

APPLICATION BY SURREY POLICE FOR REVIEW OF PREMISES LICENCE & CLUB PREMISES CERTIFICATE, WHICH HAS ATTRACTED A REPRESENTATION FROM THE TANDRIDGE LICENSING OFFICE – AT JOHN FISHER SPORTS CLUB, REAR OF 192 LIMPSFIELD ROAD, WARLINGHAM, SURREY, CR6 9RD

Report of:	Ian Garrod, Licensing Officer - 01883 732794 licensing@tandridge.gov.uk
Purpose of Report:	To consider the application for review of a Premises Licence and Club Premises Certificate.
Publication status:	<p>The following documents are not in the public domain and copies have been restricted to Councillors (and substitutes) who will form the Sub-Committee. The restricted circulation is in accordance with paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (<i>information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</i>):</p> <p>Appendix G2 – confidential documents within the application for review by Surrey Police</p> <p>Appendix I2 – submissions from John Fisher Sports Club:</p> <ul style="list-style-type: none">• minutes of a committee meeting held on 25.10.20• letter dated 26.10.20 revoking an individual's membership with the 4th paragraph unredacted
Recommendation:	<p>The Sub-Committee considers the evidence of all parties involved at the hearing and then determines the steps it considers appropriate to promote the licensing objectives by selecting one of the options below:</p> <p>A. take no action;</p> <p>B. issue a formal warning to the premises supervisor and/or premises licence holder;</p> <p>C. modify the conditions of the licence;</p> <p>D. exclude a licensable activity from the scope of the licence;</p> <p>E. remove the designated premises supervisor;</p> <p>F. suspend the licence for a period not exceeding three months;</p> <p>G. revoke the licence.</p>

Appendices:

A	Club Certificate for John Fisher Sports Club (page 11)
B	Club constitution and membership rules (page 15)
C	Current plan of club premises certificate licensable area (page 21)
D	Premises Licence for John Fisher Sports Club (page 23)
E	Current plan of premises licence licensable area (page 29)
F	Location plan of John Fisher Sports Club (page 31)
G1	Application for review by Surrey Police (public documents) (page 33)
G2	Application for review by Surrey Police (private documents) (page 37)
G3	Application for review by Surrey Police (public documents continued) (page 69)
G4	Police delegated authority certificate (page 77)
H	Representation from the Licensing Team (page 79)
I1	Submissions from John Fisher Sports Club (public documents) (page 83)
I2	Submissions from John Fisher Sports Club (private documents) (page 119)
J	Letters of Support (page 123)
K	Relevant sections of guidance issued under s182 of the Licensing Act 2003 (page 155)
L	Relevant sections of Tandridge District Council Licensing Policy (page 157)

1 Purpose of Report

- 1.1 The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the District.
- 1.2 The Licensing Sub-Committee (“the Sub-Committee”) is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.
- 1.3 In accordance with the provisions of Section 53C of the Licensing Act 2003 the Council as licensing authority must hold a hearing to determine an application for full review of a premises licence within 28 days commencing the day following the day on which the application was received.
- 1.4 The Council must consider any representations made; providing that the representations are relevant to the promotion of the licensing objectives and in the case of those made by other persons are not frivolous or vexatious

2 Background Information

- 2.1 John Fisher Sports Club have held a Club Premises Certificate since October 2005 when it was converted under the then new Licensing Act 2003 this was granted for the building and was for the following:-
 - Supply of alcohol for Members & Guests Only
 - The provision of regulated entertainment namely: plays, films, indoor sporting events, boxing or wrestling, live & recorded music, performances of dance, and entertainment of a similar description, provision of facilities for making music, dancing and entertainment of a similar description.
- 2.2 A copy of the Club Premises Certificate is attached at **Appendix ‘A’** and Club Rules is attached at **Appendix ‘B’** and a copy of the current Club Certificate plan is attached as **Appendix ‘C’**

