



Statutory Licensing Sub-Committee

Date Monday 31 December 2012
Time 10.00 am
Venue Committee Room 2, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Application for Expedited Review of a Premises Licence - Etherley Cricket Club, Bishop Auckland (Pages 1 - 8)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

19 December 2012

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors K Holroyd, J Shiell and J Wilkinson

Contact: Jill Errington

Tel: 03000 269703

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Durham Police
Force HQ
Aykley Heads
Durham

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

Premises²:

Premises licence number (if known): DCCC/PLA0057

Name of premises supervisor (if known): Fred ADAMS

I am a Chief Superintendent ³ in the Durham police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴.

On the 26th December 2012 shortly before midnight a disturbance took place Etherley Cricket club, the circumstances surrounding this would appear to stem from the following:

- 1) A known male and the suspect [REDACTED] of the DPS Fred ADAMS have been using drugs in the bar area, when other customers have complained to the manager (Fred Adams DPS) has told them it doesn't matter if they are not doing any harm and has allowed this conduct to continue.
- 2) Knives have been present in the premise - [REDACTED] has had a knife and the manager ([REDACTED] & DPS) has done nothing about it, immediate positive action should have been taken by the DPS Fred ADAMS who should

¹ Delete as applicable

² Include business name and address and any other relevant identifying details

³ Insert rank of officer giving the certificate, which must be superintendent or above

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

have taken responsibility and ejected those with the knives. Witnesses are aware that [REDACTED] is a heavy drug user and he is an addict. Witnesses state that in the past [REDACTED] has carried around what is described as a flick knife around with him which had a 2 inch blade, and was last seen to have it around 2 weeks ago. [REDACTED] frequents Etherley Cricket Club regularly as does his associates.

3) A number of disturbances amounting to an affray have occurred during the evening serious assault (Section 18) took place at the licensed premises involving [REDACTED] as a suspect whereby he has stabbed a male once to the chest area narrowly missing his heart, he is also suspected of stabbing a second male 3 times to the abdominal area causing minor puncture wounds. When [REDACTED] was challenged by other customers about his behaviour [REDACTED] Fred Adams the DPS has become hostile towards these persons. Patrons in the bar were heavily intoxicated. This is not the actions of a person who holds responsibility within the premise.

4) CCTV was not in working order and is a condition on the operating schedule. Vital evidence was therefore not available for investigating officers.

5) Fred Adams the DPS has previous convictions in September 2008 for the production of 9 cannabis plants. At the time of this offence both Fred ADAMS [REDACTED] were arrested.

These incidents could easily have been prevented if the DPS had taken the appropriate action early on in the night. He has not shown any regard for public safety and as such I am requesting an expedited review on this premises to prevent any further incidents of serious violence and disorder.

The degree of seriousness of the offences associated with this premise indicate that expeditious remedial action must be taken and therefore a standard review process is deemed to be inappropriate.

On the 3rd October 2012 the club applied for a Premise Licence and robust conditions were applied to its operating schedule. These conditions include the fitting of a CCTV system installed and working prior to the sale of alcohol. This has not taken place and as such interim steps to modify the conditions of the premise licence would not be appropriate. The application for a premise licence was due to the premise operating events which attracted members of the public as well as members.

It is firmly believed that the interim steps of the exclusion of the sale of alcohol by retail from the scope of the licence would not resolve matters. Alcohol is a relevant factor but there is evidence that the premise has allowed substance misuse and weapons to be brought into the bar. Offences were alcohol fuelled however the removal of this activity would not deter future incidents.

The removal of the DPS from the licence is a relevant option however it can be seen that there are serious crimes being committed in the premise that would require greater actions to be taken to resolve the underpinning mal management of the premise. The premise has had previous incidents of violence associated with its operation during 2012 and the current committee still have overall control of the current running of the premise.

A serious stabbing, drug misuse, possession of weapons namely a knife, affray, and the failure of the management of the premise to demonstrate that they are capable of preventing the undermining of the licensing objectives, all add to the evidence to support that this premise is associated with serious criminal offences.

In considering this and on the basis of the serious crimes being committed within Etherley Cricket Club, the police seek the removal of the DPS Fred ADAMS, DCC/PER/C0106 and immediate suspension of the premise licence number DCCC/PLA0057 as it is considered both necessary and proportionate for the safety of the public likely to attend the premise.



(Signed)

27.12.12

(Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Durham County Council Licensing
 Annand House
 North John Street,
 Meadowfield,
 Durham
 DH78RS

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Ch. Superintendent Ivan Wood [on behalf of] the chief officer of police for the Durham Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description.

