

## Statutory Licensing Sub-Committee

Thursday 10<sup>th</sup> January 2013, 10am

### Application for the Review of a Premises Licence



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### Report of Terry Collins, Corporate Director, Neighbourhood Services

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**Name and Address of Premises:** Red Velvet, 31 Front Street, Consett,  
County Durham, DH8 5AB

#### 1. Summary

The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of the above premises currently licensed to supply alcohol for consumption both on and off the premises and for the provision of regulated entertainment.

A copy of the licence is attached at Appendix 1.

A plan showing the location of the premises is attached at Appendix 2.

#### 2. Details of the Application

The application is for a review of the premises licence (DWTSPR0242) held by Mr Sukhdev Singh Gill in respect of Red Velvet, 31 Front Street, Consett.

On 17<sup>th</sup> December 2012, the Licensing Authority received an application and supporting Certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider the matter within 48 hours of receipt of this application. A copy of the application is attached as Appendix 3.

Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premise where it is authorised for the sale of alcohol and where it is considered the premises are associated with serious crime or serious disorder.

On 18<sup>th</sup> December 2012, the Licensing Statutory Sub Committee met to consider the application where it was decided to suspend the premises licence with immediate effect. A copy of the notice of determination is attached as Appendix 4.

As part of the decision, the Licence Holder is entitled to make representations to the Licensing Authority and the Authority is then required to hold a further hearing within 48 hours of receiving the representation.

The Licence Holder has not submitted a representation against the Licensing Sub Committee's decision to suspend the licence with immediate effect.

The application for review received on 17<sup>th</sup> December 2012, is deemed by the Licensing Authority to be relevant. The application relates to the following licensing objective:

- The prevention of crime and disorder

The application for review was advertised in accordance with the regulations.

### **3. Representations**

As part of the review process there is a statutory ten working day consultation period. In regards to this application the consultation period is between 18<sup>th</sup> December 2012 and 2<sup>nd</sup> January 2013. At the time of writing the report on 28<sup>th</sup> December 2012, there have been no representations forthcoming from the Responsible Authorities or any other persons.

Members will be updated at the meeting whether any representations have been received after 28<sup>th</sup> December 2012 up until 2<sup>nd</sup> January 2013.

### **4. The Parties**

The Parties to the hearing will be:

- Steve Mooney, Force Solicitor and Sgt Tim Robson, Durham Constabulary - Applicant
- Sarah Smith, Sinton's Solicitors – representing the premises licence holder
- Mr Sukhdev Singh Gill – premises licence holder

### **5. Durham County Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 5.0 The Prevention of Crime and Disorder

Relevant information is attached at Appendix 5.

### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.0 - Crime and Disorder
- Part 11 – Reviews

Relevant information is attached at Appendix 6.

## **7. For Decision**

The Sub-Committee is asked to determine the application for the review of the premises licence and to take any of the following steps that it considers necessary for the promotion of the licensing objectives:

- No further action
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

### **Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003.

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**Contact: Helen Johnson Tel: 03000 265101**  
**Email: [helen.johnson2@durham.gov.uk](mailto:helen.johnson2@durham.gov.uk)**

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**APPENDIX 1**  
**Premises licence**



## LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number  
Granted  
Issued

DWTSPR0242
18 January 2007
10 December 2010

### Part 1 – Premises details

<b>Postal address of premises, or if none, Ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>RED VELVET</b> MR S GILL - G GILL LEISURE LTD 31 FRONT STREET	DURHAM COUNTY COUNCIL ENVIRONMENT, HEALTH & CONSUMER PROTECTION PO BOX 617 DURHAM DH1 9HZ
<b>Post town:</b> CONSETT	<b>Postcode:</b> DH8 5AB
<b>Telephone number:</b> <del>0191 2751111</del>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by this licence</b> Performance of Play Films Indoor Sporting Event Boxing or Wrestling Entertainment Performance of Live Music Playing of Recorded Music Performance of Dance Anything of a similar description to live music, recorded music or performances of dance Provision of facilities for making music Provision of facilities for dancing Provision of facilities for entertainment similar to making music or dancing Late night refreshment Sale by retail of alcohol
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<b>The opening hours of the premises (all times in 24hr format)</b>		
Monday	11:00 - 02:30	<b>Non standard/seasonal timings:</b> Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 05:00
Tuesday	11:00 - 02:30	
Wednesday	11:00 - 02:30	
Thursday	11:00 - 04:00	
Friday	11:00 - 05:00	
Saturday	11:00 - 05:00	
Sunday	11:00 - 02:30	

<b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales</b> ON AND OFF ALCOHOL SUPPLIES
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**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

**Performance of plays:**

Indoors only		
Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Films**

Indoors only		
Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Indoor sporting events**

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Boxing or wrestling entertainments**

Indoors only		
Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Live music**

Indoors only		
Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Recorded music**

Indoors only		
Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Performances of dance**

Indoors only

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Anything of a similar description to live music, recorded music or performances of dance**

Indoors only

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Provision of facilities for making music**

Indoors only

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Provision of facilities for dancing**

Indoors only

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30.
Sunday	11:00 - 02:00	

**Provision of facilities for entertainment similar to making music or dancing**

Indoors only

Monday	18:00 - 02:00	Further details
Tuesday	18:00 - 02:00	N/A
Wednesday	18:00 - 02:00	
Thursday	18:00 - 03:30	Non standard/seasonal timings:
Friday	18:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	11:00 - 04:30	on which the bank holiday falls and ends at 04:30
Sunday	11:00 - 02:00	

**Late night refreshment**

Indoors only

Monday	23:00 - 02:00	Further details
Tuesday	23:00 - 02:00	N/A
Wednesday	23:00 - 02:00	
Thursday	23:00 - 03:30	Non standard/seasonal timings:
Friday	23:00 - 04:30	Bank Holidays - permitted hours will begin in accordance with the day
Saturday	23:00 - 04:30	on which bank holidays falls and ends at 04.30
Sunday	23:00 - 02:00	

