

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 Thursday 3 October 2013.

Present: Councillor S Farrer, (Chairman); Councillors G Norman and Mrs R Turner.

17. 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.

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. LICENSING HEARING PROCEDURE NOTE

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

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

In attendance:

Surrey Police (responsible authority): Mr Murrae Hume

The Sub Committee considered an application to vary the premises licence for Flirt Nightclub in order to designate Ms Kerry Wilmer 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.

It was noted that the applicant was not present at the hearing.

The report before the Sub Committee set out the relevant facts.

In presenting the report the Licensing Officer stated that he had been advised by Surrey Police that the club ceased trading on 22 September.

Contact was made with Mr Coe on 27 September who confirmed that the club had closed, however, he was as yet unclear about whether he would be surrendering or transferring the licence. Officers asked Mr Coe to advise them in due course of what he intended to do, however, no further contact had been

made. Officers had attempted to call Mr Coe on several later occasions, including on the morning of the hearing to ascertain whether or not he would attend, but there had been no response.

The licensing officer further reported that the Notice of Hearing sent to Ms Willmer on 30 August had just been returned, marked with 'Gone since 15 August'.

Mr Murrae Hume presented the case on behalf of Surrey Police and the following points were noted:

- There had been a reduction in crime and disorder in the area since 22 September when the club ceased trading.
- He had been informed by Mr Coe that the club would be turned into offices and was unaware of any intention to transfer the licence.
- There had been eight assaults related to the club in September, before it closed.
- Before its closure the club had been the prime source of incidents in the borough and second overall in the county.
- A number of the reasons cited by the Sub Committee under point (6) in its decision of 30 July continued to apply:
 - the level of control needed was not present;
 - Ms Willmer lacked the experience required, having received her personal licence only very recently;
 - Ms Willmer had not made any effort to contact the police or to work proactively with them.
- On a visit to the club on 20 September, Mr Hume was taken to Mr Coe when he asked to speak to the person in charge, which would seem to indicate that Ms Willmer was the premises supervisor in name only.

The Chairman invited questions but there were none.

The parties were invited to conclude and indicated that they had nothing further to add to their submissions.

*The Licensing Sub Committee adjourned to deliberate at 2.10 pm
and resumed at 2.21 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 Ms Kerry Willmer as the Designated Premises Supervisor.

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

Reasons for the decision:

1. The Sub Committee reviewed all the papers contained in the report circulated with the agenda

2. It paid careful attention to all the submissions made orally during the hearing, by the Responsible Authority (Surrey Police) and the licensing officer.
3. The Sub Committee took into account 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, in particular Article 8 and Article 1 of the First Protocol, and the rules of natural justice.
4. Regulations (9) and (20) were considered relevant, Licensing Act 2003 (Hearings) Regulations 2005/44.
5. The Sub Committee considered that the Police had demonstrated to its satisfaction that their representation relating to the promotion of the crime and disorder licensing objective was persuasive.

In particular, the evidence and the submissions made at the hearing indicated to the Sub Committee that:

6. There is not the level of control present for these premises.
7. Ms Willmer lacks the experience to have the necessary control of the premises. Ms Willmer has not contacted the Police, nor been proactive in building that relationship.
8. There is sufficient evidence that there has been little change in the management of the premises.
9. There is a lack of sufficient evidence of a significant improvement in managing the premises.
10. Neither the licenceholder (Mr Coe) nor the nominated Premises Supervisor (Ms Kerry Willmer) were present at the hearing. The Sub Committee was therefore unable to put questions to them concerning how Ms Willmer intends running the premises and improving it.
11. The Sub Committee therefore has no confidence in Ms Willmer's ability to be the DPS of these premises.

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

The meeting closed at 2.23 pm

