be re-visited on a regular basis to ensure that it conforms with best practice and takes into account advice given by Suffolk constabulary or the licencing authority. The policy will be made available to all members of staff who will sign to say that they have read and understand it.
6. A management policy in relation to prevention of drug use will be drawn up and implemented at the premises. The policy will be re-visited on a regular basis to ensure that it conforms with best practice and takes into account advice given by Suffolk constabulary or the licencing authority. The policy will be made available to all members of staff who will sign to say that they have read and understand it.
7. A management policy in relation to dealing with aggressive customers and incidents of violence will be drawn up and implemented at the premises. The policy will be re-visited on a regular basis to ensure that it conforms with best practice and takes into account advice given by Suffolk constabulary or the licencing authority. The policy will be made available to all members of staff who will sign to say that they have read and understand it.
8. The DPS will ensure local private hire taxi firms' details are prominently displayed at the exit points for the benefit of customers and assistance is given to any customers asking for taxi details.
9. All bar staff engaged in the sale of alcohol will be trained in responsible alcohol retailing to a minimum standard of BIIAB Level 1, or equivalent, within 3 months of commencing employment at the premises. Training records shall be kept on the premises and produced to police or authorised officers of the licencing authority

upon request. For the avoidance of doubt, this training may be given in-house in accordance with the relevant criteria. Training shall be reviewed on a 6 month basis to ensure staff remain up to date with the latest legislation.

10. The DPS shall ensure that all persons authorised to sell alcohol at the licensed premises have received instruction from the DPS on relevant licensing requirements and offences and have been authorised in writing from the DPS to sell alcohol under their authority.
11. The DPS shall operate a 'challenge 25' proof of age scheme at the premises. The DPS and staff shall require photographic ID is produced by any person who appears to be under 25 years of age in the opinion of the person serving them. Acceptable forms of ID are: passport, photo ID driving licence, or other bona fide form of identity carrying a photographic image.
12. Suitable and sufficient lighting and CCTV to be placed in the outdoor smoking area. Lighting and CCTV in this area to be maintain and checked each day.
13. Any person found in possession of an identified weapon shall be excluded or ejected from the premises. The police shall be notified promptly and in any event within 36 hours.
14. A personal licence holder will be present at the premises on Thursday Friday and Saturday nights from 21.00 hours until the premises closes to the public.
15. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs. CCTV equipment must be maintained in good working order, be correctly time and date stamped and record for a period of 28 days and handed to the police on demand. The premises licence holder must ensure that at all times the DPS and all appointed staff are capable and competent at downloading CCTV footage in a recordable format either on disc or VHS to the police/licensing authority on demand. The recording equipment and discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report shall be maintained and endorsed by signature indicating the system has been checked and is compliant and, in the event of any failings, actions taken to be recorded. In the event of a technical failure of the CCTV equipment the premises licence holder/DPS shall immediately report the failure to the police.
16. The premises licence holder/DPS shall maintain regular contact with the residents of the locality such contact to be (as a minimum) every three months

17. The premises licence holder/DPS shall provide to the residents in the locality sufficient information to enable the residents to contact the DPS on the occurrence of any incident at the premises in order that the DPS may immediately take steps to resolve it.

The Chairman advised that the Applicant and any party who made a relevant representation, or submitted an objection notice, who was aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified in writing of the decision.

The Meeting concluded at 12.34 pm

**Signed by:**

**Chairman**

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