**Sale by retail of alcohol**

On and off sales

18:00 - 02:00	Tuesday	Further details
18:00 - 02:00	Wednesday	Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04:30
18:00 - 02:00	Thursday	
18:00 - 03:30	Friday	
18:00 - 04:30	Saturday	Non standard/seasonal timings:
11:00 - 04:30	Sunday	Monday
11:00 - 02:00		

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**MR SUKHDEV SINGH GILL  
C/O G GILL LEISURE LTD**Registered number of holder, for example company number, charity number (where applicable)**

Company no:	Not Applicable
Charity no:	Not Applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

MR DAVID IAN BARTLEY

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol**DCCPER3632  
DURHAM**Annex 1 – Mandatory conditions**

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -



The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

#### **Mandatory condition: exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where- (a) the film classification body is not specified in the licence, or (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section- "children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### **Mandatory condition: door supervision**

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of Section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or (b) in respect of premises in relation to- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act). (3) For the purposes of this section- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3 (2) of that Act) (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### **Mandatory condition: embedded restrictions**

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

## **Annex 2 – Conditions consistent with the premises Operating Schedule**

### **Adult Entertainment of Services**

- 1) The premises will provide adult entertainment in the form of lap dancing and pole dancing but there is no concern towards the protection of children from harm as there will be strictly no admittance to any persons under the age of 18 years.

### **General**

- The entertainment at the premises will be provided under terms set out in attached operating manual.
- Refer to Operating Manual as provided by applicant.

### **The prevention of crime and disorder**

- 1) Refer to above Operating Manual.

### **Public Safety**

- 1) Refer to above Operating Manual

### **The prevention of public nuisance**

- 1) Refer to above Operating Manual.

### **The protection of children from harm**

- 1) Refer to above Operating Manual.

## **RED VELVET OPERATING MANUAL**

GG Leisure... brings you

**RED VELVET**

GG Leisure... has brought you

**CHAPLAINS BAR  
DECADES NIGHTCLUB  
& NOW**

**RED VELVET**

It is imperative to GG Leisure that this new exciting exclusive venue is run professionally and efficiently, in line with all of the other venues owned by GG Leisure's working practices. It is important that everyone involved in the running of this venue understands that this document is fundamentally vital to the operating of the venue.

This manual emphasises how we at GG Leisure adhere to the licensing Act 2003 working within the four objectives underpinning the Act. This is reflected in the adopted House Rules and implemented policies leading to the safe and successful operation of **RED VELVET**

Compliance is expected at all times.

## Contents

- The 10 House Rules for Dancers
- The 10 House Rules for Door Supervisors
- The 10 House Rules for Customers

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## **RED VELVET**

### The Basics - Etiquette

#### Dancers

- 1) RED VELVET is a strictly NO CONTACT club. Dancers must not touch customers. It is acceptable to touch patrons of the club when introducing yourself by either a polite handshake or at most a small peck on the cheek. Remember NO CONTACT MEANS NO CONTACT. If dancers are found breaking this rule instant dismissal will occur.
- 2) It is strictly forbidden for dancers to fraternise with RED VELVET patrons, RED VELVET staff and anyone associated with them. Any personal information must not be exchanged with customers. The company considers this as a very serious offence. If found to be exchanging details this will lead to a warning and or dismissal.
- 3) Dancers must not use mobile phones when at work. Dancers are advised if they are to carry phones they must be locked in their provided lockers along with any other valuables.
- 4) The consumption of alcohol is allowed with permission. Dancers may drink with moderation. Monitoring of any alcoholic beverages consumed will be in accordance with the rules. If at any point a dancer is considered to be drunk the dancer will be sent home and will receive a written warning and or dismissal.
- 5) GG Leisure have a zero drugs policy for dancers, patrons or any other members of staff. Anyone found or suspected of taking drugs will immediately be ejected off the premises, further action will be taken for members of staff and automatic barring will occur for any customer participating in taking drugs.
- 6) Dancers must not chew gum or smoke whilst performing. Remember you are representing GG Leisure at all times. Dancers are expected to act appropriately at all times. If dancers are seen to be disrespectful towards the company further action by way of a written warning or dismissal will occur.

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## **RED VELVET**

- 7) Dancers must exchange cash taken from patrons for dance tokens before a dance takes place. Dancers will not be allowed to enter the private area without making this exchange.
- 8) Any dancer unable to attend a shift must inform management 24 hours prior. Failure to do so will result in a fine being imposed. A fifty pounds retainer will be requested when employment commences.
- 9) Any problems or disputes with customers MUST be reported to the management immediately.

10) Husbands, boyfriends or partners must not be in the club whilst a dancer is working. It is the responsibility of the dancer to ensure they do not enter the club during this time.

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### **RED VELVET**

#### Door Supervisors

1) Any Door Supervisor must be SIA registered and must wear a valid badge at all times whilst on duty. Door Supervisors are representing GG Leisure so therefore must behave respectfully and appropriately whilst on duty.

Any employed Door Supervisor found to be acting inappropriately will be dismissed.

2) Door Supervisors must follow the dress code of black trousers, white shirt, black dress blazer and company provided tie at all times. Door Supervisors must behave in an appropriate and accepted manner towards customer and other staff at all times.

3) Door Supervisors are advised to check ID on entry as this club is strictly over 18's ONLY. If a potential patron appears to be less than 18, need them to prove they are over 18. It is the Door Supervisors responsibility to ensure that there is no-one underage in the premises.

4) Door Supervisors must ensure that patrons who are drunk are asked to leave and escorted off the premises for the safety of staff, dancers and other customers. Door Supervisors must refuse entry to any patron trying to gain entry to the club who is drunk.

