



# Licensing Sub-Committee

## Application for a Review Hearing Procedure Note

*The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with, and in the order of, the paragraphs below.*

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1. **The Chairman** will introduce him/herself, invite the other members of the Sub-Committee and officers present to introduce themselves and to indicate their role in the proceedings, and outline the procedure to be followed.
2. **The Chairman** will ask the interested parties present to identify themselves, to indicate if they wish to address the Sub-Committee, and ask whether agreement has been reached on any of the issues which are in dispute.
3. *The **Sub-Committee** will consider any request made by a party for permission for another person to appear at the hearing (to represent them, to give evidence, or both).*
4. **The Chairman** will ask the **Licensing Officer** to introduce the report, and to give a brief outline of the review application submitted and the issues requiring consideration by the Sub-Committee.
5. **The Chairman** will invite the parties to address the Sub-Committee, normally in the following order:
  - (a) Applicant (responsible authority asking for the review)
  - (b) The licence holder (or their representative) of the premises the subject of review
  - (c) Any other interested parties who have submitted observations in writing who wish to address the Sub-Committee.

6. **The Chairman** will invite questions.

*Questions can be put to or by the Licensing Officer, the responsible authority having requested the review, the representatives of the premises the subject of the review, and any other interested parties.*

*They will normally be taken in the following order, at the discretion of the Chairman:*

- (a) the Licensing Officer regarding points upon which clarification is sought;
  - (b) the Sub-Committee regarding points upon which clarification is sought from either the applicant or the licence holder;;
  - (c) the Sub-Committee on any other topic, and
  - (d) any other parties at the hearing who have made written observations, in the order nominated by the Chairman.
7. **The Chairman** will invite the applicant (authority having requested the review), the licence holder (or their representatives) and any other interested parties to make closing submissions in that order.
8. After hearing the presentations of the parties, the Sub-Committee may ask all other persons to withdraw from the room, or may withdraw itself, in order to allow it to make its deliberations.
9. The Sub-Committee may ask the Council's legal adviser during deliberations to provide advice. The legal adviser may inform the parties of advice given.
10. If it is necessary to recall any party to clarify points in issue, all parties will be invited to return.
11. The definitive decision will be issued in writing within the relevant timescale.
12. **The Chairman** may announce the decision of the Sub-Committee verbally at the end of the hearing, subject to the written notification being the official and authoritative record.

**HEARING FORMALLY CLOSED**



<b>REPORT OF:</b>	HEAD OF COMMUNITY SERVICES
<b>AUTHOR:</b>	PAUL HOLLIDAY
<b>TELEPHONE:</b>	01737 276295
<b>E-MAIL:</b>	Paul.holliday@reigate-banstead.gov.uk
<b>TO:</b>	LICENSING SUB COMMITTEE
<b>DATE:</b>	MONDAY 20 MAY 2013

<b>AGENDA ITEM NO:</b>	4	<b>WARD(S) AFFECTED:</b>	HORLEY CENTRAL
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<b>SUBJECT:</b>	APPLICATION FOR REVIEW OF PREMISES LICENCE FOR FLIRT NIGHTCLUB, VICTORIA HOUSE, CONSORT WAY, HORLEY, SURREY RH6 7AF
<b>PURPOSE OF THE REPORT:</b>	TO DETERMINE THE APPLICATION FOR REVIEW
<p><b>OPTIONS</b></p> <p>The Sub-Committee has the following options:</p> <ol style="list-style-type: none"> <li>1. To modify the conditions of the licence.</li> <li>2. To exclude a licensable activity from the scope of the licence.</li> <li>3. To remove the designated premises supervisor from the licence.</li> <li>4. To suspend the licence for a period not exceeding three months</li> <li>5. To revoke the licence.</li> </ol>	

The Sub Committee has authority to determine the above options.

### Background

1. This is an application for review of the Premises Licence of Flirt Nightclub, Victoria House, Consort Way, Horley, Surrey RH6 7AF. A location plan is attached at Annex 1.
2. The premises licence authorises the supply of alcohol and certain regulated entertainment. A copy of the premises licence is attached at Annex 2. The licence is held by Mr Gray Coe, who is also the designated premises supervisor.
3. Surrey Police applied to review of the premises licence on 7 January 2013, following Mr Coe being charged with an offence with respect to a firearm being found at the nightclub on 31 December 2012. A copy of the application for review is attached at Annex 3.

4. On 21 February 2013 the Council held a licensing sub-committee hearing to consider the application for review. At the hearing the committee resolved that the hearing be adjourned to a later date, after the criminal case against the licence holder had been resolved.
5. On April 23 2013 the police notified us in writing that Mr Gray Coe had on 17 April 2013 pleaded guilty at Guildford Crown Court of possession of a prohibited weapon. Mr Coe was fined £2000 and ordered to pay £1000 costs to the prosecution. A copy of the Trial record sheet as supplied by the police is attached at Annex 4. This hearing is reconvened from 21 February 2013 as a result of legal proceedings against Mr Coe now being resolved.

