

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate at 3.02 pm on Tuesday 26 March 2013.

Present: Councillor S T Bramhall (Chairman); Councillors J Durrant and Mrs J Bray

35. APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE

There were no apologies for absence and membership of the Sub-Committee was as set out in the agenda.

36. DECLARATIONS OF INTEREST

There were no declarations of interest.

37. LICENSING HEARING PROCEDURE NOTE

RESOLVED to note the hearing procedure note which would be followed at the discretion of the Chairman.

38. POLICE OBJECTION TO AN APPLICATION FOR A TEMPORARY EVENT NOTICE: FLIRT NIGHTCLUB, CONSORT WAY, HORLEY

In attendance:

Representing the applicant, Surrey Police: Mr Murrae Hume

Representing the premises user: Mr Grey Coe

Also present: Mrs Caroline Coe

The Sub Committee considered an objection by Surrey Police to a temporary event notice (TEN) extending the opening hours of Flirt Nightclub from 3.30 am to 5 am on the night of 20 to 21 April.

The annexes to the report before the Sub Committee included a copy of the TEN, the police objection, the current premises licence and an extract from guidance issued by the Secretary of State in respect of temporary event notices.

The parties present made their submissions, during the course of which the following points were noted:

On behalf of the applicant:

- Eighteen incidents, including nine for assault and four for public disorder, had recently been recorded at the club which meant that it currently featured in the police's top ten list.

- This was the third application for a TEN since the beginning of March.
- At the first event there were three incidents of assault and grievous bodily harm.
- At the second event additional police resources were deployed
- The police considered that a closing time of 3.30 am was sufficiently late.
- Police resources were limited and needed to be able to respond to incidents throughout the borough.
- The police believed that the rise in the number of incidents was related to the amount of alcohol being consumed.

On behalf of the premises user

- The most recent disturbance involved a man who was refused entrance to the club. The assault occurred outside the club and the man had run off afterwards.
- The club fully cooperated with the police in relation to this incident. The security staff made statements and the CCTV recordings both inside and outside the premises were provided.
- The premises user had only recently taken over the running of the club and was trying to attract new business.
- Live garage music and bands were being introduced at the club and promoters often asked for additional hours so that they could feature more acts.
- The recent incident referred to by the police involved a man denied entry because of his unsuitable dress code. It did not involve clubgoers.
- An assault involving a woman in the club was recently reported by the premises user. A 999 call for police assistance was made at 2.27 am and the police arrived at 3.03 am.
- An additional six door security staff were employed at the club for special events.
- Attendance at the club for a TEN was limited to a maximum of 499 guests.
- The club had a firm policy on not supplying alcohol to people who were clearly intoxicated.

The parties were invited to make their closing submissions, and it was noted that the Sub-Committee may either issue a counter notice to stop the TEN applying, allow the event to take place as applied for, or allow the event to take place but with conditions attached.

*The Sub-Committee adjourned to deliberate at 3.28 pm
and resumed to give its decision at 3.44 pm.*

RESOLVED not to give a counter notice and to allow the temporary event to take place subject to attachment of the following condition:

1. the sale by retail (supply) of alcohol, as a licensable activity, is limited to operate from 10.00 pm on 20 April 2013 to 3.00 am on 21 April 2013.

Reasons for the decision

The Sub Committee:

- (i) paid close attention to all the evidence submitted, both in the written application and representations and during the oral submissions at the hearing;
- (ii) paid particular attention to appropriately promoting the licensing objectives as set out in the Council's statement of licensing policy;
- (iii) recognised that every licensing application should be considered on its merits, with due regard to the amended Section 182 Guidance of the Licensing Act 2003.
- (iv) following on from this, it considered that the following are important factors which should be given due weight as relevant considerations:
 - (a) the police incident log and the ranking of the premises on the said
 - (b) this is the only club in Horley, and in particular the only venue that supplies alcohol after 1.00am
 - (c) police concern at the potential level of intoxication of the visitors to the event
 - (d) police can only provide a redeployment of officers to the premises
- (v) gave particular weight to paragraphs 1.16 and chapter 7 of Section 182 Guidance, as well as the individual and particular circumstances relevant to the current application
- (vi) considered the individual merits of the case, Human Rights legislation and the rules of natural justice;

The meeting closed at 3.45 pm