- 2.3 The premises licence has been held since August 2018 when it was granted a licence for a small patio area outside in addition to the main building. This licence was for;-
- on and off sales of alcohol
 - indoor regulated entertainment for films
 - indoor and outdoor regulated entertainment for live music, recorded music and performance of dance
 - late night refreshment
- 2.4 A copy of the Premises Licence is attached at **Appendix 'D'** and a copy of the current premises plan is attached as **Appendix 'E'**. Although the boundaries of the field are marked in red on the plan this does not indicate the licensed area.
- 2.5 A plan of the Location of John Fisher Sports Club is shown in **Appendix 'F'**
- 2.6 The evidence supplied by the police of the events that took place is as follows:-
- On 21st October 2020 Surrey Police received a report of a fight in John Fisher Sports Club Main Hall. On attending, they found the premises bar to be closing and an attendance in the bar in excess of the then current COVID restrictions (these included the 10pm curfew for pubs and restaurants and a ban on most gatherings of more than six people) of people, twenty that were attending a wake. It is alleged that a 10 year old child had been assaulted by its mother and the child was in a state of distress. The mother was heavily intoxicated. and was arrested she then bit the arresting officer. CCTV of the incidents was obtained from the Club by Police who had recorded directly from the Clubs CCTV onto a Police camera. Police then left the Club. There was one female member of staff on duty at the time and she had not reported the matter to the Police. Police are supplying the CCTV recording that day as evidence in this matter.
- 2.7 There are other incidents mentioned in the Police application for a Review which had occurred at the venue earlier under the same management.
- 2.8 On the 14th January 2021, an application for a Review of the Club Premises Certificate and Premises Licence for John Fisher Sports Club was received by the Licensing Authority. This was submitted by Surrey Police as **Appendix 'G'**.
- 2.9 Surrey Police have requested the following:-
- Following the 21st October 2020 incident, Surrey Police once again stated their complete lack of confidence in the John Fisher Club to promote the licensing objectives and Surrey Police are seeking the revocation of both the Club Premises Certificate and the Premises Licence.
- 2.10 In the event that the Licensing Committee are minded not to revoke the Premises Licence or Club Premises Certificate, Surrey Police are of the opinion that the current DPS should be removed from the Premises Licence, both Premises Licence and Club Premises Certificate should be suspended for 3 months and additional conditions to the CPC and premises Licence be considered as set out below. This has been set out to enable separate decisions to be made on both the Premises Licence and the Club Certificate

Premises Licence

Remove Condition 2 and replace with –

1. All events involving licensable activity on the licenced premises, shall require a minimum of two SIA door supervisors, a third SIA door supervisor where 150 persons are in attendance and one further SIA door supervisor for each additional 75 persons thereafter.

2. The incident log to record whether the Club Premises Certificate or Premises Licence is operating. this entry should be made 24 hours prior to the day in question and endorsed by two committee members.

Club Premises Certificate

1. CCTV shall be installed on the premises and fully maintained, showing correct date and time information. The CCTV will cover internal public areas and external doorways, smoking area, beer garden and external areas at the front and side of the premises. The CCTV shall provide clear images of evidential quality and shall capture images of people entering and exiting the premises. The club committee must ensure that staff are able to make copies available at the request of the Police or other authorized licensing authority within 24 hours. CCTV footage must be retained for minimum of 31 days.

2. All events involving licensable activity on the premises, shall require a minimum of two SIA door supervisors, a third SIA door supervisor where 150 persons are in attendance and one further SIA door supervisor for each additional 75 persons thereafter.

3. A club committee member shall be present at all times when an event involving licensable activity takes place on the premises.

4. Staff training shall be undertaken on staff appointment and updated every 6 months. Training delivered to staff shall be recorded. Training shall cover:
 - The licensing objectives
 - The requirements for ID as part of age verification.
 - Dealing with an intoxicated person
 - Dealing with disorderly incidents/disorderly persons
 - Dealing with drug related activity on a licensed premises
 - Recording of any refusal to sell alcohol
 - Recording of incidents
 - Reporting of incidents to police and information to be shared with police to promote the licensing objectives
 - The safeguarding of children and vulnerable adults
 - All training records will be available to an authorized officer on request

5. An incident log shall be maintained on the premises documenting the date and time of any incidents involving the premises which could undermine the four licensing objectives. This shall be completed within 24 hours of the incident, be available upon request of a police officer or an authorized officer and will record the following:
 - All crimes reported at the venue
 - All ejections of patrons
 - Any complaints received concerning crime and disorder
 - All drugs seized or found
 - Any incidents of disorder
 - Any faults in the CCTV system, including action taken to remedy
 - Persons banned from the premises
6. The incident log to record whether the Club Premises Certificate or Premises Licence is operating This entry should be made 24 hours prior to the day in question and endorsed by two committee members
7. There shall be a record of any refused supply or sale of alcohol. The refusal register shall be inspected on a regular basis by a committee member.
8. The Club committee shall adopt a 'Challenge 25' policy on the premises.
9. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly and respect the neighbourhood
10. When licensable activity takes place under the authorisation of the Club Premises Certificate, a Club 'signing in book' shall be maintained which will record the date the club is open for licensable activity, be endorsed on that day by a staff or committee member and be available for inspection by an authorised officer.