5) It is the Door Supervisors responsibility to ensure the safety of staff and dancers at all times. Door Supervisors must be clearly visible throughout the premises ensuring their presence is impactful and effective.

6) GG Leisure have a zero tolerance drugs policy. It is the duty of the Door Supervisors search patrons in respect of this policy, in accordance with the posters advertised throughout the premises.

7) Door Supervisors must at all times whilst on duty wear the provided radios which are linked to the pub watch and the police. A further mode of communication must be available and working at all times (internal radio link of communication) of duty this being imperative for the safety of patrons and staff including door staff.

8) Door Supervisors must not use personal mobile phones whilst on duty. If found doing so you will receive a written warning and or dismissal.

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### **RED VELVET**

9) Door Supervisors are strictly prohibited from consuming any alcohol prior to commencing work or whilst on duty. Any Door Supervisor found doing so will be instantly dismissed.

10) It is the responsibility of the Door Supervisors to ensure any dancer left on the premises waiting for transport whilst the club is open or closed is escorted safely off the premises to the transport.

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### **RED VELVET**

#### Patrons

1) Patrons must be over 18 years of age. If any patron appears to be under this age they will be requested to provide suitable means of identification, i.e. passport or photo id driving licence. There are no exceptions.

2) Patrons must follow the club dress code. There are no exceptions. The dress code for the club is:-

Smart casual  
No sports wear  
No football shirts  
No trainers

3) There must be NO touching or contact with any dancer at anytime. If any patron is caught doing so or trying to do so they will be ejected from the premises and barred from all of GG Leisure's venues.

4) Patrons must not proposition any of the dancers at any time.

Patrons must not exchange any details with any dancers. If found to be doing so they will be ejected from the premises.

5) Patrons must be seated and remain seated at all times throughout the duration of the dance.

6) Patrons must remain fully clothed and not attempt to participate in any dance whilst a performance takes place.

7) Unruly and unacceptable behaviour will not be tolerated, whether this is directed at the dancers, staff or any other patron. Any patron displaying any unacceptable or lewd behaviour will automatically be ejected from the premises.

8) GG Leisure operates a zero tolerance drugs policy. If any patron is found to be taking drugs or trying to supply drugs in the club, then the patron will be ejected from the premises and the police will be informed.

9) GG Leisure have a search policy in accordance with notices displayed throughout the premises, this may lead to any patron being searched at any time. The Search policy is GG Leisure's standard procedure to ensure the safety of all the staff and patrons.

10) A comprehensive CCTV system is in operation throughout the whole of the premises. Evidence may be used by way of this system if any of the rules are not adhered too. The police may be contacted as a result of this.

### **RED VELVET Drugs and Weapons Policy**

It is the policy of RED VELVET management to ensure the health and safety and well being of all patrons, staff and others who may be involved or affected by the activities of the club.

The management strictly hold a zero tolerance towards the possession, sale, supply or use of drugs and weapons of any kind.

The club is subject to a random search policy on entry and at any time it may be felt necessary, all staff in particular security staff will actively observe for any suspicious drug related or violent incidents which will not be tolerated.

Any person found to be in possession of illegal drugs or any weapons will be dealt with appropriately this will include ejection from the premises, immediate barring or if necessary being detained whilst the police are called. In all cases the personal details will be obtained and the appropriate outside agencies informed.

Any person refusing to be searched will be prohibited entry into the club.

Known offenders will be excluded from entering the club.

There will be First Aid provision on the premises at all times of opening, by means of a qualified first aider and appropriate equipment.

The drugs and weapons policy will be updated on a regular basis. This policy is not an absolute policy, any additional information that it is felt is required by an outside agency will be considered by the management of RED VELVET.

## **Drug storage and disposal procedures**

In the event of drugs being seized by a member of staff the substances will be passed to a member of management a comprehensive record will then be made in the register.

All staff are trained in the reporting and disposal of substances.

Any suspected drugs seized or found within the premises will be placed into the bags provided by Durham Constabulary, sealed and marked by number time and date being recorded. The details of the seizure/find will then be detailed this will be witnessed by a second member of staff. The package will then be placed in the dual locked night safety deposit box which was supplied by Durham Constabulary.

There are two keys to open this box, one held by the management of the club and the other by Durham Constabulary.

When the box is opened the DPS and a member of Durham Constabulary must be present, any contents will be checked against the register, the member of Durham Constabulary will then dispose of the contents. A written notice to confirm this procedure will be provided by the representative from Durham Constabulary.

Any substantial drugs find will be reported to the police immediately.

## **ORGANISATION**

### **Responsibilities**

**The development and implementation of this policy is the responsibility of GG Leisure Management.**

The operation of the policy is the responsibility of the DPS, the security staff and indeed all staff who are there to support the DPS in the running of the club.

The general maintenance of the premises and its systems promote the running and the health and safety of the premises.

Training in all systems, responsibilities and legislation for all members of staff is the responsibility of the management of the club.

It is the responsibility of all employees to follow this policy reporting any concerns to the DPS.

### **AWARENESS**

There will be clear visible posters displayed throughout the premises informing all patrons of the search policy in the club, the posters will be fully informative.

The relevant posters (drugs and legislation) will be displayed in prominent positions throughout the premises.

All staff will receive adequate training in relation to the policy on a regular basis.

### **PREVENTION**

All door supervisors must be SIA registered before being considered for employment within the premises. Whilst being employed any door supervisor working in the premises must adhere to all licence conditions.

Staff searching customers will be of the same sex, the search will be of outer clothing and hand bags and foot ware if necessary.

Any searches taking place will be conducted in full view for a CCTV camera.

Any patrons who are barred on the pub watch scheme will be refused entry.

