

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Thursday 25 July at 7.15 pm

Present: Councillor A.M. Lynch (Chairman); Councillors S.T. Bramhall and Mrs R. Turner

6. 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.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. APPLICATION FOR A TEMPORARY EVENT NOTICE (TEN): ROBINS COOKE FARM, KINGSMILL LANE, REDHILL

The Sub-Committee was requested to formally approve an application for a Temporary Event Notice, which had been the subject of representations by the responsible authority for environmental health.

A copy of the TEN application and the relevant representation were attached to the agenda.

It was noted that agreement has been reached between the parties subject to conditions, a copy of which was tabled at the meeting .

RESOLVED, that the application for a Temporary Event Notice for Robins Cooke Farm (Redfest) be **GRANTED** subject to the following conditions:

1. The sound levels from any regulated entertainment between 12.00 and 23.00 on Friday and between 12.00 and 23.00 on Saturday shall not exceed 65dBA measured as a 15 minute Leq over any 15 minute period when measured (at any position to which the organisers are allowed access) at or close to the boundary of any residential premises.
2. Except for the silent disco, silent film and performers vocals there shall be no electrically amplified regulated entertainment after 23.00.

The meeting closed at 7.16 pm

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate at 2.04 pm on Tuesday 30 July 2013.

Present: Councillor S Bramhall (Chairman); Councillors K Foreman and Mrs R Turner.

9. 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.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. LICENSING HEARING PROCEDURE NOTE

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

12. OBJECTION TO THE APPOINTMENT OF A DESIGNATED PREMISES SUPERVISOR: FLIRT NIGHTCLUB, CONSORT WAY, HORLEY

In attendance:

Surrey Police (responsible authority): Mr Murrae Hume
Mr David Talalay

Licence holder: Mr Gray Coe
Nominated Premises Supervisor Mrs Caroline Coe

The Sub Committee considered an application to vary the premises licence for Flirt Nightclub in order to designate Mrs Caroline Coe as the premises supervisor.

The application was before the Sub Committee because an objection on grounds of the prevention of crime had been made by Surrey Police, a responsible authority.

The report before the Sub Committee set out the relevant facts. Annexed to the report were copies of the application to vary the premises licence, the Police Objection Notice and statements made by the Police in support of their objection.

Prior to the hearing additional evidence was submitted by Mr Coe and

circulated to all the parties, including a number of photographs taken of police officers outside the venue and statements made by both Mr and Mrs Coe.

It was noted that the Licensing Act 2003 specified that, where relevant objections had been received to the appointment of a new Designated Premises Supervisor (DPS), that DPS may take up the post until a decision had been taken upon their suitability by a Licensing Sub Committee.

Mrs Coe had been acting as the Designated Premises Supervisor since her appointment.

In the course of the hearing the following points were noted:

On behalf of Surrey Police:

- The previous DPS, Mr Gray Coe, had his licence withdrawn by a Licensing Sub Committee at its meeting on 20 May 2013. The reason for this was that Mr Coe had been convicted for possession of a Taser gun.
- At that time, Mr Coe had told a local newspaper that it would not be an issue because his wife would take over as DPS.
- There had been a litany of problems at the nightclub whilst Mr Coe was the DPS, with more incidents reported than at any other premise in the borough. It was a serious source of concern to the police.
- An experienced DPS was needed to manage the club and to improve its operations.
- The statements made by the police officers who had visited the premises, both before and after the removal of Mr Coe as DPS, indicated that there had been no improvement in the management.
- Mrs Coe could not respond to a number of questions from the police officers about the management of the premises, and seemed unaware of her obligations as the DPS.

On behalf of the licence holder:

- *Mr Coe spoke first:*
- He asserted that the statements made by the Police, one of which was unsigned and another of which was used to back-up a defective closure order, should be considered invalid.
- The Council's solicitor advised the Sub Committee that the statements made by the Police had been accepted as valid representations. This was not a criminal court and the statements were therefore admissible. It would be for the Sub Committee to decide how much weight it wished to place upon them as evidence.
- *Mrs Coe then addressed the Sub Committee*
- She had ten years experience as the manager behind a bar, as well as management experience from previous employment, and was keen to be given an opportunity to prove herself.
- Regular meetings were held with the staff, including the doormen and bar staff, and she was alive to the issues of under-age drinking and problems caused by drunkenness.
- She had passed the course to be a DPS, she was learning every day and should be given a fair chance to prove herself.

The Sub Committee then put questions to the parties and the following points were noted in the responses by Surrey Police:

- The number of incidents reported since Mrs Coe took over as DPS had not diminished, with at least two or three being reported each weekend.
- The type of incidents involved drunkenness, allegation of drug-taking, and assault, usually when people were leaving the club and under the influence of alcohol.
- The incident reports usually came from the club or its door staff which indicated that it was patrons from the club who were involved.

The parties were invited to make their closing submissions and the following additional points were noted:

Surrey Police:

- Flirt Nightclub was a problem venue. It had been badly run and still was.
- There had been no real reduction in the number of incidents.
- To all intents and purposes the premises were still being run by Mr Coe, as evidenced by the Police Statements which referred to Mrs Coe having to seek his guidance to answer their questions.
- The premises were in need of an independent and experienced DPS.
- The only person likely to be giving Mrs Coe any guidance was Mr Coe and the Police asserted that he was not the best of examples to follow.
- Mrs Coe was newly qualified and it was not appropriate for her to manage a bar of this size and with its history, bearing in mind her relationship to Mr Coe.
- There would be no effective difference in the management of the premises which made the decision to withdraw Mr Coe's licence as the DPS ineffective.

