

Crawley Borough Council

Minutes of Licensing Sub Committee

Monday 3 March 2014 at 10.30am

Present:

Councillors B K Blake, C J Mullins and K B Williamson

Officers Present:

Mike Lyons	Senior Licensing Officer
Mez Matthews	Democratic Services Officer
Astrid Williams	Legal Clerk

Also in Attendance:

Applicant	Jean Irving (Sussex Police – Head of Licensing)
	Tony Jarred (Sussex Police – Licensing Sergeant)
	Peter Savill (Counsel for Sussex Police)

34. Appointment of Chair

RESOLVED

That Councillor B K Blake be appointed Chair for the meeting.

35. Members' Disclosure of Interests

No disclosures of interests were made by Members.

**36. Application to Review the Premises Licence Applicable to 'JJ Whispers',
107 High Street, Crawley**

Following the introduction of those present at the meeting Mike Lyons, a Senior Licensing Officer for Crawley Borough Council addressed the Sub Committee.

The Application

Following confirmation from the Sub Committee that it had received and read reports PES/143 and PES/144 of the Head of Planning and Environmental Services as well

as the additional evidence which had been submitted by the Police on 27 February 2014, the Senior Licensing Officer, Mr Lyons, informed the Sub Committee that on 26 February 2014 a director of JJ Whispers had surrendered the licence. Given that the licence had been surrendered, and that no application to transfer the licence had been received since, Mr Lyons stated that there was no application to consider.

The Sub Committee noted that a surrendered licence could be reinstated if an application to transfer that licence was submitted to the Local Authority within 28 days of its surrender. Such a transfer would take place with immediate effect, with the person who applied for the transfer becoming the Licence Holder under the conditions of the prior licence. Section 50 of the Licensing Act 2003 allowed for only one application for transfer and Sussex Police would be the only organisation able to object to such a transfer within 14 days of notification of the transfer application. Should the Police object to the transfer of a licence, a hearing by a Sub Committee would need to be held to consider the objections and this would take place within 20 working days starting the day after the conclusion of the 14 day objection period.

The Applicant: Sussex Police

The Applicant's representative, Mr Savill, addressed the Sub Committee and stated that as the licence had been surrendered there was no licence to review. He reminded the Sub Committee that the report before it was to review the licence and that the Police had sought revocation. The fact that the licence had been surrendered achieved the same outcome, as the former management were no longer responsible for the premises. Mr Savill informed the Sub Committee that should an application to transfer the licence be submitted, the Police would investigate the applicant thoroughly. Mr Savill stated that the Police did not request an adjournment of the Sub Committee meeting.

The Applicant's representative, Ms Irving, also addressed the Sub Committee and informed those present that the Police only sought revocation of a licence in exceptional circumstances. Ms Irving stated that the Police's concerns had related to the management, and not to the premises itself. Ms Irving informed the Sub Committee that Sussex Police had been in contact with the proposed new owners of the premises and detailed discussions had taken place. Ms Irving confirmed she felt reassured that those proposing to take over the premises would be co-operating with the Police such that she was not minded to request an adjournment of the Sub Committee meeting. She went on to provide some further details about the matters which she had raised with the proposed new owners in respect of their proposed transfer application, including that they had indicated an intention to also apply for a variation to the premises licence to give effect to many of the matters which the Police had agreed with them.

Discussion

Following the presentation by the Applicant, the Sub Committee discussed the measures which the Police believed could be put in place to ensure that the issues which had taken place at the premises in the past would not be repeated under the new management.

The Sub Committee also expressed some concern that the evidence submitted in the initial report showed that problems at the premises had been taking place for a long time. Ms Irving explained that there had been some difficulties in obtaining evidence, but was also mindful that if, as she did in this case, want to seek a revocation of the

licence, it was important to present evidence sufficient for a Sub Committee to seriously consider revocation.

The Sub Committee thanked the hard work undertaken by the Police, and in particular Claire Selwyn (Police Constable) in preparing the application for review.

RESOLVED

The Sub Committee noted the new information, i.e. that the licence had lapsed last week upon it being surrendered by the former licence holder, and that consequently no decision was required by the Sub Committee in relation to the Police's application for a review of the (now lapsed) licence.

37. Closure of Meeting

With the business of the Sub Committee concluded, the Chair declared the meeting closed at 11.05am.

COUNCILLOR B K BLAKE
Chair