### **Relevant Representations.**

No representations were received from interested parties or responsible authorities following the application for review of the premises licence.

### **Promotion of Licensing Objectives**

6. This review relates to the Licensing Objectives “the prevention of crime and disorder”, and “public safety”.

### **Policy and Legal Considerations**

7. Relevant to this application is paragraph 6 and 7 of the Councils’ Statement of Licensing Policy - ‘The Licensing Objectives - the prevention of crime and disorder’ and ‘public safety’.

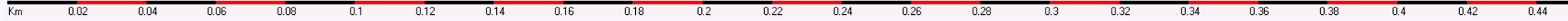
### **Appeals Procedure**

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 3	Application for review
Annex 4	Trial Record Sheet

Scale Bar



## PREMISES LICENCE

**Premises Licence Number**

R&BBC 12/02424/LAPREM

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Flirt Nightclub  
 Victoria House  
 Consort Way  
 Horley  
 Surrey  
 RH6 7AF

**Telephone number**

**Where the licence is time limited the dates**

-

**Licensable activities authorised by the licence**

Provision of facilities Dancing  
 Provision of facilities Making Music  
 Performances of Dance  
 Exhibition of a Film  
 Live Music  
 Recorded Music  
 Late Night Refreshment  
 Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Provision of facilities Dancing	
Every Day	10:00 - 03:30
Provision of facilities Making Music	
Every Day	10:00 - 03:30

Performances of Dance Every Day	10:00 - 03:30
Exhibition of a Film Every Day	10:00 - 03:30
Live Music Every Day	10:00 - 03:30
Recorded Music Every Day	10:00 - 03:30
Late Night Refreshment Every Day	10:00 - 03:30
Sale by Retail of Alcohol Every Day	10:00 - 03:00

<b>The opening hours of the premises</b>	
Monday	10:00 - 03:30
Tuesday	10:00 - 03:30
Wednesday	10:00 - 03:30
Thursday	10:00 - 03:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 03:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises

**Licence Granted : 1<sup>st</sup> October 2005**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Gray Coe  
120 London Road  
Crayford  
Kent  
DA1 4BT

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Gray Coe  
120 London Road  
Crayford  
Kent  
DA1 4BT

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: 1118

Licensing Authority: Thurrock Council



## Annex 1 – Mandatory conditions

### 1 Premises Licence, Door Supervisors

Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-

- a. unauthorised access or occupation (e.g. through door supervision), or
- b. outbreaks of disorder, or
- c. damage

NB This condition will only be imposed where the premises licence contains a condition that at specified times one or more individuals must be at premises to carry out the activities specified in the above condition. The condition is not mandatory in respect of premises:-

- \* with premises licences authorising the performance of plays or films
- \* being used exclusively by a club with a club premises certificate
- \* under a TEN authorising plays or films
- \* under a gaming licence .(but see Licensing Act S21(2)(b))
- \* being used for an occasion prescribed by regulations under the SIA.

### 2 Premises Licence, Sale of Alcohol permitted

"No supply of alcohol may be made under this licence

- a. At a time when there is no designated premises supervisor in respect of it or,
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended"

"Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence."

3 1.-(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.-(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **Embedded Restrictions**

#### 1 Entertainment

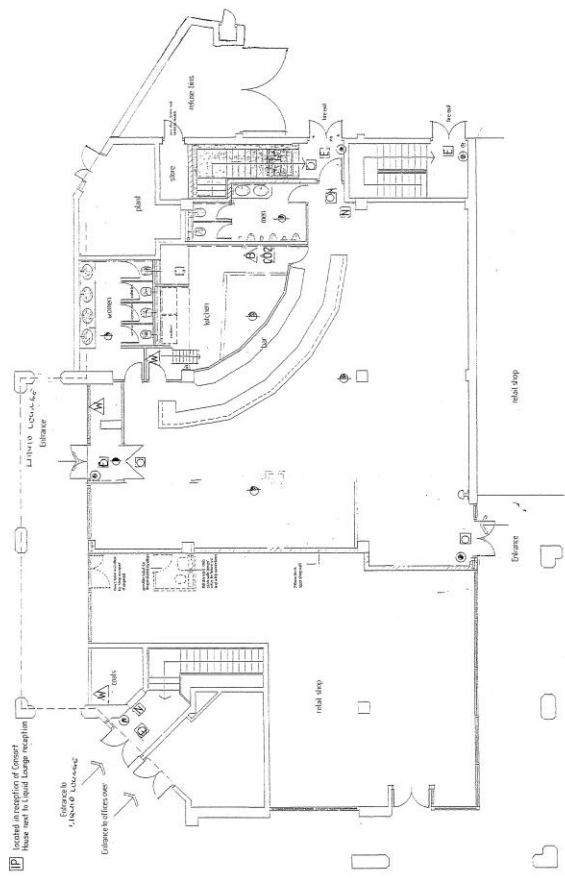
The appropriate sections of the Regulations and Conditions for Entertainment Licences dated August 1996 issued by Reigate and Banstead Borough Council apply.

