



**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>REPORT OF:</b>	HEAD OF PLANNING AND REGULATORY SERVICES
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<b>TO:</b>	LICENSING & REGULATORY SUB COMMITTEE
<b>DATE:</b>	THURSDAY 08 AUGUST 2024

<b>AGENDA ITEM NO:</b>		<b>WARD(S) AFFECTED:</b>	EARLSWOOD AND WHITEBUSHES
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<b>SUBJECT:</b>	APPLICATION UNDER SECTION 53A OF THE LICENSING ACT 2003 FOR A REVIEW OF THE PREMISES LICENCE FOR 'THE MARQUIS OF GRANBY PUBLIC HOUSE.8 HOOLEY LANE, REDHILL, SURREY. RH1 6ET.'
<b>PURPOSE OF THE REPORT:</b>	TO DETERMINE THE APPLICATION FOR THE REVIEW

### OPTIONS

The Sub-Committee has the following options:

1. **Modify the conditions of the premises licence;**
2. **Exclude a licensable activity from the scope of the licence;**
3. **Remove the designated premises supervisor from the licence;**
4. **Suspend the licence for a period not exceeding three months;**
5. **Revoke the licence.**

The Sub Committee has authority to determine the above options.

### Background

1. The Premises licence 05/00503/LAPREM for the Marquis of Granby was held by Punch Taverns PIC, Jubilee House Second Avenue, Burton Upon Trent Staffordshire, DE14 2WF. On 05 March 2018 the licence was transferred to Punch Partnerships (PTL) Limited. Elsley Court, 20-22 Great Titchfield Street, London W1W 8BE under Premise Licence 18/00265/LAPREM.
2. The Designated Premise supervisor (DPS) is Mr. Paul Andrade EEBC/05/00064/LAPER who has been DPS since December 2013.

3. Since May 2020 there have been 6 complaints made to the council regarding the premises. Four of these relate to noise from the premises, one to food hygiene and one a reported violation of covid lockdown. A copy of the Premises licence 18/00265/LAPREM, site map and photographs of the site are at **Annex A (A1 GARDEN, A2 CARPARK)**.
4. On Thursday 30th May 2024 at 1840 hours, following information received, Surrey Police officers and PCSO's executed a search warrant, at the Marquis of Granby Public House in Hooley Lane, Redhill.

### **Application Summary**

5. Surrey Police have submitted this review application as they believe, following the execution of the warrant, that the licensing objectives for the prevention of crime and disorder and the protection of children from, harm have been undermined at the premises. As there is an on-going criminal investigation, the grounds for review application are submitted under separate cover to the relevant committee members and other parties. The review application includes the following suggested condition for the committee's consideration: -

'Surrey Police have submitted this review application whilst a criminal investigation is ongoing, as we believe it is necessary and proportionate to ensure the promotion of the licensing objectives above everything else. In doing so, Surrey Police are seeking the following;

1. The removal of the DPS. – For the reasons given above
2. The suspension of the premises licence for up to 3 months. -This would be to allow for the premises licence holder to introduce new management for the licensed premises, to review the security of the premises and to implement additional licensing conditions.

The following conditions are requested to promote the crime and disorder and prevention of children from harm licensing objectives. Whilst the licensed premises currently has CCTV, there is no licensing condition for CCTV on the premises licence and Surrey Police believe this needs to be a requirement for the licensed premises. Further conditions are seeking confidence that staff are being trained in the promotion of the licensing objectives and that the company implements a drugs policy for the licensed premises.

3. CCTV shall be installed on the premises and fully maintained, showing correct date and time information. CCTV to provide comprehensive coverage of the internal licensable areas, beer garden, outside bar(s), smoking area and car park. The CCTV shall provide clear images of people entering and exiting the premises. There must always be a minimum of one member of staff during licensable hours, trained to use the CCTV and able to make the data images available at the request of Police or other authorised licensing authority within 24 hours. All CCTV recordings to be retained for a minimum of 31 days.
4. The Premises Licence Holder shall ensure the CCTV recording system is checked daily to ensure it is operating correctly, any faults are to be recorded in a logbook with the date and time an engineer has been called to repair the fault and to also record the immediate notification of the fault to the premises licence holder by staff. The logbook shall be available to inspection by a police officer or a responsible officer.

5. Staff training shall be recorded and updated every 6 months. Training shall cover:

- I. The licensing objectives.
- II. The requirements for ID as part of age verification.
- III. Dealing with an intoxicated person
- IV. Dealing with disorderly incidents /disorderly persons
- V. Dealing with drug related activity on a licenced premises.
- VI. Recording of any refusal to sell alcohol.
- VII. Safeguarding of children or a vulnerable adult
- VIII. Recording and reporting of incidents to police and information to be shared with police to promote the licensing objectives.
- IX. All training records to be monitored by the premises licence holder and will be available to an authorised officer on request.

6. An incident log shall be maintained on the premises, which documents the date and time of any incidents involving the premises, which could undermine the licensing objectives. This shall be completed within 24 hours of the incident, be available upon request of a police officer or an authorised officer and will record the following:

- i. All crimes reported at the venue.
- ii. All ejections of patrons
- iii. Any complaints received concerning crime and disorder.
- iv. All drugs seized or found.
- v. Any incidents of disorder
- vi. Any faults in the CCTV system, including action taken to remedy.
  
