

DURHAM COUNTY COUNCIL

At a Meeting of the **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 31 December 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors K Holroyd and J Wilkinson

Also Present:

S Grigor (Legal Officer)
H Johnson (Licensing Team Leader)
K Monaghan (Senior Licensing Officer)
Sgt T Robson (Durham Constabulary)
PCSO H Robson (Durham Constabulary)
D Dinsdale (Etherley Cricket Club)

1 Declarations of Interest

There were no declarations of interest.

2 Application for Expedited Review of a Premises Licence - Etherley Cricket Club, Bishop Auckland

Consideration was given to an application and supporting certificate received under s53A of the Licensing Act 2003 from Durham Constabulary for an expedited review of the premises licence of Etherley Cricket Club, Low Etherley, Bishop Auckland (for copy see file of minutes).

The Licensing Team Leader advised the Sub-Committee that it should consider whether any interim steps were necessary pending determination of the summary review application which would take place within 28 days. The options open to the Sub-Committee were modifications to the conditions of the premises licence, exclusion of the sale of alcohol by retail from the licence, removal of the Designated Premises Supervisor (DPS) or suspension of the licence. If Members decided to take interim steps, the Licence Holder would have an opportunity to make representations and a further hearing would have to be held within 48 hours.

Members were informed that although the Cricket Club also held a Club Premises Certificate, this was not affected by these proceedings which related solely to the Premises Licence.

The Licensing Team Leader explained that an email had been received from John Rawle on behalf of the Club. In his email he had referred to the issue regarding the CCTV, indicating that although the Police contended that no CCTV system was

installed and working as required by the Premises Licence, a system was in operation in the premises. Mr Rawle himself had registered the Club with the Information Commissioner's Office and had witnessed the system working. Mr Rawle had also confirmed with the DPS on 22 December 2012 that the system was operating correctly. Two committee members had also witnessed the system in operation on 26 December 2012, prior to the removal of the hard drive by the Police on 27 December.

Sgt Robson, on behalf of Durham Constabulary, explained the reasons for the request for the expedited hearing, indicating that the Club had been monitored by the Police for several months, following an incident at a charity event which had resulted in two people being assaulted. It had come to light that non-private events were being held at the premises and, as a result, the Club had been invited to apply for a premises licence, this application being granted with conditions in October 2012.

On 26 December a further incident had occurred. The DPS was staffing the bar alone and a known male was in the premises. Allegations had been made in November 2012 that this male had been in the premises in possession of a knife and, although the DPS had been made aware, no action had been taken.

Statements taken after the incident on 26 December indicated that the male had consumed at least 9 pints, while he himself admitted to having consumed about 14 pints. Allegations relating to drug misuse had been made in the bar, these causing some discontent. A number of fights had then broken out, resulting in two people being stabbed by the known male, one suffering stab wounds to his abdomen and the other suffering a stab wound to the left side of his rib cage. A photograph of the injuries was circulated to the Sub-Committee.

As a result of the incident, the known male had been charged with a number of offences and remanded in custody.

Sgt Robson explained that Police felt that the consumption of alcohol was very much a factor in the incident. In relation to the CCTV, evidence had been seized by the Police, who believed that it was not operational. In addition, the DPS had been unable to download footage from the system.

The Sub-Committee's attention was drawn to the conditions of the premises licence, in particular the one which prohibited the serving of alcohol to anyone who was intoxicated, and also the condition in relation to CCTV which required the system to be operational, and the majority of staff to be aware of how to download footage.

The premises was associated with serious crimes such as stabbings, drug misuse, affray and possession of bladed weapons, and the Police were applying for the suspension of the Premises Licence and the removal of the DPS as it was felt that this was a necessary and proportionate response. The premises would still be able to operate under the terms of its Club Premises Certificate, however as the majority of incidents involved members of the public the Police were not seeking any action in relation to this Certificate.

In responding to a question from Councillor Holroyd, Sgt Robson explained that the Police had disconnected the power and removed the hard drive from the CCTV system for forensic investigation.

Mr David Dinsdale then addressed the Sub-Committee on behalf of the Cricket Club, indicating that he had limited information but had been the only member of the committee available to attend the hearing at such short notice.

He acknowledged that a terrible incident had taken place on 26 December, which unfortunately had occurred when disagreements between two families had been aired in the Club.

The Club had experienced no issues with the DPS, who had been steward for over 10 years, and the committee had felt that the application for a premises licence had been the right decision to take.

The Club offered only junior cricket at the moment, with 25-30 young people taking part in sessions. The committee was trying to improve the facilities, source funding and regenerate the club. The members worked on a voluntary basis, and as a result of this incident, all their hard work had been tarnished.

In response to a question from Councillor Shiell, Mr Dinsdale confirmed that the individuals involved in the incident were not members of the Club.

At 10.30am, the Sub-Committee retired to deliberate in private. After reconvening at 10.50am, the Chair delivered the Sub-Committee's decision.

Resolved:

That the Designated Premises Supervisor be removed, and the Premises Licence be suspended with immediate effect pending the summary review.