The following special conditions also must be adhered to:-

1. The number of persons to be admitted shall not exceed 400 in the basement area and 200 in the ground floor area,
2. Sunday entertainments to be limited to entertainments not prohibited by the Sunday Observance Acts as modified by later statutory provisions.
3. Compliance in full with the directions of the Director of Environmental Services in relation to noise.
4. The CCTV surveillance system to be in use covering the entrances to the premises which will be capable of recording and shall record the activities of staff and customers and clear notices to that effect to be displayed inside and outside of the premises.
5. A minimum of two approved stewards be on duty in each separate room or floor open to the public.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. Supply of alcohol shall be from 1000 hours to 0300 hours daily.
2. SIA approved Door Supervisors to be employed during opening hours at the ratio of two for the first hundred patrons and one for every additional hundred patrons or part thereof.
3. A suitable CCTV system to be installed and maintained, and recordings to be retained for a minimum of 31 days and made available to the Police on request.



ground floor plan

- extinguishers provided
- ▲ 3
- ☒ 1
- ▲ 1

fire alarm call point

fire alarm sounder

fire alarm control and indicator panel

extinguisher water

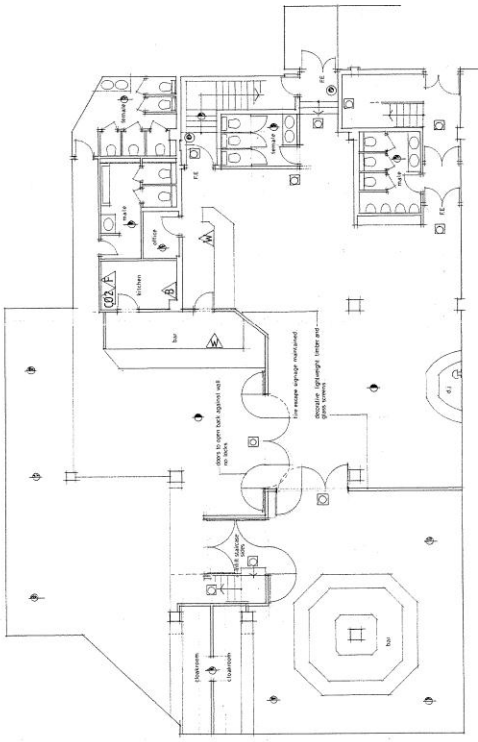
|| dry powder

|| carbon dioxide

emergency light non maintained

|| spotlight type

exit sign maintained emergency light



basement plan

- extinguishers provided
- ▲ 2
- ☒ 1
- ▲ 1
- ▲ 1

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I Ross Spanton

apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Flirt Night Club Victoria House Consort Way	
<b>Post town</b> Horley	<b>Post code (if known)</b> RH6 7AF
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Gray Coe.	
<b>Number of premises licence or club premises certificate (if known)</b> R&BBC 12/02424/LAPREM	

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Surrey Police PO Box 101 Guildford Surrey GU19PE
Telephone number (if any) <b>101 X 38047</b>
E-mail address (optional) <u>1932@surrey.pnn.police .uk</u>

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

x   
x

**Please state the ground(s) for review** (please read guidance note 2)

On the 31<sup>st</sup> December 2012 Surrey Police received information that the Premises Licence Holder and Designated Premises Supervisor was in possession of a Taser and a handgun that he had stored in a safe within Flirt Night Club.

These items had been removed from the safe and were shown to an independent witness who was a member of the bar staff at the club who contacted Surrey Police and provided a statement.

Police attended the venue and Premises Licence Holder and Designated Premises Supervisor was arrested and a Taser, a ball bearing hand gun and a knuckle duster were recovered. The club was closed for the remainder of the evening as the DPS was in custody.

Following interviews the Premises Licence Holder and Designated Premises Supervisor was charged with an offence under section 5 (1) of the Firearms Act, Possessing a Prohibited Article and was bailed to South East Surrey Magistrates Court on the 21/3/13

It is fact that the item in the club's safe was a Taser and possession of a Taser is a criminal offence I therefore submit this application in accordance with the licensing objectives of the prevention of crime and disorder and that of public safety.

The Police therefore consider that the Premises Licence Holder and Designated Premises Supervisor is not a suitable person to hold that position.