- vii. Persons banned from the premises.

7. There shall be a record of any refused sale of alcohol. The refusal register shall be inspected on a regular basis (at least weekly) by the DPS and endorsed.

8. The Premises Licence Holder shall ensure a 'Challenge 21 or 25 'policy is adopted on the premises at all times. Signage of the 'Challenge 21 or 25 'policy shall be prominently displayed on the premises.

9. The premises shall have a drugs policy approved by the Premises Licence Holder and all members of staff must be trained to be compliant with the policy.

Surrey Police believe that the above actions will support the licensed premises to promote the licensing objectives.

A redacted copy of the review application is at **Annex B**.

**Relevant Representations from other Responsible Authorities:**

6. There are no representation from any other Responsible Authorises.

**Relevant Representations from interested parties.**

7. There are no representation from another parties.

## **Policy Considerations**

8. Relevant to this application is the Council's Statement of Licensing Policy. In particular section 5: Fundamental Principles; and sections 6 and 9 which refer to the Licensing objectives relating to crime and disorder and the protection of children from harm.

### **Legal Considerations relating to the Review Application:**

#### **The licensing objectives**

9. Whilst carrying out its statutory duties, the Licensing Authority must promote the following four Licensing Objectives: -

- (a) The Prevention of Crime and Disorder;**
- (b) Public Safety;**
- (c) The Prevention of Public Nuisance; and**
- (d) The Protection of Children from Harm.**

10. The Licensing Objectives are the only matters to be taken into account when determining applications and any conditions to be attached must be 'appropriate' to achieve those objectives.

11. Any matters arising during the hearing that cannot be linked to one of the licensing objectives will not be taken into account by the Sub-Committee.

### **Statement of licensing policy/guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 – General**

12. The Licensing Authority must have regard to its Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 when considering applications.

13. The Policy and Guidance makes it clear that the Licensing Authority's role is to hold a balance between the needs of the licensing, entertainment and food industry and the needs of residents and other users of the Council including businesses, workers, shoppers, and visitors.

14. The Licensing Authority also recognises the need to avoid as far as possible duplication with other regulatory regimes, and therefore will not seek to impose restrictions that are already requirements under other Statutes.

15. The Council's policy does not make any predetermined presumptions about licensed premises and their associated applications based on the area in which they are located. Each application will always be considered on its own merits based on the steps required to ensure the Licensing Objectives are met.

16. If the Sub Committee does choose to depart from its policy and/or Section 182 Guidance, it must have heard compelling and exceptional reasons during the Hearing.

### **Licensing Act 2003 – the statutory options – review hearings**

17. Section 52(2) of the Licensing Act 2003 provides: - The authority must, hold a hearing to consider the application for the review and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

18. The steps are listed at the top of this report under the heading of "Options" but are repeated below for the sake of completeness in respect of the legal considerations:

(4) The steps are –

- a. To modify the conditions of the licence;
- b. To exclude a licensable activity from the scope of the licence;
- c. To remove the designated premises supervisor;
- d. To suspend the licence for a period not exceeding three months;
- e. To revoke the licence;

And for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added.

### **Sub Committee Options**

19. The Sub Committee therefore has the following options:

#### Modification of Conditions

Members may choose to impose new or amend existing conditions based on the evidence laid before them.

It is possible to impose their own conditions, over and above that requested by a relevant party but, if so, Members should be satisfied that the Licensee and other interested parties had the opportunity to express their views on the proposed conditions before making such a decision.

#### To Exclude a Licensable Activity from the Scope of the Licence

In this case, the option to remove the sale of alcohol would be paramount to revocation, as the sale of alcohol is integral to these premises. Other licensable activities could also be excluded.

#### Removal Of Designated Premises Supervisor

Members would have to be satisfied that the cause of the problems were solely down to the actions of the Designated Premises Supervisor and that person remaining in that role would continue to undermine the Licensing Objectives.

#### Suspension of Licence

Suspension of the Premises Licence should only be used if it is considered that a period of time is required to put steps in place to ensure that the Licensing Objectives will be met after the suspension period.

Suspension should not be used as punishment as this is not something that would be based on promoting the Licensing Objectives. Punishment is the role

of the criminal courts, whilst Reviews seek to put steps in place to meet the Licensing Objectives.

### Revocation

This option should only be exercised if satisfied that no other measures or conditions existed that would prevent the Licensing Objectives from being undermined.

### **Legal Process following decision of Sub Committee**

20. Any party to the hearing may appeal to the Magistrates Court if they are aggrieved by the decision of the Licensing Sub Committee.

21. The Sub Committee's decision does not have immediate effect. It only takes effect when the period for making an Appeal has expired, being 21 days from the date of the decision notice.

### **Equalities**

22. All parties will be treated fairly without discrimination, based on the Law and Natural Justice.

Background Papers:           Licensing Act 2003  
  Guidance Issued Under Section 182 of the Licensing Act 2003  
  Part III of the Environmental Protection Act 1990

**Public Annexes:**

Annex A                           Premises Licence, Site Plan & Photographs  
Annex B                           Application for Review from Surrey Police Licensing