## **ACCOUNTABILITY**

Records of all searches conducted will be kept in the appropriate register along with a full record of the results.

CCTV footage is maintained in digital form for a period of 7 days and will be hard copied at the request of the police or other appropriate agencies.

All CCTV equipment is fully data protection compliant.

## **HEALTH AND SAFETY**

General Health and Safety under the required legislation is considered in the running of the premises.

First aid is provided by qualified members of staff if necessary.

There will be first aid boxes provided with the necessary equipment stored. None of the provided equipment will contravene the requirements of the Health and Safety (First Aid) Regulations 1981.

Staff are trained to keep the bar areas clean and clear of empty glasses, bottles, etc any spillages or breakages will be cleaned up immediately.

## **CONTROLS WITHIN THE CLUB**

The DPS will make regular checks throughout the premises to ensure the policy is being implemented.

## **CONTENTS**

Introduction

Overview

General Policy Statement

Prevention of Crime and Disorder

Prevention of Public Nuisance

Protection of Children from harm

Public Safety

Complaints Procedure

Fire Procedures

Cleaning

## **Introduction**

This document is to clearly show the policies of GG Leisure, outlining the procedures in place in running RED VELVET

The performance of the club is monitored and measured by the policies and procedures in place.

## **Overview**

RED VELVET is a first floor premises situated on Front Street in Consett; this area is predominantly a business focused area, with no residential properties in the immediate vicinity.

There are two taxi ranks directly outside of the venue.

The capacity of the club is currently 200 patrons this number will be adapted accordingly on the advice of the fire officer.

Access to the premises is from the front door. There is a staircase to the first floor where there is a pay desk and cloak room, this then gives access into the club. The club is both air conditioned and CCTV monitored with acoustic sound baffles on all events.

## **Operations**

RED VELVET will operate as an exclusive exotic dancing club, the only one of its kind in the Derwentside area, there will be the provision of adult entertainment along with the provision of alcohol, non alcoholic, non alcoholic drinks and late night refreshment.

## **General Policy Statement**

The aim of GG Leisure is to provide a unique and enjoyable experience in a professional safe friendly environment.

All procedures and policies are put in place to ensure that the objectives are achieved.

All management and staff will be trained in order to achieve the objectives.

The policy will be maintained and updated on a regular basis, this included identifying and rectifying any hazards and risk assessing the premises for the safety of all staff and patrons.

The club will be operated within the terms of the licence under which the permissions are granted.

## **Prevention of Crime and Disorder**

In order to satisfy the prevention of crime and disorder objective appropriate measures and controls will be adhered to, these controls will be assessed and consulted upon with both DDC and Durham Constabulary if necessary.

There will be a representative of GG Leisure at all of the Derwentside Pub Watch meetings.

## **CCTV**

RED VELVET has a comprehensive CCTV system in place which consists of cameras, the system is digital and fully data protection compliant.

The recordings are maintained for a period of 7 days.



The system is operational 24 hours a days 7 days a week, and covers all areas of the club internally and externally.

The system is controlled from a locked office within the club, the DPS is the only person with access to the room.

There is a direct radio link throughout the club, this also links into Genesis and Pub Watch systems.

SIA registered door supervisors are employed to police the club.

### **Prevention of public nuisance**

The premises are acoustically glazed to prevent noise pollution.

Air conditioning vents are provided with acoustic baffles to prevent noise.

A suitable cut off device is provided when regulated entertainment takes place. The cut off level is advised by an EHO from DDV prior to the club opening.

Activation of the fire alarm will de energise the power circuit to the sound console equipment so that the fire alarm is audible throughout the building. Patrons will be reminded by staff to leave the club in a quiet orderly manner.

A drinking up period is encouraged to filter the leaving process.

### **Protection of children from harm**

The protection of children from harm is paramount, GG Leisure strives to adhere to achieve this.

There will be no access granted to any person under the age of 18 years.

Registered door supervisors will check the appropriate identification with photographic proof only i.e. by way of a photo driving licence or passport.

Failure to produce the necessary id will mean no access.

### **Public safety**

All electrical systems are maintained and inspected by contract.

In the event of a power cut or electrical failure the club will be evacuated in a safe and orderly manner.

There will be provisions made by way of a contract with a local taxi firm to ensure there is transport available for the staff and patrons from the club, this contract will be agreed and in force prior to the opening of the club and will suffice for the needs of the club and its staff.

### **Complaints**

If any patron or person has a complaint they must contact the club as soon as is possible following the incident, it would be certainly expected that a contact is made within 5 days.

The complaint will be acknowledged within 7 days by GG Leisure.

A target of a further 7 days will be set for the management of the club to investigate the complaint, this may have to be extended if there is the need to involve other outside agencies, and view CCTV footage.

The outcome of the investigation will be relayed to the complainant in writing.

Any further appropriate action will then be taken.

### **Admissions**

No Under 18's are allowed into the premises.

Persons barred under pub watch are not allowed into the premises.

Drunken persons are not allowed entry.

The management of the club reserves the right to refuse entry to any individual entering into the club.

The management of the club reserves the right to search and person trying to gain entry into the club.

### **Fire Alarm**

The fire alarm system is fully installed and maintained throughout the building, it is regularly tested the test inspection report is maintained and available.

The fire alarm system is linked to the pa system which cuts the music off in the event of an emergency.

### **Emergency Lighting**

Emergency lighting is provided throughout the premises this is fully maintained and inspected regularly the test inspection report is available.

### **Fire Fighting Equipment**

Fire fighting equipment within the premises is maintained and inspected on a regular basis.

### **Fire Exits**

All fire exits will be unobstructed at all times, allowing full access to all within the premises.

### **Safety Checks**

Prior to the opening of the club the DPS will make a full safety tour of the premises, this will cover all areas and will be recorded in a log book.