The Flirt Night Club, (Premises formally Bar 429) opened 20<sup>th</sup> December 2012  
The Premises licence holder and Designated premises supervisor is Gray COE.

On 31<sup>st</sup> December 2012 Surrey Police received information from a club employee that they had been shown a “stun gun”, by Mr COE and it was kept in a safe on the lower ground floor of the premises.

Police officers attended the premises and spoke to Coe who stated he did not have keys for the safe, a search was carried out and the keys were located within the office.

The safe was opened and inside was found a BB gun, a grey knuckle duster and a black box containing what initially looks like a mobile phone. Upon examination this was found to be a stun gun.

The Stun gun or Taser is a prohibited weapon under 5 of The Firearms Act 1968

Gray COE has been charged with the offence and has been bailed to South East Surrey Magistrates Court on Monday 21<sup>st</sup> January 2013.

Police would suggest that COE is not a suitable person to hold such a responsible position as Designated premises supervisor of a large night club and would ask that he be removed from that position. And would question his suitability to hold the premises licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

yes

Please tick ✓

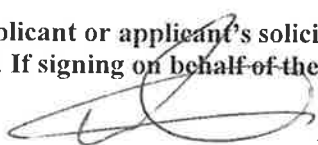
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **3<sup>rd</sup> January 2013**

Capacity **Police Sergeant 1932**

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) Murrea HUME (Licensing Officer) Surrey Police PO Box 101 Guildford Surrey	
<b>Post town</b> Guildford	<b>Post Code</b> GU1 9PE
<b>Telephone number (if any)</b> 001483638940	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> hume12838@surrey.pnn.police.uk	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

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Statement of: **VERNON, James, John**  
Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Detective Constable**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: *J. Vernon* 3474 Date **01/01/2013**

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Monday 31<sup>st</sup> December 2012 I was on duty in full uniform as a detective constable assigned to the criminal investigation department at Reigate.  
Acting on information received I attended The Flirt nightclub, Consort Way, Horley in company with DC 3720 EVERY and PC 3060 JOHNS. Information had been received by Surrey Police that the licensee at the Flirt nightclub was in possession of a prohibited weapon and it was within the premises. We arrived at the location at 2215 hours. Other uniformed officers waited outside the door of the club whilst DC EVERY, PC JOHNS and I went inside. All officers introduced themselves, DC EVERY and I displayed our warrant cards and I said to a member of door staff "CAN I SPEAK TO THE DPS GRAY COE PLEASE?" we were just inside the foyer and a male who I know now to be Gray COE date of birth 20/07/1967 introduced himself as the designated premises supervisor or commonly know as the DPS. I said to COE "I AM DC VERNON FROM SURREY POLICE, WE NEED TO SPEAK TO YOU IN PRIVATE IS THERE SOMEWHERE QUIET WE CAN GO PLEASE." COE agreed and led the three of us to the cellar of the nightclub. The nightclub wasn't very busy with approximately ten customers within the club. We walked into the cellar behind COE who turned to face us. At 2218 hours I said to COE "WE HAVE RECEIVED INFORMATION THAT LOCATED SOMEWHERE WITHIN THESE PREMISES IS A PROHIBITED WEAPON, I AM NOW ARRESTING YOU ON SUSPICION OF POSSESSION OF A PROHIBITED WEAPON." I cautioned COE and he made no reply. I then said to him "WE ARE GOING TO SEARCH THE PREMISES NOW UNDER SECTION 32 OF PACE, IS THERE ANYTHING ON THIS PREMISES THAT IS A PROHIBITED WEAPON OR SOMETHING THAT WILL HARM MYSELF OR MY COLLEAGUES?" COE replied "NO"  
We walked out of the cellar and into the bar area I said to COE "IS THERE AN OFFICE OR DOWNSTAIRS AREA?" COE initially appeared evasive in his demeanour as if he wanted to lead us anywhere but downstairs. I insisted "WE NEED TO SEE THE OFFICE AND DOWNSTAIRS"  
Eventually he took us to a door marked private and down the stairs into a large downstairs bar area that was having a lot of renovation work done to it. At this point I searched COE'S person under section 32 PACE with nothing illegal found.  
Officers then searched the downstairs bar area including the office. COE said words to the effect of that he had purchased the club and owned five other nightclubs. He and his family were living in the downstairs area as they had sold their house. There were signs that the families whole possessions were within the basement. There was clothing and other items such as a large boxed television within the area. As we searched the premises I located a black sentry safe, this was located across from a bar area next to some tools. The safe was locked, I said to COE "DO YOU HAVE A KEY SO I CAN SEARCH THE SAFE PLEASE?" COE replied "THAT SAFE WAS THERE WHEN WE MOVED IN I DON'T HAVE A KEY." I felt the safe, I gently moved it from side to side, it made a noise and it was clear there were items within it. COE appeared nervous, agitated and his body language was displaying signs of unease, he appeared very uncomfortable.

