



<b>REPORT OF:</b>	HEAD OF COMMUNITY SERVICES
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<b>TO:</b>	LICENSING SUB COMMITTEE
<b>DATE:</b>	THURSDAY 22 NOVEMBER 2012

<b>AGENDA ITEM NO:</b>	5	<b>WARD(S) AFFECTED:</b>	REIGATE CENTRAL
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<b>SUBJECT:</b>	<b>APPLICATION FOR REVIEW OF PREMISES LICENCE: THE ADMIRAL PUBLIC HOUSE, 109A NUTLEY LANE, REIGATE</b>
<p><b>RECOMMENDATIONS:</b></p> <p>Having had regard to the application for review and to the relevant representations, the Sub-Committee must take such of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:</p> <ol style="list-style-type: none"> <li><b>To modify the conditions of the licence.</b></li> <li><b>To exclude a licensable activity from the scope of the licence.</b></li> <li><b>To remove the designated premises supervisor from the licence.</b></li> <li><b>To suspend the licence for a period not exceeding three months</b></li> <li><b>To revoke the licence.</b></li> </ol>	

### Background

- This is an application for review of the Premises Licence of The Admiral Public House, 109A Nutley Lane, Reigate, Surrey RH2 9EF. A location plan is attached at Annex 1.
- A premises licence is currently granted to The Admiral Public House authorising the supply of alcohol and certain regulated entertainment. A copy of the premises licence is attached at Annex 2.
- Surrey Police issued a closure order on The Admiral Public House under section 161 of the Licensing Act 2003 on Sunday 4 November at 0045 hrs. A copy of the closure order, providing the reasons for the closure, is attached at Annex 5.

4. A closure order under section 161 of the Licensing Act 2003 may only be issued by a police officer of the rank of inspector or above if he reasonably believes that either ;-

(a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety, or

(b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

The effect of the closure order is to require the relevant premises to be closed for a period not exceeding 24 hours.

5. On Monday 5 November 2012 Redhill magistrates' court held a hearing to consider the closure order, as required by section 165 of the Licensing Act 2003. The magistrates determined it appropriate not to exercise any of their powers (i.e. They did not order the premises to remain closed).
6. Once the licensing authority is notified of the magistrates' determination they are required to hold a hearing to review the relevant premises licence within 10 working days. The licensing authority advertises the review, and responsible authorities and interested parties are allowed to make representation within 7 working days. The licensing authority at the hearing consider the closure order and any relevant representation received.

#### **Relevant Representations.**

7. The last day for representations is 19 November 2012. As this is after the last date for the circulation of committee papers it will be necessary to circulate at the hearing any relevant representations received after submission of this report to democratic services.

Surrey Police have made relevant representations, and a copy of this representation is attached at Annex 6. The bundle, which includes witness statements, has been redacted by the Police who have approved its publication.

#### **Relevant Licensing History**

8. In October 2005 an application was received from Newlord Ltd to convert the existing justices 'on' licence for the Admiral Public House into a premises licence, and to vary the licence. Representations were received with respect to the application and on 29 November 2005 a licensing sub-committee meeting was held to determine the application. The application was granted subject to modification and conditions being attached to the licence.

9. The premises licence was transferred to Swift Inns in November 2008, and at the same time the licence was varied to make Mr Robert Hurll the designated premises supervisor. The licence was again varied in April 2009 to make Lesley Teasdale the designated premises supervisor.
10. On 12 October 2012 an application was received to transfer the premises licence for the Admiral Public House to Rippingdale Promotion Ltd which the police have given notice with respect to. On the same day an application was made to vary the licence to replace Robert Hurll as the designated premises supervisor with Lesley Teasdale, however this application was returned to the applicant as Lesley Teasdale was already the designated premises supervisor.
11. During the summer of 2011 complaints were received by the licensing department that regulated entertainment at The Admiral Public House was causing a nuisance and appeared in breach of the licence conditions. A visit to the premises by licensing officers on 25 June 2011 appeared to confirm a breach of licence conditions had occurred. Copies of letters sent to the licence holder and designated premises supervisor in this regard are attached at Annex 7.

#### **Promotion of Licensing Objectives**

12. This review relates to the Licensing Objectives “the prevention of crime and disorder”, and “the prevention of a public nuisance”.

#### **Policy and Legal Considerations**

13. Relevant to this application is paragraph 6 and 8 of the Councils’ Statement of Licensing Policy – ‘The Licensing Objectives – the prevention of crime and disorder’ and ‘prevention of nuisance’.

#### **Appeals Procedure**

Appeals by the holder of the premises licence or any other person who made relevant representation in relation to the review may be made to the Magistrates Court within 21 days beginning with the day on which the appellant was notified of the decision to be appealed against.

Background Papers:     None

Annex 1	Location plan
Annex 2	Premise licence
Annex 5	Closure order
Annex 6	Surrey police representation
Annex 7	Letters to the licence holder and DPS following complaint.

