

BOROUGH OF REIGATE AND BANSTEAD
LICENSING & REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing & Regulatory Sub-Committee held at the Town Hall, Reigate on Monday 19 February 2018 commencing at 2.00 pm

Sub Committee: Councillors A Lynch (Chairman), D Allcard and J Essex

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

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

14. MINUTES

RESOLVED that the minutes of the meeting held on 18 September 2017 be confirmed as a correct record.

15. DECLARATIONS OF INTEREST

There were no declarations of interest.

16. LICENSING HEARING PROCEDURE NOTE

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

**17. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE:
Railway Arms, Merstham**

In attendance and speaking at the hearing:

Surrey Police ('The Applicant')

Mr Peter Savill, Legal Counsel

Mr Ian Sandwell, Licensing Enforcement Officer

Ms Jennifer Billin, Licensing Enforcement Officer

Punch Taverns (The Licence Holder')

Mr Piers Warne, Legal Counsel

Mr Andrew Cowling, Area Manager

Making public representations:

Mr Jason Black

Mr Edward Browne

Mr John Hall

Note:

Prior to the commencement of the hearing, the Sub Committee considered a request from the applicant for the hearing to move into private session whenever sensitive information relating to an ongoing police investigation was to be heard.

The licensing authority was satisfied that, in all the circumstances, it was appropriate to exclude the public from the relevant part of the hearing because it considered that the public interest in so doing outweighed the public interest in that part of the hearing taking place in public.

The Licensing and Regulatory Sub Committee thereby

RESOLVED, that the Public and Press be excluded from the hearing at any point where submissions or representations are to be made which relate to the restricted information contained in Annexes D and E-2.

The Chairman invited the Licensing Officer to present the report.

The Licensing Officer presented the report and advised that the application had been brought by the applicant because of concerns associated with serious crime and disorder.

The application for review was made under section 53A of the Licensing Act 2003 which required a hearing to be heard within 28 days from the date of application.

It was noted that the Licensing Sub Committee met within 48 hours of receipt of the application, to consider whether to impose interim steps, and agreed that the licence should be suspended with immediate effect.

The application papers referred to a history of violence and breaches of condition at the premises over the past few years, culminating in an incident at the premises on 20 January 2018 at which two people were stabbed during a fight. It was noted that the investigations were ongoing and that one of the perpetrators was still being sought.

Eight representations were annexed to the report, two in support of the Police application and six in support of the current pub management.

The licensing officer reported that, subsequent to the issue of the agenda papers, a letter addressed to the sub committee had been received from the licence holder fully supporting the Police request for the licence to be revoked.

The licensing officer read out the letter in full and a copy is appended to these minutes for the record. Copies of the letter were provided to members of the public present at the hearing.

Following the licensing officer's introduction, the Chairman invited the applicant to make any public submissions in support of the application.

The applicant thanked the licence holder for supporting the Police application and advised that the application also referred to evidence related to intoxication, young children being present in the bar and the sale of alcohol outside of the licensing hours. These matters were also of concern to the applicant as were the violent incidents recorded in recent weeks.

The Chairman thanked the applicant and invited the licence holder to make any public submissions.

The licence holder advised that it took its responsibilities very seriously and expected all its tenant managers to support and cooperate with the Police. This was reflected in its decision to take the unusual steps of closing the premises and supporting the request for revocation of the licence.

The Chairman thanked the licence holder and invited public representations.

Mr Black addressed the Sub Committee and the following points were noted:

- He regularly frequented the premises and knew it well. He had only ever witnessed one act of public disorder, where people had had too much to drink, and this had been swiftly dealt with by the bar staff.
- The assault upon the landlady in 2016 was not related to behaviour inside the pub and the circumstances of the person who committed the offence should be borne in mind.
- Children were kept away from the bar area.
- The current landlady had done a good job to date in running the premises.
- He had never been aware of any out of hour sales.
- The Thai restaurant which used part of the premises had also had to close and should have been allowed to stay open.

Mr Browne addressed the Sub Committee and the following points were noted:

- He agreed with all the points made by Mr Black.
- This had been a one-off incident and there were no other significant issues with the running of the pub.
- Local residents were better qualified to comment than the Police because of their local knowledge and familiarity with the premises
- The loss of the pub was of much concern as it was an important asset to the local community.
- The pub was not as dangerous as the Police were implying.

Mr Hall addressed the Sub Committee and the following points were noted:

- He agreed with everything the previous two speakers had said.
- The pub was much valued locally, it was not dangerous nor did local residents see it as being so.
- It was unfair that the Thai restaurant had also been forced to close and he very much hoped that the pub would reopen.

The Chairman thanked all the speakers for their submissions and advised that the hearing would now move into private session.

The hearing moved into private session at 2.28 pm.

During the private part of the hearing, the Sub Committee expressed its regret that the Thai restaurant had also been forced to close, although it recognised that this was not a licensing issue and should not be taken into consideration when making its decision.

The licence holder advised that it had had no option, as it had no direct contract with the restaurant and was obliged to close the whole premises.

It was keen to review all options for reopening the pub, however, this was subject to finding the right operator and any new application would be in consultation with the Police.

*The Sub Committee adjourned to deliberate at 2.37 pm
and resumed at 3.03 pm to give its decision in public session.*

The Licensing and Regulatory Sub Committee

RESOLVED that the premises licence for the Railway Arms, Merstham be **REVOKED**.

Reasons for the decision

1. The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it.
2. It has noted the evidence of Surrey Police regarding:
 - recent violent criminal activities at the premises which included fights and stabbings;
 - the lack of co-operation from the management of the premises in respect of recent violent criminal activities;
 - the sale of alcohol to minors and outside of licensing hours;
 - easy accessibility of knives to the public from the kitchen;and these matters are of equal concern to the Sub Committee.
3. It has reviewed the photographic evidence and has concerns that the CCTV was not working at all times, as this forms part of the licensing conditions.
4. It is noted that the premises licence holder fully supports the Police application for revocation of the licence.

5. The Sub Committee has had regard to the Licensing Objectives, and in particular Crime and Disorder, Public Safety, Protection of Children from Harm, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
6. The Sub Committee has given due regard to the individual merits of this application, s149 Equality Act 2010, Human Rights/ECHR legislation in particular article 8 and article 1 First Protocol and the rules of natural justice.

General Observations

The Sub Committee has noted the support from members of the public in respect of the premises.

It is reassured that the licence holder is keen to seek suitable operators to enable a new premises licence application to come forward so that the premises can reopen in line with the licensing objectives.

The Sub Committee is satisfied that the Police had reasonable grounds to bring this application because of genuine concerns about public safety as evidenced within the restricted material.

18. **INTERIM STEPS**

The Sub Committee noted that its decision in respect of the revocation of the premises licence would not take effect until the end of the 21 day appeal period, or until the disposal of any appeal subsequently lodged.

It noted that section 53D of the Licensing Act 2003 required it to review any interim steps taken, following its determination of the appeal and to decide whether they should remain in place, be withdrawn or modified.

In the circumstances, and having taken account of all the evidence submitted both within the papers and orally at the hearing, the Licensing and Regulatory Sub Committee

RESOLVED that the interim step of suspending the licence should remain in place until its decision to revoke the licence in respect of the Railway Arms comes into effect.

19. **APPLICATIONS DETERMINED THROUGH MEDIATION**

None.

The meeting closed at 3.07 pm