Signature: *J. Vernon* 3474 Signature Witnessed by: N/A

Continuation of Statement of : **VERNON, James, John**

I then returned to the issue of the safe and what was in it, I was suspicious as to what was within the safe. I said to COE "WE NEED TO SEARCH THE SAFE GRAY ARE YOU SURE THERE ISNT A KEY?" He then said "ITS OUR SAFE WE BROUGHT IT HERE FROM OUR OTHER CLUB WHEN WE MOVED IN." "IT HAS A 50 GRAND ROLEX IN IT."

I said to COE "WHERE ARE THE KEYS THEN?" COE replied "WHEN WE MOVED IN WE PUT LOTS OF OUR THINGS IN SAFE STORE. THE KEYS TO THAT SAFE ARE IN SAFE STORE" I then asked "WHY IS THE SAFE NOT IN THE SAFE STORE THEN?" COE replied "WHEN WE MOVED IN THE SAFE IN THE OFFICE, WE DIDN'T HAVE THE KEYS FOR IT SO WE BROUGHT THAT SAFE WITH US I THEN MANAGED TO GET IN THE OFFICER SAFE AND WE DIDN'T NEED THAT ANYMORE SO WE PUT IT THE KEYS IN SAFE STORE."

I then asked "WHY PUT THE KEYS IN BUT NOT THE SAFE?" It was explained to COE that if he didn't provide us with the key we would have to seize it and take him to custody. COE said words to the effect of he was the only person that could legally run the club and we would have to shut the club. I was aware that DC EVERY then sought advice as to whether we would take that action to shut the club.

DC EVERY and I repeatedly stated to COE words to the effect of "WE NEED TO SEARCH THE SAFE AND SEE WHATS IN IT." DC EVERY repeatedly tried various avenues to avoid the club being closed. COE repeatedly stated "THE KEYS ARE IN THE SAFE STORE." despite us pleading with him to provide us with the keys. It was pointed out to COE repeatedly that "IF WE CANNOT FIND THE KEYS TO THE SAFE WE WILL HAVE TO SEIZE THE SAFE AND TAKE IT WITH US AND OPEN IT LATER." COE replied "I DON'T CARE YOU CAN TAKE ME WITH YOU AND INTERVIEW ME AND THEN YOULL OPEN THE SAFE LATER FIND NOTHING AND ILL SUE THE POLICE I WANT ALL OF YOUR NUMBERS"

The keys on COE'S person were used by DC EVERY in an attempt to open the safe but this was unsuccessful. DC EVERY then located some keys and handed them to me. At 2323 hours I used the keys and placed one into the lock, it turned and the safe door opened. Within the safe was a large amount of signed sports memorabilia and photographs. There was a hat which contained a large bracelet encrusted with stones and was yellow and grey in colour. COE said "THAT'S WORTH 75 GRAND" There was a car key as well as a box containing a watch. There was a pair of black "northern Ireland beat" gloves which were very heavy to the touch when I lifted them COE said "THEY'RE SAND GLOVES"

There was a black G-10 repeater hand gun, initially this appeared to be real and potentially a fire arm and I treated it as one. I seized it as my exhibit JV/1.

Within the safe was a black card box within this box was a phone which appeared to be a grey mobile phone called Kelon K95, I believed this was a mobile telephone disguised as a taser, and there was a switch on the side and two prongs on the top which appeared to be where the electric charge was discharged I seized this in evidence as my exhibit JV/2.

Within the safe was a grey knuckle duster which I seized in evidence as my exhibit JV/3.

COE was concerned about me searching the safe so when I had finished I said to him "WOULD YOU LIKE FOR YOUR WIFE TO PLACE ALL THE THINGS BACK?" He nodded to say he would and I watched whilst a male who was introduced as his daughters boyfriend put all the items back in the safe other than the ones I seized. I was aware that DC EVERY said to COE "THAT IS WHAT YOU'VE BEEN UNDER ARREST FOR BEING IN POSSESSION OF"

COE requested my name and number so I wrote it down onto a calling card and handed it to COE'S wife.

At 2345 hours DC EVERY and PC JOHNS departed with COE and I left the premises, leaving it in the control of COE'S wife and his family.

Signature: *Jvern 344*

Signature Witnessed by: N/A

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

URN 

45			
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Statement of: **David EVERY**  
Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date **01/01/13**

Tick if witness-evidence is visually recorded  (supply witness details on rear)

On 31st December 2012 I was on duty at Reigate police station in the CID. At around 2200 I attended Flirt Nightclub in Consort Way in Horley. I was aware of information that suggested the owner and licence holder was in possession of a taser device. Our research showed this person was likely to be Gray COE born 20/07/1967. I attended the location with DC 3472 VERNON and PC 3060 JOHNS at around 2215. DC VERNON asked the security staff where the licensee was and was introduced to Mr Coe. Mr Coe then led us to small store room at the back of the night club. Music was playing in the night club and a 6 or so customers were in the club.