### **Fire Instructions**

All staff will be trained

Sound the fire alarm

Tackle the fire if appropriate to do so with fire extinguishers only if trained to do so and not at any personal risk

Evacuate the building through the nearest exit reporting to the assembly point

Report to the member of staff who will be checking the register.

No one will be allowed to re enter the building or put themselves or anyone else at risk.

### **Cleaning and Maintenance**

There is a comprehensive cleaning team who will maintain the club to a high standard when closed.

Whilst the premises is open the bar staff will ensure that all empty glasses are washed and shelved and empty bottles are put in the bottle bins during the evening and at closing time, the bar staff are also responsible for the cleaning of the bar, shelves, fixtures and fittings around the bar area.

When the club is in operation glass collectors are responsible for the collection of empty glasses and bottles and for the immediate removal of broken glass and clean up of spillages etc.

The management of GG Leisure are responsible for carrying out their duties under the policy of the club and the Health and Safety at work Act 1974.

**Annex 3 – Conditions attached after a hearing by the licensing authority on 18 December 2007**

1. There must be a minimum of 4 door supervisors, to be SIA registered, at the premises from 2am until closure.
2. A capacity limit of 60 patrons on the premises is to apply from 3am to closure.

**Annex 4 – Plans attached**

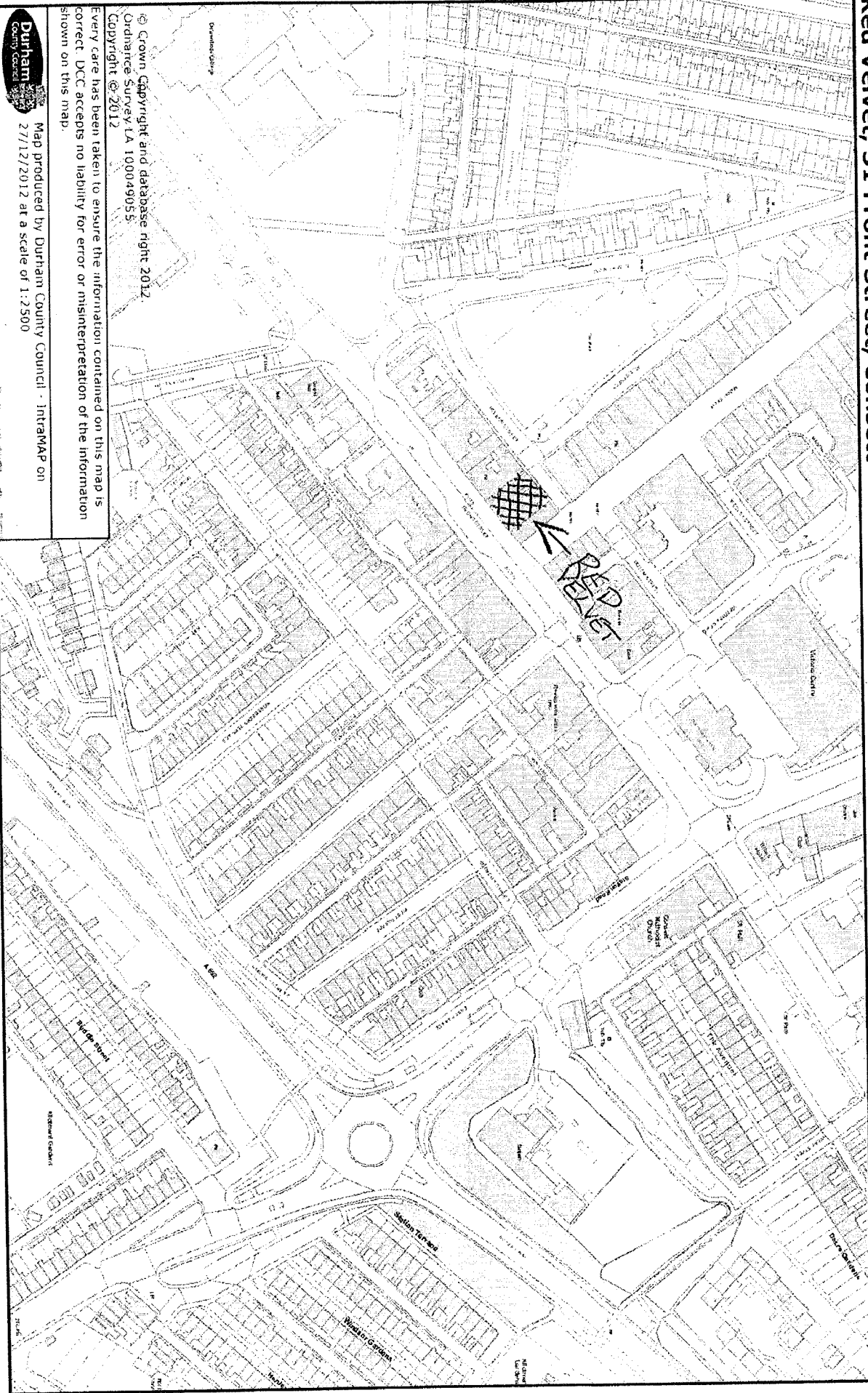
Attached



**Signature of Authorised Officer  
Head of Environment, Health and Consumer Protection**

**APPENDIX 2**  
**Location Plan**

**Red Velvet, 31 Front Street, Consett**



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Ordnance Survey LA 100049055.  
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.



Map produced by Durham County Council - IntraMAP on 27/12/2012 at a scale of 1:2500

**APPENDIX 3**  
**Supporting Certificate and Review Application**

**ANNEX B**

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 disorder<sup>1</sup>.

