

Licensing Sub-Committee
Thursday, 11 March 2021

Present: Councillor Buston, Councillor Crow, Councillor Hogg

Substitutes: None

53. Appointment of Chairman

RESOLVED that Councillor Hogg be appointed Chairman for the Sub-Committee meeting.

54. Declarations of Interest

Councillor Hogg declared a non-pecuniary interest by virtue of the fact that he was the holder of a licence issued under the Licensing Act 2003 on behalf of a registered charity.

55. Transfer of the premises licence of the Anchor Public House, Tiptree

It was confirmed to the Sub-Committee by the Democratic Services Officer that the holder of the premises licence had received the required formal notice of hearing, together with all agenda documents and an invitation to this hearing, however, she had indicated to Licensing Officers that she did not intend to be present or be represented at the hearing, and would take no part in the proceedings.

The Sub-Committee considered a report inviting it to determine an application which had been made for the transfer of the premises licence in respect of The Anchor, Station Road, Tiptree. Sarah White, Senior Licensing Officer, explained that the application for the transfer of the licence had been made by Ms Murphy on 4 February, and had been accepted on 8 February 2021 once all the necessary documentation had been received by the Licensing Authority. The transfer application had been made with immediate effect pending the outcome of this hearing, which had allowed Ms Murphy to operate the premises as if she were the licence holder. Essex Police had objected the transfer on the grounds that the prevention of crime and disorder Licensing Objective had been undermined, and the evidence that they had presented was before the Sub-Committee.

Alan Beckett, Essex Police Licensing Officer, addressed the Sub-Committee and advised it that at a previous meeting of the Licensing Sub-Committee which had been held on 9 March 2021, the decision had been taken to revoke the premises licence in respect of the Anchor Public House following numerous alleged breaches

of the law and the undermining of the crime and disorder Licensing Objective. The transfer application which was being considered by the Sub-Committee had been submitted shortly after the application for the review of the premises licence had been submitted, and it was the contention of Essex Police that the applicant, Ms Murphy, was either an absent landlord or had allowed the undermining of the crime and disorder Licensing Objective over a period of over six months. In either event, it was the contention of Essex Police that Ms Murphy would not be a suitable person to uphold the Licensing Objectives or engage in constructive dialogue with the relevant Responsible Authorities. It was suggested to the Sub-Committee that evidence to support this contention could be taken from Ms Murphy's failure to attend at the review hearing, and also her failure to attend this hearing. It was the view of Essex Police that these were exceptional circumstances that warranted the refusal of the application to transfer the premises licence.

Councillor Buston had considered the evidence provided in detail, and was impressed by the exceptional nature of the situation, and noted that the issues that had been raised in respect of the premises had not been isolated incidents. He further considered that the applicant for the transfer of the licence, as the owner, of the business, should have been aware of the issues at the premises, and in his opinion no attention had been paid to the proper running of the business for some considerable time. Without any evidence provided by the applicant to refute any of the allegations that were made, he considered that the Council had few options before it, and the non-attendance of the applicant to the hearing was of particular significance. Councillor Buston advised the Sub-Committee that he had been a member of the Licensing Committee for some years, and had not considered such an objection by Essex Police before, which emphasised the seriousness of the situation.

Councillor Crow echoed the comments made by Councillor Buston, and was surprised and worried by the fact that the applicant had not attended the hearing to offer any explanation or evidence in support of the application. He enquired whether Ms Murphy had been present during the alleged breaches of the Coronavirus Regulations had taken place, and Alan Beckett confirmed that, to his knowledge, she had not. It was confirmed to the Sub-Committee that Ms Murphy was listed as the sole director of the company M&A Anchor Limited, which had indicated that it was responsible for the running of the venue, however, Essex Police were not aware of any links between Ms Murphy and the previous premises licence holder.

In response to an enquiry from Councillor Hogg, Sarah White confirmed that there was no requirement for the holder of a premises licence to be present at the premises in person.

Alan Beckett re-iterated the contention of Essex Police that there would be no confidence in the ability of Ms Murphy to uphold the Licensing Objectives, and the Sub-Committee were requested to refuse the transfer application.

RESOLVED that the application to transfer the premises licence in relation to premises The Anchor Public House, Station Road, Tiptree, CO5 0AZ, which had been made by Kaye Murphy be refused.

Reasons for the determination

Following deliberations, the Licensing Sub-Committee has reached the decision to refuse the application to transfer the premises licence in respect of the Anchor Public House, Tiptree into the name of Ms K Murphy.

In reaching its decision, the Sub-Committee examined all the documents and evidence submitted, and considered the representations made at the hearing by Essex Police.

The Sub-Committee was particularly concerned by the approach that had been adopted by Ms Murphy throughout, in relation to her lack of supervision of the premises.

The Sub-Committee further felt that her failure to attend the hearing or engage in the process in any way did not provide them with any confidence that she would be in a position to uphold the licensing objectives in the future.

The Sub-Committee was therefore drawn to the conclusion that it had no other option but to agree to the request made by Essex Police in refusing to grant the transfer.