At 2218 DC VERNON said to COE 'WE HAVE INFORMATION THAT YOU ARE IN POSSESSION OF A PROHIBITED WEAPON SOMEWHERE WITHIN THE CLUB. I AM THEREFORE ARRESTING YOU ON SUSPICION OF POSSESSION OF A PROHIBITED WEAPON'. He then cautioned him in full and I heard DC VERNON ask 'IS THERE ANYTHING IN THE CLUB THAT MAY HURT ME OR YOURSELF OR DO YOU HAVE A PROHIBITED WEAPON' to which he replied 'NO'.

DC VERNON and I then explained that we needed the search the nightclub under section 32 of PACE and DC VERNON asked where the office was. We explained that we were keen not to disturb the workings of the nightclub and if at all possible we would minimise the impact on his business. He was not handcuffed. COE then collected some keys that gave access to a basement area. The basement was effectively another floor of the night club but I was not in use. COE explained that he was living in the nightclub and showed us a blow up air mattress in a cupboard. Between us we began to search the living areas. I could see bags of clothing and coat racks with clothing on. There were boxes of tools lying around and COE explained he was renovating the floor to open it as a nightclub again. DC VERNON located a black safe on the floor among some other boxes and belongings but it was not hidden. I heard DC VERNON ask 'WHERE IS THE KEY FOR THIS?' COE said 'IT'S NOT MINE IT WAS HERE WHEN WE MOVED IN'. Later he said 'THE SAFE IS MINE IT HAS MY £50,000 ROLEX IN IT BUT I DON'T KNOW WHERE THE KEY IS'. I then had a small conversation with DC VERNON because we were not happy he was telling us the truth. We were not happy that we could not gain access to the safe and wanted to make sure he did not have a key. COE then said 'THE KEY IS AT SAFE STORE IN CRAWLEY. IT IS PROBABLY IN STORAGE THERE'. Clearly COE had changed his story and we knew that we needed to gain access to the safe. It was at this point that he looked very nervous. He head was bowed and was shaking it from side to side very slowly. We explained that if we could not gain access to the safe we would need to seize it and take him to custody. He told us he was the only licence holder on the premises and he would need to shut the club. I continued searching for a key but at the same time discussed the issue on my phone with DS Parker and that we may need assistance to shut the club down. He told me he had sought confirmation from DCI MIZZI and she was happy with this course of action. COE became aware that we were serious and said 'YOU CAN SHUT THE CLUB DOWN AND ARREST ME. I WILL SUE YOU BECAUSE THERE IS NOTHING IN

Signature: 

Signature Witnessed by:

Continuation of Statement of : **David EVERY**

THAT SAFE'. I was keen to try and find any avenue to not shut the club and even offered to try and force the safe open with the tools present but COE said he would rather we took him into custody. At one stage I picked up the safe and tried to shake it to see if anything was in it. It did rattle and I formed the opinion that something was in it. Whilst I did this I heard COE say 'BE CAREFUL MY ROLEX IS IN THERE'. I asked if it was in a box and he replied 'YES'.

I began to arrange uniform assistance to help shut the night club and said 'YOU HAVE 10 MINUTES BEFORE A VAN OF POLICE ARRIVE TO ASSIST WITH SHUTTING THE CLUB' I then made one last check in a small side cupboard for keys and found a bunch that had red tags on similar to the tags on a bunch of keys that COE was holding. I tossed them to DC VERNON and asked him to check the safe. One of the keys opened the safe and I watched as DC VERNON carefully removed the contents. I saw DC VERNON remove a gold coloured item of jewellery and heard COE say 'THAT IS A BRACELET IT IS WORTH £75,000'. DC VERNON then removed some photos and a gold coloured watch. COE commented on a pair of gloves that DC VERNON removed saying 'THEY ARE SAND GLOVES' he claimed that they were to protect his hands from knives and sharp objects. DC VERNON then found a black box and opened it to reveal an object that looked like a mobile phone but was in fact a taser. I then said to COE 'THAT IS WHAT YOU HAVE BEEN UNDER ARREST FOR BEING IN POSSESSION OF'. DC VERNON then removed what looked like a black coloured hand gun and a silver coloured knuckle duster from the safe. All the items removed from the safe were put on the floor in clear view. I heard DC VERNON say 'WOULD YOU PREFER IT IF YOUR WIFE PUT THE ITEMS BACK IN THE SAFE' to which he replied 'YES'. I then left the room to explain to uniform officers on the street outside that we would be shutting the club soon. I arranged firearms officers to come toward the location to check the handgun and taser and briefed Insp Knight on the plan to empty the club because COE was going to be taken the police station and no other designated licence holder was on the premises. I escorted COE from the premises with PC JOHNS and arrived at Reigate Police Station at around 0000 where his detention was authorised by DS EDEY.