*Premises*<sup>2</sup>:  
Red Velvet  
MR S GILL - G GILL LEISURE LTD  
31 Front Street  
Consett  
Co. Durham  
DH85AB

Premises licence number (if known): DWTSPR0242

Name of premises supervisor (if known): MR DAVID IAN BARTLEY

I am a Superintendent <sup>3</sup> 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, because<sup>4</sup>:

An intelligence led police operation has identified that on several occasions during the last 6 months controlled drugs have been sold by members of staff to patrons within the premise. The substances purchased by customers at the venue have been tested and have been found to be Cocaine. The controlled drugs were readily available to the purchasers and were sold on demand by a number of members of staff who were not acting as individuals in the sales but

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> 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.

as a group of dealers within. The quantity of the drugs made available to purchase and the ease of access by individuals to the substances, demonstrate that this premise is associated with serious criminal activity namely the sale and supply of controlled substances not only in a licenced premises but within a venue that is authorised as a Sex Entertainment Venue.

On Friday 14th December 2012 a magistrates warrant was executed at Red Velvet whereby officers entered the building and conducted a search of the premise and any persons within. As a result of this search The DPS and three members of staff were arrested on suspicion of being concerned in the supply of controlled drugs namely cocaine. Cocaine was found on each of the arrested members of staff.

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 basis of the serious crimes being committed within Red Velvet, the police seek the immediate suspension of the premise licence number DWTSR0242

.....  
(Signed)

.....  
(Date)

15.12.2012.



## 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 Superintendent Colin Williamson [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:

Red Velvet  
MR S GILL - G GILL LEISURE LTD  
31 Front Street  
Consett  
Co. Durham

Post town: Consett

Post code (if known): DH85AB

**2. Premises licence details:**

Name of premises licence holder (if known): MR SUKHDEV SINGH GILL

Number of premises licence holder (if known): DWTSPR0242

**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]

An intelligence led police operation has identified that on several occasions during the last 6 months controlled drugs have been sold by members of staff to patrons within the premise. The substances purchased by customers at the venue have been tested and have been found to be Cocaine. The controlled drugs were readily available to the purchasers and were sold on demand by a number of members of staff who were not acting as individuals in the sales but as a group of dealers within. The quantity of the drugs made available to purchase and the ease of access by individuals to the substances, demonstrate that this premise is associated with serious criminal activity namely the sale and supply of controlled substances not only in a licenced premises but within a venue that is authorised as a Sex Entertainment Venue.

On Friday 14th December 2012 a magistrates warrant was executed at Red Velvet whereby officers entered the building and conducted a search of the premise and any persons within. As a result of this search The DPS and three members of staff were arrested on suspicion of being concerned in the supply of controlled drugs namely cocaine. Cocaine was found on each of the arrested members of staff.

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 basis of the serious crimes being committed within Red Velvet, the police seek the immediate suspension of the premise licence number DWTSPR0242

Signature of applicant: 

Date: 15/12/12

Capacity: Superintendent with Delegated Authority

**Contact details for matters concerning this application:**

Address:

**Insp. 220 Colin Dobson**

**AHRU**

**Annand House**

**North John Street,**

**Meadowfield.**

**Durham**

**DH78RS**

Telephone number(s): 0191 3752308

Email: colin.dobson@durham.pnn.police.uk

**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.

**APPENDIX 4**  
**Notice of Determination – 18<sup>th</sup> December 2012**

**THE COUNTY COUNCIL OF DURHAM**

**Statutory Licensing Sub-Committee**

**NOTICE OF DETERMINATION**

**Licensing Act 2003 (the Act)**

Date of Hearing : 18 December 2012

Date of Determination : 18 December 2012

Sub-Committee Members : 1. Councillor C. Carr (Chair)  
2. Councillors J. Shiell and B. Graham

**1. Type of application or hearing**

Consideration of interim steps in accordance with Section 53B of the Act.

**2. Applicant**

Durham Constabulary

**3. Premises**

Red Velvet, 31 Front Street, Consett, County Durham DH8 5AB

**4. The Application**

Summary review of a Premises Licence under Section 53A of the Licensing Act 2003

**5. Witnesses**

The Sub-Committee heard from the following:-

- Helen Johnson, Licensing Team Leader, Durham County Council
- Sgt Tim Robson, Durham Constabulary
- Inspector Colin Dobson, Durham Constabulary
- Ms Sarah Smith, Solicitor to the Premises Licence Holder.
- Mr Sunni Gill, representative of the Premises Licence Holder, G. Gill Leisure Limited
- Mr Luke Richards, area manager for G. Gill Leisure Limited
- Mr Robbie Dixon, owner of company providing door staff to the premises.

**6. Licensing Act 2003**

The Sub-Committee took into account the relevant provisions of the Act.

## **7. Guidance**

The Sub-Committee considered and took account of the guidance issued by the Secretary of State in accordance with section 182 of the Act. The Sub-Committee also considered the Section 53A Summary Review Guidance issued by the Home Office, in particular paragraphs 3.1 to 3.7.

## **8. Licensing Policy**

The Sub-Committee took account of the Council's licensing policy, particularly sections 5 and 19.

## **9. Licensing Objectives**

The Sub-Committee took account of the information provided by and on behalf of the Premises Licence Holder and the Applicant for the purposes of the review and with respect to the licensing objectives found:

### **9.1 Prevention of crime and disorder**

The evidence provided was such that this licensing objective could be breached and that some action was needed to prevent crime and disorder.

### **9.2 Public Safety**

It was not necessary to consider this objective in the context of interim steps pending a summary review.

### **9.3 Prevention of Nuisance**

It was not necessary to consider this objective in the context of interim steps pending a summary review.

### **9.4 Protection of Children from Harm**

It was not necessary to consider this objective in the context of interim steps pending a summary review.

## **10. Decision**

The Sub-Committee considered the evidence given by the Police, and the information provided by and on behalf of the Premises Licence Holder and decided to suspend the premises licence with immediate effect.