**ETHERLEY CRICKET CLUB
 LOW ETHERLEY
 BISHOP AUCKLAND
 COUNTY DURHAM
 DL14 0HA**

Post town: BISHOP AUCKLAND

Post code (if known): **DL14 0HA**

2. Premises licence details:

Name of premises licence holder (if known): **ETHERLEY CRICKET CLUB**

Number of premises licence holder (if known): DCCC/PLA0057

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1].

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

On the 26th December 2012 shortly before midnight a disturbance took place Etherley Cricket club, the circumstances surrounding this would appear to stem from the following:

- 1) A known male and the suspect [REDACTED] of the DPS Fred ADAMS have been using drugs in the bar area, when other customers have complained to the manager (Fred Adams DPS) has told them it doesn't matter if they are not doing any harm and has allowed this conduct to continue.
- 2) Knives have been present in the premise - [REDACTED] has had a knife and the manager [REDACTED] & DPS) has done nothing about it, immediate positive action should have been taken by the DPS Fred ADAMS who should have taken responsibility and ejected those with the knives. Witnesses are aware that [REDACTED] is a heavy drug user and he is an addict. Witnesses state that in the past [REDACTED] has carried around what is described as a flick knife around with him which had a 2 inch blade, and was last seen to have it around 2 weeks ago. [REDACTED] frequents Etherley Cricket Club regularly as does his associates.
- 3) A number of disturbances amounting to an affray have occurred during the evening serious assault (Section 18) took place at the licensed premises involving [REDACTED] as a suspect whereby he has stabbed a male once to the chest area narrowly missing his heart, he is also suspected of stabbing a second male 3 times to the abdominal area causing minor puncture wounds. When [REDACTED] was challenged by other customers about his behaviour [REDACTED] Fred Adams the DPS has become hostile towards these persons. Patrons in the bar were heavily intoxicated. This is not the actions of a person who holds responsibility within the premise.
- 4) CCTV was not in working order and is a condition on the operating schedule. Vital evidence was therefore not available for investigating officers.
- 5) Fred Adams the DPS has previous convictions in September 2008 for the production of 9 cannabis plants. At the time of this offence both Fred ADAMS [REDACTED] were arrested.

These incidents could easily have been prevented if the DPS had taken the appropriate action early on in the night. He has not shown any regard for public safety and as such I am requesting an expedited review on this premises to prevent any further incidents of serious violence and disorder.

The degree of seriousness of the offences associated with this premise indicate that expeditious remedial action must be taken and therefore a standard review process is deemed to be inappropriate.

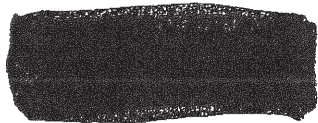
On the 3rd October 2012 the club applied for a Premise Licence and robust conditions were applied to its operating schedule. These conditions include the fitting of a CCTV system installed and working prior to the sale of alcohol. This has not taken place and as such interim steps to modify the conditions of the premise licence would not be appropriate. The application for a premise licence was due to the premise operating events which attracted members of the public as well as members.

It is firmly believed that the interim steps of the exclusion of the sale of alcohol by retail from the scope of the licence would not resolve matters. Alcohol is a relevant factor but there is evidence that the premise has allowed substance misuse and weapons to be brought into the bar. Offences were alcohol fuelled however the removal of this activity would not deter future incidents.

The removal of the DPS from the licence is a relevant option however it can be seen that there are serious crimes being committed in the premise that would require greater actions to be taken to resolve the underpinning mal management of the premise. The premise has had previous incidents of violence associated with its operation during 2012 and the current committee still have overall control of the current running of the premise.

A serious stabbing, drug misuse, possession of weapons namely a knife, affray, and the failure of the management of the premise to demonstrate that they are capable of preventing the undermining of the licensing objectives, all add to the evidence to support that this premise is associated with serious criminal offences.

In considering this and on the basis of the serious crimes being committed within Etherley Cricket Club, the police seek the removal of the DPS Fred ADAMS, DCC/PER/C0106 and immediate suspension of the premise licence number DCCC/PLA0057 as it is considered both necessary and proportionate for the safety of the public likely to attend the premise.



Signature of applicant:

Date: 28/12/12

Capacity: Superintendent Delegated Authority

Contact details for matters concerning this application:

Address: Sgt 1590 T.Robson

AHRU

Annand House

North John Street,

Meadowfield.

Durham

DH78RS

Telephone number(s): [REDACTED]

Email: [REDACTED]

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

