

## TANDRIDGE DISTRICT COUNCIL

### LICENSING SUB COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the on the 10<sup>th</sup> March 2021.

#### **ATTENDEES:**

##### **Sub-committee members:**

Councillors Botten, Farr and Steeds

##### **Other Councillors**

Councillor C. White

##### **Council Officers:**

Ian Garrod - Licensing Officer

Lidia Harrison - Head of Legal Services and Monitoring Officer

Paul Holliday - Senior Licensing Officer

Jeanette Pickles - Licensing Officer

Vince Sharp - Democratic Services Officer

##### **Representing Surrey Police**

Ian Sandwell - Licensing Enforcement Officer

Peter Savill (Barrister)

##### **John Fisher Sports Club**

Jeff Barretto (Chairman)

Mark Courtney (Premises Licence holder)

Frank Howe (Vice Chairman)

Michele Smith (Secretary)

##### **Individuals who had submitted e-mails of support for the Club**

Joanne Davis, Daniel Holah, Neil Marsh, Karen Pryke and Lee Sackett

## **1. ELECTION OF CHAIR**

Councillor Steeds was elected chair of the meeting.

## **2. JOHN FISHER SPORTS CLUB, WARLINGHAM - APPLICATION FROM SURREY POLICE FOR A REVIEW OF PREMISES LICENCE AND CLUB PREMISES CERTIFICATE**

Surrey Police had applied for the premises licence and club certificate to be reviewed following a disorderly incident at the Club on the evening of 21<sup>st</sup> October 2020 (not reported to the police by management or staff) involving a breach of Covid restrictions and an assault on a police officer. The police had supplied CCTV footage of the incident which had been viewed separately by the three Sub-Committee members, Club committee members and Peter Savill. The police application asked for other matters to be taken into account, namely:

- alcohol related incidents on 29<sup>th</sup> January 2018, 3<sup>rd</sup> May 2019 and 22<sup>nd</sup> September 2019 (not reported to the police by management or staff); and

- a music festival on 29<sup>th</sup> and 30<sup>th</sup> June 2019 which went ahead in breach of a counter notices from the Licensing Authority (issued in accordance with a decision of the Licensing Sub-Committee at a hearing on 26<sup>th</sup> June 2019 instigated by a police objection to the associated Temporary Event Notice).

The application concluded that the police had no confidence in the Club's ability to promote the licensing objectives and sought the revocation of both the premises licence and the club certificate. Surrey Police requested that, should the Sub-Committee decide against this, the current Designated Premises Supervisor (Mark Courtney) be removed and the premises licence and club certificate be suspended for three months, with additional conditions to be imposed upon both. Jeff Barretto, the Club Chairman, had confirmed his support for the conditions requested by the Police, apart from the requirement for door staff at all events to be run under the Club Certificate.

In response to the application, representations had been submitted by Paul Holliday (Senior Licensing Officer) on behalf of the Licensing Authority. These supported the alternative police representations (referred to above) on the basis that a suspension would enable the Club to address governance issues and elect a new committee.

Representations had also been submitted by:

- the Club, including documentation which sought to demonstrate that new control measures were in place and explanations regarding the management of the premises in connection with the previous incidents cited by the police; and
- five individuals with e-mails of support for the Club.

The Chair explained the way in which the hearing would be conducted and advised that a decision would be made on a future date.

Ian Garrod presented his report regarding the police application.

Peter Savill presented the case for the police in seeking the revocation of both the premises licence and club certificate.

Paul Holliday summarised his representations on behalf of the Licensing Authority and concluded that the alternative recommendation (to suspend the premises licence and club certificate and reinstating them with new conditions) should only be implemented if the Sub-Committee was confident that the Club would be able to promote the licensing objectives.

The Sub-Committee then heard representations from Jeff Barretto, Mark Courtney, Michelle Smith and Frank Howe on behalf of the Club.

Mark Courtney's representations included responses to the points raised in the police application regarding the above-mentioned incidents. He advised that he had resigned as Club manager and would also be stepping down as the Designated Premises Supervisor and Premises Licence Holder once somebody was ready to take over.

Michelle Smith explained that she was now the Club Manager and intended to work with the relevant authorities to implement a more robust management regime.

Jeff Barretto advised that Michelle Smith would be taking over as Club Secretary and that he intended to stand down as Chairman at the AGM on 28<sup>th</sup> March.

Frank Howe expressed concern that the future of Hamsey Rangers Football Club, which ran junior teams for up to 300 children, would be jeopardised if the premises licence and club certificate were revoked.

Representations were then heard from Joanne Davis, Daniel Holah, Neil Marsh and Lee Sackett who had submitted e-mails of support for the Club. (28 e-mails / letters of support had been received in total).

Mark Courtney and Michelle Smith responded to questions of clarification from Peter Savill. During those exchanges, Mark Courtney confirmed that Lisa Courtney was the only other Premises Licence Holder.

The hearing concluded with closing statements from the relevant parties.

Peter Savill reiterated his view that, on the basis of the evidence presented to the Sub-Committee, the licensing objectives were still being undermined and that both the premises licence and club certificate should be revoked so that a new committee could make fresh applications which the police could support. He advised that the implications for the football club were irrelevant in the context of the Licensing Act.

Mark Courtney stated that he could have submitted over 200 letters of support and expressed confidence in the Club's future management under Michelle Smith. While acknowledging the seriousness of incidents referred to in the Police application, he considered that the measures the Police were seeking were already in place.

Michelle Smith apologised on the Club's behalf for the incident on 21<sup>st</sup> October 2020. She concluded that improved procedures in connection with the Club's licensing responsibilities were now in place and that the Club was committed to implementing an effective training regime and forming constructive links with the relevant authorities.

The Chair thanked all parties for their attendance and advised that a decision would be made on Friday, 12<sup>th</sup> March and communicated to all concerned by 5.00pm that day. The hearing ended at 8.21 pm. The three Sub-Committee members, together with Lidia Harrison and Vince Sharp, remained in the meeting. It was agreed that the meeting be adjourned forthwith, to reconvene at 1.00pm on Friday, 12<sup>th</sup> March 2021.

Upon reconvening via Zoom at 1.00pm on Friday, 12<sup>th</sup> March 2021, the Sub-Committee took due regard of Surrey Police's representations and the evidence given during the hearing that all four licensing objectives (*namely to: prevent crime & disorder; prevent public nuisance; promote public safety; and to protect children from harm*) and the Covid regulations had been breached by the incidents cited by the Police. The Sub-Committee concluded that it has no confidence that the licensing objectives will be upheld by the Club going forward and determined that both the Premises Licence and Club Certificate be revoked.

Rising: 1.45 p.m. on Friday, 12<sup>th</sup> March 2021

This page is intentionally left blank

**Tandridge District Council**

**Licensing Sub-Committee – 12<sup>th</sup> March 2021 (adjourned from 10.03.21)**

**Decision regarding the application by Surrey Police for a review of the Premises Licence and Club Certificate for the John Fisher Sports Club, Warlingham CR6 9RD**

The Sub-Committee took due regard of Surrey Police's representations and considered evidence during the hearing that all four licensing objectives (*namely to: prevent crime & disorder; prevent public nuisance; promote public safety; and to protect children from harm*) and the Covid regulations had been breached by the incidents in question. The Sub-Committee concluded that it has no confidence that the licensing objectives will be upheld by the Club going forward and determined that both the Premises Licence and Club Certificate be revoked.

This page is intentionally left blank