## **11. Evidence and Reasons**

11.1 Section 21 of The Violent Crime Reduction Act 2006 made amendments to the Licensing Act 2003 ("the Act") by introducing the provision for a summary review of a premises licence. This added sections 53A, 53B and 53C to the Act in respect of summary reviews.

11.2 Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises licence where the same covers the sale of alcohol and where it is considered the premises are associated with serious crime and or disorder.

- 11.3 An application and the supporting certificate required under and by s53A of the Act was received from the Chief Officer of Police by the Licensing Authority on Monday 17 December 2012. Copies of the application were supplied to the premises licence holder and responsible authorities.
- 11.4 In advance of the summary review being determined in accordance with the provisions of section 53C, the Licensing Authority must under section 53B consider whether it is necessary to take interim steps in respect of the licence. This Sub-Committee, with the authority to consider the application, was therefore convened to consider whether any interim steps were necessary pending determination of the summary review application. The interim steps that must be considered are set out at section 53B(3) as:-
- a. Modification of the conditions of the premises licence.
  - b. Exclusion of the sale of alcohol by retail from the scope of the licence.
  - c. Removal of the Designated Premises Supervisor from the licence.
  - d. Suspension of the Licence.
- 11.5 The evidence submitted by Durham Constabulary was that, on a number of occasions in the last six months, controlled drugs (cocaine) had been sold by members of staff to patrons within the premises. They submitted that the staff were acting as a group of dealers in the premises, rather than of their own accord. On 14 December 2012 a magistrates warrant was executed at the premises, with officers entering the premises and conducting a search of the premises and the persons within the premises. The Designated Premises Supervisor (DPS) and three other members of staff were arrested on suspicion of being concerned in the supply of controlled drugs (cocaine). Cocaine was found on each of those arrested. Two members of staff were released with no further action taken, two dancers accepted a caution in relation to the possession of cocaine whilst the DPS and the House Mother were released on Police bail pending further enquiries.
- 11.6 Sergeant Robson confirmed that empty plastic bags had been found in the dancers changing room, and preliminary swab tests indicated that they had contained cocaine. Similar swab tests of the surfaces in the changing room indicated the presence of cocaine in the changing rooms. The House Mother had a number of bags of cocaine upon her when she was arrested. Photographs of the bags containing cocaine, surfaces and swabs were circulated to the Sub-Committee and those representing the Premise Licence Holder.
- 11.7 He asserted that the possession and supply of controlled substances was a serious crime that warranted the use of the summary review process and requested that the Sub-Committee suspend the premises licence pending the hearing of the summary review. Sergeant Robson also stated that he had other intelligence information that he wished to share with the Sub-Committee, however as this was linked to an ongoing active investigation, he requested that, in accordance with section 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public (including parties to the hearing and their representatives) be excluded from the hearing.
- 11.8 Ms Smith, on behalf of the Premises Licence Holder, submitted that there had been no charges in relation to the supply of drugs from the premises, only possession and that, whilst that was serious, the dancers and the House Mother were not employees of the Premises Licence Holder. She explained that the dancers paid the Premises Licence Holder a flat fee to dance at the

premises, together with a percentage of their earnings. The House Mother also paid the Premises Licence Holder for the opportunity to manage the dancers, as well as taking a commission from the dancers. Ms Smith acknowledged that the dancers and the House Mother attended the premises with the consent of the Premises Licence Holder. However, she objected to her client being excluded from any part of the proceedings.

- 11.9 Having withdrawn to consider the request from Durham Constabulary to exclude the public from the hearing in order that they may provide further information, the Sub-Committee concluded that it was not in the public interest for the hearing to proceed without all parties being in attendance, given that the Premises Licence Holder had no right of appeal against any decision that they may take. Accordingly, the hearing would continue in public.
- 11.10 Ms Smith then made representations on behalf of the Premises Licence Holder, stating that the company had been in existence for in excess of 35 years in respect of fish and chip shops, and had been involved in running licenced premises since 2004. She believed that the company was well respected and in November 2012 two of the company's four licenced premises had been adjudged a winner and a runner up in the Best Bar None scheme. The company had extensive management arrangements and policies in place for all premises and Mr Gill was shocked and horrified at the events of the weekend, having had no previous indication of any wrongdoing at any of the company premises. The events of the weekend had had a substantial impact on him in terms of the business and his family. The regional manager was also unaware of any issues within any premises.
- 11.11 It was unfortunate that the Police had not contacted either Mr Gill or the area manager of the premises if they had concerns as to the management of the premises or activities taking place within the same. Had they been aware of any concerns, they would immediately have acted to deal with the same. They had voluntarily closed another premises in response to police action and had taken immediate steps to remove the DPS, although they were bound by employment law considerations in terms of investigating his activities. The company have invoked an immediate review of all management arrangements for all premises and had met with their door staff provider.
- 11.12 Ms Smith submitted that in respect of the police decision to invoke the summary review procedure, as set out at paragraph 2.4 of the Section 53 Summary Review Guidance, the premises had a previously unblemished record and the licence holder had not been made aware of any problems. Further, the fact that two people had been issued with cautions was not indicative of serious offences being committed such that the normal review process would be inappropriate. She was also of the opinion that interim steps would not add value in this situation as the Premises Licence Holder had already applied to vary the DPS, who had been suspended, and the Premises Licence Holder had no intention of allowing dancers onto the premises until such time as they had reviewed their management arrangements. All of those arrested had been barred from the premises. She did not consider that the police had addressed why other powers were not appropriate, and that there was insufficient evidence of serious crime.
- 11.13 It was accepted by the Premises Licence Holder that, with the benefit of hindsight, there was insufficient control and oversight in respect of the dancers and other employees – the focus of management had been towards customers. However, in her opinion, no interim steps were necessary or appropriate given the prompt actions of the Premises Licence Holder.