3. Consultation

- 3.1 On receipt of a review application the Council must display a statutory notice at the premises and in the Council reception for the consultation period of 28 days.
- 3.2 It is confirmed that statutory notices were displayed on the site and on the public notice board at the Council's offices.
- 3.3 The application prompted a representation from the Council's Licensing Department. A copy of the representation is attached at **Appendix 'H'**. The representation is on the grounds of the prevention of crime and disorder. They have requested the following:
 - The conditions suggested by the Police are considered by the Licensing Sub-Committee;
 - The Licence and Certificate are not revoked but suspended for a period of time to enable the Club to ensure that there is a properly elected committee have oversight of activities at the Club.
- 3.4 No other representations were received from any other responsible authorities.

- 3.5 Apart from the complaints outlined in the Police application for review, the responsible authority for Health and Safety has clarified that although they had received complaints, they are satisfied with the actions taken and will continue to monitor the Premises.
- 3.6 Mr Jeff Barretto (Club Chairman) has supplied several documents including a Risk Assessment form which was written by the club with guidance from the Council, updated Club Rules with regards as to how the Club is run currently., as well as a warning letter from 2019 and then banning letter for the organisers of the Wake He also is in agreement that all of the conditions requested by Police in their Review Application apart for the requirement of Door Staff at Events be added to the Club Certificate
- 3.7 The documents supplied are in response to comments of both the Police and Licensing Team. Copies of the documents are attached at Appendix 'I'
- 3.8 There have been no comments received from the Premises Licence Holder, Mr Mark Courtney with regards to additional conditions on Premises Licence, although some of the documents submitted show that they are adhering to specific conditions currently on the Premises Licence, Challenge 25, Staff training records, Risk Assessments
- 3.9 Several members of the public have contacted the Council during the consultation period in support of John Fisher Sports Club and the events they have held. Thirty one letters of support were received and accepted and twenty eight wished their letters to be put before the Committee. Two more letters of support were received after the deadline and have not been included. The accepted letters are from:-

Jonathan Peters
Emma Smith
Frank Howe (Club Vice Chairman)
Andrew Etheridge
Danny Garraway
Daniel Holah
Tara Rogers
Sam Rose
Matt Smith
Tracy Sweet
Billy Tanner
Joanna Davis
Nevilline Barretto
Neil Marsh
Lee Sackett
Charlotte Urry
Karl Woolhouse
James Sinclair
Christopher Courtney
Tina Rigelhuth
Karen Pryke & Nicholas de Bidaph
Jo Hoskyn
Iris Holah
David Rogers
Michelle Smith (Club Secretary)
Lesley Rigelhuth
Vince Bryan
Charmaine Smith

- 3.10 A copy of these are attached at **Appendix 'J'**

4 Policy & Guidance – Points For Consideration

4.1 **Section 182 Guidance**

The most relevant paragraphs of the Section 182 Guidance issued by the Secretary of State in relation the Sub-Committees decision are set out below and must be considered by the Sub-Committee:

1.2 - 1.5	Licensing objectives and aims
1.16	Licence conditions – general principles
9.37 - 9.38	Hearings
9.42 - 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
11.16-11.23	Powers of a licensing authority on the determination of a review
11.24-11.28	Reviews arising in connection with crime
13.10	Giving reasons for decisions

The relevant sections of Section 182 Guidance is provided at **Appendix ‘K’**

4.2 **Tandridge District Council – Licensing Policy**

The main sections of the Councils Licensing Policy which are particularly relevant to the Sub-Committees decision are set out below and should be considered when determining this application:

4	Fundamental principles
5	Decision making process
7	Premises licences
9	The prevention of crime and disorder
10	Public safety
12	Prevention of harm to children

The relevant sections of Tandridge District Council Licensing Policy are provided at **Appendix ‘L’**.

5 Determination

The Sub-Committee is requested to determine the application in line with Section 4 below, giving full reasons for the decision.

6 Legal Considerations

6.1 When considering applications, the Committee is required to carry out its functions with a view promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

- 6.2 The allegations are that this may be a serious incident, which may have breached the The Health Protection (Coronavirus, Restrictions) Regulations 2020, which in turn may have impinged on the licensing objectives of the prevention of crime and disorder and public safety. The Sub-Committee must consider the application on its own individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and proportionate to promote the licensing objectives.
- 6.3 Following the outcome of the Committee hearing, all parties to the application have the right to appeal to the Magistrate's Court within the period of 21 days beginning with the day on which the Club would be notified by the Council of the decision appealed against. The determination of the application for review will not have effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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