



- 8.2 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide. The Council's Solicitor then explained the actions available to the Sub-Committee and that their decision should be in proportion to any behaviour they found to have occurred.
- 8.3 The Licensee then complained that he had not had an opportunity to discuss the application for review with Surrey Police and the first he knew about the hearing was when he received the agenda papers. The Chairman then explained how complaints were received and dealt with under the Licensing Act.
- 8.4 Surrey Police then spoke and said that they had not brought the review regarding the running of the licensed premises, but due to the exceptional behaviour of the Licensee.
- 8.5 The Licensee then gave his account of the incident. In his view he said he had acted in a calm and restrained manner. The Licensee said that one of his main concerns was that the Police vehicle was blocking the entrance to the premises car park and that it would cause a dangerous situation on the highway for cars trying to turn into his car park.
- 8.6 Hampshire Police then gave their account of the incident in which they gave details of the Licensee's aggressive manner, and how they were trained to recognise those signs. Hampshire Police denied blocking the entrance to the car park and explained that they had fully entered the car park and parked in front of a car whose driver they wished to question regarding erratic driving. As the driver of that vehicle was aggressive Hampshire Police did not consider it appropriate to engage with the Licensee at that time, even though the Licensee was becoming more and more abusive.
- 8.7 Both the Licensee and Hampshire Police then gave their accounts of their meeting on the day following the incident when Hampshire Police had returned to the pub to make sure that it was the Licensee they had encountered in the car park the previous evening. The Licensee disputed the account given by Hampshire Police.
- 8.8 Following questions from the Sub-Committee to both Hampshire Police and the Licensee regarding events on the night in question and the following day the Sub-Committee then withdrew at 11.56 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 13.38 p.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the suitable wording of their decision.

The Sub-Committee carefully considered the application for review, taking into account the representations, statutory guidance and the Council's Statement of Licensing Policy 2011-2013.

The Sub-Committee had heard the submission from Surrey Police and details of the incident that occurred at The Royal Arms on 20 October 2012 that lead

to Surrey Police calling for a review on the grounds that Mr Stubbings was failing to exercise proper management of the premises and failing to comply with the licensing objective relating to the prevention of crime and disorder.

The Sub-Committee then heard from Mr Stubbings who strongly disagreed with the events as reported by Surrey Police.

However, with regard to the Prevention of Crime and Disorder, on the balance of probabilities the Sub-Committee found that Mr Stubbings did use the language and behaviour alleged by the Police and the Sub-Committee accepted the evidence of the Police and considered Mr Stubbings' account was implausible.

The level of Mr Stubbings' behaviour during the incident did not indicate the proper control and appropriate behaviour expected from a Licence Holder. Mr Stubbings' behaviour undermined the authority of the Police and could have led to crime and disorder. The Sub-Committee also noted that the offensive language used, not only inappropriate in itself, was used in the presence of at least one child, which is not what we expect of a licensee and is not conducive to protecting children from harm.

The Sub-Committee strongly considered removing Mr Stubbings as the DPS. However, in the circumstances, namely that neither the Police nor anyone else has any concerns over how the premises are being run, feel it would be disproportionate to remove Mr Stubbings on this occasion as DPS, but that it was appropriate to allow the licence to continue in its present form. The Sub-Committee warned Mr Stubbings that they expected licensees not to undermine the authority of the Police and to ensure that they do not act so as to undermine the licensing objectives.

The Sub-Committee wished to remind those present that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible further review of the licence.

The licence holder or applicant or those making representations have a right of appeal to the Magistrates' Court against the Sub-Committee's decision within 21 days of receipt of the written decision, and further information can be obtained from the Licensing Officer. This decision will come into effect when the period for appeal has expired, or any appeal has been determined.

**The meeting commenced at 10.30 am and concluded at 13.41 p.m.**

Chairman