Signature:

Signature Witnessed by:

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

URN	45	RB	1	13
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Statement of: **David JOHNS**  
 Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  PC3660 Date **01/01/13**

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Monday 31<sup>st</sup> December 2012 at approximately 22:10 hours while on duty in uniform I attended Flirt Nightclub, Consort Way, Horley. I was in the presence of DC Every and DC Vernon. Police were acting on information received with regards to a prohibited weapon being concealed at the club. On arrival at the club we were introduced to the manager Gray COE and taken to a quieter area away from the main dance area. The reasons for our presence were explained.

At 22:18 hours I heard DC Vernon said to Gray COE "*We have information that you are in possession of a prohibited weapon somewhere within the club. I am therefore arresting you on suspicion of possession of a prohibited weapon*". I then heard the caution being given and DC Vernon asking whether there was anything in the club that may hurt us and whether there was a prohibited weapon located in the club. I recall the response as being 'No'. We were then taken to the downstairs area of the club.

A section 32 search of the downstairs area of the club was conducted. The downstairs area was being used as storage and temporary living accommodation as Gray COE stated that they had only taken over the club two weeks previously. There was a considerable amount of clutter. The area had previously been used as a bar / dance area. It was a considerable size and in my opinion bigger than the club above. Within the downstairs area there was a small office containing a large safe. The safe was open but there was nothing of any interest in it.

A smaller black safe was located in the disused dance floor area. On being asked Gray COE initially stated that the safe was there when they moved in but subsequently changed his account saying he had bought it with him. On lifting the safe up from the floor there was clearly something heavy within the safe moving about. He was asked whether he had the key to which he didn't know. Gray COE stated that his £50,000 (50 thousand) Rolex watch was in it and that was probably rattling around. He gave the impression that the keys may have been in 'safe storage' with the majority of their personal property. Attempts to locate the key by officers, Gray COE and his wife were initially unsuccessful.

DC Every advised that officers were on route to close the club down for the night as there was no option but to bring Gray COE into custody. DC Every said he was going to have one more look for the keys. On entering the office area he located a bunch of keys. Gray COE was asked whether any of the keys would fit the safe to which he replied 'No'. The keys were then passed to DC Vernon who managed to open the safe using one of the keys. At this point both Gray COE and his wife appeared nervous and agitated at what Police might find.

Signature: 

Signature Witnessed by:



Continuation of Statement of : **David JOHNS**

At 23:23 hours DC Vernon seized a taser which appeared in the form of mobile phone, and some form of black handgun. At this point DC Every reminded Gray COE that this was the reason why he was under arrest. The remainder of the safe was searched which contained a selection of autographed photographs, a cap containing what appeared to be an expensive bracelet (he claimed it was worth £75,000), a grey knuckle duster and a box containing a Rolex watch. There was also a pair of gloves containing sand in the safe. These additional items were not seized and I witnessed who I believed to be the boyfriend of Gray COE's daughter place these items back in the safe and lock it.

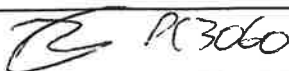
I was aware that Gray COE was paying particular interest to DC Vernon with regards to the expensive items. I heard him say 'I'm watching you'. I recall hearing DC Vernon ask whether he would prefer it whether his wife would like to put the items back in the safe.

Gray COE was not handcuffed as he was compliant and he was then transported to Reigate Custody where his detention was authorised.



Handwritten signature of DC Vernon, appearing to read 'DC 3060'.

Signature:



Handwritten signature, appearing to read 'DC 3060'.

Signature Witnessed by:

V4.1

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: David Charles RICHARDSON

Age if under 18: over 18

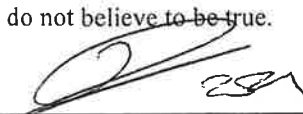
Occupation: Police Sergeant

Station: BURPHAM

(if over 18 insert 'over 18')

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:



Date: Tuesday, 01 January 2013

On Tuesday 1<sup>st</sup> January 2013 I was uniform duty in company with PC 3493 JORDAN and PC 3197 EDMONDS. At 1700hrs I attended Reigate Police Station CID Office. There I was shown exhibit JV/2 described as 1x KELON K95. I was asked to examine the device and I did so, it was taken out of its secure packaging and when examining the item I wore protective gloves.