Mr Coe:

- The Police had not provided either himself or Mrs Coe with any support.
- Requests for interlink radios to contact other clubs and for drug bins or similar had been rejected.
- The Police were slow to respond to incidents that happened outside the club and yet their instructions to Mr Coe and the doormen was not to intervene.
- Mr Coe ran five other clubs and was no longer involved in the management of Flirt. It was Mrs Coe who now ran the premises.
- Mrs Coe had no criminal convictions and needed the support of the Police to be able to gain experience in her new role as DPS.
- It had proved very difficult to have a good working relationship with the Police, however, because of their attitude.

Mrs Coe

- No related incidents had occurred since she took over the management and the staff all respected her decisions.
- There had been no contact with the Police and it was not the case that they had had to deal with incidents since she took over.

- Mrs Coe had not made any direct contact with the Police to seek their support, because of their previous attitude and difficulties in communicating with them.

*The Licensing Sub Committee adjourned to deliberate at 2.37 pm
and resumed at 3.21 pm*

DECISION

The Licensing Sub Committee:

REJECTS the application made by the licence holder to vary the premises licence for Flirt Night Club in order to appoint Mrs Caroline Coe as the Designated Premises Supervisor.

(The effect of this decision is that Mrs Coe is no longer licensed to act as the DPS.)

Reasons for the decision:

1. The Sub Committee reviewed all the papers annexed to the report and circulated with the agenda, as well as the additional papers submitted by Mr and Mrs Coe and circulated before the hearing.
2. It paid careful attention to all the submissions made orally during the hearing, by the licence holder (Mr Gray Coe), by the currently-nominated premises supervisor (Mrs Coe) and by the Responsible Authority (Police).
3. It paid particular attention to appropriately promoting the crime and disorder prevention objective.
4. The Sub Committee considered the relevant Policy and Legal Considerations as stated in Paragraphs 8 and 9 of the Report. It gave particular weight to the Council's own Statement of Licensing Policy, the Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003, the individual merits of the case, Human Rights legislation (article 8 and article 1 First Protocol) and the rules of natural justice.
5. Following on from this, it considered that the following items are important and should be given due weight as relevant considerations:
 - i. the application to vary the premises licence dated 7 June 2013
 - ii. Police objection dated 20 June 2013
 - iii. Police statements made by Sergeant Smith and PC Stevens)
 - iv. Letter (undated) from Mr and Mrs Coe regarding the Notice of Hearing
 - v. oral submissions made by Mr Coe, Mrs Coe and Surrey Police at the hearing.
6. Having considered the evidence presented and the oral submissions made at the hearing; the Licensing Sub Committee reached the following view:

- a. The level of control required for these premises is not present;
 - b. Mrs Coe lacks the experience required to have the necessary control of these premises;
 - c. Mrs Coe has not been proactive in working with the police since taking over as DPS, which is fundamental to being a responsible DPS;
 - d. There has been little change in the management of the premises;
 - e. There is a lack of sufficient evidence of a significant improvement in the management of the premises;
 - f. It is acknowledged that Mrs Coe believes that there has been an improvement, however, this is not supported in a manner that is persuasive;
 - g. Mrs Coe has failed to put forward a clear agenda of how she is running the premises and how she plans to improve it.
7. In essence the Sub Committee has no confidence in Mrs Coe's ability to be the DPS of these premises.
8. The Sub Committee considers that the Police have demonstrated to their satisfaction that their objection and representations relating to the promotion of the crime and disorder licensing objective are persuasive.

Note: This written decision takes precedence over the summarised decision announced at the hearing.

The meeting closed at 3.23 pm

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate at 2.18 pm on Tuesday 3 September 2013

Present: Councillor S Farrer (Chairman);
Councillors N Harrison and R Newstead

13. 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 above.

14. MINUTES

RESOLVED that the minutes of the meetings held on 15 October 2012, 21 February 2013 and 30 May 2013 be **CONFIRMED** as a correct record.

15. DECLARATIONS OF INTEREST

There were no declarations of interest.

16. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE: WOODMAN PUBLIC HOUSE, WOODMANSTERNE STREET, WOODMANSTERNE

The Committee considered an application for a variation of the licence as set out below:

1. *To vary the layout of the premises, in accordance with plans supplied by the applicant, for the installation of an external mobile bar.*
2. *To extend the opening hours of the premises (including any standard and non standard timings) to 07.00 on Monday to Sunday, in order to serve breakfast. All times for licensable activities to remain as existing.*
3. *To add the provision for recorded music Mondays to Sundays 10.00 to 24.00 hours*
4. *To remove all conditions attached to the licence and replace with a new Operating Schedule.*

A valid representation had been received from the responsible authority for environmental health, on public nuisance grounds, however agreement had been reached subject to the attachment of a condition to the licence.

DECISION

The Sub Committee **RESOLVED** that the application be **GRANTED** as applied for subject to the following condition being attached to the licence:

“At all times any music shall be inaudible in any residential property the test of which is that it shall be no more than barely audible at the boundary of any residential property.”

The meeting closed at 2.19 pm