- 11.14 If the premises licence was suspended, the licence holder would have no option but to lay off six members of staff who were reliant on their jobs for income at Christmas. Ms Smith submitted that it would be possible to deal with the premises by requiring the removal of the DPS and modifying the conditions of the licence to require Mr Gill to be DPS and in attendance at the premises when it was open and for there to be no performance of dance or sexual entertainment pending the conclusion of the review.
- 11.15 In response to questions from the Sub-Committee, it was confirmed by Mr Gill that the premises had been managed by the DPS, there had been no records of checks done on premises for the presence of drugs but he had now held a meeting with all employees to deal with these issues. There would be a full review of all management policies and procedures with a view to dealing with these issues, as well as reviewing the arrangements for the door staff.
- 11.16 Mr Dixon confirmed the female door staff would only be supplied at the specific request of the client, but that in any event, when his door staff attended the premises, the dancers and other staff were already at the premises.
- 11.17 Sergeant Robson then summed up on behalf of Durham Constabulary, expressing disappointment that he had been prevented from supplying information privately to the Sub-Committee which would be of assistance to them. He stated that empty bags had also been found in a cistern in the male toilets (though he had not presented this evidence in the body of his submission as the bags were contaminated). He confirmed that the Police had made representations about the premises at previous applications for Temporary Event Notices and when the premises applied for the Sexual Entertainment Venue licence. The premises had not been without problems. Drugs offences were serious in his opinion and he reiterated his request that the premises licence be suspended pending the hearing of the summary review.
- 11.18 Ms Smith then summed up for the Premises Licence Holder, stating that it was unacceptable for any drugs to have been found on the premises, and that this was contrary to the policies in place within the premises. She accepted that there was a failing in relation to policies in relation to employees however there had been no previous indication of concerns over the premises, which had achieved the Best Bar None awards only six weeks earlier. At no stage had concerns been raised about their policies or how they were implemented. Whenever any issues had been raised, such as two years ago, steps had been taken to address those concerns, such as changing the door company used. The premises licence holder had acted quickly to deal with the issues revealed at the weekend in respect of the DPS and the dancers. No further interim steps were necessary or proportionate given the previous track record and actions of the premises licence holder.
- 11.19 Having withdrawn to consider whether any interim steps were necessary in accordance with section 53B of the Act, the Sub-Committee provided their decision to the Applicant and the Premises Licence Holder, stating that, having carefully considered all of the information presented to them, and being conscious of the need to consider whether any interim steps were necessary for the promotion of the Licensing Objectives, they did not consider that it was appropriate to take no action. The Sub-Committee noted that the DPS who had been found in possession of a controlled substance at the premises on 14 December 2012 had already been suspended by the Premises Licence Holder, however the removal of the DPS would not allay

their concerns in respect of the premises. The alleged criminal activities were not connected with the sale of alcohol and therefore it was not appropriate to remove the sale of alcohol by retail from the licence.

11.20 The most appropriate interim steps open to the Sub-Committee were the modification of the conditions of the premises licence or the suspension of the licence.

11.21 Given the acceptance by the Premises Licence Holder of systemic failings in the management of the premises, the Sub-Committee did not consider that any modification could be made to the conditions attached to the premises licence to deal with their concerns as to crime within the premises. There was uncontested evidence of drugs being sold to patrons within the premises over a period of time. The supply of drugs could attract a maximum sentence of life imprisonment, while the offence of possession of a Class A drug could attract a maximum sentence of seven years. Accordingly, the criminal activity which had taken place within the premises was serious. In these circumstances, the Sub-Committee considered it both necessary and appropriate to suspend the premises licence pending the conclusion of the summary review, which had to take place by 14 January 2013.

Signed ..... (Chair)

Dated the 19<sup>th</sup> day of December 2012

### PLEASE NOTE:

- Under section 53B of the Licensing Act 2003 this decision has immediate effect.
- The Licensing Authority is required to serve this decision on the holder of the premises licence and the Chief Officer of Police.
- The holder of the premises licence is entitled to make representations to the Licensing Authority with respect to this decision and the Authority is required to hold a further hearing to consider such within 48 hours of receiving the same.
- There is no right of appeal against this decision.
- Whether or not representations with respect to this decision are made the Licensing Authority will continue to process and deal with the review of the premises licence occasioned by the application in accordance with the procedure for reviews set out or referred to in the Licensing Act 2003.

**APPENDIX 5**  
**Statement of Licensing Policy**

## 5.0 The Prevention of Crime and Disorder

5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event, any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

5.6 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

#### ***Cumulative impact of Licences on the amenity of particular areas***

5.9 The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

5.10 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.

5.11 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.

5.12 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.

5.13 If such a policy is to be considered the following process is followed:

- Concerns relating to crime and disorder or public nuisance must be identified
- Consideration must be given as to whether it can be evidenced that incidents of crime and disorder and nuisance are arising from and caused by the customers of licensed premises. If so, identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent
- Consultation must take place with the prescribed statutory consultees on the content of the policy.
- Any special policy will be published as part of the statement of licensing policy
- Any policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy. Therefore: if no relevant representation is received, the application must be granted.
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded

5.14 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.15 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.16 There is a significant difference between commercial need and the cumulative impact of premises within an area and it cannot be taken into account when considering an application.

5.17 A special policy will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

5.18 Applicants are advised to seek advice from the Durham Constabulary and incorporate any recommendations in their Operating Schedule before submitting their applications.

**APPENDIX 6**  
**Section 182 Guidance**



## CRIME AND DISORDER

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 **Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas** with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 **It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent** and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **THE REVIEW PROCESS**

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact

within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **REPETITIOUS GROUNDS OF REVIEW**

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended

that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

#### **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition),

- for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

#### **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

#### **REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.