The device is modelled on a mobile phone and has an imitation front screen and keypad. It has the words KELON K95 on the front. To the side of the device is a switch with three settings. The first turns the device off, the second activates a light on the front of the device and the third setting activates the device. When activated it discharges an electric shock from two electrical points situated on the top of the device.

This is then can be placed against a person's body to cause injury.

I am an Authorised Firearms Officer with Surrey Police and currently work as a Sergeant with my Forces Tactical Firearms Unit. I am authorised to carry Firearms and other equipment whilst on duty. This includes Conducted Energy Devices. The conducted Energy Device carried by Police is called TASER, which discharges electric shocks designed to cause Neuromuscular Incapacitation through the use of barbs and

Signature:  
Oct-98



Signature witnessed by:

Continuation of Statement of: David Charles RICHARDSON

air cartridges, and in what is referred to as drive stun mode which discharges electricity through two points when placed against a person's body to cause pain compliance.

The KILON K95 appears typical of Conducted Energy devices, commonly referred to as stun guns. When activated the discharge is many thousands of Volts. Typical injuries from such devices can cause burns, concussion, unconsciousness, disorientation, internal injuries and shock, along with secondary injuries caused by falling and other environment factors; it is a criminal offence to possess such a device in private or in public and it is classed as a prohibited weapon contrary to Section 5 of the Firearms Act 1968.

At 1730hrs I resealed the device in the evidence bag.



Signature:  
Oct 98

Signature witnessed by:

VI.2

**Hume, Murrae 12838**

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**From:** Bredin, Nikki 14460  
**Sent:** Tuesday, April 23, 2013 12:31  
**To:** Hume, Murrae 12838  
**Subject:** R v COE

**Trial Record Sheet****Defendant (Male)**

COE Gray John

**Address**

Flirts Night Club, Consort Way, Horley, Surrey RH6 7AF

Defendant No.T20130152-1/1

Date of Birth: 20-JUL-1967

PTI Unique Ref: 45RB0000113

PNC No:

ASN No:

1345EE0100000000001X

**Before the Crown Court at Guildford**Committal for Trial from South Eastern Surrey Magistrates Court on 18-MAR-2013

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**Vulnerable Victim Indicator**The Victim on this case has not been identified as vulnerable.

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**Defence****Advocate**

Raymond Barnett	Sol- Adv	(J Alone)	17-APR-2013	(PLE) (I)
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**Solicitors**

Goodall Barnett James	(Legal Aid)	19-MAR-2013 onwards
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**Prosecution CPS****Advocate**

Susannah Jane Bramley	(Counsel)	17-APR-2013
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**Judge**

HHJ Peter Moss	17-APR-2013
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**Bail/Custody Status**

On committal: on bail  
At start of trial: on bail

0 Prosecution Witnesses  
0 Pages of Evidence

**Hearings and other important dates**

Hearing on 17-APR-2013  
Arraigned on 17-APR-2013 (Count(s) 1/1)  
Tried on 17-APR-2013  
Convicted on 17-APR-2013 (Count(s) 1/1)

Sentence/Order made on 17-APR-2013

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**Indictment Charges**

Count	Offences and Sentence/Order	Seq	Plea	Verdict
1/1	FI68247 Possess prohibited weapon for discharge of noxious liquid/gas/electrical incapacitation device/thing	001	Guilty	

**Offence Location Address**

JURISDICTION, GC

Force Location Code: 45

Offence Start Date: 31-DEC-2012

Offence Start Time:

Offence End Date:

Offence End Time:

Offence committed on Bail:

To pay a fine of ???2000.00 or in default to serve 45 days imprisonment; to be paid by 5 July 2013 to pay.

To pay a fine of ???120.00 to be paid by 5 July 2013

To pay ???1000.00 towards the costs of the prosecution; to be paid by 5 July 2013 to pay.

Order under s. 143 Powers of Criminal Courts (Sentencing) Act 2000 for forfeiture of exhibit JB1, taser gun

**Other Orders**

The defendant Date of birth: was convicted on 17-APR-2013 at GUILDFORD CROWN COURT of Possessing a prohibited weapon On 17-APR-2013 the Court ordered that JB1, taser gun shall be forfeited and destroyed under section 43 Powers of Criminal Courts Act 1973. 45RB0000113

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Nikki Bredin  
 Witness Care Officer  
 Witness Care Unit  
 Surrey Police  
 Tel: 01483 632093 or 101 etn 32093  
[WitnessCareUnit@surrey.pnn.police.uk](mailto:WitnessCareUnit@surrey.pnn.police.uk) (email shared box)  
 Address: Gateway, Power Close, Guildford  
 Surrey GU1 1EJ

Working Monday - Friday, 9am - 5pm. Outside of these hours please contact the Witness Care

Unit on 01483 630171.

Surrey Police - With You, Making Surrey Safer  
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